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NATIONAL ASSEMBLY

OFFICIAL RECORD OF PROCEEDINGS (HANSARD)



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National Assembly
Banjul
The Gambia

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NATIONAL ASSEMBLY
SITTING OF MONDAY 14TH MAY 2001

Hon. Mr. Dibba (Baddibu Central): Thank you Mr. Speaker. I also wish to participate in the debate on the constitution of the Republic of the Gambia amendment Bill 2001. Mr. Speaker, first and foremost, I would like to remind this very august Assembly that as National Assembly Members, we have a great responsibility to the Nation. We are law-makers. We are the highest supervisors of the executive. Therefore, whatever we do Mr. Speaker, and say in this Assembly should be in the interest of the Gambian nation. We should support the Executive, we should cooperate with them and Mr. Speaker, when it is necessary, we should provide guidance. Although I am new in the National Assembly, Mr. Speaker, I have noticed that the National Assembly has not been very vigorous in carrying out their function or one of the most crucial functions which is supervision. I also observed that we have not been managing time efficiently here and that was why on Wednesday, we had a problem of adjourning this National Assembly because one of the Executive didn't show up.

Mr. Speaker, unless we are able to manage time efficiently, we may not be able to achieve our set goals within a given period of time. Mr. Speaker, also I realised that my colleagues on the other side have been making some assertions which I don't think should be encouraged. They have been referring to some of us here on this side as opposition Members who are only making their contribution because they are opposition members.

Mr. Speaker: Excuse me. You are speaking in general terms whereas we have before us a Bill. You should concentrate on the contents of the Bill and when we come to the adjournment debate, you may speak generally.

Mr. Dibba (Baddibu Central): Mr. Speaker, I am making an introduction so that whatever contribution I am going to make in this august Assembly should be viewed in relation to my point of view. I fully agree with what you have said and I will continue straight on the amendment bill before us here but again Mr. Speaker, I would want us to remind ourselves that every amendment should be to improve a situation already tested with given witnesses. Before we concern ourselves with amending

2

bills, we should be convinced that those particular sections have certain weaknesses which we want to address in this august Assembly and since that has not been manifested in our deliberations here. Mr. Speaker, I think it is premature to consider certain amendments of the constitution. I am a bit suspicious because year 2001 is an election year. If the National Assembly is loaded with 38 different amendments most of which are shifting responsibilities or overloading certain people with certain executive powers, I think we need to consider the Bill before us very carefully.

Mr. Speaker, I am not very much bothered about section 1 except that the constitution is the supreme law of the Gambia. Subtractions and additions should be in accordance with the norms of amendments, but as I said qualifying the Republic as secular, I have no problem with that. I therefore would not deliberate too much on that Mr. Speaker.

Mr. Speaker, section 9 citizenship. Citizenship has been quite adequately explained in our constitution and the qualifications are so clear that I don't see any problem in substitution of that qualification with the word "presumed". Mr. Speaker, citizenship is such an important thing that it cannot be left to presumption. Mr. Speaker allow me to make reference to section 9 of the constitution which I believe is very straightforward and is not subjected to any other interpretation. For me "shall become a citizen" is much more understandable and straightforward than "shall be presumed to be a citizen". Again, I am suspicious Mr. Speaker, because I don't know who will be given the authority to presume another person's citizenship.

Therefore Mr. Speaker, I stand here to argue in favour of Section 9 of the constitution not to be amended because it is very clear and straightforward.

We go to the next one which is Section 12(a) dual citizenship. Mr. Speaker, this is a very tricky and sensitive issue because we are talking about Gambians. It is a requirement for certain Gambians to denounce their citizenship in favour of the citizenship they apply for. So even where we speak in favour of this particular section, Mr. Speaker, I don't think it does make any difference because it is a pre-requisite for them to denounce

their citizenship. They opted for another citizenship. Similarly if they come back to the Gambia and want to become Gambian citizens, they are already citizens. They had denounced their citizenship in favour of another one simply because denouncing their citizenship has been a criteria for obtaining that particular country's citizenship they were seeking for.

Again, Mr. Speaker, here what we are faced with is that Section 2 provides that Act of the National Assembly may make provision for the better implementation of this Section. What Act would be brought to this National assembly is not known.

Mr. Speaker, I therefore would recommend that Gambians who acquired other citizenship, and later want to revert back to their former citizenship, be allowed to do so. There is a process of law in this country to do that. There is no point again tampering with this because I know many countries would not accept dual citizenship and this is why Gambians who got those citizenships had to denounce their own citizenship. It is not our fault that they are strangers in their own country but they must also be convinced that whenever they want to become Gambian citizens, there is a process and they will go back to their former status as Gambians. That is my argument about Section 12(a).

Section 50, delimitation of constituencies. Mr. Speaker, when this matter was brought before the National Assembly the IEC was applauded. If I can remember, a lot of people said the document was well done. We were keenly listening to the reactions of the National Assembly. I know they rejected the actual physical demarcation of constituency boundaries but the document was said to be a document well done.

Mr. Speaker: The Assembly stands adjourned until tomorrow at 5.00 p.m.

SITTING OF TUESDAY, 15TH MAY, 2001

P R A Y E R S

Hon. Speaker (Mr. M B Wadda) in the Chair

Clerk: Continuation of the debate on the amendment Bill.

Mr. Jawla (Sandu): Thank you Honourable Speaker. I also rise to contribute to the Bill entitled "an Act to amend the constitution of the Republic of the Gambia, 1997" under section 226, cap 2".

Honourable Speaker, I must also thank our learned Honourable Secretary of state for the Eloquent explanation of the amendment clause by clause. May I also take this opportunity to thank the Members of the National Assembly for expressing their views which is in the spirit of Parliamentary democracy. It should also be noted that whatever views expressed here in the National Assembly is the humble opinion of the Assembly Members and their Parliamentary rights. No member comes here to mislead but to express his humble opinion. I would therefore urge the supporters of various political parties to emulate the friendly relationship among the Assembly Members to strengthen our democratic institution. I would not end this short comment without commending the members for their political maturity and the friendly relationships that bind the two sides.

Honourable Speaker, it should be noted that politics is a matter of choice and we should know that the Gambia is a small country, and we have family ties particularly myself I have more family ties with those on the opposite side than those on the ruling side. Therefore, we should not allow politics to disunite us.

Having said that Honourable Speaker, also allow me to express my disappointment in the unbalanced reporting in our newspapers which is very much unethical in professional journalism. Honourable Speaker, the papers mostly capture the adverse interventions made by the opposition which becomes the headlines. The relevant points raised by this side of the Assembly are hardly reflected on the papers. Where is the balanced reporting? In as much as we respect the media and in as much as we are proud of our media houses, we would like them to give a balanced reporting in the papers.

Honourable Speaker, most of the interventions from the opposition benches are baseless and politically motivated and malicious to the extent that important interventions were made

especially last week by the Majority Leader but to my surprise such interventions were not reflected on the papers.

Mr. Speaker, I was also surprised that when the Majority Leader took the floor immediately after the Member for Upper Saloum, Honourable Bah, some of the people at the gallery started leaving the Chamber including some news reporters. If they want to judge better, they have to listen to both sides, not one side only. That's the proper manner of reporting.

I will do my best not to misquote anybody but with due respect to your chair, I do not like to be interrupted with unnecessary points of order. Having said that Honourable Speaker, allow me to re-echo the statement made by the Hon. Member for Upper Saloum that we are once again making history in this House. I really concur with him that we are making history because whatever we say here and whatever we have said before is fresh in the minds of the people and is on record which will be judged maybe, in the few months more to come. The history we are making here today is just slightly amending the constitution Honourable Speaker, is a vindication of those who endorsed this constitution at the 1997 referendum. It also goes into history to show the credibility of this government in providing a constitution that is still generally accepted by the Gambian people today.

It will be recalled Honourable Speaker, that when the draft constitution was put before the Gambian people, many people on the opposite side, which of course, include the Honourable member for Upper Saloum, were the people who voted against the constitution. If such people can come here today to express pride in the same constitution, I believe we are making history.

Hon. Mr. Njaoe (Kiang Central): Thank you Mr. Speaker, for giving me the floor to contribute on this constitution of the Gambia 1997 amendment bill. Mr. Speaker, before I go into the bill, I have something to say in response. Mr. Speaker, the Honourable Member for Sandu did say that any remark made by the opposition appears on the headline of newspapers. That is true. Mr. Speaker, the Member for Sandu is the number one who is misleading the Gambian people.

Mr. Speaker, if a Member wants to be in the headlines, he should say something which is in the interest of the public; but from 1997 to date, what the Member for Sandu says on every motion and bill never appears in the headlines because what he says is not true. You see, journalists are here in the interest of the Gambian people and the other people who are in this country. You cannot stand here defending one individual and appear on the headlines.

We have 38 amendments Mr. Speaker and from my view, all those 38 amendments are bad. The Member for Sandu is always misleading the nation. Every time he stands here, he talks about paying the civil servants on time and forgets the farmers who for 6 months have not been paid their money.

NATIONAL ASSEMBLY
SITTING OF TUESDAY 15th MAY 2001

PRAYERS

Hon. Speaker (Mr. M.B. Wadda) in the Chair

Mr. Njadoo (Central Kiang) continues: Every chief or acting chief elected, will be given all support. That is why they prepared this thing. Mr. Speaker, we should be careful. We are talking about defending these chiefs.

Mr. Speaker, three-quarters of the National Assembly Members on this side are not co-operating with their chiefs because the choice of their chiefs does not satisfy the National Assembly Members who represent them here. Mr. Speaker, I speak on behalf of the Kiang Central electorates. We want chiefs to be elected, the Alkalos to be elected, the National Assembly Members to be elected and the President to be elected.

Mr. Speaker, let me come to the Alkalos. These Alkalos Mr. Speaker, are the people who go with the July 22nd Youth Wing campaigning against the National Assembly Members who represent them here.

~~Mr. Speaker, you see, my colleague on that other side, cannot fool us on~~ this side of the Assembly. All what they have agreed with the Executive of this country, we are aware of. Now Mr. Speaker, if you see all these people supporting these amendments, it is not in favour of their people but in favour of themselves. Mr. Speaker, there was a meeting held in Kombo and this bill was talked about at that meeting. Some of the APRC Assembly Members attended that meeting and the Member for Sandu was there. They are not here in the interest of the people; they are here in their self-interest.

Mr. Speaker, all what is said by the opposition is true. The bill is a bad one. Mr. Speaker, during the debate on the democracy fund brought to us by the I.E.C the Honourable Majority Leader said we should reject it because we should not go outside to the Tubabs begging for money; yet the same Majority Leader also said that we should go out to beg for money for Civic Education.

Mr. Speaker, let me come to section 88. We should be careful when we come to amendments. In 1998 when we had that Drug Control Degree Amendment Act, we passed it here with the former Secretary of State for the Interior. When they brought that Amendment, they said that the magistrate could fine up to half a million D500,000 depending on the case. Now Mr. Speaker, look at where our colleague is right now and we cannot rescue him because all the APRC MPs accepted that amendment. That is why we cannot do anything for our colleague, the former Hon. Member for Kombo North. We have seen the result of that bill and if we pass this bill, nobody would know the effects. I would therefore urged my colleagues to throw away this bill because it is very bad for the nation.

Mr. Speaker, let me come to section 98 Subsection 1 (b). How do we think we can sit quarterly? Let me move to section 60, the political parties. Mr. Speaker, the political parties should be increased. They should not care about having more political parties in this country. That cannot stop the people from voting your government out and begin in a new government.

Mr. Speaker, the tenure of the President, that the President should be there for at most two months. 60 days, in my own view, Mr. Speaker is too long. Two weeks is enough, instead of 2 months.

Mr. Speaker, section 134, a special criminal court. Why do we need a special criminal court Mr. Speaker? They are planning this because of the opposition. I can give you an example of what happened in Basse between the UDP and the APRC. If we agree to have a special criminal court, Mr. Speaker, tomorrow the repercussions will come on all of us.

Mr. Kanyi (Jarra East): Mr. Speaker, I rise to speak on the constitution of The Gambia 1997, Amendment Bill, 2001. In doing so I thank the Hon. Attorney General and Secretary of State for Justice for the efforts made in introducing this unpopular and very controversial amendment bill.

Mr. Speaker, the fact of the matter is that this Constitutional Amendment Bill and the Indemnity Act 2001 are an insult to the integrity and prestige of this august body. Mr. Speaker, allow me to read Section 58 of the Bill. Mr. Speaker, the APRC government have been talking a lot about local government reforms and the empowerment of our local communities in terms of selecting their own community leaders.

Honourable Speaker, it is rather very unfortunate, very disappointing that following a series of conferences and input of donor resources, the APRC finally decided to set the clock backwards. Honourable Speaker, this trend

is very undemocratic because democracy as we all know starts at the grass-roots where each and every person has the right to criticize, to suggest and to disagree but Mr. Speaker, these amendments before us seek to violate those democratic rights of the Gambian communities.

Honourable Speaker, even the colonial government which appointed chiefs never appointed Alkalolu and did so on the assessment of the local communities. Mr. Speaker, chiefs were appointed by the colonial rulers and therefore, they became the principal agents of colonial rule.

Honourable Speaker, the President is elected by the people and he can be removed by the people. As Secretaries of States are not appointed by the people, they are not answerable to the people but only to one person and that is the President. We also hold the strong belief that there can be connivance between local community leaders who are not elected but appointed through the recommendations of the ruling party hierarchy. Mr. Speaker, I am appealing to the Hon. Members of this august body not to give their blessing to this particular section of the constitutional amendment. I am furthermore warning my colleagues, the Honourable Members of this august body that each political organization has its interest groups and if this particular amendment goes through, it may affect each and every Member of this august body who may not even have a say as to who should be his village alkalo or who should be his seyfo.

