



**National Assembly, New Assembly Building,
Reginald Pye Lane, Banjul, The Gambia**
PARLIAMENTARY DEBATES
[HANSARD]

OFFICIAL HANSARD REPORT
SECOND EXTRAORDINARY SESSION
TUESDAY 19TH MAY, 2020
SESSION – 2020



National Assembly, New Assembly Building,

Reginald Pye Lane, Banjul, The Gambia

P A R L I A M E N T A R Y D E B A T E S

[HANSARD]

OFFICIAL HANSARD REPORT

VOLUME: 7

NUMBER: 1

Second Extraordinary Session of the Fifth Assembly
of the Second Republic of The Gambia.
Proceedings of the Sitting of the House on Tuesday 19th May, 2020.

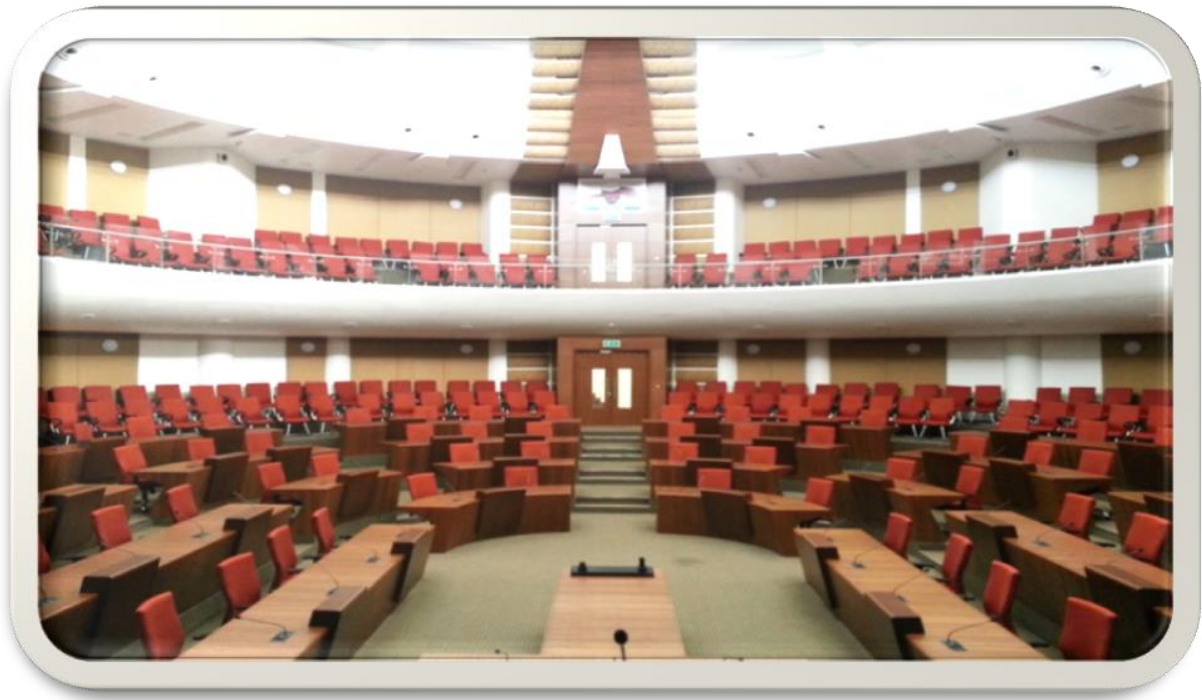
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5. MOTION

Be it resolved that this august Assembly do consider and confirm the appointment of Mr. Alhagie Momodou Ndow Njie and Mr. Yusupha Baboucarr Dibba as Members of The Gambia Armed Forces Council in accordance with Section 189(1)(g) of the 1997 Constitution and Section 13(1)(g) of The Gambia Armed Forces Act by the Honourable Minister for Defence?



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

SECOND EXTRAORDINARY SESSION
OF THE FIFTH ASSEMBLY
OF THE SECOND REPUBLIC

TUESDAY 19TH MAY, 2020

1. PRAYERS:

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

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

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

The House was called to Order

1. Correction and approval of Record of Votes and Proceedings of the National Assembly Sitting of Saturday 16th May, 2020

THE SPEAKER: Thank you, good morning Honourable Members. Good morning your Excellency Madam Vice President and Honourable Ministers, members of the Press. Honourable Members, the Record of Votes and Proceedings of the National Assembly Sitting of Saturday 16th May, 2020 is before us for correction and approval. Can any Honourable Member move that the said votes and proceedings be considered and approved?

