



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

[OFFICIAL HANSARD REPORT]

NATIONAL ASSEMBLY PROCEEDINGS

FIRST SITTING OF THE THIRD ORDINARY SESSION

CONSIDERATION AND RATIFICATION OF THE INSTRUMENT FOR THE AMENDMENT OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANIZATION, 1986

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Proceedings of Monday 12th September, 2022 Sitting of the 6th Legislature
of the Second Republic of The Gambia

SESSION 2022

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Be it REVOLVED that this august Assembly do consider and ratify the Instrument for the Amendment of the Constitution of the International Labour Organization, 1986 [By: Hon. Minister of Trade, Industry, Regional Integration and Employment]



THE CHAMBER OF THE NATIONAL ASSEMBLY OF THE GAMBIA

REPORT OF THE PROCEEDINGS OF THE NATIONAL ASSEMBLY

[OFFICIAL HANSARD]

**CONSIDERATION AND RATIFICATION OF THE INSTRUMENT FOR
THE AMENDMENT OF THE CONSTITUTION OF THE
INTERNATIONAL LABOUR ORGANIZATION, 1986**

MONDAY 12TH SEPTEMBER, 2022

1. PRAYERS

[The Speaker, Hon. Fabakary Tombong Jatta, read the prayers.]

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

[The Speaker, Hon. Fabakary Tombong Jatta, in the Chair]

The Assembly was called to Order.

2. COMMUNICATION FROM THE CHAIR:

THE SPEAKER: Honourable Members welcome to the Third Ordinary Session of the National Assembly in the 2022 Legislative Year after a month- long recess. As we begin this session of the Assembly, I pray to Allah (SWT) to continue guiding us through this session and in our deliberations.

Honourable Members, most of us were overwhelmed with the devastation of flash floods and other activities in our various constituencies. However, efforts and commitments to alleviate the sufferings of your electorates during this period had been very positive and I congratulate all including the government, development partners, CSOs, and other philanthropists. I

also wish to recognize and appreciate the tremendous efforts and commitment of all Honourable Members on their respective oversight committee works. Similarly, I wish to extend our gratitude to the National Assembly Service for the support and guidance throughout the process. This has once again demonstrated our commitment and dedication to national duty as people's representatives, and I urge all of us to continue the spirit of solidarity and strive more to advance the lives and livelihoods of our electorates.

Honourable Members, by way of information, the Assembly Business Committee in accordance with the Standing Orders has considered and approved the agenda for this Ordinary Session scheduled for the period 12th to 30th September 2022. This has already been deposited in your respective pigeonholes.

Honourable Members, to update this august Assembly, I wish to report that the Appropriation [Amendment] Act 2022 passed by the Assembly during the First Extra Ordinary Session in the 2022 Legislative Year has been assented to by the President of the Republic on the 1st of August 2022.

Honourable Members, on a significant note during the Third Ordinary Session, the President of the Republic of The Gambia in accordance with Section 77(1) of the 1997 Constitution and Order 24(1) of the Standing Orders of the National Assembly will deliver the State of the Nation Address 2022. As published in the approved agenda, the State of the Nation Address [SoNA] 2022 is scheduled for Thursday 15th September 2022.

Finally, Honourable Members, I wish to reiterate and advise all Honourable Members to take note of the relevant provisions of the Constitution and the

Standing Orders of the National Assembly during this Ordinary Session. I thank you all.

3. Corrections and Approval of Record of Votes and Proceedings of the National Assembly Sitting of Thursday 28th July 2022

THE SPEAKER: Honourable Members, the Record of Votes and Proceedings of the National Assembly Sitting of Thursday 28th July 2022 is before us for corrections and approval. Can any Honourable Member move that the said Record of Votes and Proceedings be considered and approved, please?

HON. OMAR DARBOE [UPPER NIUMI]: Thank you very much Honourable Speaker. I rise to move that the Record of Votes and Proceedings of Thursday 28th July 2022 be corrected and approved.

THE SPEAKER: Any seconder Honourable Members?

HON. ESSA CONTEH [JIMARA]: I rise to second the motion Honourable Speaker.

[Question Proposed]

THE SPEAKER: Any observations or corrections from Honourable Members? We start from page 1, any observations?

HON. MADI M.K. CEESAY [SERREKUNDA WEST]: Is it Page 2 you are talking about?

THE SPEAKER: Honourable Member, we are going page by page. If you do not have any comments on Page 1, then we move to Page 2.

HON. MADI M.K. CEESAY [SERREKUNDA WEST]: Honourable Speaker, I was away on an official mission during the period of the First Extraordinary Session and my name is captured under those present, that is Number 6 and the same happens to the Honourable Member for Kombo South who was also absent, and he is marked present. Thank you.

THE SPEAKER: Kombo South!

HON. MADI M.K. CEESAY [SERREKUNDA WEST]: Yes, Numbers 6 and 24.

THE SPEAKER: Numbers 24 and 6. Ok, Honourable Members, we have taken note of the fact that the Member for Serrekunda West and the Member for Kombo South were officially on assignment and did not attend. So, the Table Office will do the corrections. Yes, we now have the Member for Sanimentereng.

HON. FATOU CHAM [SANIMENTERENG]: I was also not around when the First Extra Ordinary Session was going on, I was out of town. Moreover, the way my constituency name is written does not match with the Tag on my desk. It is written as '**Sannehmentereng**' and it should be "**Sanimentereng**" on my Tag. It should be changed. I realized that Honourable Jawara mentioned it during the First Extra Ordinary Session, and it is still not changed.

THE SPEAKER: Honourable Member which is the correct one?

HON. FATOU CHAM [SANIMENTERENG] The one on my tag is the correct one.

THE SPEAKER: Honourable Member for Sanimentereng was also not in attendance, Number 22.

HON. ALHAGIE BABOU CEESAY [SABACH SANJAL]: Thank you Honourable Speaker. I have just observed that Honourable Member for Banjul Central was not also present and his name is captured here.

THE SPEAKER: Alright, is the Honourable Member for Banjul Central around?

HON. ABDOULIE NJAI [BANJUL CENTRAL]: Yes, I am around.

THE SPEAKER: Were you in attendance?

HON. ABDOULIE NJAI [BANJUL CENTRAL]: No, I was not, and I want to put that in ...

THE SPEAKER: Number 8 bearing the name of Honourable Member for Banjul Central was not in attendance. It is noted and will be corrected. Is there any observation on Page 2? Yes, Member for Foni Bintang.

HON. BAKARY K. BADJIE [FONI BINTANG KARANAI]: Thank you Honourable Speaker. Number 20, my Constituency **Foni Bintang** should be **Foni Bintang Karanai**. This mistake has been committed time and time again. The word **Karanai** is very important there because I received complaint from my people that we are not from Bintang but Bintang Karanai so **Karanai** is missing. Thank you.

THE SPEAKER: Number 20, the Member is claiming that his constituency name is not completed. It should be **Foni Bintang Karanai**. It is noted and will be corrected. Do Honourable Members have any other contribution from?

HON. KEBBA T. SANNEH [FONI JARROL]: Thank you Honourable Speaker, the spelling of my middle name, Toumanding, is "**Tou**" not "**Tu**". The letter 'o' is left out.

THE SPEAKER: Thank you Honourable Member. It is confirmed that your middle name "Toumanding" should be spelt with "**Tou**" instead of "**Tu**". It is noted and it will be corrected. Any other intervention or comment from Honourable Members on Pages 3 and 4? Yes, Member for Wuli East.

HON. SUWAIBOU TOURAY [WULI EAST]: Thank you Honourable Speaker. On Page 4 under Communication from the Chair where you have questions on the Certificate of Urgency, it says the Assembly do consider the bill based on the Order Paper.

THE SPEAKER: Are you referring to Page 4?

HON. SUWAIBOU TOURAY [WULI EAST]: Yes, Page 4 where you have questions on the Certificate of Urgency. The sentence under it says that "the Assembly do consider the bill placed on the Order Paper be '**proceeded**' with Certificate of Urgency". I think it should be '**preceded**'.

THE SPEAKER: Where you have question on Certificate of Urgency, if you read the sentence up to probably proceeded '**with**' Certificate of Urgency, the word "**with**" should be deleted. Any other observation or comment on Page 4? Ok, we now move to Page 5. Any comment on page 5?

HON. ALHAJIE MBOW [UPPER SALOUM]: Honourable Speaker, we need to be very careful regarding Page 4 because what it is saying is question put...

THE SPEAKER: Honourable Member, are you referring to the amendment made?

HON. ALHAJIE MBOW [UPPER SALOUM]: Yes, on page 4, what they have here actually is correct because it reads 'the Assembly do consider the bill placed on the Order Paper be proceeded'. That particular bill actually has a Certificate of Urgency. This sentence is referring to the Certificate of Urgency that preceded the bill. So, it is correct as it is.

HON. SUWAIBOU TOURAY [WULI EAST]: What should be there Honourable Speaker is not preceded but proceeded. Member for Upper Saloum, if you want to leave it there, then I think you need a comma.

THE SPEAKER: Member for Upper Saloum, no it is.

HON. ALHAJIE MBOW [UPPER SALOUM]: The only thing that needs to change maybe is the word "preceded" otherwise everything else is correct.

THE SPEAKER: We now have almost two proposals. There was an earlier proposed amendment and another one. Honourable Members, take the floor now on the issue. Honourable Members should take a position as soon as possible. Yes, we either leave it as it is, or we go by the proposed amendment.

You do not have to take us back. It was put to you, and it has been moved and adopted. Is it not? Is there anything on Page 5? Yes, Member for Brikama South.

HON. LAMIN J SANNEH [BRIKAMA SOUTH]: Thank you, Honourable Speaker. Under the ensuing debate, the Honourable Speaker opened the

floor and the following Honourable Members took part in the debate. On the list, I was the third person to take part in the debate but my name is not captured.

THE SPEAKER: Honourable Member, I think we must apologize. We should not omit people who were present. It will be corrected.

HON. BAKARY K. BADJIE [FONI BINTANG KARANAI]: Thank you, Honourable Speaker. I think no one can ever forget my contribution, especially in this critical Assembly debate. My name is not captured.

THE SPEAKER: Honourable Members, any other?

HON. ALMAMEH GIBBA [FONI KANSALA]: Thank you, Honourable Speaker. Number 4 and 21 on the same line, my name has been repeated twice.

THE SPEAKER: Honourable Members, the name of Honourable Almameh Gibba has been repeated twice in Numbers 4 and 21. So, 21 should just delete.

HON. KEBBA LANG FOFANA [NOMINATED MEMBER]: Thank you, Honourable Speaker. I just want to make clarification. The name of the Honourable Member for Foni Bintang Karanai is included in the list. The report is done in such a way that the timeline is being followed. If you go to Pages 4 and 11, you will realize that his name is included there. So, that was not an omission. Thank you.

THE SPEAKER: Honourable Speaker, on Page 5 'Ensuing Debate', the issue is the Honourable Speaker opened the floor and the following Honourable Members took part in the debate. All Honourable Members who

took part in that debate, their names should be captured. Therefore, the names of Honourable Lamin J. Sanneh and Honourable Bakary K. Badjie should appear on the corrected copies. Regarding Numbers 4 and 21, Number 21 [**Honourable Almameh Gibba**] would be deleted. We are still on Page 5.

HON. SUWAIBOU TOURAY [WULI EAST]: I am trying to clarify what the Member for Foni Bintang Karanai is complaining about. It is related to the Revised Budget and what he is mentioning in Pages 10 and 11 is referring to the debate on the motion, so they are different.