Mr. Speaker, concerning the other amendment on section 40, the delimitation of constituencies, my colleagues should know better especially on matters such as the powers of an Independent Electoral Commission. But all the same Mr. Speaker, I would like to ask the Honourable Attorney General and Secretary of State for Justice to tell this august Assembly why there should be an adhoc committee that should look into only National Assembly elections and not other elections. Mr. Speaker, I can assure you that there is a plan to get rid of some National Assembly Members who are not favourites of the 22nd July Movement or the Youth Action Group of the APRC. Let us assess the situation Mr. Speaker. Already Secretaries of States are being appointed by the President and they are not free to speak on human rights violations. Likewise Permanent Secretaries, Directors, Managing Directors. Now we talk about Seyfolu and Alkalolu.

Mr. Speaker, concerning the other amendment which is section 181, appointment in the Police Force, all what I understand from this section is "delete this section". The Honourable Attorney General and Secretary of State for Justice, has come with an amendment that we should delete this section but he has not come with anything absolutely as to what should be

its substitute. Please allow me to read in full section 181 of the constitution of the Republic of The Gambia, 1997 because with all due respect to my colleague, the Honourable Member for Sandu Constituency tends to mislead this august body as well as the nation at large with regard to this particular section. He is telling us that the council will take care of those things, but would the council take care of citizenship. This is why I am very much particular and concerned about this particular section and all its subsections for that matter Mr. Speaker.

I think the Hon. Attorney General and SOS for Justice will tell us if this particular section is deleted what its substitute would be. Finally, Mr. Speaker, I may say, I am not worried about constitutional amendments that affect the entrenched clauses because the people will have a direct say and it is up to them to know where their interest lies. But Mr. Speaker, I think we should be honourable to do what is right, to do proper representation of the interest of the people that elected us to office. And the same people Mr. Speaker should have the right and the decision to choose who should be their village Alkalolu and who should be their district seyfolu.

Mr. Baldeh (Foni Jarrol): Thank you Honourable Speaker. I just want to talk on two or three issues. Mr. Speaker, I want to start my intervention with citizenship. In my view chapter 3, section 10 of the constitution and with your permission, I will read it. I don't know if I am right but I just want the Secretary of State to take note of what I will point out here

Mr. Speaker, Gambians marry outside The Gambia without renouncing their citizenship of The Gambia. Could their children be considered citizens under this provision and if so would that mean that they have dual citizenship?

Mr. Speaker, for the demarcation of constituencies, it has always been a practice especially in the Commonwealth that legislators are responsible. So I support that.

Mr. Speaker, much has been said about these district chiefs and alkalolu. Although I support it, I just want to make a point here that the SOS for Local Governments in his consultation with the President in appointing District Chiefs should include District Authorities which are composed of Alkalolu of all villages in a district and village elders to get a wider opinion of the people so that anybody eventually appointed by the President will reflect the general opinion of the people. For Alkalos, it is always the same. In fact in 90% of the villages in the country, the appointment of Alkalos is always based on inheritance. Even Serrekunda one of the

biggest towns in the country has that line of inheritance of Alkaloship. So there is no controversy.

Mr. Speaker, Section 98, meetings and dissolution of the National Assembly. The National Assembly, it says here, shall sit quarterly. I wonder Mr. Speaker, whether there would be enough time to deal with all the business before it. Mr. Speaker, if you read through this constitution, you will see "an act of the National Assembly shall do this and that, or some institutions should bring this and that to the Assembly. Certain things the Constitution requires the Assembly or the Executive to do have not yet been done.

The Hon. Member for Bakau said that we shouldn't have allowed the Executive to amend this section. Of course, it is from the Executive, because apart from the bill that was presented by the Member for Sami, all the other bills are from the Executive. Of all the standing committees of the House none has ever met to discuss what a National Assembly Member has done. So if the Executive decides what they bring in here it is enough for us. It is up to us to see how often we should sit. We should not wait for the Executive to tell us this committee should meet to discuss this or that.

Mr. Speaker, Sections 51 to 57 of the constitution are to be deleted. I just wonder what will take their place now. I hope when the Secretary of State comes to reply he will let us know.

Mr. Speaker, Section 181 concerning the Police Force is also going. I am very happy that, that section is going because subsection 5 empowers the Inspector General of Police to promote all those below superintendent. I had taken time to ask some police officers about that and they are even over happy because some of them said for the past 7 years, they haven't had a single promotion. In fact there are so many police officers who are frustrated. So that is a good thing.

Mr. Njie (Lower Fulladu West): Thank you Mr. Speaker. I just have two areas to contribute on briefly. The first one is Section 58 which deals with the appointment of chiefs. I definitely have no quarrel with the appointment of chiefs except that I would love to see some kind of specification as to what is expected to be their role be it judicial or political functions. I believe that chiefs should completely refrain from getting involved in politics. In my opinion the appointment of chiefs is what would facilitate that more than the election of chiefs. I also want to disassociate myself from what the Hon. Member for Wuli said that appointing chiefs would mean that they would owe some kind of allegiance to the person

who appointed them. I also believe that all the chiefs owe some kind of allegiance to those who elected them, as we owe allegiance to those who elected us. I am sure that if the Honourable Member has a milling machine to give to the people of his constituency, the very first people he would give priority would be the people of PDOIS.

Mr. Jatta (Wuli): Point of order. I don't want the member to put words into my mouth. I have a Wuli Fund for all. I don't care about that type of politics.

Mr. Njie (Lower Fulladu West): Mr. Speaker, it is on record that the Hon. Member said that if you are appointed you will owe allegiance to those who appointed you. I in the same vein say if you are elected, you will owe allegiance to those who elected you. I believe that this is what is happening in Wuli because the information I got from somebody from Wuli is that the Wuli account he is talking about is being managed by people who are supporters of his party.

Mr. Jatta (Wuli): Mr. Speaker, if the Hon. Member has nothing to say about the bill, let him just sit down but the fund he is talking about speaks for itself. You go to Wuli and ask who is managing what. I'm saying that those types of politics are not for me.

Mr. Speaker: Please continue.

Mr. Njie (Lower Fulladu West): My view, Mr. Speaker, in respect of the appointment of chiefs is that consultants should filter down to the grass roots where the district authorities too would have a say. Apart from this I have absolutely no problem with the appointment of chiefs.

The other one is section 198 which deals with the National Council for Civic Education. This is already established and I definitely have no quarrel with the establishment of the National Council for Civic Education, but are they really living up to expectation because I know most people do not even understand that this is in existence simply because they are not able to function due to financial constraints they have in mobilizing funds for their operational costs.

Finally Mr. Speaker, I would have also loved to see it reflected on this amendment that elected members of the Assembly be consulted by the Secretary of State. I thank you very much.

Mr. Joof (SOS for Justice): Thank you Hon. Speaker, I would first of all like to express my sincere gratitude to all Members on both sides of this august Assembly for the incisive debate which have sought to throw light on various aspects of the bill; but I would like to commend the bill to all Members of this august Assembly because there is something in it for everybody, something good in it for every Gambian. Even the Hon. Member for Bakau has admitted that he is very happy with dual citizenship because now his brother can also say he can be a Gambian and a German or something else at the same time.

Similarly, other members indicated their satisfaction. Even the Hon. Member for Upper Saloum has also indicated his satisfaction with the improvements in the Cadi's appeal panel. I commend him also for that but I would like to address just a few of the concerns raised because I believe, I stand to be corrected, that I have touched basically on all the sections of the proposed amendment bill.

The first one Hon. Speaker, is section 1 of the Bill. I would submit and urge that it is in its right place because it is merely emphatic, emphasizing what the Gambians by their desire and will have accepted since the country was proclaimed a Republic. It is not changing the character or nature of our Sovereign Republic. If it were to say that The Gambia shall be a kingdom and subservient, that would be changing the character and nature of our Republic but this is still maintaining our Sovereignty. That the Gambia is like any other country, however big, however powerful. We are on equal footing, and our Presidents is on equal footing, with every other Presidents in the whole world. It is not a kingdom, it is Sovereign and I commend this Section to the august Assembly.

Similarly, various members have pointed out that there is no empowerment in this proposed amendment. I would like to beg to differ. In particular I submit that this bill is full of empowerment. It is empowering the august Assembly which is a very important body in our Republic and if we go through the proposed amendment we will see time and time again "An Act of the National Assembly shall prescribe". Section 50, Section 12 (a). If we also go to the latter sections, we will see that the National Assembly has been rightly empowered again and through it our people have been empowered. Power to the people as has been said time and time again.

I would just like, very quickly, to go through that. Section 178, Hon. Speaker, Gambia Police Force subsection 2. "and such other functions as maybe prescribed by an Act of the National Assembly". Section 180 "There shall be a Police Council whose composition, function and power

shall be prescribed by an Act of the National Assembly". Section 182, Section 192 and 198 likewise. It is full of empowerment in line with the democratic ideals and principles which we all cherish in The Gambia. Sections 58 and 59. This is to consolidate our peace, to maintain our unity which has fostered a country now called the smiling coast of The Gambia. It is not for nothing because our people have been together, they have intermarried, they are living together irrespective of creed, tribe and other persuasions and it is important as an Hon. Member has said that we do not copy and photocopy the culture and traditions of other countries in the name of democracy.

I would strongly commend sections 58 and 59. As I have indicated earlier. His Excellency, the President will not do it on his own. He likes consultations and we all know it, calling councils of elders, village heads. Honourable Members of this august Assembly time and time again all over the place, and that is what is likely to continue. Let us ensure that the unity of our villages and districts is maintained. Certain things go in the name of democracy but they have nothing to do with democracy. They have a lot to do with the traditions and cultures of other people.

Honourable Speaker, various members have mentioned the need for a special criminal court, but I hasten to add that this is not new and there is no hidden motive or agenda. It has been in section 134 for a long time and it has not been done away with. From time to time, various countries have had various matters of great concern, special concern. For example, embezzlement of Public Funds, corruption and other practices not only in The Gambia but throughout the Commonwealth Jurisdictions and other countries and special courts are set up without compromising the principles of fairness, giving people an opportunity to be heard. They are constituted by chairmen and members as opposed to a judge but they observe the same or similar principles and there is really no objection to including a special criminal court in the proposed amendment, section 151.

Similarly Hon. Speaker. I would like to reassure members who have expressed fears about the removal of certain sections dealing with the Police Council, section 179, and section 180. I would like to reassure all the members of the august Assembly that the only reason is to find a more appropriate place, empowering the National Assembly to deal exhaustively with matters concerning the Police so that as an Hon. Member has said, we will have time to talk about the police by competent people who know about the police who have either retired or are experienced in police matters.

I would like to reassure all members that there is absolutely no sinister motive and no one in his right mind will allow anyone who is not a citizen to be a police officer in The Gambia. There is no such intention. So I just want to assure the Hon. Members that some of the fears are probably far fetched and they have nothing to do with the reality. Government is as much concerned as anyone else to ensure that these institutions are preserved and their Gambian character retained

Honourable Speaker, I do not want to go through each and every Hon. Member's contribution but just to touch on a few pertinent points because we have spent such a long time on this bill, quite rightly. It is an indication of our commitment to democratic ideals in The Gambia and to the principles which govern democracy and exchange of views. The government is committed to this, and broadcasts are made throughout The Gambia for every one to hear. The government is committed to democratic principles.

Section 60 has attracted a lot of interest and certain Hon. Members think there would in future be no independent candidates. Honourable Speaker, I beg to state that there is no such design. This section is dealing solely with associations and political parties. Independent Candidates are dealt with separately. It is their constitutional right and every Gambian who can vote or be voted for is entitled to offer himself as a candidate, as an independent candidate. So I would like to allay those fears. Section 104; subsection 2, on the election decree, 1996 which is decree No 78. There is no desire to do away with that.

It has also been stated that nominated members should be done away with because they are self-serving. I beg to differ. Honourable Members of this august Assembly, throughout the Commonwealth Jurisdiction and all other countries, it has been a tradition to strengthen an august Assembly like this one by nominating people who have served at various stages of their careers and who have retired to contribute effectively in Parliament, but they all retain their independence. We all know that. They are not self-serving.

Honourable Speaker, I would like to state also that sections 51 to 57 are merely being moved to the Elections Decree to decongest the constitution which is already overloaded.

Similarly, on the issue of the Prison counselors, there is no other motive but to take care of our prisons through the services of people who have been in that service, who know exactly what is going on there.

Composition of the Supreme Court: The whole purpose is to accelerate the delivery and administration of justice so that matters don't have to wait for months because a judge from another country cannot come. The High Court: the fact that section 131 proposes that it shall duly be constituted by a single judge, there is no other motive than to ensure that a judge can sit at any time. You don't need two, three, four, five all the time or a Jury to constitute the court. The court has to proceed with civil and criminal cases. The tenure of office of judges as well is again confirming the commitment of this government.

Judicial Secretary: I believe we have addressed this in the past. The President is not doing this alone but he will be advised by the Judicial Service Commission and the composition of that body has been stated.

The National Assembly: desiring to curtail the sitting to quarterly period is as I have indicated giving them more time on the committees to do other things. There is no desire as has been stated to curtail their service or to try and do away with the National Assembly. No country let alone The Gambia which is a champion of democracy throughout Africa and the World. We just need to go out of The Gambia to know that we have a gem which we should preserved at all cost.

Honourable Speaker, with these few remarks, I would like to commend this bill to this august Assembly for the purpose of ensuring that we take care of various requirements from time to time as we go along the road. The constitution is a living document and since it serves people, whose needs and aspirations change from time to time, it has to be brought up to date when it is necessary to do so. One of the Hon. Members has asked about a person born to a Gambian married to someone from another country, if the person is born outside The Gambia. I would like to reassure him that the change in section 12 (a) will make provision for every body but if they are born outside The Gambia, there is a citizenship by descent, or by registration or by naturalization and complying with the requirements stipulated in the constitutions. With these few remarks Hon. Speaker I thank you and the Hon. Members on both sides of the House and commend this bill to your good selves. There is no hidden agenda. There is something in this bill. Thank you.

