



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

PARLIAMENTARY DEBATES

[HANSARD]

OFFICIAL HANSARD REPORT

FOURTH SESSION – SECOND MEETING

MONDAY 21st JUNE, 2021

SESSION – 2021



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VOLUME: 5

NUMBER: 2

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

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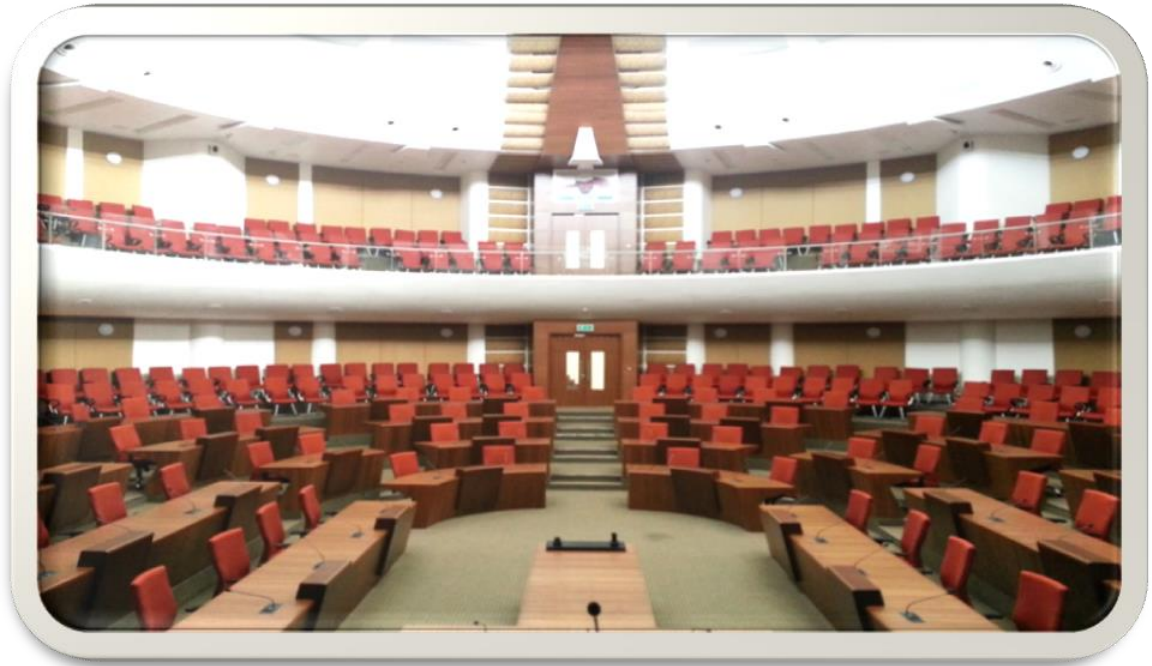
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**THE CHAMBERS OF THE NATIONAL ASSEMBLY OF THE GAMBIA OFFICIAL
HANSARD REPORT OF THE PROCEEDINGS OF THE HOUSE**

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

MONDAY 21st JUNE, 2021

1. PRAYERS

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

[The House met at 10:30 a.m. in the New Parliament Building, Reginald Pye Lane, Banjul].

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

The House was called to Order.

THE SPEAKER: Good morning Honourable Members, Minister and members of the Press welcome to yet another sitting in this Second Ordinary Session of the National Assembly. Clerk, proceed with the corrections.

Corrections and Approval of Record of Votes and Proceedings of the National Assembly Sitting of Thursday 17th June, 2021.

THE SPEAKER: Thank you very much Honourable Members. The Record of Votes and Proceedings of the National Assembly Sitting of Thursday 17th June, 2021 is before us for corrections and approval. Can any Honourable Member please move that the said Record of Votes and Proceedings be considered and approved?

HON. SUWAIBOU TOURAY [WULI EAST]: I so move, Madam Speaker.

THE SPEAKER: Any Secunder?

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

[Question proposed]

THE SPEAKER: Any issues or observations from Honourable Members starting with the front page? May I just remind Honourable Members to please sign in. Any observation on the front page? Then, we move on to page 1 that is the order page. Any issue on the attendance, page 2, page 3, and 4?