THE SPEAKER: In fact, the whole issue is on Page 5, 'Ensuing Debate', and it is stated that the Honourable Speaker opened the floor and the following Honourable Members took part in the debate. They are referring to all Honourable Members who took part should have their names there. That is the omission. It is noted and will be corrected. So, we now move to Page 6.

HON. SUWAIBOU TOURAY [WULI EAST]: Thank you. Page 6 under the names where we have end of debate, the sentence there is at the invitation of the Honourable Speaker, '**the**' **Honourable Minister Seedy Keita** ... The article "**the**" should be removed to read as "Honourable Seedy Keita".

THE SPEAKER: So, it is noted and will be corrected. Any other observation or comment from Honourable Members? Now we move to Page 7.

HON. SUWAIBOU TOURAY [WULI EAST]: Yes, when we look at the caption under the first paragraph, it is '**Considerations at the Committee of Supply**'. So, I think the caption we have in our paper is "**Consideration Stage at the Committee of Supply**". So, should we leave it as it is?

THE SPEAKER: Honourable Members, we now look at Page 8.

HON. ALHAGIE BABOU CEESAY [SABACH SANJAL]: If you look under 'Ensuing Debate', it says Honourable Alhagie S. Darbo [Minority Leader '**and Brikama North**']. Instead of '**and Brikama North**', it should be "**and Member for Brikama North**" as per Honourable Billay G. Tunkara, Majority Leader and Member for Kantora".

THE SPEAKER: Alright. Honourable Members, it should be Honourable Speaker opened the floor and only Honourable Alhagie S. Darboe, Minority Leader and Member for Brikama North. It is noted.

HON. SULAYMAN SAHO [CENTRAL BADDIBU]: Thank you very much, Honourable Speaker. I am looking at the first sentence which reads: 'at the invitation of the Honourable Speaker, '**the**' Honourable Seedy Keita'. Should we put '**the**' there?

THE SPEAKER: Honourable Member for Central Baddibu, you want '**the**' to be removed.

HON. SULAYMAN SAHO [CENTRAL BADDIBU]: Yes! It should be removed.

HON. YAHYA SANYANG [LATRIKUNDA SABIJI]: Thank you very much, Honourable Speaker. I also observed that even though you passed

there but it seems the report writing forms a special pattern. So, if we concur with what the Member for Sabach Sanjal said, we need to go back to Page 6 because you said Honourable Alhagie S. Darbo [Minority Leader and Brikama North]. So, it means at one point, we were going by a specific pattern and we want to deviate at the same time. So, it is a question of whether we are going to follow that or not. Thank you very much.

THE SPEAKER: The Table Office will take care. It should be “**and Member for Brikama North**” not ‘**and Brikama North**’. We will make the necessary corrections on that.

HON. SUWAIBOU TOURAY [WULI EAST]: Thank you very much, Honourable Speaker. I could remember few minutes before 6, I moved a motion that we stay to finish today’s business, but I have not seen that captured in the report and that is very important because we have stayed here for a long time.

THE SPEAKER: Honourable Member for Wuli East, I think your point is noted. Table Office confirmed that it is an omission, and it will be included in the final minutes. Anymore observation or comment on Pages 9 and 10? Honourable Members, we now move to Page 11 which is the last page.

HON. MUHAMMED KANTEH [BUSUMBALA]: Honourable Speaker, with regards to the corrections of proceedings, I think we have done justice to that. I want to proceed to make some corrections on the issue of ethics because during our last proceedings, the Standing Orders dictate that we should raise a Point of Order and make some observations but when we make observations, a Member of this Assembly ... *[interrupted]*

THE SPEAKER: Honourable Members, please sit down! We have not yet finalised making corrections to pass the record of votes and proceedings. When you raise your hand to speak on the issue at hand, do not take us to any other issue. Honourable Member, we have just done the last page and I observed that there are no comments on the last page. So, that brings us to the end of the record of votes and proceedings.

HON. FATOUMATTA NJAI [BANJUL SOUTH]: Thank you very much, Honourable Speaker. I think a very important issue has been brought. These are records of proceedings and they should reflect everything that happened even if it is not specific. I think the Honourable Member for Busumbala is in order to bring it to your attention. It should be added in the record of votes and proceedings.

THE SPEAKER: Yes, in fact, the Honourable Member for Busumbala presented it differently. I was just referring to the Table Office to understand his observation. He did tell me just as you [Member for Banjul South] said that some of the comments made such as Points of Order and other things that are not captured on the record of votes to be captured.

FATOUMATTA NJAI [BANJUL SOUTH]: I am just confirming as to whether they are captured under record of proceedings or not? If that is the norm, then it is fine.

THE SPEAKER: Honourable Member, it is not the norm and I think you missed my comments. I said your explanation enables me to understand better what the Honourable Member for Busumbala said. I referred to the Table Office which explained to me that the Honourable Member for

Busumbala said some of the Points of Order raised during the session were not captured in the record.

HON. MUHAMMED KANTEH [BUSUMBALA]: That differed from my utterance. Yes, it is different. Honourable Speaker, it would be appreciated if you can give me chance to deliberate well on what I have said.

THE SPEAKER: Honourable Member for Busumbala, you are referring to a particular issue, am I right?

HON. MUHAMMED KANTEH [BUSUMBALA]: Yes, Honourable Speaker but that issue ... *(interrupted)*

THE SPEAKER: Honourable Member, just answer the question and we continue, please. You are referring to a specific issue.

HON. MUHAMMED KANTEH [BUSUMBALA]: Very well Honourable Speaker.

THE SPEAKER: And that specific issue was known to a few of you.

HON. MUHAMMED KANTEH [BUSUMBALA]: Not actually, Honourable Speaker.

THE SPEAKER: That issue was never brought to my attention.

HON. MUHAMMED KANTEH [BUSUMBALA]: It has been captured by the media here.

[Point of Observation]

HON. BILLAY G. TUNKARA [KANTORA & MAJORITY LEADER]: Thank you very much, Honourable Speaker, for giving me the floor. For the purposes of consistency and record, the previous Legislature has never

captured issues relating to Points of Order in the records of votes and proceedings. What was obtained here is the verbatim record of the Hansard. So, anything that has been deliberated here is always captured in the Hansard. So, if you want to see those interventions, you can always refer to the Hansard Report and not the record of votes and proceedings.

[Point of Observation]

HON. ALHAGIE S. DARBOE [BRIKAMA NORTH & MINORITY LEADER]: Honourable Speaker, I think what we are dealing with is the Records of Votes and Proceedings of the First Extraordinary Session slated 28th July 2022. Things that were substantively submitted or contributed by Honourable Members are captured in these minutes. This is what we are looking at to see whether these were the things that we addressed or there were omissions.

THE SPEAKER: Honourable Member, what is your point now?

HON. ALHAGIE S. DARBOE [BRIKAMA NORTH & MINORITY LEADER]: Yes, what we are reviewing is whether the issues discussed were reflected or omitted. Now each Honourable Member should know what you have submitted and should be able to tell if there were omissions. I think there are differences to this. In matters of need, be it at the National Assembly or any organized meeting, I want to believe that when we discussed issues that are substantive, and Honourable Members raised Points of Order or Observation, it should be captured. This was mentioned and should be part of the proceedings. Since it was not raised as he rightly said, perhaps those within that area could be privy to the

message. Whether it had been carried by the media or not depends on the media. What should be carried by the Assembly is for the Assembly.

THE SPEAKER: Thank you very much Honourable Member. In fact, even if you cough, it will be captured in the Hansard for our records. However, two Members talking to each other or side issues cannot be captured in our minutes. We cannot do that.

[Question proposed, Put and agreed to]

[That the Record of Votes and Proceedings of the National Assembly Sitting of Thursday 28th July, 2022 has been adopted with amendments]

[Point of Order]

HON. ABDOULIE CEESAY [OLD YUNDUM]: Thank you, Honourable Speaker. On the issue of Point of Order, orders 18 and 32, the Chairperson of the Standing Orders Committee of the National Assembly wish to state that the Assembly is confronted with procedural issues where the Standing Orders is silent about.

Honourable Speaker, you are aware that there were several bills introduced by the Government during the 5th Legislature. However, some of these bills were unable to pass through the legislative stages before the dissolution of the said Legislature on the **13th of April 2022**. This Assembly, which is the Sixth Legislature, is now confronted with a long-standing parliamentary convention that one parliament cannot bind its successor especially on this. Therefore, since the Standing Orders does not expressly provide for this

scenario in the Assembly procedures and processes, I wish to invite you as Honourable Speaker to invoke your discretion under Standing Order 8 to guide this Assembly about the consequences of unfinished Assembly businesses.

[Point of order]

THE SPEAKER: Honourable Member for Serrekunda, what is your Point of Order?

HON. MUSA CHAM [SERREKUNDA]: It is an observation according to the Standing Orders...

THE SPEAKER: Honourable Member, is it an observation or a point of order?

HON. MUSA CHAM [SERREKUNDA]: Honourable Speaker, I am making a Point of order. I rise on Standing Order 17(d) which states: "Members shall not read newspapers, books, letters, or other documents..." that the document is typed.

THE SPEAKER: Honourable Member that is ruled out. Can you continue with your intervention, please? Honourable Chairperson of the Standing Orders Committee, can you continue please?

HON. ABDOULIE CEESAY [OLD YUNDUM]: Thank you, Honourable Speaker. Since the Standing Orders does not specifically provide for this scenario in our Assembly procedures and processes, I wish to invite you as Honourable Speaker to invoke your discretionary powers under Standing Order 8 to guide this Assembly about the consequences of unfinished Assembly business in the dissolved 5th Legislature of the National

Assembly, especially about bills, bearing in mind the convention that National Assembly cannot bind its successor Assembly. Honourable Speaker with these few remarks, I submit for your approval. Thank you.

THE SPEAKER: Honourable Members, this will be my ruling on the Points of Order raised by the Chairman. Honourable Members, I have been asked on a point of order by the Chairperson of the Standing Orders Committee of the National Assembly about the consequences of unfinished Assembly businesses in the dissolved 5th Legislature of the National Assembly, especially on bills, bearing in mind the convention that the National Assembly or Parliament cannot bind its successor Assembly and requested me to make a ruling.

Section 99(1) of the 1997 Constitution of the Republic of The Gambia provides: "Subject to the provisions of this section, the National Assembly shall stand dissolved on the day immediately preceding the day appointed in accordance with Section 97 for the first session of the next following National Assembly". Furthermore, Section 100(1) of the Constitution vests the legislative power of the state on the National Assembly through bills it passed and assented to by the President.

Honourable Members, neither the Constitution nor the status law is dealing with the issue of what happens to Assembly business including the passing of bills when the National Assembly dissolved. However, it is generally recognised in jurisdictions based on the Westminster Parliamentary System that when Parliament ends, it will ease the solution. When it is dissolved, all incomplete or unfinished businesses of Parliament are terminated.

Regarding the legislative function of Parliament referencing the United Kingdom House of Commons and the Canadian House of Commons, this means all Government bills or Private Members' bills that have not received royal or presidential assent prior to dissolution of Parliament cease to exist. This means that they cannot be carried over from one Parliament to another which reflects the long-standing convention that a parliament cannot bind its successor Parliament.

As regards the National Assembly of The Gambia which is also a Commonwealth jurisdiction, any bill which has not been assented to by the President before the dissolution of an immediately preceding National Assembly cannot be carried over to successor National Assembly.

Honourable Members, especially those returning Members, it is public knowledge that there were a good number of bills tabled by Government in the previous Assembly [Fifth Legislature] for consideration and approval. However, some of these bills could not be completed in the legislative process and remained unfinished by the time the previous Assembly was dissolved on the 13th of April 2022.

