CRC ENGAGES DIA SPORA GAMBIANS

#CRC220
#PARTICIPATION
#INCLUSIVENESS
#TRANSPARENCY
#OWNERSHIP

PLUS: LOCAL CONSULTATIONS WITH SCHOOLS. CRC TRAINS ENUMERATORS. POSITION PAPERS ETC
I congratulate the Head of Communication, Sainey M. K. Marenah, and his Editorial Team for conceiving the idea of this Newsletter and coming up with the first edition. The Newsletter, which should become a regular feature of the activities undertaken by the Constitutional Review Commission (CRC), will be an added medium for informing the general public on the activities of the CRC.

The CRC is guided in its work by four fundamental principles which have effectively become its motto. These principles are of transparency, participation, inclusiveness and ownership. We believe that constitution-building is a national enterprise in which all Gambians should be afforded the opportunity to invest ideas that can assist in shaping the future good governance of The Gambia. That requires creating different communication and outreach platforms to breathe meaning into the guiding principles to assist the CRC in achieving the stated objectives of drafting a new Constitution that is sufficiently representative of Gambian opinion and preparing a report that outlines the processes involved in arriving at a new Constitution. Those platforms constitute the face-to-face consultations with the Gambian public (both at home and abroad), use of online questionnaires, conducting household surveys in all the enumeration areas of the country, allowing written contributions, utilising social media platforms, reviewing contributions in the print media and holding face-to-face discussions with key national stakeholder institutions.

We strongly believe that being transparent about our plans and activities in developing a new Constitution for The Gambia engenders confidence in the constitution-building process. Secondly, affording Gambians the opportunity to fully participate in the constitution-building process will both enrich the CRC efforts and enable us to learn and come to terms with realities that Gambians face; this will enable us to put their aspirations in the proper context as we embark on drafting the new Constitution. Thirdly, in order to achieve the stated objectives of drafting a new Constitution and preparing a report in relation to that Constitution, it is vital that the CRC creates an all-inclusive approach whereby every Gambian and other stakeholder has the opportunity to contribute his or her quota in defining and shaping the new Constitution. Finally, since the new Constitution will be a national document of monumental importance, adhering to the principles of transparency, participation and inclusiveness will enable Gambians to eventually take ownership of it and breathe life into it through appropriate mechanisms of effective implementation. In addition, we believe that Gambians will protect and jealously safeguard the Constitution they have been a part of in developing.

Since the CRC commenced its public consultations with Gambians and other stakeholders, we have witnessed a high level of interest and involvement from all sectors of Gambian society and participation in the constitutional review process has been brisk. Gambians recognize the importance of a Constitution and have placed a premium on the new Constitution even before it is drafted. This is very encouraging to us at the CRC. We are, in this vein, deeply encouraged by the level of participation and also deeply appreciative of the various opinions being canvassed with us. While it is the reality that not every opinion will necessarily find its way into the new Constitution, every opinion counts in enabling the CRC to arrive at decisions that objectively represent the aspirations of the Gambian people.

The constitutional review process is a journey. It is not a one person journey. Rather, it is a journey of Gambians, by Gambians and for Gambians in which we aim to shape the destiny of the future governance of The Gambia. In this journey, we recognize the invaluable support and participation of our development partners and other stakeholders whose kind assistance and contributions are immeasurable in the constitution-building process.

Finally, I hope you enjoy reading the Newsletter and keeping abreast of the activities of the CRC.
WORD FROM THE SECRETARY

Omar Ousman Jobe
Secretary - CRC

“Seek ye a good constitutional order first, everything else will follow”

The process of seeking a good constitutional regime for the Gambia is in full gear. The Constitutional Review Commission (CRC) continues to make significant strides toward implementing its mandate of drafting a new, progressive Constitution for The Republic of The Gambia. Gambian have in their numbers, embraced the constitutional review process and have responded to the invitation of the Constitutional Review Commission to proffer opinions on what they want to see included in the new Constitution.

Using various methodologies (including social media platforms, surveys questionnaires and other public participation platforms), the CRC was able to harness the views of all strata of Gambian society to inform the constitutional building process. Starting with the face-to-face consultations with Gambians in 106 communities across the country, the CRC made incursions into selected schools along the consultation trail to sensitize high school children on the drafting of the new constitution and the stakes they have in the whole process as the future leaders of this country. The message distilled in the schools resonated very well with the students who did not miss the opportunity to make a representation as to what Gambia they want. The Commission is busy consulting with all the relevant stakeholder groups to ensure that all the voices are heard and considered when drafting the new Constitution. Examples of that abound. Guided by the principles of participation, inclusion and transparency, the CRC endeavoured to reach out to minorities. A ramp had been built at the Secretariat for ease of access to people on wheel chairs. We have been promoting the use of sign language to get our message out to the hard-of-hearing. The frequently asked questions (FAQs) have also been translated into Braille for the visually impaired and also into five major Gambian languages: Mandinka, Wolof, Fula, Jola and Sarahule. This is all geared towards making the constitutional review process as inclusive as inclusive can be.

One thing is certain: the CRC seeks to engender a Constitution that will stand the test of time - one that will not be subjected to frequent amendments to suit narrow interest. When constitutional building is guided by the desire to promote the general good, it should not be difficult to reach a consensus. Thus far, the CRC has been listening keenly to the views expressed by citizens and playing the devil’s advocate without making the views of the Commission known, for the time being, on any subject matter. Processing and filtering the information (with all the nuances and contradictions) to make a determination on every subject matter is the challenging bit. But the Commission has the wirewithal and the structures that it takes to process, analyze and make a determination as to where public opinion lies on the different constitutional issues.

Let me seize this opportunity to thank the Chair and the Commissioners for their unflinching support and guidance to the Secretariat. The Secretariat staff have demonstrated commitment every step of the way. I wish to thank them all for ensuring that we are on track towards achieving our objective.
LETTER FROM THE EDITOR-IN-CHIEF

Headed by Justice Cherno Sulayman Jallow, former Attorney General of British Virgin Islands in the Caribbean and currently a judge of the Supreme Court of the Gambia, the Commission has since commenced work with massive public consultations taking the CRC throughout the country, seeking and consulting Gambians as to how they wish to be governed.