HON. ALHAGIE JAWARA [LOWER BADDIBU]: Thank you very much Honourable Speaker. I rise to move that the Records of Votes and Proceedings of the National Assembly Sitting of Saturday 16th May, 2020, be approved and adopted.

THE SPEAKER: Thank you. Any seconder?

HON. FAKEBBA N.L COLLEY [KIANG WEST]: I so second Madam Speaker.

THE SPEAKER:

[Question Proposed]

Any issues or observations from Honourable Members, starting with page 1?

HON. ALHAGIE H. SOWE [JIMARA]: Madam Speaker, I think No.37 page 2 Honourable Member for Foni Kansala was absent on that day, which was on Saturday.

THE SPEAKER: He did personally inform me that he had a funeral.

HON. ALHAGIE DARBOE [LOWER FULLADU WEST]: Thank you very much, the following National Assembly Member was absent, Honourable Mahtarr M. Jeng Lower Nuimi. Is it with or without permission? Thank you.

HON. AMADOU CAMARA [NIANIJA]: Thank you very much, it is just a simple thing, on the first line which reads as those in favour please say 'Aye' those not in favour please say No. The word "please" should be put in between.

HON. SUWAIBOU TOURAY [WULI EAST]: Yes thank you, on the motion without notice, the first line: the Honourable Member for Serekunda relying on clause, you

remove the word 'of' there. And also when you go down, 'Question Put and Agreed to' the last line, the last sentence at the end; unanimously approved, the word "approved" should be added.

HON. OUSMAN TOURAY [SABACH SANJAL]: On page 5, Question Put and Agreed to' the last sentence, I think it should read as "unanimous". The motion to exclude the recommendation and the resolution was "unanimous" not "unanimously".

HON. ALHAGIE DARBOE [LOWER FULLADU WEST]: Page 6 the last line, Assembly to be adequately briefed for an informed decision.

HON. SIDIA S. JATTA [WULI WEST]: The one that the Honourable Member was talking about, this is how I put it; that the Assembly with a comprehensive assessment of the 45 days period of the state of public emergency to enable the Assembly to make a decision based on palpable data.

THE SPEAKER: It is being captured, thank you, and page 6?

HON. SUWAIBOU TOURAY [WULI EAST]: Page 7 Honourable Speaker, 'Question Put and Agreed to' the same correction should be in line with that one, thank you.

HON. ALHAGIE SANKUNG JAMMEH [FONI JARROL]: Yes, Page 8 the initial 'H' in the name of Honourable Alhagie Sowe is missing.

HON. SUWAIBOU TOURAY [WULI EAST]: When you, after the votes, the motion fall, should be the motion 'failed' instead of 'fall', it is in the past.

HON. MUHAMMED MAGASSY [BASSE]: Thank you Madam Speaker, the Honourable Member for Basse seconded the motion. I cannot remember and I do not think it is me who seconded the motion. Standing Order 11(1) the Honourable Member for Serekunda West raised a motion that the Assembly sits beyond 6pm. The Honourable Member for Basse seconded the motion. I cannot remember and I do not think I have seconded this motion.

HON. OMAR CEESAY [NIAMINA EAST]: Thank you very much Honourable Speaker, just to go back to page 1. I was wondering if you look at the labelling

where we have the following National Assembly Members were present. If you look at the labelling; Names and Constituencies, I think if you look at it; Speaker, Deputy Speaker, you do not term those as constituency. We are identified based on the tag that we are having here. I think it will be better in my opinion to use tag because the tag you have before you there is written Speaker and that is not your constituency and the Deputy Speaker as well. So I think generalization by using this will not serve the purpose of your title here, thank you.

THE SPEAKER:

[Question Proposed, Put & Agreed to]

[That the Record of Votes and Proceedings of the National Assembly Sitting of Saturday the 16th of May 2020 be approved with amendments].

Point of Observation

HON. MUHAMMED MAGASSY: Madam Speaker, thank you. This is the Record of Votes and Proceedings of the National Assembly Sitting of Saturday 16th May, 2020. We sat also on Monday, even though we did not do anything on Monday but the Sitting happened, we sat and we adjourned, so it is important that we have the records of Votes of Monday even if nothing is done, for record purpose.

THE SPEAKER: Thank you, I know we did not proceed. I have discussed with the Table Office and the Office of the Clerk and of course it will be captured, thank you. I also observed that.

Report of the Public Appointment Standing Committee on the Confirmation of Appointment of Mr. Bakary Sanyang as Ombudsman in Accordance with Section 164(1) of the 1997 Constitution of the Republic of The Gambia by Hon. Kebba K. Barrow, Member of the Committee.