Mr. Speaker: The motion is that the constitution of The Gambian 1997 amendment bill 2001 be read a second time. We have to vote individually, and I will now distribute copies of the list of members for this purpose. We needed 33 votes, and we have 36. So, the motion is carried. The House now resolves itself into a committee of the whole House to deal with the bill clause by clause.

NATIONAL ASSEMBLY
SITTING OF WEDNESDAY 16TH MAY 2001

P R A Y E R S

Hon. Speaker (Mr. M.B. Wadda) in the Chair

Mr. Sinyan (Banjul Central): Thank you very much. Mr. Speaker, on behalf of the majority leader who is presently not in town, I would like to report two events that took place on the 30th of April 2000 at the cabinet room, office of the President.

These events were the inauguration of the National Aids Council and the launching of the HIV Rapid Response project. These two events as I said earlier on took place at the cabinet room, Office of the President. The Report was circulated to all members and I believe members have gone through this document which is very important.

During the inauguration, detailed information was given about HIV/AIDS. As you can see, the first Aids case was reported in The Gambia in 1986 and since then, 1,400 people have died of the disease. This shows how alarming this disease is.

Not only The Gambia's situation was addressed but the global situation, in particular Africa. As you can also see globally, some 36,000,000 are currently infected with this dreadful disease and over 25,000,000 of them are in Africa. So really it is a cause for concern for all Gambians.

The inauguration of the National Aids Council. The Council was inaugurated and they are responsible for the coordination of HIV/AIDS Policies and Programmes in the country. They will also prepare and execute the National Aids Strategy and plan of Action. This council will also be responsible for implementing the multi-sectoral HIV Rapid Response project.

Her Excellency, the Vice President, on behalf of the President, delivered the speech pertaining to the formation of this council. The council is made up of 20 people, one of them being the Majority Leader.

As I said two events took place. The other one was the launching of the Rapid Response Project, and at the launching of this project, Her Excellency, the Vice President read a speech on behalf of the President. In the speech, she reiterated the concern raised at the launching of the National Aids Council when she enjoined all Gambians to join him in declaring war against Aids and ensure that The Gambia becomes totally free from this disease in order to develop an improved living standard.

The Hon. Speaker of this Assembly was one of the speakers. He declared that the National Assembly would appoint a committee to help fight against HIV/AIDS.

During the launching, constraints were highlighted and we have to look for ways and means of addressing them. One very important constraint is the denial of HIV. There are certain people who still believe that Aids does not exist. So, before we can find a solution to it, we must first of all accept that this dreadful disease really exists.

Another important constraint is that Aids is always narrowly attributed to the health sector alone. Another one is that Aids patients fear discrimination and patients with Aids therefore do not disclose their diagnosis even to their families and loved ones because the community we are in is such that you tend to be rejected if it is disclosed that you have this disease. I'm sure that is the reason why people with HIV and even the medical personnel would not disclose this disease. So, as I said, this is a constraint.

There is also the cultural hesitation to openly discuss sexual issues. The society in which we are brought up prevents us from discussing such things particularly with our parents. Definitely, I would not. Maybe I can with my child, but not with my parent. But I think it is high time we break this barrier. Other constraints are inadequacy of resources both material and human. These were the constraints highlighted

Actually, they also defined a way forward to see how best they can help alleviate some of these problems. As you can see in the Report, intensification of the campaign, talking to people, educating them and expanding the response to HIV/AIDS to the greater participation of the

entire population, organization of all groups in risk behaviour, better and increased promotion would help.

As I said earlier on, Mr. Speaker, these two events were launched at the President's Office by Her Excellency the Vice President, and the Speaker promised that this National Assembly would appoint a committee that would help fight against this disease. So, before I resume my seat Hon. Speaker, I would like to move that this august body appoint a National Assembly committee on HIV/AIDS to help fight against the disease. With these remarks, I beg to move.

Mr. Bah (Upper Saloum): Thank you Hon. Speaker. Mr. Speaker, I think having gone through the Report, everyone would agree that we really have a problem and it is a serious one. However I will try to be very brief.

Mr. Speaker, Aids has become a global phenomenon. The whole world is concerned, as to how to fight Aids. There are two problems. How do we stop it? And it is unfortunate that the African Society is imbued with certain traditional values because of which families don't discuss matters that relate to sex. As a result, the young ones do not have much knowledge about life. Even adults don't want to discuss it. People feel shy to talk about it and unless we change our attitude and, as legislators, take the bull by the horn and act, we would not be able to address the issue of Aids in this country. We have seen the success that countries like Uganda and Senegal have achieved in trying to reduce the spread of Aids. If you watch Senegalese TV, listen to their radio and read their newspapers, people talk about sex yet they are 98% muslims and the other percentage are Christians. They are all religious people. If one is not Muslim, he is a Christian and they all talk about this thing openly on the television, radio, in the newspapers and in the streets. They don't shy away from talking about the issue of sex and Aids. So long as in The Gambia we remain silent about the issue of Aids, it would become the most serious threat to our society.

Mr. Speaker, the saddest thing is the practice of wife inheritance. I know a particular family where a man died of Aids and his wives were inherited by his brother. What would happen? The brother and his wives would become infected. This traditional should be abandoned. We can only stop it through legislation, hence I said we must hold the bull by the horn and act decisively if we are to participate effectively in the fight against the spread of Aids in The Gambia. It is not going to be an easy task but since it is geared towards national development, and towards the advancement of this country we should be bold enough to do it. We should pass a legislation

providing that before people get married, they undergo Aids test. Secondly AIDS sufferers should not be isolated. In another countries, people have the courage to say "I am suffering from Aids". Many other parliaments have passed legislations to check the spread of Aids and this is why I really appreciate the idea of having a National Assembly Committee on HIV/AIDS. I think that was a very noble idea from you Mr. Speaker, to suggest that this Assembly should have such a committee.

You see, when legislators don't act at the appropriate time, the end results would be a disaster for a country. When the Chinese people realized that they had a problem of over population, they legislated that no Chinese shall have more than one child, and it saved China. I think the time has come also for us to discuss Aids openly. The unfortunate thing is that we have some fanatics who go on preaching in their sermons that people should not discuss Aids, people should not use condoms. That is what I don't understand. How can one preach that people should not protect society. You see, the issue of sex, we found it here and we cannot do away with it. So, people should have safe sex and the only way to have safe sex is to have an idea of what sex is all about. We must educate the people, the young and the old, either through the print media or the electronic media but the unfortunate thing is that we have some young graduates, I don't know which university they came from, who say people should not talk about Aids, people should not mention condoms. There is no guarantee that people will not have extra marital affairs. It has been in this world from time immemorial even though religious people preach against it and condemn it. This is why we should talk about the issue of Aids, but people who suffer from Aids should not be isolated. They should be treated as people who are part and parcel of society who need the help of society to survive Mr. Speaker.

Mr. Sanneh (Jimara): Mr. Speaker, I think that in a situation of this nature which is a world concern, it is only fair that each and everyone contributes to find a solution to this problem. Personally, I just want to briefly go over it from a religious point of view, not the scientific view, condoms, research, medication and so on, but from the religious point of view as far as Gambia is concerned.

Here we are very fortunate that in the whole population one is either a Muslim or belongs to another religion. Paganism as far as I know does not exist here. What I am saying is that there is no pagan or freethinker here as far as I know. Any religion you belong to, there are regulations and principles that you have to follow; and as far as I know all religions are against adultery. We have to take a religious stand. That is prostitution is

forbidden. If you are a good Christian prostitution is out of it. In Islam it is the same thing. As the previous speaker said, if we want to prevent Aids, we have to legislate against it but I am saying why can't we legislate against prostitution? In many other countries, prostitution is commercial and legal. It is allowed by government on condition that they are under medical care, and control; that they visit hospitals periodically and have certificates to enable them to be in the field. But here, it is done illegally because it is not allowed by the religions we have in this country and, secondly, it is against the law.

I urge this Assembly to look into this issue. I am not trying to propagate any harassment of women. I must make myself clear, but I am saying that HIV/AIDS is a threat to the whole world and we know it does not happen magically. It can only happen through an interaction between people. This is how it comes about and that can happen between two people who are not prostitutes but it must come one way or the other in that manner. It is true that travellers outside the country do pick this thing during their travels. We all know that the hotel industry is full of prostitutes and most of them are not Gambians. This is very sad and it seems there is no control over this area which is not good for the image of our country. The practice is not a Gambian practice. It is foreign. They have people training them. This is the repercussion of tourism in many countries. Yes money, they bring in money but we have to look at the other side of the coin.

You see, when they come, they bring foreign exchange here but also the negative things they bring along and leave here with us have to be looked into. Women drinking alcohol and smoking cigarette is not Gambian habit. Tourism brings in some foreign attitudes into the country as well. Even this drug abuse is because of people coming into the country. This is why it makes it even more necessary that, since Gambian people have open arms for foreigners and new comers, we should in the same vein be ready to look into these matters so that there is a control measure. Let them come and spend, but their bad habits, let them go with them.

Mr. Sanneh (Jimara): The point is human beings go with both their good sides as well as their bad sides. Anywhere in the world where tourists go, they go with their good and bad sides. All what I am saying is that I believe that The Gambian society is a good one. It is only affected when we mingle with others. Since people are coming here, we must be in a position to see how we apply our control measures so that the good attitudes they find here are not diluted or changed. As we are religious people we cannot standby and allow prostitution around us. Really, we should look into that properly.

Prostitution is wrong, but it is highly practiced in this country and it is becoming more and more. It is the main cause of HIV/AIDS. We should therefore look into it. Thank you.

Mr. Jallow (Kantora): Thank you Hon. Speaker, I will be very brief. As we have the document on this programme, I really want to advise Hon. Members to be brief. We should reserve most of what we have to say as Hon. Bah said, for our electorates. I think that is more important.

I just want to talk on one important issue raised by Hon. Bah. It is a fact. I witnessed it. One woman infected four men as a result of Aids. The husband was in Ivory Coast and got sick. So that husband died and the brother inherited her then the next brother; finally four of them died.

I want us to accept the responsibility to make sure that when we get back to our people, we convey this report. Thank you.

Mr. Jatta (Wuli): Mr. Speaker, you see, when we are addressing problems, when we are planning to address problems with a view to solve them, particularly a complex multi-faceted problem like this pandemic, we have to be very broad minded. This is not a mechanical matter. It is much more than that. This is so complex and so human that we cannot just be mechanical about it. We have to look at it from all aspects, if we really want to address its problems and complexities. Mr. Speaker, it is very obscurantist to perceive culture in static terms. Some people perceive culture as if it does not move. Culture is the most dynamic force. It is meant to serve human beings. It is the way of life of people and so it cannot be static. This is the tragedy in our continent. In fact, there isn't a culture in The Gambia. I have always said that. We don't have a culture, we have cultures in this country more so on the African continent. We have many cultures here and elsewhere on the continent.

So, we must not see culture in terms of being static. It is dynamic and the tragedy is that we perceive culture as static. We have always been engulfed by problems. Sometimes we even find it difficult to extricate ourselves from them. The Hon. Member for Banjul Central is quite right. It is because of that perception that people don't want to discuss issues, which are even relevant to their lives, which is part and parcel of human life. If, yesterday, people were shy to talk about it, today we cannot be shy to talk about it because it has become more important to our life today than it was in the past because of this phenomenon that we are talking about now.

Aids. So we must be open minded otherwise, we will all be decimating one by one.

You see, I agree that we sometimes have need to legislate but you see, legislation does not necessarily solve problems. It helps to stem the tide of their expansion but it does not necessarily control. For example there are all sorts of laws against stealing, against all sorts of malpractices in this society but people are still stealing, people are still killing each other and there is law against that. There are certain things against which you cannot just make a law, and say full stop. It will not solve any problem. Particularly the matter we are talking about. What is necessary is not just legislating, particularly when there is no curative measure. We only have preventive measures.

So far, all the efforts that have been made scientifically in the quest to find a cure for this particular disease have boiled down to nothing. So what we can do positively and rewardingly is to inform people, to sensitize with open mindedness because you must be informed yourself. You must be highly informed, highly convinced of the necessity of what you are going to do in order for you to do it effectively. The secret behind the success in our neighbouring country Senegal and in Uganda is that in their mobilisation against this pandemic, there were no exceptions. Discussions took place and are still taking place in their homes, in their work places, in schools. everywhere where people gather, they discuss as to how best they can stem the tide of this pandemic. So there are no cultural barriers.

We cannot allow cultural barriers to stop us making efforts to protect ourselves against a pandemic such as HIV/AIDS. So we must be open-minded. As to its origin as was alluded to by my Hon. friend from Upper Saloum, yes, yesterday, there were arguments and this is now conclusive. European scientists themselves particularly German scientists have refuted scientifically the African origin of Aids and this is now a conclusive matter. Whoever cares to listen to it, to look at it, I have the videocassette. I can lend it to anybody who wants to watch it.

Aids did not originate from Africa. That is a conclusive argument made by the European scientist himself or herself. But the problem is Aids is spreading faster here than anywhere else in the world, Mr. Speaker. That is the question. How do we stop that? I attended an international conference in Abuja some months ago. Some of the crucial issues which could not be addressed conclusively have to do with how to screen Aids patients. What are the ethics about screening people infected with Aids?

There is no answer to that ethical question and as long as those questions are not answered Mr. Speaker, we are going to have the problem spreading like a fire. He gave an example. There are many other examples in this country. I know of families which have been infected by one individual here in this country, and it is still occurring. But if you go to the doctors who know about these infected persons, they will tell you, I have no authority to screen.

So, the issue is how are we going to screen because we have no means of preventing this so-called wife inheritance in our society and it is going to continue inspite of the fact that there is this Aids pandemic. We need to do hard thinking and we have to be broad-minded.