While the constitution reform process will lead to a new constitution, there are certain areas that will attract particular attention. There is widespread agreement that the constitution must provide for only two five-year presidential term limits. Indeed, the inclusion of term limits is specifically mentioned as one of the guidelines in the Constitutional Review Commission Bill, 2017.

The maiden edition of the CRC Newsletter explores the opportunities offered by the CRC in reaching a consensus on what kind of laws should be embodied in the new draft constitution. We are happy to share our stories and lessons from the field.

It is exciting to note that the newsletter also featured stories and events of significant importance to the work of the CRC from induction training, deployment of regional coordinators, media outreach, advocacy and partnership to submission of position papers by various professional and interest groups.

We also bring you the efforts of communities in ensuring that the new draft report reflects the collective will and aspirations of all Gambians both at home and abroad.

We will also hear insight analyses from our staff, their experiences with the constitutional building process, a forward by Justice Cherno Jallow CRC Chairperson and Omar Ousman Jobe, Secretary of CRC.

The newsletter offers a unique platform for the CRC to communicate its work, success stories, challenges and way forward for the successful drafting of people-centered constitution that will stand the test of time.

We envisage a constitution that will truly reflect the will and aspirations of Gambians. Be part of the process now!

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Sainey MK Marenah
Editor-In-Chief, Head of Media and Communications - CRC

The Gambia adopted its second republican constitution in 1997 following a referendum held on the draft constitution on 8 August 1996. The Constitution recognizes The Gambia as a sovereign secular republic. It is premised on the principles of separation of powers, rule of law and respect for fundamental human rights. However, trends in The Gambia characterized by the complete disregard for the rule of law and the personalization of the state by former President Jammeh over the past two decades, posed a clear and present danger to the full realization of the new constitution.

Under the leadership of the new dispensation, President Adama Barrow’s new government has promised and has actually started the process of comprehensive legal and institutional reforms, including repeals or amendments of several laws from the Jammeh era that eroded human rights. In December 2017, the National Assembly adopted a Law establishing a Constitutional Review Commission tasked to oversee the writing of a new constitution for the Gambia. When finalized, the new draft constitution will be the country’s third since 1970 when The Gambia first became a republic.
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ICTJ MEETS CRC FOR PARTNERSHIP

Officials from the International Centre for Transitional Justice (ICTJ) on Wednesday April 17, 2019 held a dialogue with Commissioners of the Constitutional Review Commission (CRC). The meeting, conducted at the CRC Secretariat in Kotu, was meant to devise possible means of establishing a partnership with the CRC, a core component of the Transitional Justice Programme with a view to supporting the constitutional review process.

Mr. Howard Varney, Senior Associate Advisor, ICTJ said it was an opportune moment for them to explore the possibility of working with the CRC on the transitional justice programme in a number of areas. He added that ICTJ presently operates in 14 countries including The Gambia.

In his remarks, the Chairperson of the CRC, Justice Cherno Sulayman Jallow (QC) welcomed the delegation and assured them of the willingness of the CRC to corporate in idea-sharing ventures among other areas.

He also informed the delegation of the primary mandate of the CRC, adding that the Commission is currently engaged in several activities all of which are geared towards shaping the constitutional building process.

The visiting delegation included Mr. Gbery Didier, head of programmes and ICTJ representative to The Gambia. The International Center for Transitional Justice was founded in 2001 as a non-profit organization dedicated to pursuing accountability for mass atrocities and human rights abuse through transitional justice mechanisms.
The Constitutional Review Commission (CRC) and International Institute for Democracy and Electoral Assistance (IDEA) on Monday April 15, 2019 signed a Memorandum of Understanding (MOU).

The MOU aimed at implementing joint support initiatives geared towards developing, launching and maintaining a data organisation and analysis system known as the Public Participation Platform (PPP).

The PPP seeks to support survey development, data management, data analysis and temporary data storage as part of the CRC’s mandated public consultation activities.

Speaking at the signing ceremony, the chairperson of CRC, Justice Cherno Sulayman Jallow thanked International IDEA enormously for the continuous support and partnership between the two institutions.

With the MOU, he said, they are looking forward to ‘a much stronger’ relationship with the International IDEA.

For his part, Prof. Adebayo Olukoshi, International IDEA Regional Director for Africa and West Asia Programmes hailed the CRC for its participatory approach strategy in developing a people-centred constitution.

He added: “We from International IDEA want the MOU to be a ‘living document’ between the two institutions.”

The MOU cements the long standing relationship between the CRC and International IDEA and paves the way for the development and launching of the Public Participation Platform (PPP).
The Commonwealth Parliamentary Association (CPA) of the United Kingdom on Thursday April 11, 2019 paid a visit to the Constitutional Review Commission (CRC). The Delegation was headed by Lord German, OBE, and Member of the UK Parliament’s House of Lords. They are part of the Commonwealth Parliamentary Association of The UK.

The visit was meant to open a dialogue with the CRC Commissioners and staff on the work of the Commission. The purpose of the visit, according to them had to do with the Standing Orders of the National Assembly of The Gambia and other changes expected to be contained in the new Constitution of The Gambia.

Having explained to the visiting diplomats the approaches the CRC is employing in generating the views and aspirations of Gambians, Commissioner Amie Joof-Cole, on behalf of CRC Chairperson, commended the British Lawmakers for visiting the CRC and informed them that the review process is transparent and inclusive.

The Commonwealth Parliamentary team headed by veteran lawmaker, Lord German, OBE, also commended the CRC for its efforts in building a new constitution for The Gambia. “You can’t make changes in a country without strong institutions,' he told the gathering.

The team was accompanied to the CRC by Hon. Sidia Jatta, Member of Parliament for the Wuli West Constituency.
INauguration of the Constitutional Review Commission Technical Committees

The Constitutional Review Commission (CRC) is established under the Constitutional Review Commission Act, 2017 (“the Act”). Its mandate is to: review the 1997 Constitution and draft a new Constitution for The Gambia; and prepare a report in respect of the new Constitution.