THE SPEAKER: Thank you very much. Honourable Members will recall that the motion for the confirmation of the appointment of Mr. Bakary Sanyang as Ombudsman was tabled by Her Excellency the Vice President on Monday the 6th of April 2020. This second nomination was made by His Excellency the President after the rejection of the earlier nominee in December 2019 by the National Assembly. Section 164(1) of the 1997 Constitution limits the National Assembly from rejecting

the second nominee for Ombudsman subject to full compliance to the provisions of the Constitution. However, when the motion was tabled, Her Excellency the Vice President informed the Assembly that Mr. Sanyang was still at the time serving in public office as Governor of the West Coast Region. Section 164(4) of the 1997 Constitution provides that a person shall not be qualified to hold office at Ombudsman or Deputy Ombudsman if he/she is a member of the National Assembly, a Minister, or holds any other public office, an emphasis is fine. This provision disqualified Mr. Sanyang at the time. Based on this statement of Her Excellency the Vice President, confirming that Mr. Sanyang was serving in public office, the matter was then referred to Public Appointment Standing Committee for scrutiny and advise the Plenary appropriately. I will now invite the Honourable Member for Kombo South and member of the said Committee that is the Public Appointment Committee to table the report of the Committee, thank you.

HON. KEBBA K. BARROW [KOMBO SOUTH & MAJORITY LEADER]: Thank you very much Honourable Speaker: Report of the Public Appointments Standing Committee on the Confirmation of appointment of Mr. Bakary Sanyang as Ombudsman in accordance with Section 164(1) of the 1997 Constitution of the Republic of The Gambia. Honourable Speaker, I rise to move for consideration and approval of this august Assembly, the Report of the Public Appointments Standing Committee on the confirmation of appointment of Mr. Bakary Sanyang as Ombudsman. In accordance with 164(1) of the 1997 Constitution, the President is mandated to appoint an Ombudsman in consultation with the Public Service Commission subject to confirmation by the National Assembly. Honourable Speaker, the motion for the confirmation of appointment of Mr. Bakary Sanyang as Ombudsman in accordance with the Constitution was tabled by Her Excellency the Vice President on Monday 5th April 2020.

Honourable Speaker, it was a fact that Mr. Bakary Sanyang is the second nominee by the President for the position of Ombudsman after the rejection of the earlier nominee in December 2019 by the National Assembly. Therefore, the proviso under 164(1) of the 1997 Constitution limits the Assembly from rejecting the second nominee for the Ombudsman subject to full compliance to the provisions of the Constitution. However, the motion tabled by Her Excellency the Vice President

confirmed that Mr. Sanyang was still at the time serving in public office as Governor for West Coast Region.

Honourable Speaker, Section 164(4) provides that a person shall not be qualified to hold office of an Ombudsman or Deputy Ombudsman if he/she is a member of the National Assembly, a Minister or holds any other public office. Based on the above Section of the Constitution, the motion to confirm the appointment of Mr. Bakary Sanyang was referred to Public Appointments Standing Committee as per Standing Order 114 for scrutiny and advice.

Furthermore, Standing Order 114(2) mandates the Public Appointments Standing Committee to consider and advise or report upon all appointments to a public office to be made by the Executive subject to confirmation of the National Assembly and any other matter connected therewith.

Accordingly, the Committee met on Thursday 14th May, 2020, to consider and scrutinize the motion as was referred to it by the plenary.

The Methodology used: The Committee scrutinized the credentials of Mr. Bakery Sanyang. In reviewing the credentials of Mr. Sanyang, the Committee took cognizant of the statutory requirements as provided for under Section 164 of the 1997 Constitution. The Committee also took note of the handing over note or letter referenced: WA 14/42/0137 of Mr. Bakary Sanyang to confirm that he is no more holding any public office.

Resolution: The Public Appointment Standing Committee:

(A) Having regard to the need for persons exercising the functions of Ombudsman to have substantial administrative or professional experience;

(B) Taking note of the motion tabled by Her Excellency the Vice President of the Republic regarding the confirmation of appointment of Mr. Bakary Sanyang;

(C) Whereas Mr. Bakary Sanyang can be confirmed to have seized to hold any public office as evident in his handing over note referenced: WA14/42/0137;

(D) Whereas the person appointed Ombudsman should demonstrate impartiality and neutrality to discharge his or her duty;

(E) Bearing in mind the Ombudsman shall not be subjected to the direction or control of any other person or authority;

(F) Taking into account the requirement of the Constitution for the Assembly not to reject the second person nominated for the position of Ombudsman;

(G) cognizant of the Standing Order 114(2) of the National Assembly giving mandate to the Public Appointment Standing Committee to scrutinize and advise upon all appointments to a public office to be made by the Executive;

(H) Guided by the relevant provisions of the Constitution and after a thorough review of Mr. Sanyang's CV,

Do here resolved to advise the Assembly to confirm the appointment of Mr. Bakary Sanyang as Ombudsman. Accordingly, the Committee as mandated by the Standing Orders hereby submit this report. Honourable Speaker, I beg to move.

