CRC RELEASES DRAFT CONSTITUTION

PLUS: VOX POP. CRC TRAINS JOURNALISTS ON DRAFT CONSTITUTION REPORTING, ETC.
FOREWORD

It is in this vein that, as promised by the CRC during the country wide consultations in 2018/2019, a second round of face to face consultations will take place from Saturday 30th November to Monday 16th December 2019.

In as much as a fewer selected sites countrywide are being targeted compared to the first round of public consultations, the second round of public consultations will provide opportunities for communities to make observations and comments on the Draft Constitution. Any suggestions or submissions made may include further clarifications, addition of new ideas and deletions from the Draft Constitution.

In addition to the face to face consultations, written contributions can be submitted at the CRC Office along Bertil Harding Highway, on Facebook CRC220, Twitter@crc_220, and by email crc220@gmail.com.

The edition also highlights strategies being employed by the CRC for a wider dissemination of the Draft Constitution. These include capacity building and the training of journalists on Constitution reporting and the engagement of various media houses so as to maximize their comparative advantages for popularizing the Draft Constitution.

Other strategies include the engagement of CSOs and the participation in a Women Peace Talk organized by the African Centre for Democracy and Human Rights Studies in collaboration with Women Political Platform for Peace in Senegal.

The Commission also received international partners who are interested in following the progress of the Constitution building process. These included the UN Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence at the office of the United Nations High Commissioner in Geneva, and a representative from the London-based Bingham Centre for Rule of Law.

We hope that as you enjoy reading this edition of the CRC Newsletter, you will look forward to the December edition which will (amongst other things) feature the outcome of the public consultations on the Draft Constitution, changes made and the next steps in the Constitution building process.
The country’s constitutional landscape is about to shift with the introduction of innovative and progressive provisions/clauses in the proposed draft Constitution! From the 1997 Constitution which for all intents and purposes serves as the baseline for inventing a better constitutional order for The Gambia, the draft new Constitution that was unveiled on the 15th day of November 2019 by the CRC Chairman, Justice Cherno Sulayman Jallow, QC (JSC) is already hailed in many circles as an admirable piece of work and a formidable leap forward from what we have experienced as a country thus far. For the first time, a Constitutional Review Commission in The Gambia has made deliberate efforts to ensure that the principles of good governance, namely, participation, inclusion, ownership, transparency and accountability were adhered to throughout the process. Pragmatism served as the underlying principle of the constitutional building process and the outcome is there to show that the Commission has tried to bring all marginalized groups into the mainstream. It is thus fair to say that the draft (though still work in progress) is the embodiment of the wishes and aspirations of the Gambian people.

After investing considerable time and energy into the Constitutional Review Project over a period of 18 months, an important milestone has now been reached. Gambians now have the basis to compare their wishes, aspirations and desires as proffered during the public meetings with the informed choices made by the Commission, drawing from our ‘Gambianess’, our recent constitutional history, evidence-based research, best practice from other jurisdictions and our international obligations. I dare say that a brighter constitutional future is beckoning - one that is far removed from the human rights abuses of the recent past. Rights and responsibilities have been assigned. In a bid to promote good governance principles, institutions have been strengthened with the necessary safeguards to shield senior government officers from undue pressure exerted by people in positions of authority. The next Constitution will protect everyone. To be convinced, one has to look at all the provisions in the Constitution in totality.

Now that the Constitution is public property, some issues are being hotly debated on various platforms including social media. There are obvious sticking points on very substantive issues such as secularism giving rise to unintended consequences and tensions. But together, we will weather the storm to reach a consensus, as we have always done as Gambians. Dealing with a national purpose of this kind is a complex undertaking and requires that we negotiate with stakeholders every step of the way. The review process that is ongoing offers another window of opportunity to interested parties to make a fresh representation to the CRC for consideration. The Commission’s position is that nothing is cast in stone. The national dialogue to reach a consensus for the greater good continues, albeit with perceptions and opinions that do not necessarily reflect the intention of the Commission. But that is what democratic processes are all about. The Commission is giving the general public the chance to re-engage. Interested parties are urged to make submissions in writing for further consideration.

Gambians are scrutinizing the draft from different perspectives to decipher the extent to which their concerns are addressed and are asking how this Constitution would transform The Gambia into a haven of peace, progress and prosperity. Gambians have said before and during the public consultations that ‘thus far with governance lapses under the 1997 Constitution and no further!’ In line with good governance principles, new tools for governance regulations have been also been introduced. Appropriate checks and balances are proposed to guard against the emergence of an overbearing executive. The self-perpetuation of people in power is barred by the provision that prescribes two terms of five years as the maximum a President can serve. The issue of security of tenure is addressed to ensure that public servants are in the right frame of mind to discharge their duties effectively. The concept of progressive realization of certain rights is enshrined in the new draft Constitution. The justiciability of rights, gender and youth quotas to enhance participation have been included. The national dialogue continues to improve the document.
Dear Readers,

It gives us utmost pleasure and gratitude to introduce the 6th Edition of the CRC Newsletter to our growing readership and to Gambians closely following the journey of the Constitutional Review Commission (CRC) and ongoing work to build a people centered Constitution that will stand the test of time.

As usual, in every publication, we endeavor to make the content unique in nature to arouse your interest in the constitutional review process and thus ensure an enjoyable read. The Draft Constitution comes amid immense hope for change, delivering on the expectations of the people to fulfill their shared aspirations. The historic launching of the draft is sufficiently captured in this 6th Edition. It goes to show the highlights and the significance of the moment with special reports and exclusive pictorials. The task at hand is far from over as work continues on the next phase following the release of the Draft Constitution. The draft Constitution is intended to engender constructive public debate among the citizenry and all relevant stakeholder groups on what is contained in the ‘bill of rights.