The Act empowers the CRC under section 11 to establish technical committees, with each technical committee being chaired by a Commissioner, to facilitate and assist with the work of the CRC. In line with that provision, five (5) technical Committees have been established, three (3) of which have already been inaugurated and their members have subscribed to an oath of confidentiality before the Chairperson of the CRC in accordance with the terms of the Act. The established technical committees are: Public Finance Management, chaired by Commissioner Fatoumata Jallow and assisted by Commissioner Salimatta Touray; Land, Environment and Natural Resources, chaired by Commissioner Lamin Camara and assisted by Commissioner Dr. Melville George; Media, Public Education and Communication, chaired by Commissioner Amie Joof-Cole and assisted by Commissioner Yankuba Dibba. The remaining two technical committees, namely: Committee of Experts on Constitutional Law, chaired by Hawa Kuru Sisay Sabally (Vice-Chairperson of the CRC) and Constitution Drafting and Report Writing Technical Committee, chaired by Commissioner Janet Sallah-Njie, will be launched in due course.

Gambians with appropriate educational qualifications and experience have been appointed to serve on the Technical Committees. The Public Finance Management Technical Committee has as its members the following prominent Gambians: Alhaji T.S. Aliu Njie; Alpha Amadou Barry; Mamour Jagne; Anthony Ademola Taylor and Momodou Ceesay.

Similarly, the following people have been appointed to serve on the Technical Committee on Media, Public Education and Communication: Alhaji Sering Fye; Mamanding Kuyateh; Emil Touray; Omar Wally and
Demba Kandeh. The Land, Environment and Natural Resources Technical Committee comprises the following experts: Momodou Badou Sarr; Ndey Sireng Jobarteh Bakurin; Dr. Raymond Jatta; Lamin Comma and Gallo Saidy.

The role of the technical committees is to assist the Commission to identify constitutional related issues from an experts’ perspective and to make recommendations on what specific matters to capture in the new Constitution and how key oversight institutions can be strengthened to promote good governance in The Gambia. In that context, the CRC will refer specific matters to the technical committees to review, research and provide recommendations on. This process, in addition to the public consultations (oral and written), is designed to ensure that the CRC has the benefit of the full range of opinion and expertise in making objective assessments on matters that should be incorporated into the new Constitution. The CRC will ultimately determine the drafting instructions to be relied upon by the Constitution Drafting and Report Writing Technical Committee in drafting the new Constitution and the accompanying report on behalf of the CRC.

The inaugurated technical committees will be in place for a period of three (3) months, with the possibility of an extension where, in any particular case, the CRC considers that necessary.
The Constitutional Review Commission (CRC) has successfully conducted a dialogue with Gambians living in the Kingdom of Saudi Arabia. The session availed Gambians in Saudi Arabia the opportunity to be heard and to add value to the drafting of the new constitution. The Jeddah meeting is part of the CRC external consultations with Gambians living in the diaspora to elicit their views and aspirations in drafting a new constitution for The Gambia.

The CRC team to Jeddah was led by Justice Cherno Sulayman Jallow, QC—Chairman of the CRC. Speaking at the CRC public consultation at Al-Rabbwah District, Jeddah, Mr. Omar Gibril Sallah Gambian Ambassador to the Kingdom of Saudi Arabia expressed profound appreciation and gratitude to the CRC for giving the Gambian community in Saudi the opportunity to make contributions towards the drafting of a new Constitution for the country.

Ambassador Sallah told Gambians in Saudi that it is their civic duty and responsibility to take part in the review of the 1997 Constitution. He further commended the CRC and the government of The Gambia for giving the Commission the necessary support for the efficient execution of their mandate.

The Constitutional Review Commission Act 2017 states that, “the Commission shall afford the people of The Gambia both within and outside the country the opportunity to freely express their opinion and make suggestions on matters they feel should be considered in drafting the Constitution”.

Commissioner Salimatta Touray on behalf of the Commission expressed words of appreciation to Gambians in Saudi Arabia for sharing their thoughts, aspirations and opinions on the drafting of the new Constitution.

Commissioner Touray indicated that: “The rich debate we have had and the exchange of ideas today has demonstrated the importance of the external consultations and the need to carry everyone along.” She told Gambians present at the Jeddah consultative meeting that for the CRC ‘no idea is small or irrelevant’ and that the CRC appreciates all ideas expressed at the meeting.

She also extended heartfelt appreciation to H.E. Ambassador Omar Gibril Sallah, H.E Consul General, Sheikh Omar Faye and the entire Gambian community in Saudi Arabia for the excellent arrangements undertaken to make the event a success.

In delivering the closing remarks, the Gambian Consul General to Jeddah, Mr. Sheikh Omar Faye said the Gambian community in Saudi Arabia has all reasons to be satisfied for having been chosen as one of the few places where the CRC would conduct public consultation with Gambians in the Diaspora.
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Hailing the principles of good governance such as participation, inclusiveness, transparency and ownership espoused by the Commission, the CRC has employed various methodologies in ensuring that the views of Gambians wherever they live are harnessed, processed and considered to make enlightened choices for the country, Consul General Faye pointed out.

Faye indicated that the quality of the contributions expressed by his Gambian compatriots in Jeddah in this one in a lifetime opportunity will go a long way in shaping the destiny of our people.

The Constitutional Review Commission is mandated to review the 1997 Constitution, draft a new Constitution and prepare a report in relation to the new Constitution.

The CRC team that embarked on the trip included: Justice Cherno Sulayman Jallow, QC- Chairperson of the CRC; Commissioner Amie Joof-Cole; Commissioner Lamin S. Camara; Commissioner Yankuba Dibba; Commissioner Fatoumatta Jallow; Commissioner Salimatta Touray; Secretary Omar Ousman Jobe; Local Language Expert Sainey Jallow; Researcher Alieu Gako and Communications Assistant Yaya B. Baldeh.
CRC BEGINS EXTERNAL CONSULTATIONS IN SENEGAL

The Constitutional Review Commission (CRC) kicked off its external public consultations, beginning in Senegal on Sunday, 28th April, 2019 at the Hotel De Ville in Dakar.