The National Assembly could be asked as to what it could do to prevent the said bills failing to pass. In principle, Government must try to complete as much of the legislative process pertaining to bills before the National Assembly is dissolved under Section 99(1) of the Constitution. This will accord with best practices in other Commonwealth jurisdictions. However, where Government is unable to complete the legislative process regarding its bills before the National Assembly is dissolved, the successor Assembly may in certain circumstances be inclined to consider preventing crucial bills

from failing by creating a legislative window of opportunity for Government to carry them over. This means that the National Assembly must decide whether the public or other appropriate overarching interest justifies an exemption from the parliamentary convention in our local context. Thus, Honourable Members, it may be asked as to why the National Assembly would permit a bill to be carried over. In my view, we must abandon it, or we introduce it from scratch in a successor National Assembly.

Honourable Members, carrying over a bill can prevent any Assembly scrutiny that has already taken place from going to waste, and reduces the amount of valuable Assembly time taken up by reintroducing important legislation in a successor National Assembly.

Honourable Members, in the United Kingdom and Canada, in certain circumstances, bills can be carried over from session to session within the same parliament but not when parliament is dissolved.

In the Gambian context, there is no constitutional or statutory provision in our Standing Orders which outlines the circumstances under which the National Assembly permit bills to be carried over. The proper procedure for achieving this outcome depends on whether the Assembly is prorogued or dissolved.

Notwithstanding this omission, Section 108 of the Constitution clearly provides that the National Assembly may regulate its own procedure and may make Standing Orders for the conduct of its own proceedings. Therefore, Honourable Members, cognisant of the Constitution of the Republic and the Standing Orders of the National Assembly recognising the existence of parliamentary convention, omissions in our Assembly law, as

well as the need for the National Assembly to adhere to the convention, there is no expressed provision in the Standing Orders regarding the matter at hand. In accordance with Standing Order 8, I hereby rule that the convention be adopted to suit our local parliamentary context as follows:

- a. That the National Assembly adheres to the long-standing parliamentary convention to the extent possible in our local context.
- b. That all incomplete or unfinished Government bills of the Fifth Legislature may be reinstated or reintroduced in the successor Assembly which is the Sixth Legislature subject to a motion by the person in charge of the bill.
- c. That bearing in mind the convention, the respective persons in charge of the unfinished business must table a motion before the National Assembly on each of the bills requesting for carry over.
- d. That a bill agreed to be carried over would be reinstated or reintroduced in the same form in the next Ordinary Session at the same parliamentary stage. It was prior to the dissolution of the immediately preceding National Assembly.
- e. That the timing of reinstatement or reintroduction of a bill carried over to the successor National Assembly be decided by the Assembly Business Committee in consultation with the person in charge of the bill.
- f. That the Standing Orders Committee considers reviewing the Standing Orders on the matter to proposing an amendment to expressly codify this convention before the Seventh Legislature to establish a special

procedure or carrying over legislation from a dissolved National Assembly bearing in mind this role.

g. Finally, that the Office of the Clerk immediately notifies all the affected Ministries regarding this ruling.

Honourable Members, this ruling is in accordance with Order 8 of the Standing Orders of the National Assembly.

I thank you. Is there anyone who wants to make comments? If none, then we proceed.

4. LAYING OF PAPERS AND REPORTS:

Consolidated Report of the Finance and Public Accounts Committee (FPAC) for the period 2019 – 2021

[By: Chairperson of the Finance & Public Accounts Committee]

THE SPEAKER: Honourable Chairperson, the floor is yours

HON. ALHAJIE S. DARBO [BRIKAMA NORTH & MINORITY LEADER]: Thank you very much, Honourable Speaker.

[Point of Observation]

THE SPEAKER: You see, when somebody wants to observe or make a point of clarification, the Member speaking is the one to grant permission.

HON. ALHAJIE S. DARBO [BRIKAMA NORTH & MINORITY LEADER]: Point of Observation. You are welcome.

HON. ASSAN TOURAY [BAKAU]: Thank you very much, Honourable Speaker. I have observed that the Honourable Member is about to lay a report but the one circulated is different from the one about to be laid before the National Assembly. On that note, I want to raise a motion for the laying of the report to be postponed to a later date to allow Honourable Members to go through the document. Thank you.

HON. ALHAGIE S. DARBO [BRIKAMA NORTH & MINORITY LEADER]: The observation of the Honourable Member is noted. I just want to put across that it is only a difference of text but not content per se. The contents are substantively the same. We observed that there were some language and procedural issues that warranted the changes but the content that has to do with issues of eminent importance remained as it is. So, that is the difference. Honourable Members, is there anyone who has observed anything in the new one and the old one? There is no substantive difference in the two reports.

HON. ASSAN TOURAY [BAKAU]: Honourable Speaker, changing the cover might sound delicate. I might see it in a different form. So, I stick to my motion for postponement to a later date to allow Honourable Members to go through the document.

THE SPEAKER: Honourable Member, I do not think you have moved your motion yet.

HON. ASSAN TOURAY (BAKAU): I have.

THE SPEAKER: If you agree, we will move your motion. What the Honourable Member is saying is that the document has been changed. The first document that was circulated has changed; meaning the content you read is no more what is going to be tabled. It is a new document to be tabled and the Minority Leader is saying that there was changed of documents. Basically, the contents are almost all the same. You people have the documents. If you have not read them, you cannot participate in the debate. If the documents are almost the same, I do not think we need to wait. If there are substantial changes that need our attention, then we can move a motion to put it to another date whilst you read ahead.

[Point of Order]

HON. SULAYMAN SAHO [CENTRAL BADDIBU]: Honourable Speaker, with your permission, the ruling that you made on the motion read by the Honourable Member for Old Yundum, we are not clear about it. I rise on Order 52, Notice of Motion. Can you allow me to learn please? Though, you made a ruling on the motion moved by the Honourable Member for Old Yundum, we want to ask you the notice of motion which was not seconded, and you made a ruling on it. The one that you read is a motion as you said, Honourable Member. We do not have any procedural issue now and there is no bill submitted to this Assembly in the Fifth Legislature that is before us today which will warrant him to come up with that motion or recommendation that you ruled on. Standing Orders clearly mentioned it with a procedural issue, so do you have any bill which warrants that procedure today?

THE SPEAKER: Honourable Member for Central Baddibu, you can now take your seat. Minority Leader and Member for Brikama North, the floor is yours.

HON. ALHAGIE S. DARBO [BRIKMA NORTH & MINORITY LEADER]:

Thank you very much, Honourable Speaker. I think Honourable Member for Central Baddibu is a member of the Assembly Business Committee, and it is in the agenda as well as in the Order Paper that this consolidated report of FPAC with us was the incomplete business of the Fifth Legislature that should be laid. It is important for the Speaker to make a ruling on it. Yes, there is no ruling but there is a report of incomplete business.

THE SPEAKER: Honourable Member for Central Baddibu, you were allowed to talk, so allow him to finish. Honourable Member, the fact that I want to congratulate and thank the Chairperson of the Standing Orders Committee for being very proactive and responsible; Our Standing Orders is the rule book that governs us here. Now, there is a loophole in the whole process both in the Constitution and the Standing Orders. They have observed that there will be leftovers from one Assembly to the other. So, we do not have to wait until we have such a situation and then make a ruling. Do you want to observe the Speaker? I believe these are gaps they have identified and want us to close our ranks before the situations even arise. Even if there are none, there could be one at the end of our Legislature, so something should be there to guide the next Assembly as to what to do next.

HON. SULAYMAN SAHO [SULAYMAN SAHO]: Thank you very much, Honourable Speaker, for that explanation. We have Standing Orders

Committee and I believe if we have a lacuna in our operations, we can refer it to them to work and amend it. There is a need for them to amend some of the provisions, but they cannot when the issue is not before us now. Therefore, you cannot make a ruling on it by just reading it.

THE SPEAKER: With all due respect, any Honourable Member has a right to put a Point of Order without referring to any of you. It is also the Speaker's responsibility to decide on that Point of Order which cannot be challenged. So, Honourable Members, I think we can proceed. Honourable Member for Latrikunda Sabiji, the floor is yours.

HON. YAHYA SANYANG [LATRIKUNDA SABIJI]: Thank you very much, Honourable Speaker, for giving me the floor. I just want to be very clear on what you have said when Honourable Saho made an observation. You said that nobody can make an observation when the Speaker spoke and kept quiet. Is it the case that nobody should raise a Point of Order or Observation? Of course, I was listening.

THE SPEAKER: No, you were not in the Chamber.

HON. YAHYA SANYANG [LATRIKUNDA SABIJI]: I heard you clearly saying that when the Speaker is speaking, nobody makes observation. This is what you said. That was not the exact words used but it is exactly what was meant. When the Honourable Member made observation, you did ask whether he was going to observe the Speaker. This was clear.

THE SPEAKER: Honourable Member, please take your seat. Honourable Member for Sami, the floor is yours.

HON. ALFUSAINY CEESAY [SAMI]: Thank you very much, Honourable Speaker, for giving me the floor. I just want to second the motion raised by the Honourable Member for Bakau regarding the FPAC report. It has already been said by the Chairperson that it is a different report. So, if we want to do justice to the report, let us defer the laying of this report and wait at a better time to debate on it. I thank you.

THE SPEAKER: Honourable Members, there has been the issue of tabling the report of FPAC and the Honourable Member said categorically clear that the report has been changed and the Honourable Minority Leader confirmed it, but went further to say that substantially the content has not changed. Now, you have seen both reports, it is your decision to either continue to table the report or table it later to give you opportunity to read. It looks like Honourable Members want us to reschedule laying the report. Honourable Members, we know your feelings. Can somebody move a motion for the report to be deferred?

HON. ASSAN TOURAY (BAKAU): I rise to move a motion for the laying of the FPAC report to be deferred to a later date.

THE SPEAKER: Honourable Members, any seconder?

HON. LAMIN CEESAY [KIANG WEST]: I rise to second the motion.

THE SPEAKER:

[Question Proposed, Put and Agreed to]

[That the laying of the FPAC report be postponed to a later date.]

Sitting is suspended for fifteen minutes. We should all be in by five minutes to midday.

Assembly suspended

The Assembly Resumes

5. MOTION

Be it RESOLVED that this august Assembly do Consider and Ratify the Instrument for the Amendment of the Constitution of the International Labour Organization, 1986

[By: Hon. Minister of Trade, Industry, Regional Integration & Employment]

THE SPEAKER: Honourable Members, I now invite the Honourable Attorney General and Minister of Justice stepping in for the Honourable Minister of Trade, Industry, Regional Integration and Employment. Honourable Minister the floor is yours.

HON. DAWDA A. JALLOW [ATTORNEY GENERAL & MINISTER OF JUSTICE]: Honourable Speaker and the Honourable Members of the National Assembly, I beg to move that this august Assembly do consider and ratify the 1986 Instrument of the Amendment to the International Labour Organization [ILO Constitution].

Honourable Speaker, the International Labour Organization is an international organization founded in 1919 under the League of Nations. It

is the first and oldest specialized agency of the UN. The ILO has 187 member states, 186 out of 193 UN member states. As the only tripartite UN agency, ILO brings together governments, employers, and workers representatives of 187 member states to set labour standards, develop policies and revise programmes, promote decent work for all women and men.