What we have to understand is, there is no golden society in the world. Gambia, small as it is, cannot be an island on to itself. We have to deals with the world for us to survive but what is important is that in our dealings with the world, we must be in control of ourselves. We must make the major decisions affecting our lives and life pattern but we cannot afford not to deal with the world and we cannot afford not to open up to the world because we are going into the world. The world would also want to come here because of the fact that we are spreading out into the world. They also have a right to come here but the important thing is we must be in control of our situation. That is what we have to do. We cannot stop mingling with the world but we must be in control of ourselves.

Mr. Speaker, the tragedy is in Africa, because he cited a horrendous statistics of 36,000,000 people who have already passed away as a result of this virus; 25,000,000 are from here in Africa. And they say that in seven Southern African counties, one in every five adults is infected with Aids. In 16 countries in Southern Africa, more than 10% aged between 15 and 49 years are infected with Aids and this is on the increase because here in The Gambia we are informed that of the two types of HIV, the more dangerous, which is HIV 1, is on the increase mainly, according to my information, in Basse and Sibanor.

So, Mr. Speaker, I agree that all of us are either Muslims or Christians in this country, but that is of no help in controlling HIV/AIDS. Mr. Speaker, we know societies where Sharia is the order of the day, but what do people do in such counties? They go elsewhere to prostitute themselves and return to their countries of origin. Supposing they are infected abroad, they transmit the disease to their countries. So what is the effect of Sharia there? Sharia does not prevent one form going out to do something in places where Sharia is not applicable.

We have to be very critical, when we look at issues. Human problems are very delicate. We have to view them from a sociological, and psychological; point of view. In fact, this is also economics. Mr. Speaker, is there anybody who takes pleasure in being a prostitute, I ask? Maybe, there are prostitutes, because they want to survive. Even in Europe, those who are prostitutes Mr. Speaker, are those who have no employment. They survive by prostituting themselves and there in fact the current term is "sex workers". Those who come here as sex workers, come not out of pleasure but they have to survive and working as sex workers helps to earn their livelihood.

What is pleasing about this report is that at least government has come out boldly to institute a mechanism which is going to help initiate the fight against the spread of Aids, and I am very glad that the Hon. Speaker himself has indicated that we here will form a committee on HIV/AIDS. I think that is an excellent idea because as far as I am concerned the National Assembly must take the leading role. We must take the leading role in the fight against this pandemic for two reasons: 1, because we are peoples representatives and because we are peoples representatives we have more access to them than any other person in this country and their ears are more open to us than to any other person in this country. That is why, the effort being taken for us to be sensitized, for us to be informed in order for us to become better agents of the fight against this pandemic is laudable. Mr. Speaker.

I look forward to the formation of this committee and I hope that when it is formed it will function effectively. Thank you.

Mr. Dibba (Central Baddibu): Thank you, Mr. Speaker. I would not do justice to myself and to my son who is actively involved in the campaign to reduce the prevalence of Aids in The Gambia if I do not contribute to this important debate.

Mr. Speaker the condom was introduced to support the family planning concept of child spacing because at the time, we were very concerned with the welfare of the mother and the child. Religiously, some thought the use of condoms went outside those boundaries. As a result, they considered it a misuse, a misuse in the sense that people who do not have a family to plan started using condoms to prevent themselves from having a family which at the time might not have been wanted. That was why in those days some people were against the use of condoms particularly by people who are not using it within that context.

I think a lot has to do with attitude, and change of attitude is a very difficult matter. If we can reflect back, Mr. Speaker, when I was young, stroke was misconstrued to be a disease, which was caused by satin or "jinn". As a child, when a person had stroke in those days, what we would say was, he had come across Satan or "jinn" as a result, he is paralised half way, on the left side or the right; but gradually people began to understand that in fact this had nothing to do with a "jinn" or Satan. It is a disease known as stroke, which is caused by hypertension, high blood pressure. If we can perceive stroke today through education, to be something different from what we thought, Mr. Speaker, I think we will come to understand AIDS better.

Mr. Speaker, condom is very important in preventing the spread of Aids but I think what is most important is education. We need to inform ourselves what we can do to prevent the rapid spread of Aids. My colleagues had deliberated on that. They have indicated the Christian and the Islamic point of view or the religious point of view in changing attitudes in this particular direction which I tend to cite simply because in as much as we think we should behave the way prescribed by our religions, we must also consider that not everybody who is a Muslim is a pious obedient Muslim to a point that he doesn't commit sin.

Mr. Speaker, Aids is a very frightening disease to me personally because it is not curable, or a cure has not yet been found for it. Therefore, it would be the responsibility of government to come up with strategies which will provide enough information to the Gambian people so that we will be able to discuss among ourselves, spread the information that protect us from contracting Aids.

Mr. Speaker, a lot has to do also with socio-economic status of people who some other people have rightly referred to as sex workers. When people cannot survive by legal means, they may resort to other means. Therefore looking at the prevalence of Aids in Africa, Mr. Speaker, I think it has something to do with the socio-economic status of African people. Therefore countries like The Gambia as indicated in this document which we are reviewing should be more serious in making sure that information is passed through to all levels of society, and we should have the courage to discuss the issue even with our immediate family members.

The cultural pattern of this country has made it almost impossible for a father to discuss sex issues with a daughter. A daughter may comfortably discuss these issues with the mother, but the mother also would not find it

comfortable to discuss this with a son. Therefore whatever we can do to change our attitudes towards this would be in the interest of everyone and I would say the National Assembly Members should support this project and we should be talking about it. I think that we should set some examples ourselves. Maybe, we should begin to have open forums which will be covered by the media houses so that those who didn't have the privilege of listening to a particular Assembly Member addressing his electorates on this issue would listen to it on the radio or read about it in the newspapers.

Mr. Speaker, I fully support the idea and, I would say, let's not stop at discussing it. The National Assembly Members should assign to themselves the responsibility to act openly so that they should be an encouragement to other agents and institutions who are directly responsible of trying to control the spread of Aids in The Gambia. Mr. Speaker, I had a personal example when I visited a friend in MRC who I thought might have been suffering from something else but my suspicion was that he probably contracted Aids. I consulted the doctor to find out what was his problem and the answer he gave me was "he is your friend, why don't you go and ask him because he is a better person to tell you". But being a typical Gambian myself, I found it difficult to go to this man's bedside in the state he was in. Unfortunately, he has passed away and may his soul rest in peace. I found it difficult to go to him and say, my good friend, what is wrong with you and since his death, there has been no diagnosis offered to us disclosing the cause of his death.

I would add that the professionals, particularly the doctors should be bold enough to call one person from the family and tell him or her this is what your father or your son or your husband or your wife has, so that in the society, we can help him or her to have confidence that what he has even if it does kill him eventually, may not kill him immediately and by giving him that confidence, he would cooperate by not spreading the disease.

Mr. Speaker: The motion is that the Assembly do appoint a committee on Aids to help fight the disease. All those in favour please say "aye", on the contrary, "no". The "ayes" have it, unanimous.

CLERK: Motion

Hon. Mr. Jatta (SOS for Finance): Thank you Mr. Speaker. Mr. Speaker, as a result of the discussions African Finance Ministers had with the World Bank, a fund was set up by the World Bank to help the African region address the Aids problem. This fund was approved by the Board of

Directors on the 12th of September, 2000, and The Gambia based on the statistics and information we presented was eligible to access those funds.

Mr. Speaker, the purpose of this HIV/AIDS rapid response project is to assist the government of The Gambia stem a rapid growth of HIV infection which causes Aids. The project will help organize a pre-emptive response to the growing HIV/AIDS pandemic through a multi sectoral approach. That is by trying to maintain the current low level of the epidemic to reduce its spread and mitigate its effects, as well as to increase access to care and support for those infected or affected by HIV/AIDS.

The overall project is premised on the development and expansion of local responses to the pandemic. Mr. Speaker, government will be doing this in collaboration with other members of international partnership against Aids in Africa and the project will help step up and organize the response against HIV/AIDS or sexually transmitted infection (STI) and TB which are important co-factors in the early stage of HIV/AIDS.

Mr. Speaker, this will be achieved through the provision of HIV/AIDS prevention and care services at all levels. That is National level, regional and local as well as in a number of sectors. The emphasis of the project will be placed on the preventive approach among youths, a group that is particularly vulnerable and I think members have alluded to that and that they represent a large segment of the Gambia population.

Mr. Speaker, because of this multi-sectoral approach, the Aids secretariat is located at the office of the President to give it that focus and since it is not a health issue alone. It goes beyond health issues. That is why it was agreed that we address all the other issues.

This loan agreement negotiated with the World Bank in the sum of SDR 11,8000,000 when converted is about US\$15,000,000 or, in terms of Dalasis, D225,900,000. The loan is on Standard World Bank terms which is 40 years repayment period including a 10-year grace period and it has a service charge of three-quarter of one percent on amount disbursed and outstanding. Gambia, because of our LDC nature, can afford to borrow from either resources which is the least interest rate charged on those loans. Mr. Speaker, I think with the problem of HIV in this country, it is timely that this project comes in stream and we urge those who are going to implement it to focus on addressing this thing. I beg to move.

Hon. Mr. Bah (Basse): Mr. Speaker, I rise to second this non controversial motion that this august Assembly do ratify this loan agreement between the

World Bank and the government of The Gambia in the sum of US\$15,000,000 equivalent to D225,900,000 which is aimed at fighting HIV/AIDS.

First and foremost, Mr. Speaker, I will congratulate the government of The Gambia for taking the initiative of launching the National Aids Council. Before the National Aids Council, I will first congratulate the Department of State for Health for taking the lead at an early stage because we all know that there was established a National Aids Control Unit within the Department of State for Health.

Having said that Mr. Speaker, in the Report that we have just finished discussing most of this project entities have been duly explained in this Report and at the launching. I commend all the members of that council for coming up with this beautiful report presented to us and then also, I will take this opportunity to hail the member for Jimara for coming out boldly in expressing most of the aspects that affect the livelihood of the Gambia as far as this HIV/AIDS rapid response project is concerned. I am glad to see this project taking the preventive approach instead of the curative. It is now people are knowing it as HIV/AIDS, but as far as I can recall, even when I was very young, as most people might know, many people from Upper River travelling to Central Africa and South Africa in those years came home very ill and nobody could diagnose what type of disease they had. I have witnessed on so many occasions, even friends of mine I had been in school with came home from around the Congo very sick and eventually they would die and even their wives would follow suit and nobody knew what was the cause of their death.

I am not in line with my colleague that we should look for alternative means for those sex workers but I feel that we should legislate against prostitution in this country. It is on the increase. It is definitely even at the village level now. People don't hide it any more, and I feel that is not a decent way for them to make a living. They have other avenues. I think that it is appropriate at this time when we are taking the bull by the horn by establishing the National Aids Council, that we come out with appropriate measures including laws that would minimize prostitution. As stated here, prostitution is forbidden by the two religions we have in this country and I think we don't have free thinkers or pagans. So it is best that we use those yardsticks to implement these laws. I would refer my colleagues to the loan agreement document that we have before us in particular page 14. schedule 1.

I have certain doubts about some of the items which I would need the SOS to clarify. When we come to three, that is consultancy service, including audit and training which is taking SDR 3,200,000 almost D30,000,000 to D50,000,000. What type of consultancy are we envisaging on this thing and the type of auditing and training. To me, that amount seems to be on the high side. Then you come to four, which says "grants". Grant in what sense. Is it that these are the amount that they are going to give to the affected victims of HIV/AIDS? Grants to take SDR 5,000,000,000 which if I am right is almost 40% of the whole loan agreement? I would really like to know what is meant by this.

Then you come to five, operating costs. If grants and consultancy including auditing and training is over 1000% more than the operating cost, I feel that whatever we do, we will not achieve our objectives. That the unallocated funds should be more than the operating costs is likewise doubtful to me, and I would really like to have a brief explanation on these items.

Then you go to page 16 schedule 2. You will see that is the National Aids Secretariat and they say that they would be strengthening the Divisional Aids Committees and the Municipal Agencies to carry out the borrowers National Hiv/Aids strategy and action plan. Here I really want us to pay a lot of attention and care because I know the type of bureaucracy we have in this country. The National Aids Committee should be well constituted and well monitored. Hence also there is room for community-based organizations to participate. They should make good use of the VDCs who are more active at the grass-roots level because they are formed out of villages and each Village Development Committee will know what are the problems of their individual villages. So, I think they should make use of these VDCs also, not only CVOs. CVOs are just groups of people who come together and form their own community based organizations to attract funding. So I think the VDCs too should be used to achieve the declared objectives.

Then we go to page 18, schedule 3, procurement and consultancy service. I think we now have trained personnel at the Department of Health. That is why I raised concern about that allocation for consultancy. If we say we will take all this money to pay for the consultancy.

Mr. Selu Bah, (Basse) Continues: We have trained personnel at the Department of State for Health, and if it is always binding on us to procure goods from those countries giving us the loans, I think they are not being fair with us. We should always find out where we can have better and cheaper goods. There should not be such restrictions like we are giving you these loans and you must buy from us. That means they are conditioning us, and these loans are not free. You cannot lend me money and then say that I must buy from you.

Then we go to page 23, Schedule 4, implementation. As far as I know and as I have stated earlier, we have to commend the Department of State for Health because they have taken the lead from the onset before the inception of these loans agreement. I do hope that they will maintain the trend. They were doing it before this loan was negotiated and they were effectively doing their job. As has been rightly mentioned by the member for Wuli, Basse and Sibanor have ever been on the list of areas that are seriously affected. It is not the fault of the people of those areas because as you know most of the inhabitants have been going to the western world and African countries especially where the Aids epidemic is very high.

At this moment, I really urge the MRC and MAS to closely monitor the Divisional Aids Committees because they are the implementing bodies at the grass-roots level. I think also the project should target the sex workers. All sex workers should have their health cards, and they must be able to present these health certificates. They must be willing to visit doctors regularly. Thank you.