HON. OUSMAN TOURAY [SABACH SANJAL]: On page 4, the third reading of the Bill, "The Gambia Nationality and Citizenship Amendment Bill 2021" on the invitation of the Honourable Speaker, the Honourable Attorney General and Minister for Justice

moved a motion for the third reading of the bill. I believed it should be entitled "The Gambia Nationality and Citizen Amendment Bill 2021".

THE SPEAKER: Do you want us to put the full title of the bill?

HON. OUSMAN TOURAY [SABACH SANJAL]: Yes, and it should be replicated wherever it applies.

THE SPEAKER: The same thing would apply to the Births, Deaths and Marriages Registration. Anymore corrections on page 4?

HON. SUWAIBOU TOURAY [WULI EAST]: Just the method of writing "Question Proposed, Put, And Agreed to", the word "**And**" should not be capitalized.

THE SPEAKER: Any observation on page 5?

HON. SUWAIBOU TOURAY [WULI EAST]: Yes, on page 5, you will see the same situation on the paragraph under Skin Bleaching which says "the Honourable Attorney General and Minister for Justice moved to withdraw, that should be "... **moved a "motion" to withdraw**".

Then when you come to Point of Order, it says, Honourable Attorney General and Minister for Justice's motion was out of order. I think the ruling should be "out of order" not 'was out of order'.

THE SPEAKER: Anymore observation on pages 5, 6, and 7? Honourable Member for Serrekunda, is your motion correctly captured in the records on page 6?

HON. HALIFA SALLAH [SEREKUNDA]: I said that it is exactly what was presented to them.

[Question Proposed, Put and Agreed to]

[The Record of Votes and Proceedings of the National Assembly Sitting of Thursday 17th June 2021 was approved with Amendments]

THE SPEAKER: Clerk, can we please proceed with the next item?

Bill

Standing Order 72-Consideration Stage of the Tourism Offences (Amendment) Bill, 2020 (By: Attorney General and Minister for Justice)

THE SPEAKER: Thank you very much. Honourable Members would recall that the Select Committee on Tourism, Arts, Culture, Youths and Sports reported on the bill committed to it, that is the Tourism Offences Amendment Bill 2020. The report of the committee was adopted, and accordingly the consideration stage of the said Bill is scheduled for today.

As usual during the consideration stage, Honourable Members would have the opportunity to give detailed consideration and scrutiny to every clause and schedule contained in the Bill. It also allows or give Honourable Members first opportunity for amendments to the Bill to be debated and voted on.

I, therefore, resolved the Assembly into committee of the whole Assembly to give consideration to the Bill [Tourism Offences Amendment bill 2020].

HON. FATOUMATA NJAI [BANJUL SOUTH]: Madam Speaker, I beg to bring a motion under section 53 to summon the Honourable Minister for Fisheries and Water Resources as a matter of urgency. Section 53 (k) reads: "A motion agreed by the Speaker to be a matter of urgency in line with..." *interrupted.*

THE SPEAKER: Motion without notice, can you read (k).

HON. FATOUMATA NJAI [BANJUL SOUTH]: A motion without notice reads: "A motion agreed by the Speaker to be a matter of urgency in line with section 77 (4) of the constitution as well".

THE SPEAKER: I think in all fairness before I give leave, I need to know so that I can determine the urgency of the motion to give leave for it to be moved. My attention has been drawn to it. So...

HON. FATOUMATA NJAI [BANJUL SOUTH]: Thank you for giving me the permission to tell you the urgency. Madam Speaker, we woke up this morning to the disgraceful state of thousands of fish lying on our coastlines, and if you can recall

sometime back, I asked the Minister of Fisheries about the state of the coastline and the damage being done. In front of this august Assembly, he blatantly gave us false information that we were following social media.

Madam Speaker, it is now time to ask him to come back and tell us the real state of affairs because this is displeasing hence the skyrocketing price of fish in the country. Apparently, citizens cannot afford the cost of fish. So, we want the Honourable Minister as a Matter of Urgency to clarify this issue hence

Section 77 (4) of the Constitution states:

“The Vice President or a Minister shall, when requested by the National Assembly, report...”

THE SPEAKER: Let us be on the same wavelength, so which Section of the Constitution are you quoting?

HON. FATOUMATA NJAI [BANJUL SOUTH]: Section 77 subsection (4). Can I read it with your permission?