In 1986, the International Labour Conference discussed and adopted an instrument of an amendment proposing changes that affect 11 of the 40 articles within the Constitution of the International Labour Organization. The main objective of the proposed amendment is to make membership of the governing body of the ILO to be more representative by providing the means of appointment that considers various geographic, economic, and social interests of its constituent groups. Furthermore, the appointment of the Director General by the governing body will have to be submitted to the International Labour Conference for approval. The 1986 amendment also introduces adjustments to the rules for voting at the conference as regards to the required majority and quorum and sets out different voting and ratification requirements for constitutional amendments related to specific considerations. With these amendments, the number of members of the governing body under the Constitution will increase to 112, and the manner of their allocations will also be affected. Of these, 56 seats are allocated to the government representatives, 28 will be allocated to employers' and workers' representatives. There will no longer be seats guaranteed for member states of industrial importance. The amendment addresses four (4) main areas:

1. The compensation and governance of the Governing Body of the Office: The principal reasons for proposing the amendment were to give the Governing body a more Representative Membership by providing means of appointment to its members that considers a more contemporary manner of the various geographic, economic and social interests of its constituent groups.
2. The procedure for appointment of the Director General: The Director General of the ILO will continue to be appointed by the Governing Body, but the appointment will be submitted to the International Labour Conference for approval.
3. Voting at the International Labour Conference: The quorum for voting at the conference will be redefined to result in a transparent decision making.
4. Governing how the Constitution may be amended: Strict majority requirement would apply to adopting important constitutional amendments.
5. The constriction of the Governing Body has been of significant interest to the African group. The group has been actively engaged in deliberation within the ILO governance structure on ways to address the historical and geographical imbalance in regional representation on the Governing Body.
6. The African group has been clear and unanimous in its view that Africa has been historically discriminated against in terms of the composition of the Governing Body. The group also agreed that the 1986 Amendment represents the goal of equitable and non-discriminatory representation of all groups within the Governing Body.

Honourable Speaker, in 1986, the International Labour Conference discussed and adopted an instrument of amendment proposing changes that affected 11 of the 40 articles within the Constitution of the International Labour Organization. The 1986 Amendment addresses the four areas stated above.

In summary, the composition and governance of the Governing Body are as follows: The procedure for appointment of the Director General of National Labour Conference and rules governing how the constitution may be amended. If the 1986 Amendment enters into force, the Members of the Governing Body under the Constitution will increase from 56 to 112, and the manner of their allocation will also be affected under the 1996 Amendment. The Director General of the ILO will continue to be appointed by the Governing Body, but the appointment will be submitted to the International Labour Conference for approval. The 1986 Amendment proposes changes to Article 36 of the Constitution covering future amendments and sets out voting and ratification requirements for amendments related to these specific considerations.

The adoption of any amendment relating to the fundamental purposes of the organization, the permanent establishment of the organization, the composition and functions of its organs, and the appointment and responsibilities of the Director General, the constitutional provision relating to the International Labour Convention and recommendations, and the provisions of Article 36 of the Constitution which requires three-fourth(3/4) of the votes cast and would have to be ratified or accepted by three-quarters of the members of the organization in order to communicate facts.

The Gambia is one of the two African member states that have not yet ratified this amendment and the other is São Tomé and Príncipe. As of August 2022, further four ratifications and acceptance were required for it to enter into force including three members of Chief Industrial Importance. As requested by the Governing Body, the countries that have not ratified the 1986 Amendments were invited to consider its ratification or to provide any comment with respect to reasons which have not so far admitted to its ratification.

Honourable Speaker, of the 56 seats reserved for Governments and Governing Body, 54 would be distributed among the 4 geographical regions [Africa, the Americas, Asia, and Europe] with a minimum of 12 and maximum of 15 seats for each region. Distribution of seats will be weighed by the consideration of the number of Member States within the region, their total population, their economic activity assessed by appropriate criteria [Gross National Product for Example] or contribution to the budget of the Organization. The initial allocation provided for is 13 seats for Africa, 12 for the Americas and alternatively 15 and 14 seats for Asia and Europe. The 2 remaining seats will rotate, one between Africa & the Americas and the other between Asia & Europe.

Under the proposed amendment, government delegates representing the Member States from each of the four regions will form an electoral college to fill seats for each region. Each Electoral College will need to ensure that a substantial number of members are appointed to fill the regional allocations. Seats are chosen based on population size taking into account an equitable geographical distribution and other factors such as the

economic activity of the members in accordance with the special characteristics of the region. At the same time, the 1986 Amendment makes allowances for special characteristics within the region where subdivisions may be informed on sub-regional basis to appoint members separately to fill the seats assigned to the sub region. It is important to note that the four (4) regions can be adjusted by mutual agreement among all governments concerned.

The 1986 Amendment to the ILO Constitution is in conformity with all other relevant legislations and international instruments ratified by The Gambia such as the ILO Fundamental Conventions after consultations with my Ministry. The responses were provided from the Ministry of Justice on the 23rd of June 2020 in which it was stated that there had not been any cause particularly detrimental to the interest of the membership of The Gambia. There are no financial obligations attached to the ratification of the 1986 Amendment to the ILO Constitution. We are hereby kindly requested to endorse and ratify the 1986 Instrument for the Amendment of the International Labour Organization (ILO) Constitution. Honourable Speaker, I beg to submit.

THE SPEAKER: Thank you, Honourable Minister. Is there any seconder to move the motion? Yes, Member for Kantora and Majority Leader.

HON. BILLAY G. TUNKARA [KANTORA & MAJORITY LEADER]: Thank you very much, Honourable Speaker, for giving me the floor. Allow me to thank the mover, Honourable Minister of Justice, who presented the International Labour Organization's Constitution for ratification. It is also gratifying to note that the national interest is not at stake, and also the

Minister reiterated that it is in conformity with the laws of the land. It is a very simple instrument. We have to thank the Minister and the entire organization for coming up with people-centred ILO that has really looked at the imbalances of power within the organization.

With your permission, Honourable Speaker, I rise to second the motion and want to take the opportunity to make deliberation to give my blessing and support to the proposed motion before us.

THE SPEAKER: Honourable Member, go ahead.

HON. BILLAY G. TUNKARA [KANTORA & MAJORITY LEADER]:

Having seconded the motion, I want to render my support and contribution to the ratification of the Instrument for the Amendment of the International Labour Organization (ILO) Constitution. I did reiterate that it is now people-centred in a sense that there are series of prospective and progressive amendments in the document. If you look at Article 7, you have the original text and the amended version as well. It says that the Governing Body shall consist of 36% but the amended text increases the number to give room for more representation. It was increased to 112 seats and what impressed me is Article 7(3) which states: "The Governing Body shall as occasion requires determine the members of the Organization of Chief Industrial Importance and shall make rules to ensure that all questions relating to the selection of the members of Chief Industrial Importance are considered by an impartial committee before being decided by the Governing Body. Any appeal made by a member from the declaration of the Governing Body as to who are the members of the Chief Industrial Importance shall be decided by the Conference, but an appeal to

the Conference shall not suspend the application of the declaration until such time as the Conference decides the appeal". The amendment removed that so there will be no more Chief Industrial Importance to decide on behalf of member states. If you also look at the allocation of seats, you realize that each region [Africa, the Americas, Asia or Europe] has been adequately catered for. Article 8 states that there shall be Director General of the International Labour Organization who shall be appointed by the Governing Body, but the amendment version states that there shall be a director of valuable association who shall be appointed by the Governing Body but subject to approval by the International Labour Conference. Power is not only given to the Governing Body to approve these appointments, but it must be subjected to approval by the General Assembly.

I think these are prospective things I have noted. Of course, the pattern of voting previously is that it is void unless the total number of votes cast is equal to half of the members of the delegates in attendance. However, the progressive nature of the amendment is that it has to be half of the members. In essence, the voting is void unless half of the delegates attending the session who are entitled to vote have taken part in the voting process. So, these are all progressive amendments. I think as an Assembly, we cannot do much but to ratify and give our support to the Amendment.

On that note, I want to once again thank the Honourable Minister as it is long overdue because there is a saying that the old economic order only put Africa at a disadvantage. African economy should be at a better stage to compete with other markets. Also, there has been access to the power

vested in the Governing Body within European and other countries. So, Africa has a say on behalf of its membership in terms of the work of the ILO. Honourable Speaker, I thank you.

THE SPEAKER: Thank you, Honourable Member.

[Question Proposed]

Any Honourable Member who wishes to take the floor may now do so.

[Point of Observation]

HON SAINEY JAWARA [LOWER SALOUM]: Thank you, Honourable Speaker, for giving me the floor. I just want to observe the Majority Leader and Member for Kantora. He said that we cannot do much on this. Honourable Chair, then what is the essence of bringing this convention into Assembly if much cannot be done?

THE SPEAKER: Honourable Member for Brikama North, you may take the floor.

HON. ALHAGIE S. DARBO [BRIKAMA NORTH & MINORITY LEADER]: Thank you very much, Honourable Speaker. I thank the Honourable Attorney General for stepping in for the Trade Minister to present before us the Instrument for Amendment of the Constitution of the International Labour Organization 1986. I wonder why it is taking us that long to ratify this instrument when we took the commitment to be a member of the ILO. This legal instrument can only be binding on us as a member if ratified by the Assembly. To rectify the instrument is an obligation for the Assembly. On the other side, we have no legal authority

to do any amendment if we are not a member, and before the instrument can be legislated on us. Therefore, if we are to commit to our membership, we have to ratify the instrument.

We have raised that the Government should be committed to all legal instruments because some of them have been lying there for several years. We signed protocols or agreements, but we do not ratify them. After ratification, to domesticate it is also an issue. So, we have been urging the Government to take that commitment. Now, if the Honourable Minister has complied with that call we have been making as an Assembly, we need to commend him for that. We still want to see more arrangements or protocols we have undertaken and signed to be brought before the National Assembly for ratification so that we can take a good position in those organizations. On that note, I thank you.

THE SPEAKER: Thank you very much, Honourable Member for Brikama North and Minority Leader. I now have the Member for Upper Saloum.

HON. ALHAGIE MBOW [UPPER SALOUM]: Thank you very much, Honourable Speaker. We have an instrument for ratification. Knowing the importance of this instrument, I would like to give a motion relying on Order 53(e) which reads: “[A Motion without Notice], that a motion for the committal of a bill or motion to a committee, including a Committee of the Whole Assembly, or for the adoption of the Assembly of a report of a committee, including a Committee of the Whole Assembly”.

Honourable Speaker, Article 36 of this instrument says that amendments can be made. I think it is incumbent upon the Assembly to refer this to a committee to clearly look at it for more suggestions to the Minister for

further amendment(s) in the future. I think it is better for us to do that. Now, we owed it to the country. As a matter of fact, Article 36 is very important as it says: "Amendments to this Constitution which are adopted by the Conference by a majority of two thirds of the votes cast shall take effect when ratified or accepted by two thirds of the Members of the Organizations". It is important we look at it and make suggestions to the Minister for further amendment(s). So, I think it is better for us to refer this to the Committee of Trade for further scrutiny and report back to the plenary.

THE SPEAKER: Thank you very much, Honourable Member for Lower Saloum. Honourable Members, before I call on any other Honourable Member, a motion is put on the table and I heard Members knocking on their tables. Do we proceed to consider the motion? We should not continue to consider the motion rather we remit it to the relevant committee which will report to us at another time. That is the motion.

Question Proposed

Is there any seconder to the motion?

HON. FATOUMATTA NJAI [MEMBER FOR BANJUL SOUTH]: Thank you, Honourable Speaker. I rise to second the motion.

THE SPEAKER: Before I put the question, do we invite the Honourable Minister to say something.