This edition examines ideas forwarded to the CRC in relation to the importance of continuous public engagement with the Commission to convey their concerns and recommendations for incorporation in the Constitution within a space of one month. Sampling different opinions from diverse backgrounds, you will find an exciting article explaining the reactions of Gambians to the new draft Constitution.

It is indeed gratifying to note that the responses received from Gambians have been very positive, even though there has been some degree of outcry concerning certain provisions. But that, in essence, is the purpose and intention of the Draft Constitution itself. We disagree to agree in a democratic dispensation.

It is also important to note that the CRC will embark on the second phase of the face-to-face public consultation from the 30th of November with a view to involving Gambians in the conversation around the contents of the Draft Constitution.

Also, you will come across the CRC’s befitting response made by its charismatic Chairman, Justice Cherno Omar Jallow QC (JSC) to some key questions emerging from the public debate, notably over the omission of the term “Secular” in the New Draft Constitution. The Commission endeavoured to offer the citizenry some key clarifications and justifications on the provisions that have raised public concern.

Another eye-catching story in this 6th edition of the CRC Newsletter is the article on the deaf community. For the very first time in our history, the deaf and the physically challenged community feature prominently in the constitutional building process.

Their participation has been a hallmark of the inclusion that characterized the work of the CRC. This is a fundamental principle the CRC has upheld throughout the review process. It is my hope that you are already spellboundly attracted to go through every story in this special edition.

You will certainly find a line-up of other captivating stories involving the Commission with each article relaying a significant message that we hope is relevant to your understanding of the ongoing engagements of the CRC.

While wishing you an enjoyable read, we thank you for your contribution and continued participation in the journey to build a Constitution that embodies the will of the Gambian people!
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WHAT'S NEW IN THE DRAFT CONSTITUTION

Below is just a summarized rundown of the new elements contained in the draft Constitution. We urge the general public to carefully review the provisions and provide the CRC with their considered and constructive opinions to assist the timely finalization of the draft Constitution. We do not by any means suggest that this is a perfect draft, but together we can produce a final draft that hopefully will serve The Gambia going into the long future.

The draft Constitution comprises 20 Chapters (3 Chapters less than what is contained in the current Constitution); it has a total of 315 clauses. And perhaps I should pause here to state that some of our compatriots, particularly those in the diaspora, had expressed the wish for a leaner Constitution. We took note of their wishes and carried out research into comparable jurisdictions. We have come to the conclusion that while a leaner Constitution may be desirable, it ought not to be the yardstick by which we measure the strength and effectiveness of the Constitution. We have taken into account the fact that we have a young democracy with not so strong institutions – one of the things we have attempted to rectify in the draft Constitution – and the need to ensure clarity. Many of the recent constitutions we have considered, especially those in Africa, have chosen the path of strengthening democratic governance with a good measure of clarity. We, therefore, have the option of taking the approach of a leaner Constitution that leaves much to statutory development and legal interpretation or concentrating on teasing out issues that are fundamental to the development of our young democracy, irrespective of the size of the Constitution. We have equally considered the general public opinion canvassed with the CRC, especially by our rural communities, to have a Constitution that is crafted in simple language and easier to read and understand. In this context, we have chosen the latter approach, shying away from the “danger” of
leaving too much of too many fundamental issues to interpretation.

Each Chapter of the draft Constitution addresses a different issue, although in some instances certain Chapters have a correlation with provisions contained in other Chapters. Appropriate sectional references and cross references are made where necessary in order to ensure clarity and/or avoid or prevent inconsistencies. These are necessary aspects of drafting. In essence, the draft Constitution we present to the Gambian public today is the embodiment, as we have been able to discern from the opinions canvassed with the CRC, of the people of The Gambia. We have crafted them in a manner that we consider best represents constitutionalism in our young democracy as we look forward into the future.

The draft Constitution has a Preamble which revises the Preamble of the current Constitution to embody elements considered fundamental to the Constitution, including placing emphasis on respect for the rule of law and fundamental rights and freedoms. It also places emphasis on good governance, separation of powers, sustainable environment and equitable distribution and use of resources, and equality before the law.

In terms of what is new in the draft Constitution (and I’m sure that’s an area many will be interested in), the following may be noted though not comprehensive in themselves:

(1) In the first Chapter dealing with the Republic and sovereignty of the people, specific provision is made to declare The Gambia as a multi-party democratic State that is founded on respect for the rule of law and the national values and principles of governance enshrined in the Constitution. In addition, it identifies the three organs of government (Executive, Legislature and Judiciary) to whom the sovereign power of the people is delegated and on whose behalf that power must be exercised for the welfare and prosperity of the people. We also take account the emphasis placed by the people on empowering local government authorities and the importance of devolution of government;

(2) Chapter II clarifies that a treaty The Gambia has entered into does not automatically become law unless it is transposed into domestic legislation. The courts are empowered to have due regard to international human rights treaties that The Gambia is a party to where that is considered necessary to aid the interpretation or application of a provision of this Constitution with respect to any right or freedom;

(3) The core area of public opinion, however, centred on issues relative to the values of Gambians as a people and concerns for good governance. In that regard, we found it necessary and have created a new Chapter II on National Values and Principles of Governance and a new Chapter V on Leadership and Integrity, which bind all State organs, Local Government Authorities, public officers and all other persons, whether holding elective office or otherwise or merely having some form of relationship with government. Specific provision is made outlining the duties and obligations of citizens, including the duty to protect and preserve public property, and to expose or engage in any lawful act to prevent the misuse and waste of public funds and property. Accordingly, any person who is engaged in that endeavour is protected against any form of prosecution.