THE SPEAKER: Yes, you can read it aloud.

HON. FATOUMATA NJAI [BANJUL SOUTH]: The Executive Power and the National Assembly subsection 4 says:

“The Vice President or a Minister shall, when requested by the National Assembly, report to the National Assembly on any matter concerning a department or other business of Government committed to his/her charge, and shall be entitled to attend and speak in the National Assembly whenever a bill or other matter concerning such department or business is being debated”. Thank you, Madam Speaker.

THE SPEAKER: Leave is granted for you to move your motion.

HON. FATOUMATA NJAI [BANJUL SOUTH]: Madam Speaker, I beg to move a motion under section 53(k) to summon the Honourable Minister for Fisheries and Water Resources as a matter of urgency to answer to this august house as to the state of the fisheries department and the recent revelations that we have seen. Thank you.

THE SPEAKER: Complete your motion as per the provision of the Constitution.

HON. FATOUMATA NJAI [BANJUL SOUTH]: As per the provisions of the Constitution Section 77 subsection (4). Thank you.

THE SPEAKER: Before we take the observation, there is a motion on the floor. Any seconder to the motion?

[Point of Clarification]

HON. ALHAGIE MBOW [UPPER SALOUM]: Thank you very much Madam Speaker. Again, you know as a National Assembly, I think it is quite important that if we have things like these, we need to have some evidence instead of hearsay. So, the Honourable Member should provide some documentation or some evidence about this because we cannot just base a motion on allegation. It must be based on facts.

THE SPEAKER: We are not entertaining any dialogue. The observation has been noted, and I am sure the Honourable Member who have moved the motion will adequately take note of that observation. Now we can proceed. Any seconder to the motion?

HON. YA KUMBA JAITEH [NOMINATED]: I so second, Madam Speaker. To add to what you have said, I think we should take judicious notice of it, this information is all over.

THE SPEAKER: A motion has been moved and seconded.

[Question Proposed, Put and Agreed to]

[For the Honourable Minister for Fisheries to appear before the National Assembly to respond to matters of concern raised by the Honourable Member for Banjul South with regards to the state of fisheries in the country].

The relevant administrative procedures would follow for the Honourable Minister to come. Thank you very much. Clerk can we proceed on the next item on the order paper? Yes, Honourable Member for Busumbala, motion under what?

HON. SAIKOUBA JARJU [BUSUMABALA]: Section 53(e) motion without notice in connection to my Honourable colleague's motion for us to be on the safer side, I want to move a motion to beg for the leave of the Assembly to set up an investigative committee to investigate the issue of fisheries so that we can have our factual information before that of the Minister. That is the motion I want to push so that we can have a special committee setup to go to the coastline and investigate to get our facts. Thank you.

THE SPEAKER: Honourable Member with all due respect, I would try to convince you to withdraw that motion because a motion has already been passed and approved. Let us wait for the Minister's clarification, so if there is need for a committee to be setup to look into the issues raised, then you can bring up that motion. As of now, I would appeal or try to convince you that the motion is a little bit premature. I stand to be corrected.

HON. SAIKOUBA JARJU [BUSUMBALA]: Madam Speaker, this motion is in the best interest of the National Assembly, so I am pushing this motion to avoid delay. Hence, the need for the National Assembly to setup a committee to investigate into the matter.

THE SPEAKER: I think it will have more effect when the Minister appears before the National Assembly. So, can you please withdraw your motion?

HON. SAIKOUBA JARJU [BUSUMBALA]: Before I withdraw Madam Speaker, I want us to have information about the issue then we listen to the Minister. Through that we can establish the truth of the matter.

THE SPEAKER: I think we can proceed. Let the Minister come here so that you can raise your concerns. Can we please move?

HON. SAIKOUBA JARJU [BUSUMBALA]: I withdraw the motion.

THE SPEAKER: Thank you. Honourable Members, the Assembly will now go into Committee of the Whole Assembly to consider the Tourism Offences Amendment Bill 2020 clause by clause. By so doing, we will be guided by the report of the committee and Clause 72 of the Standing Orders during the consideration stage. The report was

earlier circulated, in fact, it was tabled and adopted. I think everybody has a copy of the Bill.