The consultative process was aimed at eliciting the views and aspirations of Gambians living in the Diaspora on the drafting of the new Gambian Constitution and it will cover Africa, Europe, the Middle East and United States of America.

Reacting to CRC external consultations with Gambians in the Diaspora, the CRC Chairman Justice Cherno Sulayman Jallow said: 'The CRC continues to engage all Gambians across all strata of society, both within and outside The Gambia, in accordance with its mandate under the Constitutional Review Commission Act, 2017.'

'We are particularly pleased that the various public consultation platforms that the CRC has established, including the Gambian Diaspora public consultation, continue to be well-embraced by Gambians and other stakeholders. This is all geared towards building an all-inclusive Constitution for The Gambia,' he added.

The Commission’s delegation to the African region, led by the Vice Chairperson, Hawa K. Sisay – Sabally, comprised Commissioner Gaye Sowe, Commissioner Janet Sallah – Njie, Commissioner Dr. Melville George and Commissioner Yankuba Manjang.

In his welcoming remarks, the Gambian Ambassador in Senegal, His Excellency Ebrima Ousmane Ndure, said the Government recognizes the Gambian Diaspora as the 8th region of The Gambia and thus seek their views on this very crucial national process. He said the Diaspora has always played an important role in the development of The Gambia.

'This is your show. Make your views and opinions known not only for us here today but for generations of Gambians to come,' he told the gathering. Ambassador Ndure said the occasion is an opportunity for all Gambians residing in Senegal to come together under the umbrella of one Gambian association, irrespective of their different political affiliations.

The Vice Chairperson of the Constitutional Review Commission (CRC), Hawa K. Sisay – Sabally, said the Commission is established by an Act of the National Assembly to review and analyze the current Constitution; to draft a new Constitution for the Republic of The Gambia and prepare a report in relation to the new Constitution.

The Commission’s report, she added, will outline the processes engaged in reviewing and drafting the new Constitution and provide the rationale for the provisions contained in the new Constitution.
The Vice Chairperson of the Constitutional Review Commission (CRC), Hawa K. Sisay – Sabally, said the Commission is established by an Act of the National Assembly to review and analyze the current Constitution; to draft a new Constitution for the Republic of The Gambia and prepare a report in relation to the new Constitution.

The Commission’s report, she added, will outline the processes engaged in reviewing and drafting the new Constitution and provide the rationale for the provisions contained in the new Constitution. The Vice Chairperson described the event as a "great success", saying an impressive number of Gambians attended the public consultation. "It shows that they are keen about what is going on back home and they want to participate in the Constitution making process. They want their voices to be heard and to be provided for in the new constitution" she noted.

She said the level of participation was very high and that indicates the significance Gambians abroad attach to the constitutional building process.

The President of the Association of Gambians in Senegal, Muhammed Sabo, said they are satisfied that the Constitutional Review Commission (CRC) values their contribution in national development. He thanked the Commission, on behalf of the Gambian community in Senegal, for soliciting their views in the new Constitution Gambians are making.

"We feel involved and this goes to show that the government recognizes that we are Gambians irrespective of our geographical location", President Sabo added.

Aisha Dabo, a Gambian based in Senegal, said the CRC’s external consultation shows that the Commission considers Gambians in the Diaspora. She said giving Gambians abroad the opportunity to express their opinions on such a significant national engagement is historic and will go far enough in ensuring that the new Constitution reflects the views of the majority. Dabo said the consultative process is inclusive and suitable enough for everyone to express their views.

Similar meetings were held in Nouakchott, Mauritania and in Jeddah, Saudi Arabia on Thursday 2nd May, 2019.
CRC MEETS GAMBIANS IN MAURITANIA

The Constitutional Review Commission (CRC) has successfully held another public consultation in the Mauritanian capital of Nouakchott on Thursday 2nd May, 2019. The Commission held consultations with Gambians in Senegal on 28th May 2019. The meeting was aimed at eliciting the views and aspirations of Gambians on the constitutional review process. Hundreds of Gambians attended the consultation meeting at the Tfeila Hotel in Nouakchott, most whom were youths, very passionate about the review process.

The CRC delegation to Senegal and Mauritania comprised the Vice Chairperson, Hawa K. Sisay – Sabally, Commissioner Gaye Sowe, Commissioner Janet Sallah – Njie, Commissioner Dr. Melville George and Commissioner Yankuba Mangjang.

‘The members of the Gambian association in Mauritania had, since last year, shown keen interest in sharing their views and aspirations regarding the new constitution known. They held a series of meetings and produced a position paper to that effect,” Ambassador Mawdo Juwarara said.

He added that the visit of the CRC delegation is timely as it availed them the opportunity to meaningfully contribute in deciding how the country is to be governed for the betterment of all Gambians. The Vice Chairperson of the Constitutional Review Commission (CRC), Hawa K. Sisay – Sabally, expressed delight over the huge number of Gambians and praised young people for their valuable participation. She said the constitution is the supreme law of the country and that their job is to review the 1997 Constitution and prepare a new one that will reflect the ideas and opinions of all Gambians.

She said the commission’s vision is to create laws that Gambians will take ownership of. This, she went, was the reason why they were soliciting the views of Gambians both at home and those in the diaspora. The Vice Chairperson thanked the Ambassador and The Gambian Association in Mauritania for making it possible to hold such a well-attended and organized meeting.

‘We want a constitution that will be ours. For us and the future generation. We should all participate in the process, take ownership of the outcome and protect it,’ she noted.
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The President of the Gambian Association in Mauritania, Modou Lamin Kanteh, said the Gambian community in Mauritania prepared a position paper on the various constitutional issues and forwarded the document to their Embassy for onward delivery to the Commission. This position paper, he added, is the product of a two day consultation where the majority of Gambians in Mauritania gave their opinions on the review process.