THE SPEAKER: Please, any seconder?

HON. ALHAGIE H. SOWE [JIMARA]: Thank you very much Madam Speaker. I rise to second the motion and I think that Mr. Sanyang will fulfil the trust and confidence Gambians have on him, thank you.

[Question Proposed]

THE SPEAKER: You can all recall that it was tabled by Her Excellency the Vice President, so we will allow her to make short remarks. Your Excellency, thank you.

DR. ISATOU TOURAY [HER EXCELLENCY THE VICE PRESIDENT]: Honourable Speaker of the National Assembly, Honourable National Assembly Members, and all other protocols respectfully observed. I wish to, on behalf of His Excellency President Barrow, express appreciation for making this great decision today to endorse the appointment of Mr. Bakary Sanyang to the Office of Ombudsman. I want to say thank you for the fact that, everything that was done here was to ensure that we move procedures, make sure that procedures are followed. Of course "to err is human" and whatever shortcomings that might have resulted in us reaching up to this stage, is not intended but as we move and as we are evolving as a new democracy in which we want to follow procedures. We must be patient, we

must be ready to engage constructively and it was a very constructive engagement. You can be assured of His Excellency Adama Barrow's government of still emphasizing and strengthening the democracy that we all agree to move with, the rule of law and to work in a transparent and professional manner in order to move this country forward. On that note, I want to say thank you for all the effort that were done and I want to say please forgive us in this month of Ramadan that we are together that God will bless this appointment and also it will be in the best interest of the country, thank you very much.

THE SPEAKER: Thank you very much your Excellency, May I now put the question on the report:

[Question Proposed Put and Agreed To]

[That this Honourable Assembly do consider the report of the Public Appointments Standing Committee to confirm the appointment of Mr. Bakary Sanyang as Ombudsman in accordance with Section 164(1) of the 1997 Constitution of the Republic of The Gambia].

THE SPEAKER: Thank you very much your Excellency, thank you very much Honourable Members.

MOTION – "Be it resolved that this august Assembly do consider and confirm the appointment of Mr. Alhagie Momodou Ndow Njie and Mr. Yusupha Baboucarr Dibba as Members of The Gambia Armed Forces Council in accordance with Section 189(1)(g) of the 1997 Constitution and Section 13(1)(g) of The Gambia Armed Forces Act by the Honourable Minister for Defence?"

HON. SHEIKH OMAR FAYE [MINISTER FOR DEFENCE]: Thank you Honourable Speaker, I beg to move that this august Assembly do consider and confirm the appointment of Retired Colonel Momodou Ndow Njie and Mr. Yusupha Dibba former Permanent Secretary Ministry of Defence as members of the Armed Forces Council.

Honourable Speaker in pursuant to the 1997 Constitution of the Republic of the Gambia Section 189(1)(g) and as part of the security sector reform on Defence, His Excellency the President of the Republic and Commander-in-Chief of the Armed

Forces has granted approval for the establishment of the Armed Forces Council which shall comprise the following: The Vice President as Chairperson, the Minister of Defence, the Chief of Defence Staff and the Armed Forces Chief of Staff, Commanders of the Army, the Navy and the Air Force, Permanent Secretary Ministry of Defence and two other persons appointed by the President subject to confirmation by the National Assembly.

Honourable Speaker I would like to inform this august Assembly that there has never been a functional Armed Forces Council in the history of The Gambia. It is my Ministry's belief that the establishment of this council with this calibre of people will significantly assist in the oversight processes and democratic civilian control of the Armed Forces. The roles of the Armed Forces are clearly stipulated in Section 189(2) and (3) of the Constitution. Retired Colonel Momodou Ndow Njie was one of the founders of the Gambia National Army in 1984 and became its first commander of the same year. He attended several Military Training in The Gambia, in the United Kingdom and in France. He has vast experience about The Gambia Armed Forces and knowledgeable in military operations. He also served as the Ambassador of the Republic of the Gambia to France.