(4) Chapter IV deals with Citizenship. In addition to preserving the existing citizenship of Gambians, provision is made to remove the distinction between Gambians born within and outside the country – that is, citizenship by birth and by descent. The Commission sees no value in this artificial distinction when in reality they enjoy the same status and privilege as citizens. In this vein, any person born of parents one of whom is a citizen of The Gambia is to be treated as having the status of a citizen by birth.

In equal measure, a child of not more than eight years found in The Gambia with unknown parents is to be presumed to be a citizen by birth.

In relation to non-Gambians who have lived in the country for fifteen years or upwards and wish to naturalize, they no longer have to give up their original citizenship if, based on the laws of their country of origin, a Gambian can naturalize without giving up his or her Gambian citizenship – this applies the principle of reciprocity.
A non-Gambian (man or woman) who is married to a citizen of The Gambia and had, since the marriage, been ordinarily resident in the country, is entitled to be registered as a citizen of The Gambia upon application.

A non-Gambian child who is adopted by a Gambian parent is entitled, on application, to be registered as a citizen of The Gambia.

Generally, Gambians were of the opinion that a child born in The Gambia of non-Gambian parents should be accorded automatic citizenship. The Commission considered the resource implications of such a measure which requires further in-depth research and assessment, which the Commission could not do having regard to the tight timeframe within which it has to deliver on its mandate. It, however, giving due regard to the public’s views on the subject, empowers the National Assembly to consider registration as a citizen of The Gambia of a person who, on or before 15th November, 2019, was born in The Gambia of non-Gambian parents, if the person had, since his or her birth, lived in The Gambia. This will allow sufficient time to carry out the necessary research and assessment on the resource implications to take an informed decision. The Commission furtherformed the considered view that in order not to open the floodgates to citizenship without a thorough consideration of the resource implications, this process should be limited to children born in The Gambia to non-Gambian parents as at today’s date. The National Assembly is further empowered to enact legislation, where it considers it necessary, to enable other persons to acquire citizenship of The Gambia if they are not eligible to become citizens under the draft Constitution. This may include persons who fall within the category of Descendants of African Slaves, who made strong submissions to the CRC to be considered for some form of “fast track” citizenship;

(5) In Chapter V on Leadership and Integrity, provision is made to the effect that a gift to a public officer (which includes any person occupying elective office) on a public or official occasion or on account of the office he or she holds, is a gift or donation to the State or the institution he or she holds, is a gift or donation to the State or the institution he or she represents and shall be handed to the State or the institution concerned;

(6) Chapter VI provides general principles relative to respect for fundamental human rights and freedoms and incorporates economic and social rights, including provisions on the rights of the elderly, right of access to information, right to a clean environment, right to fair labor practices, rights of the youth, right to development, consumer protection rights, rights of the sick, and duty to ensure gender balance and fair representation. The right to education is elaborated on to provide such right to extend to free education up to secondary school level. The right to free tertiary education, including university level, is provided for but to be attained progressively. The rights relating to communication and the media are now made part of the Chapter on fundamental rights and freedoms and elaborated on. All these rights are in addition to the fundamental rights and freedoms enshrined in the current Constitution and may be described as justiciable. Consequently, the Commission has dispensed with the Chapter on the Directive Principles of State Policy;

(7) Chapter VII relates to the Representation of the People and outlines general principles of the electoral system and makes further provision requiring a continuous voter registration system of eligible voters, and eligibility to contest election as an independent candidate. The current Independent Electoral Commission (IEC) is being transformed into the Independent Boundaries and Electoral Commission (IBEC) and given the constitutional authority for the delineation of electoral boundaries. The IBEC’s functions are outlined, including the method of boundaries delineation.

The obligation of political parties to declare to the public their revenues and assets, and the sources of those revenues and assets is provided. This is in addition to publishing to the public annually their audited accounts within six months of the end of the financial year, failing which the Independent Boundaries and Electoral Commission may deregister a defaulting political party. Only citizens of The Gambia may make contributions or donations to a political party registered in the country.
The candidates of each political party contesting National Assembly elections must be made up of at least ten percent youths;

(b) The Executive is provided for in Chapter VIII and makes the following new provisions:

(a) Where the President takes a decision or issues a directive in the performance of any function under this Constitution or an Act of the National Assembly, the decision or directive must be in writing, and must bear the seal and signature of the President;

(b) Where the signature of the President is required on any instrument, the signature must be confirmed by the Public Seal;

(c) Where a person acts or purports to act on a decision made or a directive given by the President which does not comply with these two requirements, the person will be personally liable if any loss or other harm results to the State as a consequence of his or her action;

(d) Election to the Office of President is to be held three weeks before the end of the term of the incumbent President, and the winner of the election to the Office of President assumes office on the day after the date of expiry of the incumbent President’s term of office;

(e) All candidates for election to the Office of President and National Assembly Member are required to declare their assets to the Anti-Corruption Commission at least twenty-one days before the election;

(f) The Independent Boundaries and Electoral Commission is required, as soon as possible, but in any case not beyond seventy-two hours, after the polls are closed to declare the result of the Presidential election and the winner thereof;

(g) Amongst other required qualifications for election to the Office of President, a candidate must hold a minimum of an undergraduate degree plus five years’ work experience after the date of attaining that degree, or hold a minimum of a senior secondary school certificate or its equivalent plus twelve years’ work experience after the date of attaining that certificate;