Mr. Daddy Dampha (Jangjangbureh): Thank you Honourable Speaker. This is a non-controversial bill but I have my worries as I said here before and that problem is with the Islamic religion. Our Islamic Scholars and religious leaders will never preach the use of condoms and I don't see how quickly we can respond to this problem if that is not done. We form the majority in this country. We use mosquito nets and mosquito repellents to fight malaria. Why don't we protect ourselves with the use of condoms to prevent us from HIV/AIDS? HIV/AIDS is something real but how do we fight it without preaching against it. Muslims as I said form the majority but hardly use condoms. It was in the papers that one of the Islamic leaders said condoms should not be used. That is misleading. They have proof that Aids is in existence. Why don't they support the fight against it?

Sex workers are not the problem. In Mansakonko, you see them everyday going to the hospital to make their medical checkups. They are supplied with condoms and other preventives. I think the sex workers are doing very well.

Another worry I have Mr. Speaker is I don't know how the WHO determined the percentage of Africans affected because we are not tested. How did they determine that? Did they go round and test everybody? Mr. Speaker, with these few remarks, I beg to resume my seat.

Hon. Mr. Fafa Touray, (Lower Saloum): Thank you Mr. Speaker. I rise to lend my support to the motion that this Assembly do ratify the loan agreement between the International Development Association and the Republic of The Gambia in the amount of D225,900,000 to finance the HIV/AIDS rapid response project. Mr. Speaker, I will first of all thank the Honourable Secretary of State for this motion and also the Gambia Government for setting up this project.

Mr. Speaker, as we have already seen in the Report, the first cases of Aids were detected in 1986 and since then 1,400 Gambians have lost their lives because of this disease. It is therefore a public concern for everybody to make sure that this disease is fought against. Mr. Speaker, the Report has also shown that we have two types of HIV viruses here, HIV 1 and HIV 2 but HIV 1 is more dangerous. HIV one is in a stable situation unlike HIV 2 which has increased from 0.6% to 8%. That is a big increase.

Mr. Speaker, in this case it shall be the concern for people to sensitize each other to make sure that we are aware of this killer disease. I am happy that the National Assembly has agreed to set up a committee to fight this killer disease. The only thing that can help us to solve this problem or to minimize the rapid spread of the virus is to sensitise each other, and hold public meetings. We can hold meetings at the village level to sensitise our people, tell them the dangers of this disease and how one can contract it.

Going to the loan agreement, if you turn to page 6, there is a grace period of 10 years and that would allow us to do a lot before we start repaying this loan. The interest on this loan, I am satisfied with it because it is 1% for the first 10 years, and the other remaining years 2%. We have ratified some loans here and the percentage levied on those loans is more than this one. So really, I am satisfied with the interest charges on this loan. I would therefore urge my colleagues to support this non-controversial motion. Thank you Mr. Speaker.

Mr. Bojang (Bakau): Thank you Mr. Speaker. I will also add my voice to that of the previous speakers on this important motion that this Honourable Assembly do ratify the loan agreement between the International Development Association (IDA) and the Republic of The Gambia in the amount of CDR11.8000,000 equivalent to D225,900,000.

Mr. Speaker, this motion is timely. To acquire a loan is a difficult task and I think my colleagues would agree with me that to initiate it is a difficult task. So, I have to commend the Secretary of State for Finance for acquiring this loan for the benefit of the Nation. This is a loan that is to protect our lives and the lives of the future generation. I think we have to be very, very careful about how we are going to use this huge amount contracted between The Gambia and the IDA.

It is a loan that is to be repaid Mr. Speaker because, as the saying goes, if you borrow, you must repay. This amount is given to the Nation not to the Government but to the Nation. We must see to it that the purpose of this loan is realised.

Mr. Speaker, a lot of speakers elaborated specially on sex workers and most of them are in my area. Mr. Speaker, I tried to solve this problem. Sometimes I go to the police requesting for raiding parties, but when they are raided, in the next few hours you see them again. We cannot blame them as some speakers said with sincerity, not that we are encouraging them to do it but Mr. Speaker as we are now, the living condition of every family member is difficult, very, very difficult. You will see a family head with about 3 children, all girls over 18 years. They are school drop-outs simply because the parents cannot afford their school fees, or feeding. They have shelter but they need something to eat. So, you see, Mr. Speaker, they have to get money one way or the other and one way of getting it is to engage in prostitution. It is left to us now how to control that system because we cannot stop it. Even if we stop it here, they will go somewhere else and do it there and, most probably, they will come with this disease back to The Gambia.

So we have to think of the control measures Mr. Speaker, and not to ban them because we cannot ban them. Mr. Speaker, some are saying these prostitutes are not Gambians, I beg to differ.

Mr. Speaker, the situation is alarming. Before HIV/AIDS was discovered in the Gambians it had killed a lot of our people

The first cases of HIV/AIDS in The Gambia were reported around 1986. Since then 1,400 Gambians have died of the disease.

Mr. Speaker, if you go further through this Report, the first surveillance of HIV/AIDS was conducted in 1998. In 1996, 1,400 had already died as a result of this disease. Those who are saying that Aids does not exist, go to the MRC. You will not be allowed to see the patients faces. If you go there, you

will see your fellow human being lying affected by this killer disease. You would not believe it.

Mr. Speaker this is very timely and can prevent most of our people from getting this disease which has been imported into The Gambia.

Mr. Bah (Upper Saloum): I will try to be very brief Mr. Speaker. First of all, let me make it clear that I support the motion and I wish to urge my colleagues to do the same. I would in the same vein thank the Secretary General of the United Nations who has contributed a huge amount of money into the International fund that has already been created to fight Aids. I think that is a laudable effort and I hope that others will follow suit. I think this loan will go a long way also if properly used to address some of the constraints as specified in Schedule two. I don't need to take the time of the Assembly. I realize that some of the objectives cited in this Report are already featured in this very document that is before us. That goes to show that both the Council and the Department of State that obtained this loan seem to have been working hand in hand towards the common objective.

However, I have one fear and that is the issue of the same thing that I have always said mentioned. When loans are ratified, it is always beautiful but what really makes some of us worry sometimes, is the way they spend those loans, the type of vehicles that some of these projects buy. You don't find these vehicles in any part of the world, nowhere in Europe. You only find this type of expenditure on vehicles in Africa.

The other issue I want to clarify is about the IEC. When we talk about IEC here, we are not referring to the Independent Electoral Commission. This is for the benefit of those who have not got access to this copy. The IEC here means Information, Education and Communication and the BCC means Behavior Change Communication.

Mr. Speaker, on that note, I urge my colleagues to support this motion and then to pass it without any controversy. Thank you.

Mr. Fabakary Tombong Jatta, (Serrekunda East): Thank you Honourable Speaker. I don't think I will take much of the time of the Assembly. I also support the motion that this Honourable Assembly ratify this loan agreement to the tune of D225,900,000. This amount is very substantial. The purpose according to the document is for arresting the spread of HIV/AIDS and supporting those affected.

Prior to this loan, we know we have Aids Control Unit which I believe have been doing a lot of good work in the absence of the D225,900,000. So come this loan we expect that at least most if not all of these objectives should be achieved. As some previous speakers said, sometimes we get worried about loan agreements especially with those project. For this particular one, I think there is need for us to at least make some few suggestions as the Honourable Member for Wuli said on the previous motion. You see, people must participate. It must be people based. No individual works for his own destruction. Some people do not believe in Aids because they are not informed enough. They don't know. I think that for this project to have the desired impact, the people it affects must know, and must participate. The bulk of the money should be geared towards sensitization, and the IEC component of it.

Now the other aspect, I want to highlight is these sex workers we talked about. Some Members said that we have sex workers because they have to make a living. It does not follow that all unemployed women look for their living in sex work. They have other avenues and moreover this country is a very religious country. I believe that there is no justification to say that I don't have money to survive therefore I must be a sex worker. What I would suggest in this regard is that this project cannot work in the absence of our religious leaders. They are the key and influential figures in our localities.

I would like to suggest that it is the responsibility of the National Aids Council to ensure that we bring these religious leaders under one umbrella in order to sensitise them properly so that they accept that this is the way forward for the control of this epidemic. If you sideline them and think you can do it alone, it will not work. You will just drop all this money into the ocean. So I suggest that the number one important thing is to get the religious leaders, opinion leaders and have dialogue because some of them don't know, and probably they also have sound ideas. Come these funds, we hope and pray that the impact would be enormous, and I challenge Assembly Members to be pivotal in ensuring that the targets are met as we go by June 30th, 2005. Malaria also kills so many people in this country. I think we should do something about it.

Mr. Jammeh, (Jarra West): Thank you Mr. Speaker. I want to contribute briefly to the motion on the floor that this Honourable Assembly do ratify the loan agreement between the International Development Association and the Republic of The Gambia in the amount of 11.8000,000 CDR Equivalent to about D225,900,000 for HIV/AIDS rapid response project.

Mr. Speaker it is a very laudable initiative. It is indicative of the Gambia's concern regarding this killer disease. Like previous speakers we all share the feeling that Aids is a problem that has to be addressed. It is a reality that we cannot just ignore. We must address it, and the initiative taken by the government to set up a council, is a move in the right direction and this loan agreement has come at an opportune moment. As far as I know, there is no cure for the disease, so the loan agreement is intended to keep the spread of the disease at bay.

It is a national issue and everybody is concerned about it. We must put in place a mechanism to determine how many people are suffering from this disease because if we don't know that we cannot adopt any effective measure to ascertain the level of prevalence. We don't know in the first place how many people have the disease. As the amount is so colossal, Mr. Speaker, I associate myself with previous speakers who expressed reservation as to the way these funds are going to be disbursed. The beginning of the whole thing is not very much encouraging.

I want the SOS to explain what is actually meant by grants because apparently about D75,000,000 are going to grants. Grants for who? And there is an amount of US\$3,299,000 Special drawing rights which is about D45,000,000. That is very substantial Mr. Speaker.

In view of the fact that the amount is very colossal, we should be very, very careful so that at least it is not just another loan that we are ratifying here. Previous speakers have talked about malaria which is a more deadly disease. I think it is claiming more lives. It needs more serious attention than this one because this disease is acquired through contact which can be avoided, but in the case of malaria there is no escape. Nationwide, there is this prevalence of mosquitoes. I do hope that the International Community will come up with a similar project to address the problem of malaria which is even more serious than this disease. Thank you very much.

Hon. Mrs. Cecilia M.R. Cole (Deputy Speaker): I do not like to participate in motions that have to do with loans. I think I have said it here before. I notice that people have been talking about us being religious. I don't know what the Q'uran says but the Bible says "my body is the temple of the Lord". That you can desecrate it and people just say "well they have to have money". I think Gambians are very generous, and one can go anywhere and have a meal. I cannot agree at all that these people should give their bodies to sustain themselves. I'm sure the Quran is against it.

I know one country, I think it is in East Africa. Many people contracted the disease because a needle used on an HIV/AIDS patient was used on another patient. This is the reason why if you go to a hospital, make sure that it is a completely new needle that is used when you are injected. Now the person who bids the least may not be the one who offers the best. This is on page 19. May be he will explain to us what that means. Mr. Speaker, thank you.

Mr. Sidia Jatta, (Wuli): Mr. Speaker, I see this loan agreement as a logical follow up to the establishment of the Aids Council. It is very good. It is very pleasing to me but I would like him to further explain what he called Aids prevention Centres throughout the country. I think their operation and how they are going to be managed should be seriously considered. There is one thing, I don't know, may be it is in the action plan and that is we know that there are already people who are infected with Aids, and I was wondering whether there is any plan to provide treatment for such people.

To conclude, I think it is necessary for me to clarify my position. It seems that both the Honourable Member for Basse and the Deputy Speaker do not understand what I said. I am not saying that prostitution should be encouraged. I was speaking as a sociologist. I was trying to understand the motives behind that and I'm saying that yes, the laws already exist because we are Muslims. There is Sharia but is it preventing everybody from being a prostitute? No. I'm trying to understand the material and economic forces that drive some people into prostitution. Not all of them but some of them naturally are in it because of economic need. I think that should be understood. No one should quote me and say that I am encouraging prostitution. No, I'm not saying that.

Mrs. Cole (Deputy Speaker): In fact I don't remember that he said that here honestly. I remember that other people said it not him.

Mr. Jatta (Wuli): Thank you very much.

Mr. Speaker: I now invite the Honourable Secretary of State to respond.

Hon. SOS for Finance Famara Jatta: Thank you, Honourable Speaker. I think I will limit my response to schedule 1 which is the project and the allocation of funds. I think by now Members realize that the operational cost of each project is being reduced because that is where vehicles and all others are being purchased. If you look at this agreement you would notice that.

Also in this project we are introducing some new measures. There should be a financial management agent under the consultancy. So we are not setting up a PIU as we do in other projects. This consultancy training is included and here we are trying to train health staffing line with departments requirements. We are not just looking at health. This is beyond health. It is going to go towards divisional councils and there is monitoring and evaluation. So there is a broader programme and that is why it is not even located in Health. Health is going to benefit from it.

I think most of the talk here was on the grants. US\$82,000,000 which is about 50% of the loan is going to be given out as grants to community and civil society initiatives. Community involvement here is very crucial in that if you want to support the preventive measures and care for those with Aids, it has to be at the community level. We are saying that the support will allow us to make the population aware of the problem of HIV/AIDS. The youth groups will benefit. There is going to be advocacy, IEC. Condoms will be distributed. When you go to a hospital, you should be treated free. Military camps, Prisons or Refugee camps are all going to benefit. We are not even limiting it to these. Religious groups too are going to benefit. We will see to it that 50% of the loan is going to be given as grants and I think this is the only way. If we don't contract this loan, people are going to die. It is not something government would intend to get revenue from. It has to be given out free to the patients.