Mr. Yusupha Dibba has MSc. In International Agricultural Development from the University of California Davis, MA degree in History and Political Science from the University of Botswana and Swaziland as well as a BA in Sociology, Economics and History from Botswana. He is a retired civil servant who has served in various ministries and capacities including the Ministry of Defence as Permanent Secretary. He also served as Ambassador of the Republic of The Gambia to Cuba. He is a very experienced public administrator, Planning and Management. Honourable Speaker, I beg to move.

THE SPEAKER: Thank you. Yes, Honourable Member for Basse you want to say something.

HON. MUHAMMED MAGASSY [BASSE]: Thank you very much Honourable Speaker for the opportunity. I rise to second, observation! I do not raise any point of observation. Thank you very much Madam Speaker. I rise to second the motion on

the appointment of Retired Colonel Momodou Ndow Njie and Mr. Yusupha Dibba as members of the Armed Forces Council.

Honourable Speaker, the Motion before us has referred us to the 1997 Constitution Section 189(1)(g), with your permission I want to read that section. Madam Speaker, Armed Forces Council: There shall be an Armed Forces Council, this shall consist of and I want to compare the dictate of the Constitution with the provision on the motion. The Vice President as a Chairperson, the Minister of the time being responsible for Defence, the Chief of Defence Staff, the Armed Forces Chief of Staff, the Commanders of the Army, the Navy and the Air Force, the Permanent Secretary of the Ministry responsible for Defence and two other persons appointed by the President subject to confirmation by the National Assembly.

So in this regard, we can see that the motion has followed the due process of the law and it is Constitution-friendly. Honourable Speaker, it further continues on subsection (2) that the Armed Forces Council shall advise the president on all matters of policy relating to Defence and strategy including the role of the Armed Forces, defence for budgetary and finance, administration and any other matter which the President may refer to the council. So Honourable Speaker if anybody has to do that, the first thing that we need to question is whether you have the capacity, the skill and the experience. And I think the paper before us, the way these two people were described is enough to convince us that these people are people of experience, skills and knowledge. So you do not have any doubt that if they are given this sort of responsibility, they will live up to expectation.

On that note I want to support the motion and call on my Honourable colleagues to give their blessings to this motion. Thank you very much Honourable Speaker I beg to resume my seat.

THE SPEAKER:

[Question Proposed]

THE SPEAKER: Any Honourable Member who wishes to take part in the debate may do so by raising his or her tag. Actually, Kantora was the first one that caught my eye and then Jarra East.

HON. BILLAY G. TUNKARA [KANTORA]: Honourable Speaker thank you very much for giving me the floor. I equally want to thank the Member for Basse for seconding the motion and being very brief. As alluded to by the mover, the traditional government has mandate and such mandate are prescribed, among the mandates, there is a promise to usher this country into another new dispensation whereby the issue of security sector reform would be conducted and many other mandates given to the coalition government.

There is an outcry about this issue of security reform. It is long overdue and I want to tell the Minister that it is the right move in the right direction. There is a need for the establishment of this particular council in our effort to expedite the security reform and of course the two pertinent questions, we cannot agree with you more that they are qualified and they are fit for the position going by the 1997 Constitution, Section 189(2)(a), (b) and (c). Looking at their qualifications, they should serve as policy advisers of Government or to the President on issues relating to Defence and strategy which a doyen would serve in the first republic and also serve as a custodian. He is a founding member in 1984 and become a commander of The Gambia Armed Forces with a vast experience in Military and intelligence.

The second person in question of course, the job also requires technocrats to advise Government on the issue of policies and administration and even issue of promotion of men in uniform in the ranks of lieutenant, colonels and its equivalence. So there is no doubt that the two people in question are definitely the right people and they are also the right persons in the right position.

I am convinced that they are not a square peg in a round hole, without wasting much of the time of the Assembly, this should not take much debate going by the qualification, going by the their wealth of experience. The Assembly should not belabour to approve this confirmation and if you permit me I want to move a motion that the intervention is restricted with three minutes per member to expedite this process. I thank you so much.

THE SPEAKER: Probably, one would have tabled the motion prior to taking the floor. You have spoken for more than three minutes. I do not think it would be fair, it should have been done earlier, thank you.

HON. SAINÉY TOURAY [JARRA EAST]: Thank you Madam Speaker for giving me the floor. I rise to drum up support for the motion earlier presented by the mover with regards to the appointment of these two refined gentlemen. Madam Speaker going through their CVs, one is definitely impressed by virtue of its colourfulness. The CVs of this duo, Madam Speaker, are quite impressive and colourful and I have no qualms with regards to their appointments to their various noble offices. Madam Speaker, what they have done for this country speaks for itself as the old adage has it that "actions speak louder than words".