(h) A candidate for election to the Office of President is elected if the candidate has received more than half of all the votes validly cast in the election (that is the absolute majority or 50% + 1 vote);

(i) The President cannot hold office for more than two terms of five years each, whether or not the terms are consecutive;

(j) The President is to declare his or her assets within three months of assuming office and must similarly declare those of his or her spouse; the same process is repeated within three months of demitting office in respect of the assets acquired since assuming the Presidency. The Vice President and Cabinet Ministers will be bound by the same requirements;

(k) The President is prohibited from establishing, or advocating for, participating in or promoting the establishment, or in any other way engaging in the establishment, directly or indirectly, of any organisation or institution of a civic, charitable or other nature;

(l) Considering the importance of the Office of President and as a way of ensuring dignity to the Office and office holder after demitting office, benefits are outlined for the President when he or she demits office;

(m) The number of Cabinet Ministers a President can appoint is capped at fifteen, excluding the Attorney General and Minister of Justice;

(n) The offices of Cabinet Secretary, Chief of Staff to the President and Solicitor General and Legal Secretary are established;

(g) The National Assembly is constitutionally established and the following new provisions are made:

(a) Only elected members shall constitute the National Assembly;

(i) 53 elected from single member
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(ii) 14 elected women, two from each Administrative Area; and
(iii) 2 persons, elected by persons with disabilities from amongst the members of the federation representing such persons;

(b) There is no residency requirement to be eligible for National Assembly election, although a candidate must satisfy the other qualifications outlined in the Constitution;

(c) The method for initiating a recall of an elected member of the National Assembly is provided for;

(d) Considering the increased size of the National Assembly, provision is made to enable the Assembly to elect two Deputy Speakers;

(e) The positions of Majority Leader and Minority Leader of the National Assembly are established;

(f) The business of the National Assembly is to be conducted in the English language or in any other language indigenous to The Gambia, and the Assembly is required to encourage and facilitate the progressive realisation of the use of languages indigenous to The Gambia in the conduct of the business of the Assembly within five years of the coming into force of the draft Constitution;

(g) Provision is made to enable members of the public to petition the National Assembly on any matter within the authority of the Assembly, and

(h) The National Assembly Service Commission is established to deal with staff matters relative to the Assembly;

(10) In respect of the Judiciary, the following new provisions have been created:

(a) Provision is made outlining the principles of justice;

(b) The Chief Justice and all other judges of the superior courts must be Gambians; however, provision is made allowing for the recruitment and appointment of non-Gambians in circumstances where a sufficient number of Gambians are not available for appointment to a particular judicial office;

(c) The Supreme Court is given supervisory jurisdiction over all other superior courts, while the High Court and Shari'ah High Court have such jurisdiction over the subordinate courts under them;

(d) The Shari'ah High Court is established, with jurisdiction to hear and determine Shari'ah causes or matters relating to adoption, marriage, divorce, burial, inheritance, or endowment (waqf); the Cadi Courts are to be transformed into Shari'ah Courts;

(e) In view of the restrictions placed on a judge who has retired from office, provision is made for benefits, provided the judge has served for a specified number of years;

(f) The composition of the Judicial Service Commission has been streamlined to make the institution more democratic;

In response to the overwhelming public opinion to empower local government authorities, a new Chapter has been created on Local Government and Decentralisation. Included in this, is provision for the election of Seyfo; the office of Alkalo remains to be dealt with in accordance with traditional lines of inheritance. In order to restore the tradition that abounds the offices of Seyfo and Alkalo, a person in such office serves for a life time unless removed (on specified grounds) or the office holder resigns. Both Seyfos and Alkalos are prohibited from taking part in partisan politics as they are traditionally the nucleus of community unity, peace and stability;

A new Chapter XII is created on Independent Institutions and Offices. Included under this Chapter are the National Human Rights Commission, Anti-Corruption Commission, Ombudsperson, Auditor-General, and Central Bank of The Gambia. These institutions and offices are considered pivotal to good governance and are constitutionally protected with appropriate checks and balances. Although established under a separate Chapter, the Independent Boundaries and Electoral Commission is governed by some of the provisions contained in this Chapter. Commissions of inquiry are also placed under this Chapter, essentially retaining the features of the current Constitution;
Chapter XIII deals with Public Finance. It makes specific provision for financial support to local government authorities and the need for public consultation on matters relating to the imposition of taxes to enable members of the public to express their views on tax proposals. A new Development Fund has been created for purposes of providing basic services including water, roads, health facilities and electricity to marginalised groups and disadvantaged areas to the extent necessary to bring the quality of services with respect to those groups and areas to the level generally enjoyed by the rest of the nation, so far as possible. Specific provision has been made in relation to public procurement.

A new Chapter XIV has been created on Land, Environment and Natural Resources. Provisions are made on land ownership by Gambians and non-Gambians, including the establishment of the Land, Environment and Natural Resources Commission.

Chapter XV deals with the Public Service and, in addition to the Public Service Commission, three new service commissions have been established, namely (under this Chapter) the Teachers Service Commission and Health Service Commission and (under Chapter XVI) the National Security Service Commission. The Office of Secretary General has now been specifically established to be the Head of the Civil Service and to function purely on professional matters pertaining to the public service. In addition, the Office of Permanent Secretary is established;

The security service sector is dealt with under Chapter XVI, with the establishment of the National Security Service Commission having defined functions.

Chapters XVII and XVIII respectively deal with National Youth Development and the National Council for Civic Education.