HON. DAWDA A. JALLOW [ATTORNEY GENERAL & MINISTER OF JUSTICE]: Thank you very much, Honourable Speaker. Thank you, Honourable Member for Lower Saloum, for that proposal. I just want to

urge this Assembly to consider proceeding with the endorsement. However, we can still receive suggestion from the Trade Committee or the Assembly at large. It does not have bearing with what we are doing now because we will not be able to change anything regarding the way it works. The Executive participate in the amendment at the International Conference. We have participated in this proposed amendment in 1986 and adopted this, but we have not ratified it like other countries did. If the Constitution is open for another amendment, then we can even pass it here. If this or any other treaty is going to be amended when the Executive is going to those kinds of conferences, they can consult the Assembly, and as such the Assembly's views would be taken along when negotiating these treaties. Taking it to the committee now adds no value to what we are doing. It will only delay the process because whatever you discuss and submit to us cannot add or reduce anything to what we are doing. So, I would suggest this one to go then we will continue the consultation to receive any kind of suggestion from you. The Executive will bear that in mind when negotiating these treaties. Thank you very much.

THE SPEAKER: Thank you very much, Honourable Minister.

HON. SULAYMAN SAHO [CENTRAL BADDIBU]: Thank you, Honourable Speaker. With the explanation made by the Honourable Minister, I want to appeal to the Assembly to look at it and allow it to pass since we cannot add or reduce anything.

THE SPEAKER: The mover of the motion, Honourable Member for Upper Saloum, the floor is yours.

HON. ALHAGIE MBOW [UPPER SALOUM]: Thank you very much, Honourable Speaker. I clearly understand what the Honourable Minister is saying but we also need to be very careful because the Assembly must be at the centre of the agreement regarding the terms and conditions of international arrangements or treaties. The Minister of Foreign Affairs should ensure that most of the international treaties go to the Assembly so that we can give our own suggestions when they want to be a signatory to any agreement. The Constitution states clearly that we are the only lawmakers of The Gambia who are given powers to ratify any international agreement. Honourable Speaker, I am just trying to remind the Honourable Anthony General and Minister of Justice is that whenever we have legal instrument especially international agreements, it is important to engage the Assembly at every level so that we can give our inputs. So, I would like to withdraw the motion for now but let us make sure we take care of those things in the future.

THE SPEAKER: Honourable Members point of clarity. I think what the Honourable Member for Central Baddibu and the Honourable Minister said is almost very clear that for any international instrument, the Assembly has the right to reject or ratify it. We cannot amend it, but we can make proposals for amendment and then it will be tabled. It is just like in the Assembly here. It will be tabled and if we are able to score the majority, it will be amended. That is the international norm and practice. Now that the motion has been withdrawn, it means we should continue with the debate. The Trade Committee will continue to scrutinize it and then forward their recommendations to the relevant ministry.

Listen, you can ratify it but if you want to make observation or contribute towards its amendment, you can send it to the relevant ministry. So, we now call upon the Honourable Member for Kiang West.

HON. LAMIN CEESAY [KIANG WEST]: Honourable Speaker and Honourable Members of this august Assembly, I want to make a submission on the document placed before us. I have made few observations with respect to the amended Articles regarding the composition of the Governing Body which consist of 56 persons and 28 government representatives (14 representing the employers and 14 representing the workers). On the amended version, it has been stated that the Governing Body shall comprise...

THE SPEAKER: Honourable Member, can you refer to the relevant places so that Members can follow up?

HON. LAMIN CEESAY [KIANG WEST]: Regarding Article 7, I am trying to make a link between the composition of the Governing Body and the approval of the appointment of the Director General of the International Labour Organization. Previously, it has been captured that the Director General of the International Labour Organization shall be appointed by the Governing Body which was not subjected to the approval of the conference, but it is now subjected to the approval of the conference. How is the composition of the Governing Body represented and which personnel are involved? I really want to be clear about it. Does the Governing Body comprise Heads of States? Probably, it comprises the government officials of different states or participating heads of states. That will inform me to tell whether the appointment would still be considered to go under the

consideration of the conference or not. If the Governing Body is well represented and they have been voted into office through a very democratic means. I think it will be better to allow the Governing Body that is representatives of different states to appoint Director General. This is the observation I have. To make my submission very strong, I would like to take my seat and go through the document very well. Thank you very much.

THE SPEAKER: Thank you very much, Honourable Member for Kiang West. We now have Honourable Member for Nainija.

HON. AMADOU CAMARA [NAINIJA]: Thank you very much, Honourable Speaker, for giving me the floor. I just wanted it to be referred to the relevant committee for scrutiny, but it is the same. I think if I understand the motion from the Honourable Minister, the Government participated well in this amendment, and there are still provisions that provide for further amendment which cannot be done here, but recommendations can come from the Assembly likewise the Committee on Trade. I will recommend to the Committee on Trade to take it up with them and engage the relevant Government authorities concerned on this. Probably, if there are other issues that you have or recommendations from the contributions by various members, we take it up with them because I see no reason for reconsidering and referring this to a committee when the process of amending this has already been done. So, I think it is better we just rectify it because I know we have many other treaties lying there.

I also want to implore the Minister of Justice to liaise with all the MDAs to find out about these international treaties and bring them to the National

Assembly so that we can ratify, reject or otherwise recommend it to go on further negotiations and come back to us. So, on that note, I thank you and pledge my full support to this motion.

THE SPEAKER: Thank you very much, Member for Nainija. I now invite the Member for Banjul South.

HON. FATOUMATTA NJAI [BANJUL SOUTH]: Thank you very much, Honourable Speaker. I do not think I have anything much to say because Honourable Member for Upper Saloum has presented the motion and it was revoked. So, I think, it is okay.

THE SPEAKER: Thank you very much, Member for Banjul South. I now invite Member for Wuli East.

HON. SUWAIBOU TOURAY [WULI EAST]: Thank you very much, Honourable Speaker. We all know the situation of loans, especially in countries like The Gambia. We want to participate in international conferences so that we benefit from any gains relating to our people. Honourable Speaker, the ILO has been here for many years, and The Gambia has been benefiting from the organisation. However, this particular instrument is a bit complicated because we have not seen the past instruments; all we have here is what we need to change. We need to know what is obtained before so that we know the thing we are going to replace. Now, if you look at Article 7, you can see the merit of that because it is telling you what was there. It says that the Governing Body shall consist of 56 persons but now the Governing Body shall comprise 112 seats. So, since it is increased from 56 to 112 seats, the Minister should be able to help us know why that increment. In my own view, I think the

organization is getting bigger and bigger as such we need to increase the numbers.

If you look at the previous document, it is saying 28 Government representatives and now it is 56. The other one is also saying 14 representing employers and 14 representing workers. So, everything is increased here. The workers are the key stakeholders I believe and maybe we can think of increasing their number or take note of that to see how best to increase. You can see all the workers in the World in that organization, but Government has more seats than the workers. That is one area I want to flag.

Honourable Speaker, I also want to know how many countries have already ratified this because instead of scrutinizing it better, you are pushing us to ratify it. Have you already attained the three quarter that is required? Or are you trying to push The Gambia so that we can reach the number? That is the question I intend to ask.

Secondly, if you look at Article 4 which is talking about arrears, we tend to be ratifying a lot of these things without preparing ourselves for them. You go to these international conferences, and tend to understand that, as representatives, we cannot participate at certain points because our country owes arrears. So, if we are going to ratify any instrument, then we should make sure that it caters for whatever payments we should do in that organization so that when our representatives go there, they will not be sitting at the corner. They will participate fully in the deliberations and even elections to hold positions in the organization. That is how we are going to gain more from the organization than going there only to sit on

the fringes of the organization. On that note, I would support this amendment. Thank you.

THE SPEAKER: Thank you very much, Honourable Member for Wuli East. We now invite the Honourable Member for Latrikunda Sabiji.

HON. YAHYA SANYANG [LATRIKUNDA SABIJI]: Thank you, Honourable Speaker, for giving me the floor. I also want to thank the Honourable Minister for his thorough presentation and for taking his time giving us what we asked. According to what the Honourable Minister said, if you bring an instrument before us and we are committed to that instrument beyond recall, then why do we have to debate on it now? If it is something we cannot change, we should not waste our time. We are committed to this instrument they recalled, and the Assembly has been given directives on what to say and do.

So, I just pick Article 1-36 from my box today and I was trying to read one article to the other to compare and contrast to see whether I can have an informed decision, but I am still constrained, and you want me to ratify this right away. Also, as a Ministry, before we go international when do we last review our Labour Act? Our labourers are exploited by foreign investors and even our own local investors, but we have never taken time to look at our Labour Act which needs serious amendment. I think I will urge the Honourable Minister to look at our Labour Act from here to make it a very progressive document.

Also, as a country, we have always been sleeping on our international commitments, and it is high time we regained our balance as illustrated by the Honourable Member for Brikama North. When we ratify and

domesticate this instrument, we also need to take their implementation very seriously. So, for now, I do not want to go further. I just want to speak quickly and keep quiet. I do not want to be part of people who are going to ratify this if it is not subjected to committee level because it is important that the committee advise us very well on it. Thank you very much.

THE SPEAKER: Thank you very much, Honourable Member for Latrikunda Sabiji. When you made the comment, I got worried because Members should always be given time to read documents before they can participate. I referred to the Office of the Clerk and I am told that these documents have been circulated for over a week. Honourable Nominated Member, Kebba Lang Fofana, the floor is yours.

HON. KEBBA LANG FOFANA [NOMINATED]: Thank you very much, Honourable Speaker. I would start by thanking the Honourable Minister for Justice who stepped in for the Minister of Trade. It is really refreshing to know during his deliberations that the amendments still conform to the laws of the land and there is no financial cost attached to it. But on a point of concern, I would really like to concur with Honourable Mbow. The National Assembly is here for a purpose, and I strongly believe giving the Members time to scrutinize the bill would have really added value. I am in support of it and I know that no Member would be an obstacle to something that we know will add value to the labour force of this country. Most importantly, I am a Member of the National Assembly today even if this document was given to me a week ago, I am not legally minded. I might have a profession different from law. I cannot interpret it, but the

Assembly itself have sub-committees. If you direct it to the relevant sub-committee that might expedite the process, that would allow individuals to ratify the bill and go back home with a clear mind. As it stands, I will do the ratification but the implications I would not know. So, I want to appeal to the Minister even though we know his worries as he has a lot on his shoulders, we would want to fast track the process by giving the Assembly the required time so as to sanitize it and come up with informed decisions. Thank you very much.

THE SPEAKER: Thank you very much, Honourable Nominated Member. I now invite the Honourable Member for Busumbala Constituency.

HON. MUHAMMED KANTEH [BUSUMBALA]: Thank you very much, Honourable Speaker. I would like to associate myself with the deliberations made by Honourable Member for Latrikunda Sabiji and Honourable Nominated Member. Having gone through these Articles, there are some progressive messages that will be beneficial to the labour force. However, I want the Honourable Minister of Justice standing for the Honourable Minister of Trade to enlighten us whether the progressive articles here have true reflection to that of the existing Labour Act because most Honourable Members are not au fait with the Labour Act. So, anything we do here must have direct progressive impact on our existing labour document.

Having gone through it, I would be in a position to support it, but I would like us to be given some time to have a better scrutiny through our committees to see whether it has some progressive impact on our existing Labour Act. Thank you very much.

THE SPEAKER: Thank you very much, Honourable Member for Busumbala Constituency. We now invite the Honourable Member for Central Baddibu.

HON. SULAYMAN SAHO [CENTRAL BADDIBU]: Thank you Honourable Speaker and the Honourable Minister for bringing such an important instrument before us for ratification.

Honourable Speaker, ILO has been in existence since time immemorial as far back as the end of the First World War. The Gambia is not an island as it is part of the crusade to ensure that poverty is eliminated and employment issues addressed. If you read the ILO Act, the Articles highlighted here have been developed through international meetings, conferences, or consultations and all countries participated well for it to be formulated.