Madam Speaker, Mr. Ndow and Dibba are household names in The Gambia. Madam Speaker, Mr. Ndow has served this country with distinction. During my formative years as a child when I was in my teens, I used to hear this gentleman's name when he was the commander of The Gambia National Army. He served with distinction and as a result his name becomes a household name throughout The Gambia. I could remember very well when The Gambia Armed Forces was in its formative stages, this man was there trying to build up the fledgling Army and he did extremely well in building the Army to where it is Madam Speaker. I think it is no doubt that people who have served faithfully, diligently their country with distinction are considered for such prestigious positions. Madam Speaker, when you come to Mr. Yusupha Dibba, he was a consummate civil servant, a patriot in his own right and he also served diligently, and both men are deeply rooted in The Gambia. They have served faithfully and I want to thank them for having been considered to serve the Gambian people.

Madam Speaker, I just want to highlight something that I consider as anomalies. Madam Speaker, when people are asked to go to parliament for confirmation hearing or whatever you call it, it is done for a reason. Madam Speaker, if you go to our Standing Order 114, it says for scrutiny and it goes without saying, there has to be an article of evidence. I have no qualms with their standing, they are gentlemen per excellence but Madam Speaker, if we are going to consider nominees or appointees, I think if we have seen their CVs, it is not enough to say I have attended St. Augustine High School, University of Cambridge, University of London, these have to be accompanied with evidence, certificates.

I could remember vividly when we were considering the first nominee for the portfolio of Ombudsman in the person of Baboucarr A. Suwareh, he presented to this august Assembly, a comprehensive CV with hard copies of certificates, the schools he attended, the courses because it will help in attesting to the certificates he claimed to have earned. These two refined gentlemen, they have done very well but I have not seen – yes, they attended prestigious institutions, but I have not seen the hard copied certificates and Parliament is about scrutiny and we are human beings, that is why we are considered as not infallible. If you want to make an enquiry as to whether what is before us in terms of their impressive résumé the schools they claimed to have attended, where do we stand but if you have certificate, hard copies, that will serve as an article of evidence and I believe fervently, in this august Assembly, evidence must always precede decision, that is my decided opinion. That is why we are called Parliament, evidence must always precede decisions which is very key, because that is the time we can bank on to say yes, Mr X or Mr Y, is well grounded in this domain because there is evidence to produce. But not to say, he attended University of London, University of Cambridge. Yes, they maybe prestigious universities I have no doubt. But the critic in me, is not comfortable and I would like the mover to tell me, I know it would be an oversight but this should have been accompanied with hardcopy of certificates. Thank you very much.

HON. HALIFA SALLAH [SEREKUNDA]: Thank you very much Honourable Speaker. Honourable Speaker, we are not dealing with an ordinary institution. This is in fact the key institution for defending the sovereignty of this land and that is precisely the reason why the constitution has given it the focus it deserves. We are informed of the need to equip the Force, under Section 186(3) in order to maintain its capacity to perform the role of defence of The Gambia.

Honourable Speaker, this institution, The Gambia Armed Forces under Section [187], is given two fundamental functions. It is clear that it had the mandate to preserve and defend the sovereignty and territorial integrity of The Gambia. To aid the civil authorities at their request in emergencies, we are talking about border control. It is clearly stipulated in the constitution that in terms of national disasters or emergencies, they could be mobilized to serve the national interest. To engage, at

the request of civil authority, in productive activities such as agriculture, engineering, health and education for the development of The Gambia, which means that they can build up engineer corps to be building educational institutions, bridges or anything imaginable.

Honourable Speaker, Armies now in the world are transformed into productive institutions that conduct research, build technology and in many instances serve as a core facilitation of industrialization in many countries in the world today and here the constitution is providing for that capacity to grow to that level.

Honourable Speaker, subsection [2] moves into what I would call, ignore the language, civilianization of the Armed Forces so that it will not be seen as a tool, as a killing machine but it will be seen as human beings serving a particular purpose and then under subsection [2], they are supposed to assist in building a National Youth service and provide them in training, that the same Armed Forces shall establish training programs for their Members at other levels to equip them with skills and training, to ensure that the program that they develop, there can even be secondment in order to prepare them for civilian life. That they should not be kept there and used just like they are there to carry weapons but that we must prepare when they move out of the force.

Honourable Speaker, it is said under subsection [c], there shall be established an Army reserve. Imagine Madam Speaker, people who just protect and ultimately you move out of the force and you have nothing else to look back to, no community to belong to. The army, because it trained the person to be able to use a weapon, cannot lose control of that individual. Therefore the army becomes a home; where the person belongs to a reserve, can be called upon in times of emergency or anything to come and add force to be able to achieve aims. So, that community must be made. These are fundamental objectives of the army Honourable Speaker.