Chapter XIX deals with Amendments to the draft Constitution, outlining the entrenched and non-entrenched clauses. Specific provision is made prohibiting the National Assembly from amending the Constitution to extend the term of the President beyond what has been constitutionally mandated;

Chapter XX considers and establishes Miscellaneous matters considered relevant to the proper interpretation and construction of the provisions of the draft Constitution. Specific provision is made to the effect that no power exercised, or an order given, on the basis of an executive directive issued by any person or authority shall be inconsistent with the draft Constitution or any other law, and any directive issued in that regard is not to be acted upon by any person if the directive is so inconsistent; and

The draft Constitution concludes with three Schedules. The first relates to identifying the Administrative Areas of the country; the second outlines the constituencies in respect of which elections may be held; and the third Schedule deals with matters pertaining to transitioning from the current Constitution to the draft new Constitution. Under the third Schedule the current term of the incumbent President is considered in the context of the term of office of a person who is elected to the Office of President. Having carefully researched and considered this subject, the Commission has come to the decision that the current term of the current President of the Republic is to count in computing the maximum term one can serve in the Office of President – that is a maximum of ten years as provided in the draft Constitution.
The Constitutional Review Commission (CRC) on November 15, 2019 officially released its first draft Constitution to the Gambians people. The draft was made available in both hard and soft copies for people to review and give feedback on or before the stipulated deadline of 15th December, 2019.

The released of the draft Constitution came few days after the Commission notified the Gambians through a press release that it was about to publish the draft Constitution in ‘few weeks’.

Speaking at the official release of the draft Constitution at the CRC Secretariat in Kotu, the Chairman of the CRC, Justice Cherno Sulayman Jallow, QC said the CRC is fully aware that many people are waiting to see and learn of what the proposed draft Constitution contains. He added that perhaps even more importantly is whether the draft achieves the goal of addressing people’s wishes and aspirations.

In announcing the release of the Constitution, Justice Jallow stated, “I am pleased to announce, on behalf of my colleague Commissioners and indeed the Secretary and staff of the CRC, the publication of the draft Constitution. The purpose of the publication as we had indicated during our public consultations is to continue the inclusive and participatory process in the design and development of the new Constitution for The Gambia.”

He also indicated that the draft Constitution is effectively the effort of all who have participated and continue to participate in its development.

Justice Jallow explained that apart from the public consultations both in-country and outside the country, the CRC has employed several measures in eliciting views and aspirations of people. These included survey and stakeholders meetings.
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Continuing, he revealed that the Commission reviewed the current Constitution, international best practices in relation to certain specific matters and made sure that we adhered to national values and ethos.

Chairman Jallow intimated that throughout the execution of its assignment, ‘the CRC Act has been our guide, ensuring at all times that we adhere as closely as possible to the terms of the Act. Specifically, section 6 (2) of the Act requires that, in carrying out our functions, we seek public opinion and take those into account as considered appropriate, adhere to national values and ethos, and safeguard and promote the existence of The Gambia as a sovereign independent State, the country’s republican system of governance, including its democratic values and respect for human rights, the separation of powers, national unity, cohesion and peace, the importance of ensuring periodic democratic elections, including term limit for the Office of President, and The Gambia’s continued existence as a secular State in which all faiths are treated equally and encouraged to foster national cohesion and unity.’

In this process, he went on: ‘we were also required to afford Gambians, both at home and abroad, the opportunity to express their opinions and indicate their wishes and aspirations. In addition, we were empowered to invite persons to appear before the CRC to freely express their opinions. In performing all of these functions, the CRC was to remain independent and not subject to any direction or control.’

Also speaking at the ceremony, the CRC Secretary, Mr Omar Ousman Jobe said the most important policy document in any modern state is the Constitution, followed by the National budget. He added that Gambians were anxiously waiting to know what both documents had in store for them and how they would transform the country.

“We at the CRC, continue to celebrate the fruitful partnership with the media. Thanks to the efforts you’ve put in since the beginning, Gambians have been kept informed about the work of the Commission,” Secretary Jobe told the journalists.

For her part, the CRC Vice-Chairperson, Hawa K. Sisay-Sabally thanked all the stakeholders for being supportive throughout the CRC process. She further urged Gambians to thoroughly read the content of the draft Constitution and give feedbacks where necessary. Vice Chairperson Sisay-Sabally also assured Gambians that the CRC will ever be open and accommodating to the public.
CRC EXPLAINS ABSENCE OF SECULARISM IN THE DRAFT CONSTITUTION

No issues were raised,” he observed.

Continuing, he revealed that in 2001, an attempt was made and that an amendment was taken by the then Attorney General to the National Assembly to insert the word ‘secular’ so that section (1) will read: The Gambia is a Sovereign Secular State’.

“But that provision is an entrenched clause in the 1997 constitution. What that means is once it goes through the National Assembly it must be subjected to a referendum. That was never done. It was challenged by Kernesseng Jammeh before the Supreme Court and the Supreme Court stroke out the amendment as unconstitutional, because it had not followed the constitutional process right to its logical conclusion. So, effectively what that means in legal terms is that that amendment never formed part of the laws of this country,” he added.

Jallow said although the provision on secularism is printed in the 1997 Constitution, as a draft person, he feels baffled because “when the revision of the laws was carried out in 2009 it should have been removed because the Supreme Court had declared it unconstitutional. What is not law you dispense with. You only reproduce what is law. So, I say this to make the point that the word secular has never ever constitutionally been part of any of our Constitutions. So, we don’t understand why it is becoming an issue at this stage”.