The emphasis is making sure that those who have contracted the disease are treated and are accepted in society. Various groups within the country can come to the programme but we are emphasizing that there should be community initiative here. Treatment centers will be built. There will be 6 in each Division and there will be support, care and treatment. Unfortunately the drugs we talked about are expensive. We cannot get them, but these are what will happen within this programme. Maybe by the time these drugs are with the pharmacies we would be able to access them to treat some of our patients.

The procurement as usual will be on international competitive bidding which means that the firms will have to be pre-qualified by the sector managing it and they will be evaluated based on international tender and we are not just buying it from any country. If you are a member of the World Bank group, you are entitled to bid for any project. The Gambia is a member of the World Bank. A Senegalese firm can bid. A Ghanaian firm can bid, and so can a British or American firm. They are all members of the world bank group. This will be put to international tender and the best firm will win. We are not just buying it from any particular country.

Mr. Speaker, I think at this point, I want to thank members of the National Assembly. This has been a very serious issue in the country and I think the debate has shown that we should not just leave this House and say we've ratified the loan. I think the work now begins. We shall also encourage the media to sensitize the public because the more we talk about this and the more we provide resources, the more the media can benefit, the more you talk about it, the more people become aware of it. I think this is necessary for the Gambia.

Mr. Speaker: The motion is that this Honourable Assembly do ratify the loan agreement between the International Development Agency and the Republic of The Gambia in the amount of SDR,11.8000,000 about US\$15,000,000 equivalent to about D225,900,000 for the HIV/AIDS rapid response project. All those in favour please say 'aye'; on the contrary 'no'. The "Ayes" have it unanimous.

Clerk: MOTION

Hon. SOS Jatta: Thank you Mr. Speaker. Mr. Speaker, this second Agreement is the third financing agreement secured by the government to complete the funding of the rural electrification project. Honourable Members will remember ratifying the loan agreements between the Government and the African Development Fund for US\$3,260,000 and between the Government and the Islamic Development Bank for US\$6,190,000. The agreement before you today is between the Government and the Arab Bank for Economic Development in Africa in the sum of US\$6,750,000. Government's contribution towards the rural electrification project is US\$2,760,000.

This project will contribute towards the energy sector goals of securing adequate energy supplies to meet current and future demands of the country; minimize the cost of energy to the economy by utilizing more efficiency and thirdly to engage in research, development and promotion of new energy technologies.

The objectives of the project are to encourage economic growth and improve the social conditions in the country by providing continuous power supply to some 46 towns and villages with a total population of 180,000, thereby contributing to the reduction of poverty in the areas covered.

Mr. Speaker, this project is a major element of government's economic policy which is aimed at the stimulation of the social conditions of the people by bringing basic services to the rural areas. It is forecasted that by the year 2016 nearly 289,000 people will benefit from regular supply of electricity. This project will enhance the economic opportunities of the population in these areas and improve their social well-being by assisting in the reduction of poverty in the country. Consequently, it will contribute to a reduction in the rate of rural migration to the greater Banjul area. In this regard, it will assist in the economic development of the rural areas by encouraging the establishment and the development of industrial, agricultural and commercial enterprise and enhance the production capacity of the existing enterprises in the project area. In addition Mr. Speaker, the project will improve access of the inhabitants to social services and assist government in its decentralisation programme aimed at ensuring a wider participation of the population in decision making process regarding the development and management of the affairs of the country.

The technology selected for the rural electrification project is in line with the project requirements and it has been cost effective. The loan agreement as mentioned earlier is US\$6,750,000 and the interest rate is 2% per annum on the principal amount of the loan withdrawn and outstanding from time to time plus a 5 year grace period.

The project is expected to commence towards the end of the second quarter of 2001 and will be completed after 36 months of which 2 (two) years will be dedicated to the execution of civil works for power stations, staff housing and for the supply and installation of generators and equipment.

Mr. Speaker, this concludes the funding for the rural electrification project which government envisages to implement towards the end of this year. Thank you. I beg to move that this Honourable Assembly do ratify this Loan Agreement between the Government of The Gambia and the Arab Bank for Economic Development in Africa.

Hon. Hamat Bah, (Upper Saloum): Thank you Mr. Speaker for giving me the floor. I wish to second the motion that this Honourable Assembly ratify the loan agreement between the Republic of The Gambia and the Arab Economic Development Bank for Africa to the tune of US\$6,750,000 equivalent to D103,613,500.

Mr. Speaker, this is another positive move and I have no doubt that Members would agree with me. I said long time ago that this country should have gone beyond this stage in our 35 years of existence. Rural electrification should have been a priority long time ago and that is why I said it's a very positive move but let me express the same old concern. I said that we must not repeat the mistake we made concerning generator, G11 engine.

A 25 year old generator which was sold to this country at a huge amount, is almost dead now. The time has come for us to speak the language that the Gambians want to hear. Nobody can take us for a ride. We've seen what happened to the 6 megawatts generator that NAWEC contracted with MILCS in London which the Taiwanese Government was willing to finance at a tune of US\$5,000,000 through the Import/Export Bank of Taiwan.

Mr. Speaker, if that project was not interrupted, the problem of electricity would have been a thing of the past in the Greater Banjul Area, but some tycoons disrupted the whole arrangement. We are told that we are expecting a second-hand generator from Germany to replace that one. That is an insult to the Gambian people. We are tired of these dead engines. It is the responsibility of this august body to make sure that things are done accordingly and this is why we have set up a committee to look into these projects.

The time has come for this Assembly not only to speak the truth but to act and to be seen to be acting to protect National interests. This is why I said that before we ratify this agreement, the Secretary of State must assure us again that we would not have second-hand engines brought into this country. D103,000,000 is a lot of money considering the amounts we have already ratified.

The French Government agreed at that time to help finance with a grant of US\$5,000,000 for the distribution network in Banjul and the Greater Banjul Area, and this project was due to start in December. Up to now, we've seen nothing. What's happening?

The time has come Honourable Members for us to act decisively to protect the interests of this country. The committee that we have instituted should make sure that we start with NAWEC. No other place other than NAWEC. Our US\$5,000,000 loan from Taiwan cannot be spent on a second hand dead engine from Germany. I want to assure the Secretary of State that Members would always love to ratify a loan particularly loans that go to address the problem of electricity in this country. But in as much as we have the desire, the interest and the zeal to ratify a loan like this, we would also in that same vein protect the interest of the people of this country. This is why

Mr. Speaker, I want to alert my colleagues. From this amount of money, we should be able to buy 6.2 megawatts, produced by 22 diesel generators distributed to 6 power stations.

What makes it beautiful Mr. Speaker, at least for once now the town of Barra/Essau would be provided with a generator. Kerewan would be provided with one, Farafenni which has always been suffering will be provided with one and, likewise, Mr. Speaker, Kaur, Bansang and Basse Santasu. But, I repeat, in as much as we want to have generators, we don't want second-hand ones. I can assure you Mr. Speaker, this Assembly will not let that happen. We are following this second-hand machine coming from Germany and I will present this information before this Assembly and we will act if necessary.

Mr. Bojang, (Bakau): Thank you Mr. Speaker. I will be very much brief in lending my support to this motion on a loan agreement between the Arab Bank for Economic Development in Africa and the Republic of the Gambia in the amount of US\$6,700,000 which is equivalent to about D103,612,500.

Mr. Speaker, the project is for rural electrification. We have ratified a lot of loans here especially for NAWEC. In the greater Banjul Area Mr. Speaker, every man and woman is married to NAWEC. For days certain wards will have electricity supply, another two days the other area have supply. I don't think the same will happen in our rural areas because the farmers are the backbone of our economy.

We have to remedy the situation. As the Member for Upper Saloum said, we have to be active and monitor NAWEC. If that happens, we will make sure that nobody interferes in the appointment and sacking of the staff of NAWEC. How many Managing Directors were sacked in NAWEC? They did not explain to the nation, why they were sacked; but the recent one we know who sacked him and those who were involved in sacking him. So Mr. Speaker, I think we should avoid these things so that we can have our projects going smoothly and amicably without interference.

Mr. Speaker, I am so pleased with schedule 2 of the agreement, that is the description of the project. Basse by midnight, they are out of electricity supply and Basse used to be like a City in the provinces. Now, it is neither a city nor a town but a village. So obviously this will raise the standard of Basse to where it was before. Mr. Speaker, the same goes for Barra which is very close to Banjul but far away from development. May be Bakau also will benefit from this.

Mr. Jatta, (Wuli): Mr. Speaker, I just want to start by reminding the Member for Bakau that the title of the agreement says "rural" not Urban. Bakau is Urban. Not even semi-urban but Urban. By hook or by crook Bakau will not benefit from this because it is not "married".

Mr. Speaker, I am not worried about what others are bothered about, that's management of the project funds because I'm comforted by the fact that we have now established a project monitoring committee in this Assembly. This is the time we have to prove that we mean business because that is our constitutional mandate. I am not going to complain about project management. It is us now who will determine what is what regarding projects. We even have the authority to examine a generator even before it is installed to make sure that it is worth the money. We have that authority. So let us just make our monitoring committee effective.

Only one thing bothers me. Six power stations are going to be constructed throughout the country. We have to take into consideration the environmental hazards because I passed by the power station yesterday and I was displeased to notice the potential environmental hazards there. You see, maybe we don't have the technique. We don't have the means to do it but studies have been carried out in other places where it has been proved that this heavy fuel emission affects human beings terribly. Those fuels that are not lead free are potentially dangerous to our environment and these power stations certainly are going to make use of such fuel. I think we should take all measures against those environmental hazards.

Mr. Faye (Lower Nuimi): Thank you very much. Of all the motions that came to us here, this is the one that pleases me most because I have seen Barra and Essau being mentioned in the document. We have long been in darkness. We have bought enough candles. If the airport is given light to allow people coming in the night to see, the people going to the other side of the country too should see. If you go to Barra at night you will find out that some of them are just around the police area because they cannot go any further than that because everywhere else is dark.

Once this project is going on, I will be very grateful that it is taking place in the town and people will appreciate it. When it comes to facilities that are meant to make life easier we in the NBD are neglected. I know NAWEC has a bad name. Whether good work is being done or whether good management is there, everybody is complaining about NAWEC. The appliances in their houses are being destroyed due to the irregularity of electricity supply. We in the North Bank never realized it particularly in the

Nuimi areas because we have not been affected. We have only water supply. That is the only facility we enjoy from NAWEC. By the 15th of each month people start queuing for water because there is no fuel.

Mr. Jammeh (Jarra West): Thank you Mr. Speaker, for allowing me to contribute to the motion on the floor. It is indeed gratifying that the third phase of the project is now here before us for ratification.

No doubt Mr. Speaker, the effective implementation of this project will go a long way to immensely improve the living condition of the rural population. We anxiously look forward to the materialization of this project which should not take long because the requisite funds are now available. I hope that implementation will commence very soon. I know that the majority of Gambians will benefit from this project.

Mr. Speaker, I will however add my voice to a reservation expressed by the Member for Upper Saloum. I think we must admit that our track record in the purchase of generators is not satisfactory. Generators have been purchased but found to be old ones. We are ratifying this and we do expect that the generators that are going to be bought will be new ones. I want the SOS for Finance to give us the assurance here that these generators will be new ones. I am also worried about the number of generators. 22 generators for six power stations. Perhaps he should explain why that number. Is it not possible to have fewer generators that would last long?

Mr. Bah (Nianiya): Thank you Mr. Speaker, I will be very brief because it is getting late. Mr. Speaker, this is one of the most justifiable loans ever presented to this august body. As I always said, the most important thing a Government can do for its people is to create the condition in which they can develop themselves and this is exactly what this loan seeks to do. In boosting economic activities in the rural areas able bodied men and women may now be motivated to stay there. Mr. Speaker, I congratulate and thank the Government for the initiative. I'm sure it is a difficult task to electrify the whole of The Gambia but Rome was not built in a day. Slowly but surely every part of this country will one day enjoy electricity supply. With these few remarks Mr. Speaker, I thank the Honourable Secretary of State for Finance and Economic Affairs for the motion. I thank you Mr. Speaker.

Mr. Bah (Basse): Mr. Speaker, all has been said by the Honourable SOS in his presentation. The dreams of this country have started to become a reality. My Observation in this matter is based on the experience we had in the case of the engine that was commissioned in Basse in 1995, which was purchased by the EDF. It was a brand new generator but the problem with NAWEC is they

don't have trained personnel. In Annex A, page 18, I have not seen any training component and that is the most important aspect if we want these generators to live long.

I don't know where the training component would come from. If there is none in this package the engines will not last long because of the type of personnel we have. They should train their personnel. That is a very important matter. They must have people who know the engines they are handling.

Mr. Touray (Kombo East): Thank you very much Honourable Speaker.

Honourable Speaker, this is a good step in the right direction. It will help the rural poor in developing themselves. Electricity is very important. The whole world depends on electricity. During our deliberations here if we are without electricity, we cannot be heard. Without electricity there would be no water supply or any other thing. Even if you want to depend on solar system, it must be electrified by sunlight or other means.

This will minimize the rural, urban drift. The greater part of our people are drifting from the rural areas to come to the urban area searching for better living conditions. Most of them are skilled people and they cannot operate in their own areas because of lack of electricity.

We have signed a loan agreement here for the third education sector project for providing computers for most of our high schools. If these major towns are not electricified, how can we use those computers whilst other students in the urban area are benefiting more from this information technology. This is always the disadvantage. Some National Assembly Members spoke here last year concerning Common Entrance or Grade 6 examination results. Most of the best results came from the urban area simply because they have access to some of this information technology. They can read at night whilst in the rural areas you have to depend on candle or hurricane lamps and so forth. Now if we have these systems in our major growth centers like Farafeni, Kerewan, Basse, Kaur and so on, more investors will come and invest in the other part of the country. In promoting the commercial sector, people will be introduced to new systems, industrial activities, technical training, fish processing and storage, job opportunities and many other things.