So, in that sense we are told that there is an Armed Forces Council that has been dormant and now the objective is to activate it. We have been asked to carry out our constitutional duty under section [189]. We are very clearly informed and we can see in the constitution that there is official representation in the Armed Forces Council but there is also unofficial representation and the unofficial representation

constitute two persons who will be appointed by the President and confirmed by this National Assembly, because the law do not belong to official positions in the council. That is why the scrutiny by us is important, because these are people going into an institution as outsiders and that is why the scrutiny is so fundamental.

Honourable Speaker we must look at what this Armed Forces Council is supposed to do. First to of all, under Section 188, we are told that subject to the authority and direction of the President and of the Armed Forces Council, the Chief of Defence Staff shall be responsible for operations. So, we are seeing here civilian control of the military. The President the first civilian but now the Armed Forces Council with these two people who are unofficially not members of the Armed Forces, are now to take part in controlling the direction of the army and their performance. That is the relevance here.

Honourable Speaker, it is clear that it is this Armed Forces Council that will advise the President on policy under subsection [2] of Section 189; advise the President on policy, would also advise the President on promotion, would advise the President also in terms of performance in making regulations. This is not an ordinary institution and the regulations will assist in terms of control, the administration of the Armed Forces with the issues of rank and their promotion, conditions of service, the authority and powers of the Commander, the powers that must be utilized to establish research and development. So, essentially and if you go to Section 190 in fact, this is where their powers become more crucial and fundamental for reshaping the Armed Forces and ensuring that whatever the President does, is done in line with the interest of the country, not out of his own volition.

Honourable Speaker, Section 190 says that the President shall, after consulting the National Security Council, mandatory for him to do so, appoint the Chief of Defence Staff, the Armed Forces Chief of Staff and the Commander of the Army, etc. If you look at subsection [2], subsection [3], the President may, after consulting the National Security Council remove. There we can see that the President has the absolute authority to do the removal but here it is a 'may' and the 'may' is after consulting the National Security Council.

So in this sense, we can see that the appointment is the way the council must ensure that the right people are appointed and care in the removal, they may be consulted, they may not be consulted but essentially it is there, that the President should at all times endeavour to do that consultation before removing the Armed Forces Council. So, to the people who are appointed. So, in that respect, it gives the opportunity for element of scrutiny to know that what is being done is in the national interest.

Honourable Speaker, I must therefore emphasize, that those people who are to be appointed must be skilled in knowing the Armed Forces, in knowing how to facilitate its development in the area that has already been mentioned but they must also go further into issues of administration, issues of promotion, service rules, we are talking about two dimensions here: operational issues and also management issues and the two people brought before us are said to be competent on command and control issues of the Armed Forces and we have seen their history. We have also been told that, another person experienced in management have gone to the level even being Director as far as running the Management Development Institute. So, you cannot go any further in terms of management, in terms of policy, in terms of planning, in terms of programming. So, the competence is there. But as the Member has just said and as consultation was being done with the Member who seconded the motion, the issue is not about competence, the issue is about consistency in how this National Assembly intends to go in order to ensure that proper scrutiny is done and proper advice is received by the National Assembly in order to be able to make our decision.

So ultimately Honourable Speaker, it is mind that we should give justice to why Section 114 of the Constitution is actually established and if we all agree with that then maybe ultimately a motion will be made to that effect.

Honourable Speaker, Standing Order 114 says that the Public Appointment Standing Committee shall consists of the Chairperson, etc. but it shall be the duty, under paragraph 2, of the Public Appointment Standing Committee to scrutinize, consider and advise upon all appointments to a public office to be made by the Executive and subject to the confirmation of the National Assembly. So if that is our language, our wish, well I believe I do not need to express my mind in that regard but it is left to

the Members who may ultimately consider whether in this instant, because of Covid-19, we may wish to alter our mind but essentially the mind must be spoken for us to consider. Thank you very much Honourable Speaker.

HON. SIDIA S. JATTA [WULI WEST]: I am going to be very brief. I am delighted because I know these individuals very well. Ndow, when he was going to school here in Gambia High School and I was teaching in Bakau, our homes were pretty closed and my home was a point of convergence for students and others like them. When he finished Gambia High School and joined The Gambia Field Force, he still continued, my home was still a place of convergence. I know him very well, he is a very dignified person, a sober-minded person and an independent minded person, intellectually very rewarding and he is just the type of person this council will need for its operations, particularly with the military experiences that he has. I have no doubt about him at all. I know him very well, for years since he was going to school up to this time. I would also say that I was also a mentor to him. So, I know what type of a person he is. His academic qualifications are not in doubt, they are indicated here, but I agree with the Honourable Member of Jarra East.