“The other thing I find most unfortunate is that so much emphasis is being placed on clause 1 but there is for me an even more important clause in the context of what is being debated at the moment which is clause 151 of the draft Constitution. It makes it very clear that the National Assembly cannot pass any bill to declare or to establish any religion as a state religion whether it is Islam, Christian or whatever it is. The National Assembly is barred from doing anything like that and effectively that is what you find in the current Constitution in section 102 (b). That is a characteristic of a secular state. But you don’t have to say it,” he said.

He added: “People are obviously entitled to their opinion and we definitely respect that, but it will be most unfortunate if this is blown out of proportion along religious lines because that could potentially bring religious tensions in this country which we don’t need. I will definitely plead with that section of our community that feels aggrieved by the non-use of the word to look at the totality of the draft Constitution and not fan this whole subject on the platform of religion. I think that would be very unfortunate because our communities have always lived in harmony together.”
On Thursday 14th November, 2019, the Communications Department of the Constitutional Review Commission of The Gambia conducted a day-long capacity building training for journalists drawn from the print and electronic media.

The training was meant to equip and inform journalists on how to handle and disseminate information about the draft Constitution. It also sought to prepare the journalists in measuring public expectations linked to the constitutional development process. Since constitutional issues are highly sensitive in nature, the interface availed journalists of the opportunity to discuss methods of informing the public about the content of the new draft Constitution.

Speaking at the opening ceremony held at the CRC Secretariat, Commissioner Amie Joof-Cole said the training will serve as a reminder to the media on its mandate in relation to disseminate the information contained in the draft Constitution.

She hailed the role of the media in the work of the CRC, noting that the media has been one of their biggest partners throughout the review process.

She pointed out that the media as a fourth estate has been playing its role in keeping the public informed of the work of the Commission. She added that they are hopeful that when the draft Constitution is released, the media will report on it accurately and factually.

“When the draft is out it will be distributed to the public to generate feedback and then incorporate the necessary corrections and finally present the Constitution to the Executive,” Commissioner Joof-Cole said.

She said that the work of the Commission is ever guided by the principles of participation, transparency, inclusiveness, accountability, and ownership.

For his part, Mr, Sainey MK Marenah, the CRC Head of Media and Communications, applauded the media for taking ownership of the CRC review process while imploring them to endeavor to seek clarifications from his office on issues relating to the Constitutional building Process.

“This training is not only meant to orient you on the Constitutional building process but also to further cement the already existing cordial relationship between us. We value our partnership as it is one that will ensure the successful delivery and dissemination of the new Constitution,” Marenah said, urging the members of the fourth Estate to avoid sensational reporting on Constitutional
issues that could be overly sensitive and indeed, highly political. Commissioner Lamin S. Camara said that when the product is finally released, it needs to be disseminated to the public and the media has a role to play in that respect to enlighten the public on what is contained in the draft Constitution. He expressed hope that this training will enable journalists to be equipped fully in reporting on the draft Constitution. In welcoming the participants, the CRC Secretary, Mr. Ousman Jobe informed the participants that the objective of the training was to prepare the journalists on media reporting in anticipation of the imminent launching of the draft Constitution. The training was conducted by Mr. Demba Kande, Media and Communications Expert and Bai Emil Touray, Former President of the Gambia Press Union with support from Commissioner Amie Joof Cole and Sainey MK Marenah, CRC Head of Media and Communications. In a bid to adequately inform Gambians about the Constitution, Alhagie Sering Fye, the Chairman of the National Council for Civic Education (NCCE) remarked that the training also sought to broaden the understanding of journalists on draft Constitution reporting with a view to ensuring that accuracy and factual reporting is attained. He also urged journalists to fully take ownership of the CRC process. He further enjoined journalists to continue to work with the NCCE by taking ownership of the document after the release of the draft Constitution.
The Constitutional Review Commission’s Communication Department embarked on a consultative engagement with all the media houses (TVs, Radios, and Newspapers) in The Gambia as part of a plan to further popularise the content of the draft Constitution to the Gambian population and other relevant stakeholder groups.

The media tour kicked-off on Wednesday 6th and continued to Thursday 7th November, 2019. The media tour was aimed at strengthening the already existing partnership framework between the CRC and media institutions in the country. The CRC recognised the important role that the media could play in serving as a conduit for amplifying its messages to the Gambian public right from its inception. The media is no doubt the interface and the link between the CRC and the people.

The Communications team was led by Commissioner Amie Joof-Cole and comprised of Sainey M.K Marenah, Head of Media and Communications, Yaya B. Baldeh, Communications Officer and Yankuba Manneh, Transcriber and Notes Taker.

The following issues were raised and discussed in all the meetings: ways and means of strengthening and solidifying the existing partnership with the media for aggressive media coverage on the draft Constitution; soliciting a reasonably flexible price package for the advertisement spots on the different mediums: TV, Radio, Newspapers. The CRC team prevailed upon the media owners to allow journalists who took part in the CRC’s first public consultations to continue to participate in the Commission’s engagements because they already have a good grasp of what the Commission does.

In his interventions during the sessions with media houses, Sainey M.K Marenah, Head of the CRC Media and Communication said the media is an integral part of the CRC review process and consulting
Continued from page 15

them on the popularisation of the CRC draft
Constitution is a timely and a well calculated move.
According to Mr. Marenah, the CRC is satisfied with the
partnership with the media. Continuing, he assured
them of the CRC’s partnership and cooperation to
ensure that The Gambia has a Constitution that
everyone can be proud of.
Mr. Marenah also reminded journalists to avoid
sensational reporting and to endeavor to seek
clarifications whenever the need arises.
The two-day engagement with the TVs, Radio stations
and Newspaper outlets was a resounding success.
Several commitments and assurances were made.