‘It is our obligation, as citizens, to take part in the building of our constitution. We should have a say on how we should be governed and that is why we are delighted that we took part in the process,’ said President Kanteh.

He said the constitutional review process is inclusive and that the constitution should cater for the aspirations of every Gambian.

Nuha Jammeh, the President of the Gambian sub-Association in Nouadibou rural settlement, said that participating in the review process of one’s constitution is a fundamental obligation. Jammeh, who travelled 460 kilometers to attend the consultation, said a country’s development is dependent on the outcome of its constitution and the provisions made to protect its citizens. Dawda Nasso, a youth leader in Mauritania and Mariama Manga, said the new constitution should cater for the needs of Gambians in the diaspora and they should fully participate in every development process of the country. And the diaspora should have a representative at the national assembly.

A similar meeting was held concurrently in Jeddah, Saudi Arabia, on that same Thursday 2nd May, 2019.
Justice Cherno Sulyaman Jallow, QC is a Gambian and a serving Justice of the Supreme Court of the Gambia, having been appointed and sworn into that office in May 2017. He currently doubles as Chairman of the Constitutional Review Commission (CRC) since in June 2018. He heads a team of 10 other Commissioners who have been charged with reviewing the current 1997 Constitution and drafting a new Constitution for The Gambia, in addition to writing a report in relation to the new Constitution.

Justice Jallow, QC commenced his legal career at the Attorney General’s Chambers and Ministry of Justice in Banjul in August 1988 and served over the years in the capacities of State Counsel, Assistant Legal Draftsman, Legal Draftsman and Parliamentary Counsel. He subsequently took up appointment as Parliamentary Counsel in the Attorney General’s Chambers of the Government of the British Virgin Islands. He was appointed as Attorney General of the British Virgin Islands in November 1999 and served in that position until June 2007 when he voluntarily demitted that office to take up appointment as Director of Policy Research and Statistics in the BVI Financial Services Commission. In the same year of 2007 (February), Justice Jallow was appointed by Royal Patent as one of Her Majesty’s Queen’s Counsel (QC), thus becoming the first and to date the only Gambian to receive such a recognition for his contribution to the practice of law. He had been involved in the review and drafting of the British Virgin Islands Constitution Order which was enacted and brought into force in 2007.


Justice Jallow, QC had also served as the Chairman of the British Virgin Islands’ National Risk Assessment Steering Group on Anti-money Laundering and Terrorist Financing issues. He had headed and served as a member in numerous other bodies. He is currently a member of the Board of the British Virgin Islands International Arbitration Centre in which he serves as Deputy Chairman.
MEET SENIOR MANAGEMENT TEAM

RAYMOND SARR
HEAD OF HUMAN RESOURCES

SAM ALI ASHCROFT
HEAD OF FINANCE

OMAR OUSMAN JOBE
SECRETARY

SAINEY M.K. MARENAH
HEAD OF COMMUNICATIONS

MOHAMMED HASSAN LOUM
HEAD OF PROGRAMMES
IACR PRESENTS POSITION PAPER ON JUVENILE JUSTICE TO CRC

The President and Founder of the Institute for the Advancement of Children’s Rights (IACR) Barrister Malick H.B Jallow on Thursday, November 29th, 2018 presented a position paper on Juvenile Justice to the Chairperson of the Constitutional Review Commission (CRC), Justice Cherno Sulayman Jallow during a presentation ceremony held at the Secretariat of the Commission.

Presenting the paper to the Commission, Mr. Malick H.B Jallow said that the IACR document contains a comprehensive overview of the legal framework governing juvenile justice in The Gambia as well as recommendations for reform of constitutional and other related legal provisions. He added that it is hoped that such a contribution would further enrich the debate on the formulation of a new constitution for The Gambia.

IACR also congratulated the CRC for what they described as a commendable initiative, adding that they’re committed to providing support to timely and effective discharge of its mandate as required.

“We took it upon ourselves to develop a research paper and identified key areas in relation to the Constitution and other laws that are directly linked to the issues of juvenile justice, then identified the gaps and made proposals for change and improvement on those gaps,” he told the CRC.

The IACR was established in 2013 by Mr. Malick H.B Jallow with the sole objective of providing legal aid to the children of The Gambia in conflict with the law. Mr Jallow indicated that the IACR has been the only charitable foundation or civil society actor specifically targeting the issues of juvenile justice in The Gambia. As a result of this, he stated, it is what caught their attention to share their views and concerns on pertinent issues on juvenile justice in particular and children’s right in general.

He assured the Commission of the IARC’s readiness to providing technical support on the issues raised in the position paper they presented to the CRC.

Mr. Jallow further stressed that the CRC is not bound by what they submitted, but he thinks that it will fundamentally contribute towards enriching the debate on what should be in the new constitution, especially in the area of juvenile justice and children’s rights.

For his part, Justice Cherno Sulayman Jallow, Chairperson of the Constitutional Review Commission thanked Mr. Malick H.B Jallow and his foundation for the initiative.

He explained that the CRC embarked on the public consultation process with the conviction that the process needs to be all inclusive so that every Gambian will be given the opportunity to contribute in the constitutional review process. This, Justice Jallow said, includes stakeholders who want specific matters to be addressed.

Justice Jallow noted: “Though the CRC is not only bound by submissions received, but will also not close its eyes to the submissions.”

Chairperson, Justice Jallow added that the CRC is poised to consider the views of the public to learn
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from them. The CRC has to establish what constitute the needs and aspirations of Gambian people and that can only be done through consultation processes whether face-to-face, in writing or through dialogue. “We also recognise that getting the ideas from the public is what will help our work by making sure that at the end of the day, we have a global picture of issues that comfort the Gambia, so we certainly welcome submissions of this nature,” Justice Jallow echoed.

He further assured the IACR that the CRC team of research officers together with the commissioners will take a look at the IACR submission and other submissions received after the consultations and will engage the IACR, if need be to elaborate on few matters or to ask questions on face-to-face which will be more productive.