Honourable Speaker, the questions that we should ask now are: where does The Gambia stand as far as ILO is concerned? What do we do to address unemployment in our country? What do we do to ensure that workers' rights are protected in this country? What do we do to ensure that minimum wage exist so that our workers will not suffer? How do we better their living conditions so that they would be worth of emulation?

Honourable Speaker, I believe when it comes to domestication, the Ministry has work to do in collaboration with partners. I think it is high time we looked at our own Labour Act as a country as alluded to by Honourable colleagues. Where are the gaps, and what do we need to do?

Honourable Speaker, ILO is out to fight against diseases. We all know that diseases are rampant in our continent, in our country. So, The Gambia

being part of such an important organization will pave a way for us to fight against diseases which are claiming lives of children, women, and all sectors of life.

Honourable Speaker, regarding the voting rights, the article spelt out the right to vote. I believe our representatives to this international organization will vote in our favour and will not vote for decisions that are going to be detrimental to our brothers.

Honourable Speaker, equal opportunity should be given to member states. I believe this is very key because we cannot just be signatory or become members of organizations which will not give us any benefit. So, these are some of the things that need to be safeguarded as a country. Other Honourable Members talked about bringing it to the Assembly. Yes, it is important to look at it in the Assembly but as long as there are laws that limit us, I think as Members of the National Assembly, we should look at those laws. If there is need for us to amend them, we do it. There are certain international instruments that we cannot touch. So, what is the essence of adding our inputs? You cannot just put some important recommendations if that is the case. I think this Assembly is at liberty to look at it and come up with amendments. I thank you for your kind attention.

THE SPEAKER: Thank you very much, Honourable Member for Central Baddibu. We now have the Honourable Member for Upper Fulladu West.

HON. BAKARY KORA [UPPER FULLADU WEST]: Honourable Speaker, thank you so much for giving me the floor. As far as the issue at hand is concerned, I think this is an important document though some may say the

time is very short. If you go through the document, you will come to realize that lot of adjustments should take place as far as the ILO is concerned because this is an organization, as the Honourable Member mentioned, formed long before we were born and The Gambia has been part of it. The most important thing he has highlighted is to look into our Labour Act because this organization is very important. The Gambia is going to have a lot of benefits from this organization. If you look at Article 7, you will realize that the Governing Body shall consist of only 56 before but now increased to 112. Also, the 28 representing the government side is going to be increased to 56, fourteen (14) representing the employers which will be increased to twenty-eight (28), and the fourteen (14) representing the workers will also be increased to twenty-eight (28). So, this is telling you that ILO is taking a new dimension. There is going to be lots of increment as far as the organization is concerned.

However, my worry is the voting side where you have continents like the Americas, Asia, Europe, and then Africa. What is spelt out in this document is that you will get a seat based on the geography or the population and the way business activities are run in your country. So, like in Africa, they are telling us that before, thirteen (13) seats were given to Africa, America twelve (12) seats, Asia fourteen (14) seats and Europe fifteen (15) seats. So, this is going to be multiplied. My worry here is I am not sure whether The Gambia being one of the smallest countries in Africa is going to have a seat in that organization.

Generally, it is very important for the National Assembly Members to support and then ratify this thing. So, that is my take as far as this issue is

concerned. Before I take my seat, I would like to thank the Honourable Minister of Justice for bringing this bill before the National Assembly Members. I think one thing is also very important is that any agreement the Government of the day comes up with has to pass through the National Assembly in case of anything in the future because they cannot make treaties in the absence of the National Assembly. So, what I want to tell the Honourable Minister as my colleagues alluded to in their speeches that anything the Government wants to do has to come to the Assembly for final approval. I thank you so much for bringing this document to the Assembly.

THE SPEAKER: Thank you very much, Honourable Member for Upper Fulladu West. I now invite the Honourable Member for Jarra Central.

HON. KEBBA JALLOW [JARRA CENTRAL]: Thank you very much, Honourable Speaker, for giving me the opportunity. As the Chairperson of the Select Committee on Trade, Industry, Regional Integration and Employment, I equally rise to support the ratification of the Instrument for the Amendment of the Constitution of the International Labour Organization, 1986. I beg to take my seat. Thank you.

THE SPEAKER: Thank you very much, Honourable Member for Jarra Central. I now invite the Honourable Member for Tallinding Kunjang.

HON. MUSA BADJIE [TALLINDING KUNJANG]: Thank you, Honourable Speaker. Since our job here is to ratify, and ratification means to give our consent or to agree, I think we need to understand why we need to give our consent. Why do we need to agree? Perhaps, we are saying International Labour Organization has been here for almost a

century or more and Gambia has been part of this organisation since 1986. It is just unfortunate that it is coming before the Assembly for ratification. Notwithstanding, we have to justify why we should ratify this Constitution. I do not want to leave this Chamber with doubts. If I do, I should blame myself. I want to be very clear. Since we join the International Labour Organization for a reason, it must set standards that will trickle down to the individual member countries.

When I look at the Constitution, all I see is the functions and structure of the body and who should occupy what. I was thinking that the Constitution should also embody the principles on which the ILO stands, the standards they have set to make sure that workers in the member countries would have a healthy working environment in terms of good pay scale and all that it takes because this organisation is here to promote social justice and advance the working condition of people in those member states. I was thinking that the Constitution should embody those standards, but I have not seen them. I think I should be educated on that, Honourable Speaker. This is something that doubts me. How does it function? We were all born and found this thing here and I can tell you this is what UN or FAO is doing. I cannot tell you this is what ILO is doing in this country. So, if we are paying members per diem from taxpayers' money to go and sit in these conferences, we should know the benefit(s) of that organization to this country and the workers. These are some of the things I need to be educated on. Thank you very much.

THE SPEAKER: Thank you very much, Honourable Member for Tallinding Kunjang. I now invite the Honourable Member for Foni Kansala.

HON. ALMAMEH GIBBA [FONI KANSALA]: Thank you Honourable Speaker and the Minister of Justice for representing the Trade Minister. ILO, as the name implies, is an international organization responsible for the welfare of workers and representing continents like Asia, Africa, the Americas, and Europe. I want clarity here through the Honourable Minister. It is great we join international organisations. It is important to be playmakers in these organizations, especially an organization like ILO that represents the welfare of workers in general.

Looking at Article 7, it raises the composition of government bodies in which Article 7 (3a) which talks about various distributions among four geographical regions: Asia, Africa, Europe, and the Americas. I want clarity here as we, Africans, have a part in ILO because we also contribute. So, what is the voting method? What will the Gambia gain in terms of being represented in the Governing Body? We want the Minister to help enlighten us with the processes and the procedures.

Also, if I heard the Honourable Minister very well, he did mention that the government bears no cost to ILO, but Article 13(4) says: "A Member of the Organization which is in arrears in payment of its financial contributions to the organization shall have no vote in the conference of the Governing Body...". I want vivid clarification regarding that. What are the contributions? Is it base on agreement of resources different from finance? We want to know how much The Gambia, as a body of, is contributing every five years, every year, and every month to ILO. We need clarity in this. We join organizations for a purpose but the key functions that

countries should perform are big questions. Sometimes, we see big countries taking precedence over the smaller ones.

So, Honourable Minister, we want you to help us to know benefits we will have as a country from this organization. What do we contribute and how did we default? How much arrears should a country have to prevent it from participating? It means there must be a staggering amount that is levied on us. We want you to help us on this.

Honourable Speaker, we have voting rights but sometimes if you look at key performance indicators, it is a big nightmare. So, we want to know ILO in comparison with the Labour Act of this Country. We want you to help us establish the similarities and the key functions that could work together to benefit us internationally and locally. What do they share that would be beneficial to the work force of The Gambia? Thank you very much.

THE SPEAKER: Thank you very much, Honourable Member for Foni Kansala. We now invite the Honourable Member for Jeshwang Constituency.

HON. SHERIFF SARR [JESHWANG]: Thank you very much Honourable Speaker, and Honourable Minister for the deliberation. I have a concern here although the Minister has made it very clear. Article 7 has given 24 seats to the workers who are the most concerned people as far as labour is concerned in the Country. This is about the Instrument for the Amendment of the Constitution of International Labour Organisation that we are trying to ratify. You did your own homework as a minister, and you would be representing The Gambia there with your team to do your own changes.

If possible, I would like to suggest that we at least put in something for the physically challenged or the disabled in relation to our own Gambian context. They also need to be represented. Yes, they should at least have a representative in the 28 seats. Honourable Minister, we would be very grateful if you look at the Labour Act properly. What can we do to adjust the Labour Act? People are complaining that it is within the Assembly. Can we properly look at the way people are living, and the working environment within the country? Where can we adjust to at least suit us? I would be very grateful to the Honourable Minister of Trade if the Labour Act is looked at. Thank you.

THE SPEAKER: Thank you very much, Honourable Member for Jeshwang. We now invite the Honourable Member for Janjangbureh Constituency.

HON. OMAR JAMMEH [JANJANBUREH]: Thank you very much, Honourable Speaker. I also want to extend my gratitude to the Honourable Minister of Justice for coming up with this document for ratification. I think this is very timely looking at the condition of the Gambian workers which is very sympathetic. In as much as we are considering to amend an International Document, I want to believe that it is also important for us to look at the Gambia Labour Act considering that most of our workers are earning salaries at the end of the month. For Example, if you work into the Tourism Industry, you will agree with me that 70 to 80 % of the workers there are receiving less than D2000 per month.

Also, concerning this document, it seems we are being deceived by numbers, looking at the increment of representation from 56 to 112. Are these representatives from Africa or from the general membership? I think

it will also be important if the figures can be really segmented for us to know the number of women or people to represent. So, basically, I think the Ministry of Justice, or any other ministry should adjust their approach before documents are brought to the National Assembly for ratification. It is of importance for such documents to be submitted to the respective committees for due consideration. On that note, I thank you very much.

THE SPEAKER: Thank you very much, Honourable Member for Janjangbureh. I now invite the Honourable Member for Niamina Dankunku.

HON. SAMBA JALLOW [NIAMINA DANKUNKU]: Thank you very much, Honourable Speaker, for giving me the floor. Let me join my colleagues to thank the Minister of Justice for stepping in for the Ministry of Trade.

Honourable Speaker, we are acting under Section 79 of the 1997 Constitution in looking at this instrument. Dealing with a legal instrument is not like our own committee reports. That was why when the Honourable Member for Upper Saloum withdrew his motion; I was a little bit furious about it. Yes his motion will put us in the right direction but then he withdrew it. The ratification of this instrument is easy and simple but it does not prevent the Assembly from scrutinizing it. It should be subjected to proper scrutiny and then we can approve it. Taking it for scrutiny does not mean we are going to reject it, but it will at least help us dig into some of the provisions we are asking now.

The Member for Janjanbureh just talked about the issue of the Labour Act. If it was committed to the Trade Committee, we could call the Trade Ministry to get a lot of information from the various institutions affected by

the amendment, but we are not doing it now. So, it is not for the Minister to refer it to relevant committee, but the Assembly because our own Standing Orders give us the provision to that effect. It means that we should have referred it to the Select Committee on Trade.

Honourable Members, I am always worried about legal instruments. If the Minister's office is asked about a legal opinion, it would not be readily available. It is important we refer such legal instruments to committees so that we can be offered some legal advice. So, I think next time anything that relates to legal instrument, we refer it to various committees rather than rushing to ratify it.

Honourable Minister, The Member for Foni Kansala talked about the issue of amending Article 13(4) which deals with the issue of non-payment of financial contributions. So, I do not know the position of The Gambia in connection to arrears and we are about to approve it. So, I need clarification on that. Did the Ministry made consultation with the Labour Department on this instrument since it has direct relation with that department? How are the government bodies selected within our country to represent us? We need an explanation on how the selection is done. Apart from that, the document is straightforward. However, we must always be mindful as it is a legal document. Thank you.