The National Assembly make decisions based on facts not just like that. So, for people like them, we need to be adequately informed, because there are many who have applied. So, what is going to determine is eventually what their achievements are in terms of education, in terms of experience. So it is important to be always armed factually to be able to make decisions here and a decision made here should be unshakable and you can only be unshakable if it is based on concrete fact.

With regards to Yusupha, I know him very well too, even before he became a lecturer at the college, I know him and it is delightful to discuss with him. He is a person of shrewd intellectual resource and I have no doubt that he will be very useful on the council for which he is being considered.

I thank you very much Madam.

[Point of Observation]

HON. BILLY G. TUNKARA [KANTORA]: Point of observation Madam Speaker!

SPEAKER: You should have raised your tag while he was on his feet to make your observation.

HON. BILLY G. TUNKARA [KANTORA]: Yes, what I am saying is that it seems like the minds are really on bringing evident base, and I also want to observe that this decision to be deferred to the two committees Security and Defence and the Public Appointment Committees to sit together to go through the report.

HON. MAHTARR M. JENG [LOWER NUIMI]: Madam Speaker, thank you very much for giving me the floor. I would wish to reiterate the points that were raised by the Member for Serekunda in reference to Section 187. I had on many occasions stood here to cry over the exclusion of the Armed Forces, not being engaged by the government in the production of agricultural needs for the nation. I hope the Council would have the vision to help in that direction given the fact that we are importing rice almost every year to an astounding amount of money. If this amount could be our most common word to the Armed Forces, I am sure they will be able to produce a lot of rice for the people to build roads; we start engaging the army, let us not put them in air condition rooms, let us put them under the sun so that we start benefitting from the expertise of people like Yuspha Dibba, Ndow Njie and others. Let us challenge them.

It is under the purview of the Armed Forces to train the National Youth Service, get them co-opted and trained so that it would be a wider force, because at this present moment a good number of Armed Forces are discouraged, frustrated, either they have spent a long time without promotion or lack of consideration and they have been working under very hard conditions which they have not seen. Any light at the end of the tunnel for the benefit of themselves and the Nation, let us start thinking otherwise, from holding guns to holding hoes, from running trucks to running machines that would give us something, that would be beneficial to the nation.

Armed Forces Council ok, we establish an Armed Forces Council and that is the end, it should not be the end. As highlighted by the Member of Serekunda based on the provisions, they could go beyond that. Let anybody who is enlisted in the army tomorrow understand that you are not going to be in Bakau, you are not going to be

in Yundum, rather you will be up country there, helping to feed the people of The Gambia rather than criss crossing.

Madam Speaker, that is my mind, thank you very much.

Interruption

HON. OMAR CEESAY [NIAMINA EAST]: Madam Speaker, I have a Motion to make.

THE SPEAKER: Under what section, what provision?

HON. OMAR CEESAY [NIAMINA EAST]: Yes, clause 53(c) of the Standing Orders. Honourable Speaker, we do not doubt the experience that these individuals have but actually we want to perform or have documents about what the Honourable Minister is actually telling us about these two individuals. As a result of that, I want to move a motion under clause 53(c) that the debate be adjourned and the motion be referred to the relevant committee, that the Security and Defence Committee to scrutinize and request, the Public Appointment Committee I mean, to request the documents that are stipulated in the motion given by the Minister and better scrutinize and inform this Honourable Assembly.

Thank you.

THE SPEAKER: Yes, the motion of the floor, any seconder?

HON. DAWDA KAWSU JAWARA [UPPER FULLADU WEST]: Thank you Madam Speaker. I so second the motion Madam Speaker.

THE SPEAKER:

[Question Proposed, Put and Agreed to]

[That the debate be suspended and the motion be referred to the Public Appointment Committee for scrutiny and for them to report back to the plenary].

Honourable Members, you must have observed that, as per our agenda, we were to consider two other items but as of now, we still have not received anything, the office of the Clerk has not received any document for circulation to Honourable Members from the Ministry of Finance and base on that fact I will suggest that we

adjourn this Extraordinary Session sine die, considering the fact that the next Ordinary Session is in June 15, and that FPAC will continue with the consultation and engagement of Minister of Finance.

I would therefore suggest that we adjourn the session sine die and allow FPAC to proceed accordingly with Finance. It was just by way of your information and may I now put the question?

[Question Proposed, put and agreed to]

[That the Assembly now stands adjourned sine die. Thank you very much for your cooperation and understanding].