Also speaking at the event, the Vice Chairperson of CRC, Mrs. Hawa Sisay-Sabally also thanked Mr. Malick H.B Jallow for taking time to do the research and assured him that the CRC will take a look at the document.

Mr. Omar Ousman Jobe, secretary of the CRC expressed delight over the presentation of the position paper made to the CRC.

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Diaspora Gambian Demands Inclusion in Gambia’s Affairs

Dawda Kairaba Bojang, a US based Gambian and origin of Kembuje village in the West Coast Region has called for Gambians residing outside The Gambia to be allowed to participate in the decision-making process of the country.

Bojang, who resides in Atlanta in the US for nearly twenty years made this demand in an interview with the Constitutional Review Commission (CRC) Communications Unit on the sidelines of the CRC Public Consultation meeting held in Kembuje.

For the Atlanta based Gambian, according to Gambians in the Diaspora the right to vote is long overdue.

He said: “At the moment, this should not be a topic of discussion. Gambians in the Diaspora should have been allowed to vote long ago. We should be given all
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means possible so that we can also participate in elections to be able to vote and be voted for as candidates.”
Mr. Bojang added that many countries in the world have gone beyond allowing the people outside their countries to vote citing Senegal and DRC as classic examples.
Mr. Bojang said that allowing Gambians in the Diaspora should not be restricted to only participation in a single election, but all elections such as presidential, parliamentary and local government.
Reacting to the five years residency requirement in the country before contesting in the presidential elections, Mr. Bojang is of the opinion that such an era is of the past, arguing that with the aid of advanced technology, he sees no reason why people should be subjected to such.
“In the past years residency is needed to know people and understand issues, but in this day and age, I don’t think that is needed anymore. For example, while I was residing in the US, I used to ‘feed’ people with information regarding happenings at the home-front,” Bojang argued.
On qualifications for the presidency, Mr. Bojang suggested that a college diploma would do.
He further refutes the claim that the minimum age limit for contesting elections doesn’t matter, noting that ‘wisdom’ could reside in both the young and old people.
Mr. Bojang also commended the CRC for promoting dialogue with all Gambians with a view to drafting a progressive constitution.
Members from women groups and CRC officials

As the consultation process continues to gather momentum, more organizations have presented their position papers to the Constitutional Review Commission (CRC).

Among the organizations that submitted their papers to the CRC, were the Women’s Bureau, Central Bank of the Gambia, Africans Rising and a youth civil society coalition led by the National Youth Council (NYC). All of them made their submissions at the CRC headquarters in Kotu on Thursday, January 03, 2019. The Chairperson of the Constitutional Review Commission, Justice Cherno Sulayman Jallow, applauded the visiting institutions for their contributions in what he described as a ‘historic process’.

“It is a life-time opportunity that we should all seize to ensure that not only do we participate in the constitutional review process but that we come up with ideas that will assist in framing the new constitution,” the CRC Chairperson said.

The Commission, he said, values the contributions from individuals and groups and assured them that the documents will be thoroughly examined.

Justice Jallow remarked that national unity and social cohesion are fundamental in the execution of the Commission’s mandate. While noting that not everything can be in the constitution, he added that all the submissions will be of great significance in the review process.

The Executive Director of the National Youth Council, Lamin Darboe, informed the meeting that as part of the drafting of the position paper, they had embarked on a nationwide constituency dialogue and had reached over 10,000 youths whose views are captured in the report.

He enumerated other engagements the coalition carried out in their quest to produce a position paper that reflects the views of the young people across the country.

Darboe said the process offered them the unique opportunity to participate in the review process and also familiarize themselves with the laws of the country.

Among their demands, are the establishment of a presidential term-limit and for the age bracket for presidency to be between 30 and 60 years.
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Momodou Mboge, Senior Legal Adviser at the Central Bank, said the objects of the Bank are not clearly stated and prioritized in the 1997 Constitution. He added that the Constitution does not provide for domestic price stability which is one of the main objects of Central Banks.

“The Central Bank should have institutional, operational, financial and administrative independence and in this regard, it should not be subjected to the control or directive of any person or authority and shall perform its functions in accordance with the Constitution or an Act of the National Assembly,” Mboge said.

The Executive Director of the Women’s Bureau, Fanta Bai Secka, said the review process offers them the opportunity to make their voices heard. She said the development of The Gambia can only be attainable when women are empowered.

She added that their contributions, if considered, will benefit women, children and disadvantaged groups like differently-abled persons.

Africans Rising Coordinator, Muhammad Lamin Saidykhan, commended the CRC for priding itself to the principles of transparency and inclusion. He urged the Commission to ensure that their submissions are given merit.

Earlier on Monday December 31, 2018, the Gambia Press Union, Independent Response Group and Concerned Citizens also presented their position papers to the Commission.

CRC ENGAGED MINISTRY OF LOCAL GOVERNMENT AND LANDS

CRC with Local Government Officials

The Constitutional Review Commission, CRC, on Thursday 27th February, 2019 held a consultative meeting with officials of the Ministry of Local Government and Lands. The meeting was meant to seek the opinion of the ministry with regards to the issues raised in the CRC public consultations with Gambians across the country. The meeting provided the Ministry the platform to express their opinion on what they think should be included in the new constitution.

Justice Cherno Sulayman Jallow-QC, Chairperson of the CRC told the officials of the Ministry of Local Government and Lands that the CRC thought that it was important to consult with the Ministry as part of the process of discharging the mandate of the CRC in accordance with the CRC Act, 2017.

Chairperson Jallow asserted that, the Act mandated the commission to consult Gambians both at home and abroad in reviewing the 1997 Constitution. He pointed out that Local Government will feature prominently in the new Constitution and the report. Justice Jallow also said that, the Commission took it upon itself to also consult the Local Government Authorities and met with Local Councils, Regional Chairpersons, Mayors and some Ward councilors of all Area Councils. A similar meeting was organized with District Chiefs, Akalolu and Regional Governors. The ministry has the overarching responsibility with regards to local governance and administration in the country.