In fact, we should not even be asking that question because really it is just out of courtesy but the Bill has been circulated long time ago. Maybe, we will have extra copies but the obligation to circulate it was done much earlier and I think she has extra copies. However, we are not going to make extra copies. We should always endeavour to check our agenda and bring all relevant documents.

Committee of the whole House [Consideration Stage]

THE HOUSE RESUMES

THE SPEAKER: May I now call on the Hon. Attorney General and Minister for Justice the person in charge of the Bill to report to the Assembly on what transpired during the committee stage of the Tourism Offences Amendment Bill, 2020. The amendments will be captured.

HON. DAWDA A JALLOW [ATTORNEY GENERAL AND MINISTER FOR JUSTICE]: Thank you very much Madam Speaker. The Tourism Offences Amendment Bill, 2020 has gone through Committee of the Whole House and various amendments were proposed and adopted. The Bill is now ready to be read a third time. Thank you very much, Honourable Speaker.

THE SPEAKER: Thank very much Honourable Attorney General and Minister for Justice. Honourable Members as earlier communicated at the consideration stage, the third reading of the Tourism Offences Amendment Bill, 2020 is now scheduled for Monday 28th June, 2021 for the Honourable Attorney General and Minister to move for its third reading.

However, before that date, the Honourable Attorney General and Minister for Justice is hereby urged to comply with the Standing Order Clause 72/20 to ensure that the amended version which includes all amendments agreed at the consideration stage be printed and circulated to Honourable Members in advance. Thank you very much. Clerk, can we proceed with the next item?

[MOTION]

Be it RESOLVED that this august Assembly do consider and confirm the appointment of one of the shortlisted persons as commissioner at the National Human Rights Commission [NHRC]. [By: Honourable Attorney General and Minister for Justice].

THE SPEAKER: Honourable Attorney General, can you move a motion?

HON. DAWDA A JALLOW [ATTORNEY GENERAL AND MINISTER FOR JUSTICE]: Thank you, Madam Speaker. My apologies for this checking. The notice that this issue is coming up has not got to me this morning. I need few minutes to consult on this and come back to move this motion properly.

THE SPEAKER: I think, in all fairness, this thing should have been done beforehand. It is just out of the blues that it is on the agenda. There should have been proper communication. So, can you just sit for about 10, 15 minutes? May I just suspend the sitting for about 10, 15 minutes so that they will do their consultations, and we resume at quarter to one. Please I am sorry about that.

[House suspended for 15 minutes]

[The House Resumes]

HON. DAWDA A. JALLOW [ATTORNEY GENERAL AND MINISTER FOR JUSTICE]: Thank you very much, Honourable Speaker. This is a motion requesting this august Assembly to consider the shortlisted candidates for appointment.

THE SPEAKER: Yes, Honourable Member for Serrekunda.

HON. HALIFA SILLAH [SERREKUNDA]: Honourable Speaker, I would want to move a Point of Order so that the Honourable Attorney General and Minister of Justice would be able to do further review and may see why that is necessary by looking at Standing Order (11).

THE SPEAKER: Yes, let us be properly guided here. Are you making an observation or raising a point of order?

HON. HALIFA SILLAH [SERREKUNDA]: Point of Order anyway. Whether you decide to accept it or not, that is under Standing Order 11(5). It says that the first Order Paper of a session agreed by the Assembly Business Committee [ABC] shall be issued by the Clerk to all Members at least two days before the sitting. Thereafter, Order Papers must be issued at least one day in advance of sitting. Well, I know what is being done is to use cyberspace to alert Members. So, I am not questioning the effort by the Office of the Clerk to keep the Members informed of the Order Paper, but I am here talking about the physical handling of the Order Paper. If you share my concern in this instance the Attorney General would be obliged to turn back and look at the National Human Rights Commission Act regarding the task that he wishes the National Assembly to address.

I believe that if we give him chance to go back to the Act and look at it properly, I do not think he will be coming in the way that he intends to come. I believe that we can rely on this Honourable Speaker, to adjourn and then allow him to go back and bring the matter properly before us. That is my motion.

THE SPEAKER: On the first issue dealing with Clause 11(5), the Order Paper is usually posted on the forum, but I stand to be corrected. I can understand some Honourable Members do not prefer to use the forum because of that we just think some of these things come up abruptly. That is why we always try to post it online so that everybody can have a look at it before and that takes care of the one-day notice. But of course, we are just trying to be paperless and make sure that we are all together in full force.