HON. MUSA CHAM [SERREKUNDA]: Thank you very much, Honourable Speaker. As we know ILO is a renowned organization that deals with workers' rights, and normally sets standards. I could remember when we were dealing with the Children's Act, we realised that there were flaws. So, my concern here is, are we ready as a country to see to it that our

commitments such as the rights of workers, job employment security and other requirements would be fulfilled if we domesticate these laws? The fact that we are a party to the Children's Act which prohibits child labour and there are lots of child labour issues in The Gambia. So, this is my concern. What process do we take to comply with the ILO instrument? Thank you.

THE SPEAKER: Thank you very much, Honourable Member for Serrekunda. We now have the Honourable Member for Kombo East.

HON. ABDOU SOWE [KOMBO EAST]: Thank you very much, Honourable Speaker. I must thank the Honourable Minister for presenting this instrument for ratification. I must first concur with my fellow Honourable Members: Member for Serekunda, Latrikunda Sabiji and Upper Saloum.

My take in this is that this instrument should be referred to the relevant committee for consideration. The content of this legal document must not be dictated, but it seems the processes are being dictated. Our conscience must guide us very well as National Assembly Members in ratifying this international document. I am doubtful as to why the Minister is saying that The Gambia is the second country yet to ratify the instrument. Why now? So, my conscience is not clear about this document. We should scrutinize it thoroughly by consulting the required stakeholders to make sure that we are well guided in the ratification. It cannot be presented for ratification within a short time given that other countries have ratified it except The Gambia. So, I would like it to be referred to the relevant committee for consideration. I thank you very much.

THE SPEAKER: Thank you very much, Honourable Member for Kombo East. Honourable Members, there is no dictation. Members do reserve the right to ratify or return it to them. As I said earlier, I sincerely believe that whatever documents Members may consider for ratification or for enactment should be given to them at least days before to be able to read and participate effectively. We now have the Honourable Member for Foni Bintang Karanai.

HON. BAKARY K. BADJIE [FONI BINTANG KARANAI]: Thank you, Honourable Speaker. I am happy that we are to consider and ratify the document. However, the voluminous document given to us in just two or three days to ratify two or three things really confused me. The Member for Upper Saloum withdrew his motion which we were going to support. Thus, he must apologise for withdrawing.

We are just from a tour only to be given this bulky document. It is important to know that we are representing people as Members of the Assembly because these ratifications do not benefit our people many a time but people who receive per diems and other related benefits. How will it benefit our people? Our labourers are struggling, but do we ever stand to rectify that ancient Labour Act? I see people teaching who are not paid. I see people that go to work every day at the end of the month, they are not paid. Nothing is being said about that, and you want us to ratify this international instrument for your benefit. Let us consider our Labour Act before ratifying this.

Honourable Speaker, with your permission, I may want to use a national language at this juncture. [***Gambia aling kanaa moo kung killing***]

nafaa jibeh. Ali nga mobeh la nafaa jibeh. Ntol beh jang...’ meaning we, Gambians, should not think of our own interest but the national interest].

[Point of Order]

THE SPEAKER: Honourable Member, can we hear the Point of Order?

Honourable Members, each Honourable Member has a responsibility and a right. It is unfortunate that you cannot impose your right on another Honourable Member. Let us not belabour too much on people saying something and withdrawing it. If you feel it is good, then you can bring it. We now have Honourable Member for Lower Baddibu.

HON. KEMO GASSAMA [LOWER BADDIBU]: Thank you very much, Honourable Speaker and the Honourable Minister for introducing the bill. The support and ratification of this document is going to be of paramount importance if it serves the best interest of Gambian workers. Gambian workers have been suffering for far too long from the exploitation of foreign business owners in the country. This is not only on the issue of salaries but also in relation to the working environment.

Honourable Minister, it is of course a fine document but will it uphold the principles of ILO? If it does not, then it is of no benefit to our workers. Whatever we are to do here should be at the best interest of Gambian workers for that matter. So, I know some might not agree with my stance on the issue but anything I say here is on behalf of the people of Lower Baddibu whose interest I will serve to the letter. On that note, I rest my case here for now. Thank you.

HON. SANKUNG DAMPHA. [ILLIASSA] Thank you, Honourable Speaker, for giving me the floor. I would also like to thank the Honourable Minister for bringing this important instrument to the National Assembly. It is the responsibility of the National Assembly to scrutinize this instrument critically in the interest of the Gambian people. The Gambia is not an island, so it is part and parcel of world organizations. Therefore, this instrument is very important, and I am in support of its ratification. I thank you very much.

HON. LAMIN J. SANNEH [BRIKAMA SOUTH]: Thank you very much, Honourable Speaker. I want to seize the opportunity to thank the Honourable Minister for bringing the instrument to the National Assembly. I think there is no individual who will be a stumbling block to this, but we would need clarifications on some issues. I think this constitutional amendment took place on the 4th of June 1986, and the Minister emphasised that it is in conformity with the labour laws of this country, so why are you bringing this thing now? From 1986 to date, have you referred to the labour laws of the country? Most of the provisions in our Labour Act are obsolete and the most vulnerable sector of the society is the Labour Department which is confronted with lot of issues highlighted by some Honourable Members. Since this is brought to us for ratification, we should go further to fine-tune the labour laws to align it with current realities because we have lot of vulnerable people in the labour sector.

Honourable Speaker, since we have very little time to deal with this, we cannot change it. In Article 17, the membership is increased to 112 but the representation is that 56 are from government representatives, 28 from

employers and the other 28 from workers. Also, this needs to be completely replicated and reconciled with our labour laws so that the workers from various walks of life will be in a better position to talk about issues confronting them. On that note, I thank you.

HON. KEBBA T. SANNEH [FONI JARROL]: Thank you very much, Honourable Speaker, for giving me the floor. I would also like to thank the Minister of Justice for bringing this document to the National Assembly for ratification. It is very unfortunate that I am going to support a document which I do not understand. This is a very important document which I should have studied well to understand and properly report to my people what it means. In most cases, these international treaties are never fair to Africans. We are just participating maybe to take photos and collect per diems, but not to the benefit the people we represent.

Regarding the trade policies of the World Trade Organisation [WTO] which The Gambia is a member of, they are different from what our workers are facing, so the regional body [ECOWAS] should survey our markets. We do not even abide by the laws we ourselves formulate.

This is an important document which we are required to either agree or disagree. Saying "Yes" or "No" makes no difference because they are going ahead to ratify it. We are being told that The Gambia is almost second to last country to ratify this. I do not know the justification because representation used to be 56 and now increased to 112. What is the justification for that? It is not sometimes about numbers but quality. So, who do I know is representing the gender balance and from which country? How are people nominated or appointed? It is not clear to me.

So, it is very unfortunate that such document should be brought here. We are not here to say "No" to things because we are seen as opposition of the government, or to just say "Yes" because we are sympathizers of the government. That is not the case because we are here to represent the people and not any party. International treaties are never fair to Africans. The status of our workers is terrible. We need to look at all these things. Thank you very much.

HON. SAIKOU BAH [BASSE]: Thank you, Honourable Speaker, for giving me the floor. I also want to thank the Honourable Minister for stepping in for the Honourable Minister of Trade in presenting the instrument. I have two concerns which I want the Honourable Minister to enlighten us.

The representation of the organisation is in three categories: the government, the employers, and workers. So, I do not know whether the government consulted the employers and the employees when representing the country at that level because their voices and concerns should be heard. When preparing clauses to guide or protect them, they should be heard. If they are not represented, the clauses in favour of them could be detrimental to others. The most vulnerable ones here are the workers and the employers who need to be safeguarded. So, we want to know, whether the government considers the citizens when travelling or not?

The other concern is related to the contributions to this august body. I want the Honourable Minister to tell us our financial contribution to this organisation. What is our status regarding arrears? The body would have to decide whether countries in arrears have voting right or not which

means their fate depends on people who are going to sympathize with you. So, if we are in arrears, we can be denied to vote, especially if we do not support their interest. Therefore, we want to know whether we are good to go or not? I want the Minister to update us. Honourable Speaker, thank you.

HON. MODOU LAMIN B. BAH [BANJUL NORTH]: Thank you very much Honourable Speaker and the Minister of Justice. As far as my contribution is concerned, I would say that this document is very timely but are we, as National Assembly, going to give our consent based on assumptions? I think it is very important for us to refer the instrument to the Trade Committee to properly scrutinize the document even though we cannot amend it. I would also like the Minister to inform the Assembly as to what impact will this have on the labour force of The Gambia regarding the level of unemployment. What will it address as far as The Gambia is concerned? Thank you.

HON. ALHAGIE BABOU CEESAY [SABACH SANJAL]: Thank you, Honourable Speaker, for giving me the floor. I also want to thank the Honourable Minister for presenting the instrument before this august Assembly on behalf of the Minister of Trade. We all know that Ministers can represent each other according to the interpretation Act. I think as Honourable colleagues rightly mentioned we are all representatives and anything we have to discuss or ratify should be in the best interest of our people. Sections 79(2) and 101(5) of the Constitution give the National Assembly Members the opportunity to ratify international laws and refer bills to relevant committees of the National Assembly. Therefore, as far as I

am concerned, this bill needs to be referred to the relevant committee which is the Select Committee on Trade since it was supposed to be laid by the Ministry of Trade.

[Point of Observation]

HON. BILLAY G. TUNKARA [KANTORA & MAJORITY LEADER]:

Thank you very much, Honourable Member. I want to clarify that we are not discussing a bill rather we are here to ratify the instrument for the Amendment of the ILO constitution.

HON. ALHAGIE BABOU CEESAY [SABACH SANJAL]: Thank you for that observation, Honourable Majority Leader. My stance remains that we refer the instrument to the relevant committee for proper scrutiny and report back to us. With that report, we would at least be able to know the content of this instrument. It will also help us in future amendments that are to be made on instruments like this. Thank you so much.

THE SPEAKER: Thank you very much, Honourable Member for Sabach Sanjal. Honourable members, I think remitting this to committees has passed now because we are debating, and the Honourable Minister will respond.

HON. OMAR JOBE [NIANI]: Thank you very much, Honourable Speaker, for giving me the floor. We must thank the Honourable Minister for Trade, Industry, Regional Integration and Employment for coming up with this motion. Looking at the problems of the ILO, I quote: "Among the issues highlighted are lack of progress, closing the gender gap in labour force participation, the persistence of the fact that more than one in every five

young people unemployed, education, or training compromising their future employment prospect.” Honourable Minister, what is the stance of the Ministry in closing this gender gap? The other issue is in the same context: poor quality and poor working conditions. What is the Ministry doing to overcome these challenges? Honourable Speaker, I now take my seat.

THE SPEAKER: Thank you very much, Honourable Member for Niani. I now invite Honourable Member for Sanimentereng Constituency.

HON. FATOU CHAM [SANIMENTERENG]: Thank you very much, Honourable Speaker, for giving me the floor. I thank the Honourable Minister of Justice for representing on behalf of the Honourable Minister of Trade, Regional Integration and Employment. After listening to some of my colleagues, I know we have passed the stage of referring this instrument to the Select Committee on Trade. The Honourable Minister’s explanation cleared some doubts, yet there are some which are not very clear such as the issue of arrears. Does The Gambia have any arrears? Some Honourable Members are still not sure. I think it is very sensitive and also important for our representatives to be taking part in law making at international level. In most cases, gender balance is never in favour of women in anything that we do in The Gambia. Women play very important roles especially in elections. So, I think women and the youths should have equal treatment with men in The Gambia.