Justice Jallow stressed that the meeting was not to advocate for any position because the Commission does not take a position on any subject matter. “What the Commission is doing is essentially to listen to the people and record accurately the views expressed by Gambians,” Jallow explained.
Among the themes discussed by both institutions were the nature, the extent and quality of the relationship between the Ministry, Local Government Authorities- Governors, Local Area Councilors, Chiefs and Alkalos. Similarly, the extent of autonomy of Local government Administration as provided in Section 193 of the 1997 Constitution which states that “Local government administration in The Gambia shall be based on a system of democratically elected councils with a high degree of local autonomy.”

On the Relationship between the Ministry of Local Government and Lands and the Local Government Authority, Mr. Buba Sanyang, Permanent Secretary 1 (Administration) informed the meeting that there is often confusion between the role of Central Government and Local Government Authorities. He said: “The Ministry of Local Government and Lands by default was carrying out certain functions that were outside their jurisdiction but reforms are underway to correct the situation since the new Minister, Hon. Musa Drammeh came into office.

These institutions according to PS Sanyang are: Local Government Service Commission and Finance Committee.
He said the Local Government Commission when it is set up will be responsible for appointments, promotions, dismissals of staff of local government authorities and will also look into their welfare. It will be independent from the ministry, just like how the Public Service Commission is.
Mr. Sanyang asserted that 40% of Councils budget goes to their recurrent activities and 60% for their development.
He also explained the composition of the Local Government Council. “The Local government administration is composed of two arms; development arm which encompasses the Councils, Chancellors, Ward Development Committee, Village Development Committees and Ward Development Committee; and governance arm- that is the office of the Governors, Chiefs, Council of Elders and Alkalos,” he stated.
Several staff members of the Constitutional Review Commission (CRC) have passionately expressed their experiences they encountered during the maiden in-country public consultations with the Gambian People.

In a chat with the CRC Communications Unit, staff members shared their experiences in the field, recounts on challenges and passionate moments they had while interacting with Gambians. Below are the testimonies of individual takes on public consultations while in execution of their assigned task.

**Karamo Jobarte\**  
**Protocol Officer**

He said his experience in the consultation is that the turnout of people is massive from each region, saying that people were taking steps to build the new constitution for the Gambia. In doing so, most of the people contributed relevant issues geared towards shaping the new constitution for a better Gambia.

**Isatou Conteh**  
**Executive Assistant**

She said the public consultation was impressive; noting that the responses people submitted was remarkable. She also commended the cohesion among staff during the consultation. According to her, the focused-group discussion was overwhelming. The challenges I encountered was that the target groups were homogenous and very difficult to managed, she said.

**Momodou Lamin Jaiteh**  
**Transcriber/Notes Taker**

He said the public consultation is an ‘eye opening’ experience for him. He stated: “I learnt so many things during this consultation process. In essence, for me this moment serves as a learning ground for me which I might not get from a University or other schools per se,” Jaiteh viewed the public consultation tours as educative, interactive and interesting.

**Ndey Ngoneh Jeng**  
**Researcher**

She described the CRC public consultation as fruitful mission. According to her, among the challenges she encounters was during a focus-group discussion in Gambisara due to a language barrier.

**Sainey Jallow**  
**Local Language Linguist**

He observed that in some communities initially people don’t understand the work of the CRC. “People thought we are on a political mission. But interestingly, we often remind them that the CRC is apolitical. Which indeed was very helpful in the consultation process,” Jallow said.

**Lamin Sonko**  
**Sign Language Expert**

He said as a sign language interpreter for the CRC this is a message deaf people need. “They said, I should pass the message to everyone including the commissioners that they have been grateful to the CRC for bringing a sign language interpreter for them,” he stated. Sonko also described the CRC consultation process as inclusive, mentioning that, the deaf people are receiving information very well in the constitutional building processes.

**Sherrif Grant**  
**Logistician**

He said the CRC consultation has widen his horizon on geography of The Gambia, adding that he has visited numerous towns and villages that he had never been to before. He further expressed gratitude to the CRC.
The Gambia Association of Local Government Authorities (GALGA) on Wednesday 13th February, 2019 convened a dialogue with the Constitutional Review Commission. In his opening remarks, the Lord Mayor of Kanifing Municipal Council, Talib Ahmed Bensouda expressed gratitude to the CRC for what he described as an ‘excellent initiative’ in considering the local government issues in the drafting of the new constitution of The Gambia. He said that the local government had long been advocating for decentralized system of authority in a bid to provide services to the people.

The Chairperson of the CRC, Justice Cherno Sulayman Jallow expressed delight for the warm welcome accorded to them by the Lord Mayor and his team. He said that CRC promotes transparency, inclusiveness, participation and ownership of the process by all Gambians and invites stakeholders to submit their contributions for the constitutional review process.

He commended the local government authorities for developing a position paper, adding that everything cannot be included in the constitution. Continuing, Local Government Act 2002 has been amended six times.

The Vice-Chairperson, Madam Hawa Kuru Sisay-Sabally thanked the Lord Mayor and his local government counterparts for the efforts made to create a conducive environment for a friendly dialogue with the CRC. She advised the Local Government Authorities to engage the executive to reformulate their Act for better autonomy. The constitution is not the problem but the Act is the issue, she stated.
CRC BEGINS ‘MEET THE STUDENTS’ SCHOOL TOUR

As part of its public consultation process ahead of the drafting of the new Gambian constitution, the Constitutional Review Commission (CRC) began a national school tour to sensitise students about its mandate and also hear their views on the review process. The Commission held the maiden edition of the ‘meet the students tour’ at Nusrat Senior Secondary School in Bundung on Saturday 27th October 2018. Subsequently, many other schools were visited to encourage students’ participation in the constitution making process.

Welcoming the CRC delegation at Nusrat, the Principal, Karamo S. Bojang, commended the Commission for its review methodology of reaching out to the public before drafting the constitution. “This time, the review process is different. Everybody must participate to build a new constitution that is inclusive,” Bojang said while urging students to participate fully in the process and have their views heard.