The readiness to support and collaborate with the
Commission in reaching out all every Gambian was
established.
Similarly, the tour of radio stations was carried out on
The visited media institutions were QTV/QRadio, Gambia
Radio and Television Services (GRTS), Paradise TV, Star
TV/Radio, Gambia Talents TV, Capital FM, West Coast
Radio, City Limits Radio, Hot FM, The Point Newspaper,
The Standard Newspaper, Foroyaa Newspaper, The Daily
Newspaper, and The Voice Newspaper.
CRC ASSURES CSOs OF AN ALL-INCLUSIVE CONSTITUTION

The Constitutional Review Commission has assured the members of civil society organisations and partners that the new Constitution under review will be an all-inclusive document that will certainly stand the test of time.

The CRC Youth Commissioner, Yankuba Manjang and the CRC Head of Media and Communications, Sainey MK Marenah made this assurance at a two-day multi-stakeholders forum on constitutional and electoral reforms processes in The Gambia organised by Law Hub Gambia and Think Young Women with funding from the International Republic Institute (IRI).

On the theme: ‘#220CONSTITUTION What Next Beyond the Draft’ the event brought together participants from various sectors including senior government officials, members of the National Assembly, CRC, UN agencies, media, civil society organisations and political parties. The objectives, according to the organisers was to provide a platform for stakeholders to discuss the constitutional and electoral reforms so far and map out ways and strategies for active and meaningful participation and engagement of all stakeholders in the process after the submission of the draft Constitution and report to the executive.

The forum was also designed to facilitate high level forward looking debates, knowledge sharing, sector wide institutional arrangements, policy and legal framework, strategic planning, networking and
partnerships on the constitutional review process. Commissioner Yankuba Manjang reminded the forum that the CRC consulted Gambians from all walks of life to ensure that the end product reflects the wishes and aspirations of the Gambian people, adding that only a progressive Constitution can bring back Gambia’s lost glory.

‘The CRC since its inception has been very transparent in its engagement with Gambians. This is because we want Gambians to take ownership of and participate in the review process,’ he said, announcing that the next round of public consultations will be conducted to present the draft Constitution to Gambians for their comments and observations before the final document is submitted to the President.

Also speaking at the forum, Sainey M.K Marenah, the CRC Head of Media and Communications said the CRC will publish its draft Constitution both online and offline (insoft and hard copies) to ensure wider accessibility for the people.

‘We are doing everything humanly possible to communicate with Gambians to know exactly what is the mandate of the Commission and how far we have gone to deliver a new Constitution for The Gambia,’ Marenah stated, noting that the CRC has created different platforms to communicate with Gambians including regular press conferences, press releases, radio talk shows, press interviews and face-to-face consultations. He also used the event to assure Gambians that the CRC will deliver on its mandate to draft a progressive Constitution for the country.

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**UN SPECIAL RAPPORTEUR PLEASED WITH CRC’S INCLUSION OF HUMAN RIGHTS IN THE DRAFT CONSTITUTION**

The Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non recurrence at the office of United Nations High Commissioner for Human Rights based in Geneva, Switzerland, Fabian Salvioli visited the offices of the Constitutional Review Commission where he participated in a meeting with staff and Commissioners on the recent publication of the draft Constitution of The Gambia.

The meeting avails the UN human rights Special Rapporteur the opportunity to discuss issues of human rights as captured in the new draft Constitution.

Commissioners: Lamin S Camara and Amie Joff- Cole took time to explain to the visiting Human Rights officials steps taken by the Commission to incorporating human rights issues in the new draft Constitution.

According to CRC Commissioners, Chapter II of the draft Constitution clarifies that a treaty The Gambia has entered into does not automatically become law unless it is transposed into domestic legislation.

‘The courts are empowered to have due regard to International human rights treaties that the Gambia is a party to where that is considered necessary to aid the interpretation or application of a provision of this Constitution with respect to any right or freedom,’ the Commissioners told the visiting delegation.

For his part, Mr. Fabian Salvioli commended the CRC for an inclusive process while underscoring the significance of human rights protection and promotions.
MEET THE 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

KARAFE MANNEH  
HEAD OF PROGRAMMES
BINGHAM CENTER FOR RULE OF LAW SAYS CRC DRAFT CONSTITUTION IS AN "ADMIRABLE PIECE OF WORK"

A representative of London-based Bingham Centre for Rule of Law has described the Constitutional Review Commission’s draft Constitution as an ‘admirable piece of work’ saying his centre remains committed to support the CRC’s ongoing review process.

Mr. Alex Goodman, whose Organization - the Bingham Centre for Rule of Law based in the UK are implementing a project on behalf of the British High Commission, Banjul entitled ‘Support for strengthening the Rule of Law through the Gambia’s constitutional reform process’ was at the seat of the CRC to discuss the project.

The purpose of the project is to help enhance the potential for a new Gambian Constitution to strengthen the rule of law by engaging with politicians, civil society and other stakeholders to identify issues and develop recommendations for improving the current draft and supporting stakeholder engagement and advocacy on rule of law issues during the constitutional reform and implementation periods.

‘Your process has been thorough and unique and people spoke highly of the process and the draft is an admirable piece of work,’ He told CRC officials at a meeting held on 26th November 2019 at the CRC Head office in Kotu.

Commissioner Lamin S Camara in his intervention on behalf of CRC Chairman said the CRC process has been an all-inclusive process, adding that the draft Constitution will avail the public the opportunity to send in their comments and feedbacks before the presentation of final Constitution.