Honourable Speaker, allow me to refer to the procurement aspect of the whole issue. If you go through the booklet here, this is the part that contains most of the money. I think we should try to go in for local contractors in this country simply because these are the tax payers of this country. These are the people who will create job opportunities for Gambians. They are the people who would subscribe to telecommunication, who will be consumers of electricity. If these local business people are encouraged, we will have capacity building. People would be trained and in fact it is the right time now to involve NAWEC in local and overseas training. MDI, Gambia College are very good institutions but there is no curriculum for technical subjects. Some time ago His Excellency arranged a very good package for students who were specialized in Science subjects. This will develop our economy, and help us sustain our living standard.

We should try to encourage NAWEC to go into more productive training. We have bigger electricity companies in the sub-region. They would be able to train our technicians so that they can man these equipments. People should be trained properly. Sometimes engine No. 6 will break down and it takes them a day or two before they can even diagnose the problem.

We won't protect people involved in dubious deals and activities that will jeopardize the interest of this nation. They can be sacked. We cannot go against that but we must be very mindful of bringing in people without looking into certain criteria, without assessing them. Most of these projects are without quality control and by that I mean assessing the materials and the capability of the people manning equipments, and to ascertain whether the services rendered are good or bad. The money belongs to all of us. So we should try to utilize it the best way.

Mr. Baldeh (Foni Jarrol): Thank you Mr. Speaker. This loan agreement has generated equal enthusiasm on both sides of the Assembly for various reasons. but it seems that we all have the same reasons for welcoming the loan agreement. What I wanted to say has already been said by previous speakers relating to the leadership of NAWEC. The leadership of NAWEC has been changed many times.

The technical aspect of the generators also has been dealt with by the Member for Upper Saloum and other Speakers. What I want to add is that the Gambia has been in this energy crisis for a very long time, since the power station was situated in Banjul. Since that time we have been in that crisis. The role energy plays in socio-economic development cannot be over emphasized. People have talked about it over and over again. The President has said it in

most of his speeches but it seems that it is eluding us. Whilst we are wrestling with that in the urban areas, we are going to the rural areas. I think that we should have settled the energy crises in the urban areas and then use that experience and expertise to expand the service into the rural areas. I would like the people in the rural areas too to get the service but what I want to point out, Mr. Speaker, is that although the saying goes that half a loaf is better than none, sometimes having none is better than getting half.

I once said here that the APRC Government may make mistakes, but it should not make the mistakes that the PPP regime made because it is better to learn from others' mistakes. You don't need to make mistakes that somebody had made. The SOS for Finance has access to every type of loan that has been negotiated by the past government since independence and those loans should generate the money needed to service them. Over 30% of our budget goes to debt servicing.

The loans contracted have not generated economic activities that would have helped to cover those debts. Mr. Speaker, I said this when we had the IDB loan agreement to finance the Volvo buses for the GPTC. I think we had one or two year grace period. Now we haven't even started paying that loan, yet most of these buses appear as if they have been running for the past 10,20 years, and we don't only have to repay that loan but to make profit so that the income generated would go towards the purchase of new ones so that the service would continue.

Now we are going into this. I don't know whether it is within the policy of the Department of State for Finance to exercise some sort of supervisory control over these projects. My understanding is that there are projects that the Department of State for Finance cannot supervise directly so as to monitor the way the funds are being used. I hope the Secretary of State will throw some light here. If they don't have that power, I think they should bring the necessary legislation to us for consideration because at the end of the day those lending institutions will go back to the Department of State for Finance for them to account for the monies that they negotiated on behalf of the country.

I would also advise here that the generators they buy should be of one make because if you buy one from Germany, one from China, one from Brazil, one from the United States, you will have to train different people in the maintenance of each make. But if you buy one set, all standardized, you would have one training course and a standard stock of spare parts and materials.

Mr. Speaker, on rural electrification alone, we have contracted almost US\$19,000,000 nearly D290,000,000. I hope that the National Assembly Committee for the monitoring of Government Projects will start work immediately after this sitting so that before the elections we will get a Report on some of the projects. Thank you Honourable Speaker.

Mr. Jatta (Serrekunda East): Thank you Honourable Speaker. I support the loan agreement between the Republic of The Gambia and the Arab Bank for Economic Development in Africa.

Honourable Speaker, I cannot agree more with the Member for Upper Saloum when he said that these things are long overdue, 35 years after Independence. I just want to complete his statement. He probably wanted to give the APRC Government a tap on the back for introducing this motion at the material time.

The Honourable Secretary of state for Finance has visibly identified what could accrue from this project. My only worry is section 4.6, page 9. You know electricity is very expensive in this country and if you are talking about rural electrification, you should make sure that it is affordable at the rural level. There is a clause at 4.6 which definitely worries me. I hope that it will not be too much for the rural people. We should make sure that the electricity that is being provided is affordable to the people so that they can at least enjoy the luxury. That is my only concern. Thank you.

Mr. Jallow (Kantora): Thank you Honourable Speaker. I am going to be very brief. To begin with, a big thank you goes to the SOS for Finance.

One main factor is migration. Honourable Speaker, if you go to the rural areas at this time of the year, you will hardly see youths. Most of them are in Banjul and Urban areas because they feel, they are only active during the rainy season. During the dry season, they have nothing to do despite the fact that some of them are welders. Because of lack of electricity, they go to the Kombos to be able to get something. The ratification of this loan, I believe, will solve the problem. The number of gardens we have in the rural areas is too much. They produce onions, tomatoes, carrot and other vegetables. But because they do not have storage facilities, these things get spoilt within a short period of time because the supply is more than the demand. People travel all the way from Koina to Soma in order to sell their produce. With this ratification, there will be storage facilities for the women. It will therefore minimize some of the problems they have been encountering.

The mango season is just for a short period. After a week or two, you don't see mangoes in URD because they are wasted. In fact, the people are now in the habit of picking mangoes before they get ripe and then "gas" them and sell them because they know if they leave them to ripe, there is no storage facility and they will end up getting nothing. We have very big orchards in URD, particularly in my area. Most of the Sarahules are now diverting their business from shops to orchards and they have very big orchards. The storage facilities are going to help them.

Finally Honourable Speaker, as the honourable Member for Serrekunda East said, if we are taking electrification to the provinces, we must be mindful of the cost. Are they going to be able to afford it? When the telephone service was taken to the URD or my area in particular, every family went in for a telephone, but after a month or two, most of these lines were withdrawn because they could pay for them. So, the cost is very important. It is even happening in the Kombos here. Thank you.

Mr. Touray (Lower Saloum): Thank you Honourable Speaker, for giving me the floor. I am also lending my support to this loan ratification. Mr. Speaker, this is a very important project and people were really waiting for it.

I am very pleased that Kaur, will benefit from the rural electrification project. During the previous years the town was among the most densely populated areas in the provinces but now it is among the least developed because of lack of electricity. With electricity in these areas, there will be very rapid development.

Mr. Kebbeh (Nominated Member): Thank you Honourable Speaker. I also want to express concern on page 9 as mentioned by the Member for Serrekunda East. If you go by what is happening today at NAWEC, it would be very difficult for the people living in the rural areas to be able to pay their bills. Fuel for the machine is bought from Shell and ELF. Before, it used to be a tender and people would compete. Now, there is no tender. They bring in their own prices and if this is going to continue, there is no need for this project because the people would not be able to pay.

This is very important. I think that part of the Schedule should be looked into because the price that these two companies are demanding is very high.

The other matter is the 22 generators. Somebody asked why so many. My understanding is that with four small generators if they don't need all the power, they switch off one to two.

Mr. Singhateh (Lower Baddibu): Thank you Mr. Speaker. I would like to thank the APRC Government for coming out with this non-controversial motion, which I think, will be supported by all Members.

Mr. Speaker. The completion of the Barra-Kerewan trunk road and the bridge at Kerewan, will make a lot of my people residing in the Greater Banjul Area go back to Baddibu because it is just 54 kilometers away from Banjul. And if we have electricity it will be just like Banjul. When I was campaigning for my parliamentary election, I promised my people that during my term of office, I would try to have electricity supply in my constituency which fortunately has coincided with this development. A greater part of my constituency is going to benefit from this rural electrification and of course my new brother here on that side and the whole North Bank Division is going to benefit from this project. For the past 35 years the people of NBD were not benefiting much. Thanks to the APRC Government, we are now benefiting a lot.

Mr. Dibba (Central Baddibu): Thank you Honourable Speaker, I would also like to add my support for the ratification of this loan agreement for the rural electrification project between the Republic of The Gambia and the Arab Bank for Economic Development in Africa.

Mr Speaker, I am sure you have observed that everybody is eager to say something today simply because what we have before us is so positive. I too would like to associate myself with this development because 75% of it will be located in the North Bank Division.

Mr. Speaker, utilities of this nature, particularly electricity facilitate development. People from the provinces decided to build very nice houses here because of the facilities that are accorded to the Urban area. I'm sure if the same people knew that we would soon be ratifying an agreement of this nature, they would have put up such houses in their home villages.

I also join those who have expressed their fears about the way NAWEC is going to manage this rural electrification project. With the experience we have with NAWEC in the Urban areas, I think it should be a cause for concern. But I think that the problem we anticipate would be within our own domain.

The Assembly Members who constitute the Monitoring Committee should look into these affairs. Mr. Speaker, I have indicated here that this Assembly is the supervising body of the Executive. If we exercise our powers as vested in us by the constitution, we would not have any reason to complain. because we would be blaming ourselves for not carrying out our duty.

Mr. Speaker, with those remarks I thank the Secretary of State for coming up with this motion.

Mr. Sinyan (Banjul Central): Honourable Speaker, thank you very much. I would be very brief. The fact that this is a rural electrification project does not necessarily mean that we should be excluded.

Hon. Speaker: I now invite the Honourable Secretary of State to respond.

Hon. Mr. Jatta (SOS Finance): I will start with the question whether they are going to be new generators. As you are aware three funding agencies are involved in this and we've contracted a renowned German Firm, Lamaire International, who designed the system, to supervise the implementation of the project. They will be evaluating the project submission for bids. I can assure you that we are going to have new generators in the rural electrification programme.

The six power stations as already mentioned, each one will have a capacity of one thousand, two hundred kilowatts. For example, Kerewan will have two units of 100 megawatts and one unit of 60 kilowatts which means that you can expand as the demand increases. If we don't need all that power, we'll shut down one of the generators and use the other one. It is linked also to affordability. We've argued with the World Bank who asked "why should you go into rural electrification? You should tackle the greater Banjul area". We told them that we should try to develop the whole country. It's government's responsibility. Even if we are going into privatization of the energy sector, rural electrification is going to be retained. The Department of State for Finance will make sure that all the fuel for rural electrification will be duty free. We might even sit on the NAWEC Board to make sure that the procurement issues are duly addressed. We feel that the rural people need energy as much as we in the Urban area.

As for the tariff issue, the duty waiver which is going to be granted will bring down the cost of operation. The monitoring will also be important because we will be moving fuel from Banjul to Basse, Kerewan and Kaur. What happens during the transit must be watched.

More staff will be recruited by NAWEC. There will be training. The ADB component is mainly for training but we all have to be vigilant when this project is being implemented.

On the environmental issue, a detailed environmental impact assessment study was conducted. It is indicated that the project has a minimum environmental component of two. An environmental officer is going to be recruited by NAWEC, and NEA will be charged with the responsibility to monitor the effects of the project and compliance with the mitigating measures. That is they will look at the gas emission, the air quality, water disposal and also the noise. So, it has all been built in. Every project has an impact assessment study. The issue of the environment is so important that any project must pass an ETA test before it is conducted. The implementation is our responsibility both the Executive and the National Assembly should make sure that we watch NAWEC properly to ensure that things are done to the betterment of the Gambian people. Thank you.

Mr. Bojang (Bakau): I have seen Section 102, PIU, which means project implementation unit which is a sensitive unit within NAWEC because it is composed of engineers, mechanics and the like. If these sackings continue, it will set back the implementation of the project. Can you please reassure us?

Mr. Jatta (SOS Finance): To assure the Honourable Member, whoever heads the PIU will report to the Managing Director. It is going to be an integrated part of NAWEC. In the appointment of members of the PIU, we have to consult our partners. So we cannot just sack, and they would be on contract for the period of the project. When the project ends, then they can be absolved as staff of NAWEC but during that period, you cannot just dismiss anyone like that. Thank you.

Mr. Speaker: The motion is that this Honourable Assembly do ratify the loan between the Arab Bank for Economic Development in Africa and the Republic of The Gambia in the amount of US\$6,750,000 Equivalent to about D103,612,500 to Finance the Rural Electrification project. All those in favour please say "Aye", on the contrary, "No". The "Ayes" have it. The House stands adjourned until tomorrow at 5.00 p.m.

SITING OF THURSDAY 17TH MAY, 2001

Prayer

Hon. Speaker (Mr. M. B. Wadda) in the Chair

Clerk: Laying of papers or reports

Hon. Saihou Foday Njie, (Upper Fulladu): Thank you Honourable Speaker for giving me the floor to report on the meeting of parliamentarians from the Magreb, West and Central Africa on the Global Movement of Children. Mr. Speaker, we the delegates, myself and Honourable Foday Lang-Sarr, left The Gambia on the 6th April 2001 and arrived in Mauritania the same day.

On arrival, as usual, we were received by the UNICEF Officials. Accommodation arrangements were put in place. The next day, that is the 7th April 2001, the conference started. The welcome address was given by the President of the Mauritanian Parliamentary Committee on children, that is Mr. Da'ul Muhamed Maulud and a speech was also delivered by the President of the Mauritanian National Assembly, Mr. Sheik Seed Muhammed Ul Baba and another by Madam Rima Sallah, Regional Director of UNICEF for West and Central Africa. The Programme for the meeting was presented by Talib Muhammed and Abdoulah Budami. A paper was presented by Akila Belle Mboobo on the right approach to the theme, "Child Right Implementation and Socio-economic Perspective". Another paper was presented by Seedia Ul Alhagi on the theme "Poverty Reduction Begins with Children", putting into consideration economic growth and social development and child protection.