The Secretary of the CRC, Omar Ousman Jobe said the Commission has recognised that the majority of senior school students will be eligible to vote in the country’s next electoral cycle. “It is very critical at this stage that we include students into the constitutional review dialogue for them to know and understand the issues in the constitution in order to make enlightened and informed choices,” Jobe noted.

“This is the time to be part of the conversation so that you will see yourself in the new constitution,” the CRC secretary told students. Whilst emphasising the importance of national consensus in the review process. Mr. Jobe added that the Commission is committed to drafting a sustainable constitution that will stand the test of time and the needs and aspirations of the Gambian people.

In his presentation, Commissioner Lamin S. Camara, said the Constitutional Review Commission (CRC) is established by an Act of the National Assembly to review the current Constitution and draft a new constitution that reflects the wishes and aspirations of the Gambian people.

“The Act has certain provisions that we need to comply with. One of them is that we need to seek the opinion of Gambians. You (students) are a fundamental part of this country and your input in the next Constitution is an inevitable requisite,”
Commissioner Camara advised senior schools to consider embracing Constitutional Law as a subject. Underscoring the importance of inclusivity in the making of the new charter of laws, Commissioner Fatoumatta Jallow said the constitutional review process has social, economic and cultural dimensions. She expressed delight that students are passionate about the drafting of the new constitution. Commissioner Jallow added that student interest should not only stop at the constitutional review process but the country’s governance system in general.

Speaking on behalf of the students, Fatoumatta Fatty, President of Nusrat History and Government club said they have learnt a lot about the constitution and its importance and assured the CRC team that efforts will be made as students to inspire participation and student engagement in the constitution making process. Fatty lauded the CRC for holding its first outreach program at the school. Issues discussed by the students included presidential term limit, free university education, reduction of retirement age, strict measures to fight corruption, absolute majority in elections, independence and power of the legislature, right to life, and the nationality of court judges.

The CRC’s Head of Media and Communication Sainey MK Marenah reminded students that they are a core entity and the future drivers of the electoral process and so it’s critical for them to try to understand and engage with the constitutional review undertaking as the basis of the Gambia’s new dispensation.

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Commissioner Camara remarked.
He said a constitution is a set of rules and regulations that citizens of a country have subscribed to and have pledged to be governed by. In executing its mandate, Commissioner Camara said the CRC is required to engage and have regard for national values and ethos. He added that the Commission will safeguard and promote, amongst others, The Gambia’s Republican systems of governance, including democratic values and respect for and promotion of the rule of law and fundamental rights and freedoms. While enjoining students at the meeting to inform others about the CRC and encourage participation,
The secretary of the Constitutional Review Commission (CRC), Omar Ousman Jobe said that the launching of the CRC Public Participation Platform (PPP) is an event worth celebrating, being the Gambia’s first online platform. He made this remarks on Tuesday 5th March 2019 at a training session for CRC staff on PPP at the CRC secretariat.

Secretary Jobe informed the audience that The Gambia is the first country where the online platform is being tested and will be subsequently perfected as a full proof tool that will benefit other countries supported by International Institute for Democracy and Electoral Assistance, (International IDEA). He commended International, IDEA, for the partnership and for offering capacity building services to CRC staff with a view to familiarizing them on the operation of the online software.

For his part, the Chairperson of CRC, Justice Cherno Sulayman Jallow expressed satisfaction in working with International IDEA. He said public participation training for CRC staff is a laudable and engaging initiative.

Jallow recounted that Constitutional review process is never expected to be ‘cheap’, adding that despite the challenges the CRC is grappling with, the Commission is on course to achieving its objectives. He further commended the media for showcasing the Commission’s work to the public.

Mr Sumit Bisarya, Head, of Constitution Building at International IDEA hailed the CRC for the progress made thus far. “We have learnt a lot from the CRC since we entered this partnership,” he expressed. Bisarya further commended the Gambian society in general and the media in particular for their efforts in the just concluded national public consultation ahead of the drafting of a new Constitution. He disclosed that Public Participation Platform (PPP) is expected to give individuals an opportunity to express their view in the constitutional development process.

He added that: “CRC has done an excellent job in using the voice of the people as a starting point and how it should respond to the hopes, dreams, needs and aspirations of Gambian people.”
ABOUT CRC

The Commission
The Constitutional Review Commission (CRC) is established by an Act of the National Assembly in June, 2018. The Commission’s main functions are to review and analyze the current Constitution, draft a new Constitution for the Republic of The Gambia and prepare a report in relation to the new Constitution. The Commission’s report will outline the processes engaged in reviewing and drafting the new Constitution and provide the rationale for the provisions contained in the new Constitution.

The Members of the CRC were appointed on the 1st June, 2018 and they were sworn into office by the President on the 4th June, 2018.

The Commissioners
The Constitutional Review Commission (CRC) comprises 11 Members made up of a Chairperson designated by the Chief Justice, Vice Chairperson nominated by the Minister of Justice and 9 other Members nominated by the President. All of them were appointed by the President.

Our Mandate
The main functions of the CRC are to review and analyze the current Constitution, draft a new Constitution for the Republic of The Gambia and prepare a report in relation to the new Constitution. The report will outline the processes engaged in reviewing and drafting the new Constitution and provide the rationale for the provisions contained in the new Constitution.

Our Core Values
The CRC is an independent body. Pursuant to the Constitutional Review Commission Act, 2017, the CRC, in carrying out its work, is not subject to the direction or control of any person or authority. As an institution, it is guided by the following core values:

▲ Inclusiveness
▲ Independence
▲ Integrity
▲ Participation

Our Guiding Principles
In carrying out its work, the CRC is required by the Constitutional Review Commission Act, 2017, to have regard to national values and ethos and safeguard and promote the following:

★ The existence of The Gambia as a sovereign independent State;
★ The Gambia’s Republican systems of governance, including democratic values and respect for and promotion of the rule of law and fundamental rights and freedoms;
★ The separation of powers;
★ National unity, cohesion and peace;
★ The importance of ensuring periodic democratic elections based on universal adult suffrage, including the introduction of term limits for serving in the office of President; and
★ The Gambia’s continued existence as a secular State.

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