I want to suggest that this document be referred to the Trade Committee for thorough scrutiny and then report to the plenary since some people

were on tour and are still not familiar with the document. Thank you very much.

HON. ALIEU BALDEH [JARRA WEST]: Thank you very much Honourable Speaker. I also thank the Honourable Minister of Justice for representing the Minister of Trade. I am guided by the Chairperson of the Trade Committee because he already gave his blessings to ratify the document before us. He has a better understanding of what is going on at the Trade, Regional Integration and Employment Committee.

Honourable Speaker, I would like to appeal to Honourable Minister of Trade to consider the recommendations and proposed amendments by my Honourable colleagues in relation to this document. Also, I am very much interested in the Labour Act. In the Gambia, an employer can just sack his employee without notifying him/her. In the same vein, people working at the hotel industries are paid less than the cost of a bag of rice and they have no choice but to accept it. We need to look at the Labour Act in the Gambia to give blessing of this document before us. One cannot just sack a worker any how he/she wants. Workers need job security in their institutions.

Honourable Speaker, I would like us to ratify this document, but I want to join my colleagues to say that we need to look into the proposed amendments. Let them be amended to suit us and the Labour Act of The Gambia should also be reviewed. On that note, I take my seat.

HON. ABDOULIE NJAI [BANJUL CENTRAL]: Thank you, Honourable Speaker. I also want to thank the Honourable Minister for stepping in for

the Minister of Trade. I think the Ministry made amendments considering the last year issues and I appreciate that.

I would join my other Honourable colleagues to express scepticisms regarding the instrument. Like my dad always says: "The Assembly is the house of wisdom." We do not just rush to put things through without really looking into them. Currently, we are all in a dilemma with the promptness of this document here. Personally, I do not want to be pessimistic in my decision making. Our function as National Assembly Members is to make informed decisions. We should make decisions based on a very clear conscience in conformity with wishes of the people we represent. When documents are brought here, we should do justice to them by debating objectively so that informed decisions can be made.

The Gambia is not an island. We want to be part and parcel of the international bodies to participate in world affairs. As my fellow colleague said, our Labour Act is at its Second Reading if I am not mistaken in 2020. It would be able to help us out in terms of how they conform to our local context. This would really help us here because it has been mentioned that this organization has been here for a long time. So, longevity of an international body is important, but I would like to put this specific question to the Honourable Minister. What dividend would it pay in the near future for The Gambia? Thank you very much.

THE SPEAKER: I now invite the Honourable Member for Bundunka Kunda.

HON. SULAYMAN JAMMEH [BUNDUNKA KUNDA]: Thank you very much, Honourable Speaker, for giving me the floor. I also wish to thank

the Honourable Minister of Justice for stepping in for the Minister of Trade. Basically, the reason why some Members talked about referring this document to the Select Committee is for the purpose of consultation because it is through that we can collaborate. So, the Select Committee will recommend or advise the General Assembly on the issue.

Honourable Speaker, I do not know whether there were proper consultations with stakeholders before we ratify it. As other Honourable Members stated, countries have ratified this instrument but we were left behind. Whatever we ratify must have a set standard. There are so many ratifications in which we do not follow the normal standard. We all know that sometimes people worked but their dues are not given to them or some of the incentives they should enjoy are not readily available to them. Regarding the ratification international instruments, we must understand that we are different economically and in terms of leadership with other continents. So, was there any proper consultation done? As a representative of my people, I should consult them in order to advise me on certain issues before supporting the ratification of this document. On that note, I thank you very much.

THE SPEAKER: Honourable Members, I have said it very clearly that some may have excuses but not the fact that they do not have this document on time. This document was circulated earlier enough more than any of the documents we had dealt with. Honourable members, I will now call upon the Honourable Minister to respond to the issues raised and wine up the debate.

HON. DAWDA A. JALLOW [ATTORNEY GENERAL MINISTER OF JUSTICE]: Thank you Honourable Speaker and Members for all the interesting issues raised. I would start with the good news.

Quite a good number of contributors asked about what we are doing with our own Labour Act the Labour Act hence the provisions are obsolete. The Gambia's Labour Act was enforced in 2007 Legislation. Also, it is in conformity with the Standard International Labour Rights. It has been comprehensively reviewed and approved by Cabinet and it has been gazetted already. It is currently with the Printing Department which will produce number of copies for the Assembly and then we will contact the Office of the Clerk. It will be introduced to this Assembly very soon.

Going into the specifics, Honourable Member for Brikama North mentioned a backlog of ratifications of legal or international treaties which we are very much aware of and we are working to clear those backlogs. I just wanted to make a slight clarification here for Members to understand. What we are doing here is not part of your legislative functions but your oversight functions. Your legislative function is under Section 100 of the Constitution where you have the Legislative Powers vested in you to pass bills. The international relationship is an Executive prerogative vested in the President. However, the Constitution states that in our engagement with international bodies, the National Assembly will have an oversight mandate to observe what we are doing. So, you are not necessarily going to legislate this instrument because it is not a domestic legislation. It is part of an international treaty for which the Executive has participated, and we participated also in some of these complex negotiations as an African

Block, or sometimes as a sub-regional block. So, we bargained. However, this legislation or piece of treaty we are looking at was negotiated and accepted by the First Republic in 1986. I think we have seen the date.

Those of you who are asked whether appropriate consultations have taken place or not at that time, none of us can tell at this stage. It was the Government of the First Republic that participated and signed on behalf of The Gambia in the negotiations of these amendments in 1986. The reason for Gambia to take 36 years to ratify it remains unknown to me. I really do not know why the First Republic that participated in the negotiation and the Second Republic have not ratified the document.

Also, there was a question on whether we are trying to rush the ratification as well as the level of ratification. I think it was Honourable Member for Wuli East. I said it in my opening statement that out of 125 countries, The Gambia is one of the only two countries that have not ratified it. In the whole of Africa, The Gambia is among the only two states that did not ratify it. So, we are not rushing anything. We are far behind. All other countries basically have ratified it.

In connection to the popular call to refer or not to refer this treaty to the relevant committee, like I said, we do not know whether this was done at the time when it was being amended. In the performance of the National Assembly's oversight functions, nobody should deny you enough time to scrutinize documents, but like I said, this document was not negotiated by the current Executive rather by the Executive in the First Republic. They got it signed but never ratified, so we are completing the process. Thus, we would not be able to know at this stage the level of consultation that

took place at the time. I agree entirely that probably some suggestions on the floor could be handled by the Select Committee on Trade because of its relationship with the Line Ministry. National Assembly could be brought onboard to get their views so that when it comes to ratification, it would not be an entirely new document for them. Of course, nobody would say, "No" to that.

Somebody's submission indicated that the Executive cannot make treaties in the absence of the National Assembly. I think I have clarified that initially. Signing treaties is purely the Executive's prerogative though in some instances we need to come here for you to scrutinize what we have signed because we cannot sign anything as an Executive that will compromise the sovereignty of The Gambia. This is more of an oversight function.

We are asking you to ratify the constitutional document of ILO which ILO itself is governed. So, it is not like other treaties. This is the way the organization itself is governed. So, it is only for the interest of those of us who attend negotiations as stated by some honourable Members. The benefits are that we are trying to make ILO as an institution and the governance of it to be much friendlier to us the developing countries. Also, you must have heard in my opening statement issues that Africa, as a continent, is not happy about. They were lobbied; that is why the composition of the governing structure is changing and the number of representation is increasing to create more room for workers, employers, and the states. Typically, UN entities are based on state membership, but

ILO is one of those that allow employers and workers to be part of its governance.

As regards to the question whether there is any guarantee for The Gambia [a small country or economy] to have a seat in the governance structure, these things are obtained by elections at the General Assembly though a quota is given to the African region. Within the African region, our diplomats will have to do a lot of lobbying. Ultimately, to have seat on governance body, it is by election at the General Assembly where delegates from all the continents will be there as regional representatives. For The Gambia to get a seat depends on so many factors because the number of seats to be given to the continent is not enough for the entire African states. So, Africa itself must prioritize based on other factors and when they go to the General Assembly, they will vote according to mutually agreed procedures.

Regarding questions from the Member for Latrikunda Sabiji, this instrument is not the entire ILO Constitution but just articles proposed to be amended. So, it is not the entire ILO Constitution which is available on their website. These are the affected articles which we represented in columns to show the original article and the proposed changes. In an attempt to show how it will look like if changed. So, these were the only articles highlighted.

Other questions in connection to the "No cost" I mentioned during my deliberation include: how much are we contributing and do we have arrears? Members want to be updated on those. Yes, The Gambia has been contributing 3000 Swiss Franc as membership subscription annually from the time we became a member. This is about one hundred and seventy

thousand dalasi (D170,000) per annum using the online conversion. It could be more or less. As at now, we are almost up to date because we are in arrears of only two years which should be settled so that we do not lose our voting rights and other things at the ILO.

With regards to whether the Labour Department was consulted or not, I think that falls squarely within the broader question whether there was consultation or not. The Labour Department is under the Ministry of Trade, so if the said Ministry is tabling this, it is assumed that the Labour Department would be the driving force behind this.

On standardization, I think it was the Member for Wuli East or Serrekunda who asked whether we are ready for the standard vis-à-vis 2005 Children's Act. Yes, there is a reporting obligation on the member states and The Gambia submits annual reports to the ILO on how far we are matching towards meeting the set ILO standards.

One of the Members from Foni said that there is a need for us to update our ancient Labour Act. Our Labour Act is just 2007, so it is ancient but very recent. The Labour Act was passed by the previous Government, but we have already updated it.

The benefit of this ratification is to make the governance of ILO friendlier to the poorer and developing countries like us, and we will start to get direct benefits. ILO is now supporting projects in The Gambia. Ministry of Trade probably can explain to you tangibly some of the direct benefits we are receiving from ILO. I would not be surprised that they even supported the revision of our Labour Act.

There was a direct question as to what the Ministry of Trade's stance is as regards closing the gender gap and other related challenges. There is a special project for that at the Ministry of Trade, and they are working on that specifically.

Basically, ILO will improve on its governance and the condition of workers whom you are concerned about because you are their representatives. ILO is the only UN Agency with a tripartite structure which enables the workers themselves to have seat in the governance of ILO. That is why twenty-eight of the seats in the governance body are given to workers. So, I do not think we can cry louder than the bereaved. Also, the employers and the government as a member state have seats in the Governing Body. They are given the direct opportunity to participate in the governance of ILO, so there is no doubt that the welfare of workers remains a priority for the ILO and this amendment will make ILO more responsive to our needs as developing countries.

I would recognize your popular call that this treaty negotiations need to take on board the concerns of the Assembly even though the mandate to deal with external relations is vested in the Executive. I believe that government is a single entity, so we could as much as possible involve the National Assembly in our activities so that when we get to this level, it will be smoother.

Honourable Speaker, I hope I have clarified most of the concerns raised, and I would urge the Honourable Members to allow this instrument to pass. We will continue to build on our relationship for the future. Thank you very much.

THE SPEAKER: Thank you very much Honourable Members and the Minister.

[Question Proposed, Put, and Agreed to]

[That the Instrument for the Amendment of the Constitution of the International Labour Organization, 1986 has been ratified]

Let me thank all Honourable Members for your contributions and the Honourable Minister for ably clarifying our doubts.

Honourable Members, try to know the Order Paper for tomorrow. It is yet to be given to you. As I said, Honourable Members must have time to read documents for effective scrutiny.

[Question Proposed, Put & Agree to]

[That the Assembly be adjourned until Thursday 15th September 2022].

Assembly Adjourned