Now, on the issue of the Attorney General having a second week on the Act, I stand to be corrected but I think it is just to table the motion for him to move it. Let us table this and then probably it may be referred to a committee to look at it and then we come back. But this is my understanding. Thank you.

HON. DAWDA A. JALLOW [ATTORNEY GENERAL AND MINISTER FOR JUSTICE]: Thank you very much, Honourable Speaker. I very much appreciate the contribution of Honourable Member for Serrekunda. However, we will move. With the little time given to me, I was able to recall all the efforts that the Ministry did in this regard.'

Honourable Speaker, I beg to move for this National Assembly to consider two (2) names that were shortlisted by my Ministry pursuant to the Human Right Commission Act, Section (5) as well as the schedule at the back of the Human Rights Commission's Act.

We required the process of filling or appointing commissioners in the National Human Rights Commission [NCHR] spelt out clearly in Section five (5) as well as the procedure laid down in the schedule of the National Human Rights Commission Act. The only thing I may add that may be different from those who may be reading the schedule of the National Human Rights Commission Act is the operational procedure at the schedule which contemplated the appointment of all the five (5) Commission Members [Commissioners]. As a result, it requires that nine (9) should be shortlisted and given to the National Assembly so that you have enough room to be able to choose from.

However, in this situation, a vacancy occurred and that is a sit reserve for the female. We did follow all the due processes. We advertised and gazetted, but you are offered with two (2) candidates to choose one instead of choosing (5) from nine (9) because we are not reappointing the entire commission anymore. We are only appointing one to replace the one that exited. There is a multi-sectoral committee set up by law that vetted all the applications and came up with the shortlist.

We have not received any objection so far. So, the next step now is to bring it before this august Assembly for reconsideration and selection of one out of the two for the final appointment by the president. I move on those terms Honourable Speaker.

THE SPEAKER: Thank you very much. Any Seconder? Honourable Member for Foni Bintang Karanai.

HON. MOMODOU CAMARA [FONI BINTANG KARANLIA]: I so Second, Madam Speaker. I equally want to move a motion under Section 53(k) because these papers were summited to us this morning and scrutiny of the situation depends on the Honourable Members. So, I think we should go and scrutinize further. In that regard, I would move a motion under Standing Order 53(k) to refer the said motion to the Public Appointment Committee and the Human Rights Committee.

THE SPEAKER: First of all, we have to deal with the motion by the Honourable Attorney General and Minister for Justice.

[Question Proposed Put and Agreed to]

[For the National Assembly to consider the appointment of one of the shortlisted persons as Commissioner at the National Human Rights Commission]

There is another motion that was moved by the Honourable Member for Foni Bintang Karanai. Any seconder? Yes, Honourable Member for Banjul South.

HON. FATOUMATTA NJAI [BANJUL SOUTH]: Thank you very much Honourable Speaker. I rise to second. The Human Rights Committee is through an Act of Parliament and that Act prescribes the appointment of the commissioners. I would second this motion but to refer it to the Appointment Committee to go through the Act because it is prescribed as to how the commissioners are appointed. It should not be referred to the Human Rights Committee. Thank you.

THE SPEAKER: The motion has been seconded with amendments. Honourable Member, I am just following procedures. He has moved a motion; I asked for a seconder, and you seconded it but countered the motion. So, unless the mover wants to amend his motion and then we take a seconder on the amended version.

HON. YA KUMBA JAITEH [NOMINATED]: I rise to second his motion.

THE SPEAKER: Please, let us stop shouting and follow procedures. A motion has been moved and seconded that the appointment be referred to the Appointment Committee of the National Assembly, and the Human Right Committee. There is a motion for it to be referred to the two committees as a joint committee and it has been seconded.

[Question Proposed, Put and Agreed to]

[That the appointment of a commissioner be referred to the joint committee of Human Rights and Appointment Committees for them to look into and report back to the plenary.]

THE SPEAKER: Thank you very much. On that note, Honourable Members, we come to the end of today's sitting and I thank everybody.

Adjournment

[Question Proposed, Put and Agreed to]

***[The House was adjourned till Tuesday the 22nd of JUNE, 2021 10am
prompt]***