Participants entered into discussions on the above topics. In the afternoon, another paper was presented by Mr. Adesalam O. Muhammed Salam, Chief Administrator for human rights, poverty reduction and rehabilitation on the topic "strategy framework on poverty reduction in Mauritania", followed by discussions.

On the second day 8th April, three themes were discussed. The first theme, Peace, Security and Democracy and the Right of Children was presented by Matier Saidy Kaba, President of the International Federation of Human Rights and Matier Kaly Sise a lawyer. The second theme, "Global Movement for Children" was presented by Rema Sallah and Jaguwa Andende. The theme, Regional Synthesis and Analysis of the Situation of Women and Children was presented by Muhammed O. Belal an MP. The "Role of

Parliamentarians" was presented by Seedia Oul Abdullah and Jacob Adele. The topic was related to the legislative environment favourable to children, budgetary, economic and social policies. All these presentations were followed by working groups and discussions. At the close of the second day, participants from different countries talked about their countries' experience relating to the promotion of the right of children, legislative framework and budgetary policies. Each presentation was followed by a group discussion.

On the final day, the theme "Towards a Plan of Action at the National and Regional Level" was discussed in different groups. Reports of the various groups were compiled and presented for the drafting of the final report. The summary of the Report was presented and adopted.

The Report, "Nouakchott Appeal" which is a combination of all the agreements of different groups was circulated to all participants for their various countries, UNICEF office and National Assemblies.

The attached copy which is referred to as the Nouakchott appeal entails a lot and there are three different chapters. Among them, just to name a few, is the declaration put forward in the Convention of the right of the Child namely: the right to participation of the child, the convention on the elimination of all forms of discrimination against women, and the African Charter on the rights and well-being of children. We also recognized that new but negative challenges have emerged and must be faced, namely the spread of HIV/AIDS, the increased number of children in armed forces, illegal labour and child trafficking which are all of course a great concern not only to Africa as a continent but the world at large.

Individually and collectively also, Mr. Speaker, we proclaimed, as representatives from various countries in that forum, three chapters. One of them is that poverty reduction begins with children and is inseparable from respect of the comprehensive rights of the child. Again as parliamentarians from Africa, we committed ourselves to about 12 different tasks. One of them is to pursue our involvement in the global movement for Children by fulfilling the requirement to guarantee children their rights and working towards a broad participation at the United Nations General Assembly Special Session in September 2001.

We also came up with about six different recommendations, amongst them, we recommended that resources allocated to social services be increased to meet target objectives set out in the 2020 initiative. That is 20% of the national budget and 20% of the development Aid be allocated to social services.

Finally, Mr. Speaker, we also called upon the international community, our colleagues and counterparts, not only in Africa but all over the world, civil societies, the private sector, families, local authorities and social, economic and cultural institutions to actively take part in ensuring the right of the child, and be part of the global movement for children. It has also been agreed at the level of our various National Assemblies that we establish a committee that would be responsible for coordinating the establishment of the global movement for children at the level of both the Magreb, West and Central Africa. I also support fully the idea that this august body establish a committee that would be responsible for the establishment of this movement and also the coordination even at the level of the grassroots because we are the people who are directly in touch with the grassroots and we must see to it that the ideas filter down to those people who are the beneficiaries.

The well-being of children in our society cannot be overemphasized because whether we like it, Mr. Speaker, or not, in the near future these are the people who are expected to become the leaders. Therefore making them become part of the decision making bodies, making their voice heard worldwide is actually of paramount importance. Some of these things could not actually be done successfully without their participation. I believe it is of paramount importance. Thank you.

Mr. Jallow (Upper Nuimi): Thank you Mr. Speaker. I rise to second the motion, and accept the report on the meeting of parliamentarians from Magrib, West and Central Africa on the global movement of children. I think the meeting of the parliamentarians of West and central Africa was very important.

Mr. Speaker, I think when it comes to Child matters it is very important to deal with the illegal movement of children these days. When you read the newspapers and listen to the radio, there is often something about the illegal movement of children, and trafficking particularly in West Africa. That is why it was very important for the Members of Parliament from West and Central Africa to meet and discuss Child Welfare.

I would like to commend the delegates who represented this Assembly at that meeting but I must raise a little bit of concern. It has been mentioned by the reporter that some resolutions and recommendations were adopted. I think, Mr. Speaker, that it would have been better to provide the Assembly with copies of the documents and resolutions. Nevertheless, it was a good meeting and I think that as far as child movement in West and Central Africa, is concerned something will be done.

Mr. Abdou Badjie (Kombo Central): Thank you Mr. Speaker for allowing me to deliberate on this important report that has just been presented by the delegation to the Mauritanian meeting. Mr. Speaker, first of all, I must thank the two Honourable Members Hon. Saihou Foday Njie and Foday Lang Sarr, for attending a very important meeting of this nature. Important in the sense that it dealt with a very important strata in our society that is children. Being with children for quite a long time, I feel able to stand up and support this report which is very comprehensive.

Mr. Speaker, there is need to act in the interest of children because they are very weak. There is a general consciousness of children's rights and privileges and they have a stake in the economic growth of any country. Children's economic development is very important and significant.

There is a great movement of children throughout the world. We must be conscious especially as legislators that children are carried away for child labour. They have been carried from one end of the world to the other to become soldiers. We have seen child soldiers in war-torn areas and also we have seen tycoons trafficking in children. They are also being moved from one end of the world to the other for sex purposes, the worst form of exploitation and exposure of children at a very early age. I have recently read in one of the papers of a ship being loaded with children on the West African Coast and, I'm sure, this had made governments to rise up to the protection of children. This ship was intercepted in one of the ports, and it was found that there were fewer children in it than alleged.

The African continent, particularly the war torn regions of the West, Central and the Magrib States, are aware that there are illegal movements of children for service as child soldiers. We all know that this is not in the interest of children at that tender age. The movement of children we all know does not allow children to grow in the family nucleus. When children are moved from one end of the world to another, they lack that fatherly and motherly love which is very important in their growth. We have seen that they lack proper education, they do not have proper health service that should be accorded to them. I would suggest that the network for parliamentarians on population and development be very vigilant on issues concerning children.

Mr. Speaker, the Report has shown us that there were so many themes that were discussed at this particular meeting and they are of relevance to the course of protecting the rights of children. I am very amazed though with the recommendations that he called the Nouakchott recommendations and I would like to point out salient issues from those recommendations because we have a big role to play in the protection and safeguarding of children. If you read the recommendation on the second leaflet you will see that it was recognized that new challenges have emerged and must be faced, namely the spread of HIV/AIDS and the increased number of children in the armed forces, illegal labour and child trafficking. I think this country has so far risen to the challenges by ratifying in this Assembly, under your Chairmanship, loans pertaining to rapid response to HIV/Aids and child soldiers. We have no child soldiers serving here and none in our labour force.

If you go further, Mr. Speaker, we have ratified in this Assembly the treaty on the rights of the child, and also the policy on the advancement of Gambian women. All these go to create a favourable political and social climate for our children. I want to note here that the entry rate in our schools for children is very remarkable. Going further Mr. Speaker, we are also in line in that the meeting recommended the sharing of resources. We are all involved in the allocation of funds to various Departments. A chunk of it does go to the children and again. I conclude by agreeing with the delegates to this meeting that a concerted effort should be made to sensitize the international community.

Hon. Speaker: It has been moved and seconded that a Committee on children be appointed. All those in favour please say 'aye'; on the contrary 'no'. The "Ayes" have it.

Clerk: B I L L

Hon. Mr. Joseph Joof (SOS Justice): Mr. Speaker, it gives me great pleasure to introduce to this august Assembly the Constitution of the Republic of The Gambia 1997 (Amendment No. 2) Bill, 2001. Mr. Speaker, the objects and reasons for this Bill are as follows.

To strengthen the right to personal liberty, to do away with trial by jury which would have been expensive and would cause delay in the administration of Justice and even create room for possible intimidation of Jurors, and maintain a cost effective Independent Electoral Commission which operates only when the need arises.

Mr. Speaker, one of the proposed amendment, section 42, is to ensure that the quorum is reduce so that meetings can take place whenever they are schedule to take place. Section 42 subsection 3 also provides that the Members of the Commission shall be appointed by the President in consultation with the Public Service Commission and subject to confirmation by the National Assembly, empowering, again, this august Assembly to participate in the appointment of Members of that very important Commission.

I would like to say, Honourable Speaker, that most of the issues which are contained in the 4 or 5 proposed amendments in this bill have been deliberated upon in an earlier amendment Bill which was passed some time this week. It was the constitution of the Republic of The Gambia 1997 amendment bill 2001. I would like to commend this Bill to this august Assembly because it will ensure once again that we do away with jury trials which are really not common in The Gambia and which have been proposed twice or three times now but have had to be done away with because of the cost and the fact that our country is so small and one would need a lot of literate people to participate. That would make it very difficult because in almost all theft cases for example one would require jurors. That would be impossible. It is for that reason Honourable Speaker, that this Constitution is being amended.

In Section 130, jurisdiction of the Court of Appeal, there is a proposal to insert a new subsection immediately after subsection 4 of section 130 that "the Court of Appeal shall not depart from its previous judgments on question of law" Mr. Speaker, it is a cardinal principle of the rule of law and the operation of the judiciary that there should be certainty in earlier judgments on which the courts based their later judgments. That is the principle of binding precedence particularly with regard to questions of law because the law is always so clear or ought to be very clear, it is provided for in the statute books. Therefore questions of law should not be uncertain, they should not be changeable. Questions of facts may be because each case depends on its specific facts. It is for this reason that a new subsection 5 is proposed to ensure that the court of Appeal which is a Superior Court and the Second highest court in the land will be a place where there would be certainty with regard to judgments on questions of law only. No one can ensure certainty or that the Court of Appeal will not depart from previous judgments where questions of facts are involved because each case depends on its peculiar facts. I beg to move.

Mr. Touray (Upper Saloum): Mr. Speaker, I rise to second the Motion that the Constitution of the Gambia, 1997 Amendment Bill 2001 (2) be passed by this Assembly. Mr. Speaker, as the Honourable Secretary of State and Attorney General has rightly said, this Bill is not a controversial one as compared to the earlier Bill that was brought here.

Mr. Speaker, this bill, is just to give more rights and personal liberty to the people of this country. Previously the clause said "any person who is arrested or detained and who is not released". Now we want to add "shall be charged or brought without undue delay before a court". I think this has given room for the law executors to charge anybody who is arrested and detained within 72 hours. There is no delay now and I think that is very good.

If you move on to Section 42, the Independent Electoral Commission, we are now saying that they commence operation one year before general elections to limit cost.

Mr. Speaker the other one is jurisdiction of the court. There is a new subsection we want to add to this section in the constitution to make sure that the law is strengthened because if a judgment is given based on law, the Court of Appeal cannot depart from that because it is based on law. I think that too, is in the right direction.

Mr. Speaker, I don't think Members should spend too much time on this Bill.

Hon. Kemeseng Jammeh (Jarra West): I thank you for giving me the floor to deliberate on this item on the agenda that is an act to amend the Constitution of the Republic of The Gambia 1997 (Amendment No. 2) 2001.

Mr. Speaker, we are dealing with yet another bunch of sections of the Constitution that are recommended for amendment. If we ask ourselves why these 4 sections have not been incorporated into the first one, I think there should be an explanation as to why. They could all have been discussed at one go but they were separated, I think for very good reasons. I think the simple reason for dealing with these two sets separately is because they are different, they have different characteristics. In what way are they different? My understanding is that these ones we are now about to deal with fall among the sections that are known as "entrenched clauses".

There is a specific way in which they should amend entrenched clauses.

Mr. Speaker, before I go into the Merits of these four clauses, I want you to allow me to make reference to that relevant section of the constitution, which deals with the amendment of the constitution especially as regards entrenched clauses. Section 226 and if you allow me Mr. Speaker, I want to go through the whole section. (The honourable Member read section 226 of the constitution to the Assembly). So, Mr. Speaker, I think it is necessary for us to make reference to subsection 7 because it is in this subsection that we have what is known as the entrenched clauses.

Mr. Speaker, what concerns us here – Sections 19, 24, 42 and 130. At the end of our deliberations if the Assembly passed the bill it would be necessary to forward it through you to the IEC for a referendum. According to the sections we have referred to, recently, the referendum results upon the passage of this Bill by the Assembly should be effected within six months. I want to share with my colleagues the confusion surrounding the referendum. After all, the revising courts shall then be in a position to produce their final reports as to the registration of voters. It is there and then that the registers are going to be compiled for all the constituencies in the country. It is after the compilation of the registers Mr. Speaker that a notice is going to be given for the impending referendum. If we count six months from now that will be around October.

If we go by the constitution the term of the President is five years. What I want to point out here is the term, because we had the last Presidential elections in September. So the office of President, the term should expire by October and the country is due for Presidential elections in October and we all know it is not an easy matter to organize elections. If we are mandated by the constitution to have Presidential elections by the latter part of this year. I am very much in doubt as to the feasibility of organizing a referendum almost at the same time.

Mr. Bah (Upper Saloum): Point of Order! With all due respect to my Honourable Colleague, he is now pre-empting an independent institution as to how it operates. I think that is out of context from the Bill that we are discussing.

Mr. Jammeh (Jarra West): I am perfectly in order because by virtue of the section that I have just referred to, perhaps he has not taken note of what I was trying to say, but the referendum is to be held at a given time. I want the SOS to throw sufficient light on this thing. I now want to make reference to Section 42. I want to urge my colleagues to consider this matter very seriously so that we don't pass this because by passing this we are agreeing to the idea of dissolving the IEC. I thank you Mr. Speaker.