Mr. Omar Jobe, CRC Secretary also welcomed the team to the CRC Secretariat and explained the strategies the CRC deployed in soliciting the opinions of Gambians.
COMMISSIONER MANJANG: 
"THE DRAFT CONSTITUTION IS YOUTH-FOCUSED"

In appreciation of his sterling work and representation of the young people at the Constitutional Review Commission of The Gambia, the editorial board has decided to beam the light on Mr. Yankuba Manjang, the youth Commissioner in this special edition of the CRC Newsletter.

In an interview, Commissioner Manjang gave a concise but detailed explanation of his academic background. "I started at Old Jeshwang Primary School and then proceeded to St. Therese’s Upper Basic School and sat for GABECE in 2005. While at St. Therese’s Upper Basic School, I was an active member of the Voice of The Young from 2004-2006, a body under the ambit of the Child Protection Alliance (CPA)," Manjang narrated. Subsequently, he got admission to Gambia Methodist Academy for one academic year and then transferred to Gambia Senior Secondary School where I offered Science and graduated in 2008.

Imbued with the passion for higher education, Commissioner Manjang said he continued his education at the Gambia Technical Training Institute (GTTI), where he studied Law in 2008-2013. He asserted that during this period, he served in the Gambia Technical Training Institute Students’ Union as the Secretary General in 2012. At this time, Manjang recounted a number of significant initiatives instituted in his reign including the exchange visit programme with Sheikh Anta Diop University in Dakar. The Youth Commissioner also said he taught at Old Jeshwang Primary School for two executive years for gratis. "I took on voluntary teaching service because I wanted to improve myself knowing fully well that I wanted to study Law," Manjang stated. Currently, he is studying Law at the University of The Gambia.

Driven by the burning desire to serve humanity, he unconditionally joined the Peace Ambassadors - The Gambia. At first, he began as a volunteer and later became a fully-fledged member. "At Peace Ambassadors-The Gambia, I steadily rose through the ranks by merits to the position of Executive Secretary, a post I hold up-to-date," he said.

On some of his roles before his appointment at the CRC, Manjang gave a befitting context of his involvement in youth activism. He said he was the Chairperson of He-For-She Network, a youth-led organization in the country from 2015-2017. By virtue of the trust and confidence vested in him, from 2016-2017, he was made the Chairperson for Old Jeshwang Constituency. Commissioner Manjang was duly appointed by the National Youth Council (NYC) to serve in the Security Sector Technical Working Committee of The Gambia from June 17th to December, 2017.

Asked what he makes of the involvement of youth in the Constitutional Review Process, the youth Commissioner said the young people’s involvement in this national exercise was “Impressive.” Giving a compelling justification, Manjang said a consortium of young people was formed under the hashtag “The Constitution We Want.” He went further to argue that three Youth-led Organizations were involved namely; National Youth Parliament, Peace Ambassadors and Activista-The Gambia. He said the initiative was coordinated by National Youth Council with funding from the UNDP. The goal, according to Commissioner Manjang was to engage young people across The Gambia on the review process and eventually came up with a position paper which was presented to the CRC by the NYC after its validation. “I can comfortably say youth in all the 53 constituencies in the country were consulted in the Review process. In fact, in each constituency, two hundred youth participated in the Town Hall Meetings under the banner - “The Constitution We Want,” Manjang explained.

When asked how he feels serving in the capacity of a Commissioner at the CRC, Manjang said he is more than honoured to have worked with seasoned and well-experienced Commissioners in their own rights. “The CRC has taken my experience to another elevated level. Although I have touched every region in this country, the CRC has enabled me to visit certain parts of The Gambia I have never been to,” the Youth Commissioner confessed. He said, this has made him to appreciate more the diversity in our socio-cultural setting as a people of a state.

Commissioner Manjang maintained that the New Draft Constitution is youth-focused and underpins the growth and development of the young people. He argued that there are significant number of provisions that support and empower the youth in the draft Constitution. Commissioner cited some youth-focused provisions which include the presidential age requirement (30 years), promotion of youth political participation (each Political Party must have 20% participation of youth at the Parliamentary Race), young women are equally provided i.e each political party will ensure 14% of their Parliamentary candidates are women. This, Commissioner Manjang continued, is to bring the young people at the forefront of The Gambia’s political discourse. He stressed that, in the draft Constitution, the government is tasked to make its policies and programmes more youth-centered.

"Now that the draft Constitution is released, I want to challenge the young people of The Gambia to take time and read the content of the document and put forward brilliant recommendations to the Commission for incorporation. The Constitution is youth-friendly and is progressive. I implore on the youth to steadily monitor the process and make sure once the new Constitution is delivered for a political process, the timeline given to both the Executive and the Parliament is met for implementation," Commissioner Manjang concluded.
DEAF COMMUNITY WELCOMES INCLUSION OF SIGN LANGUAGE

The deaf community in The Gambia welcomed the provision of sign language in the draft Constitution of The Gambia. Their reactions came following the recent publication of the draft Constitution by the CRC. The draft provides for the use of sign language for the first time in the laws of The Gambia. This constitutes a remarkable innovation.

The release of the document has been greeted with overwhelmingly positive reactions among the hard-of-hearing community, all revolting around the importance of sign language to foster understanding among a group that has for so long been marginalized.

Speaking to the CRC Newsletter in an interview, Dodou Loum, Executive Director, GADHOH said they are incredibly happy to see the inclusion of the sign language in the draft Constitution.

He stated that: “We the deaf community welcomed this development considering the importance of the sign language in our lives. Taking into consideration the fact that such a provision was not contained in the 1997 Constitution, we can say that this current draft has made a huge difference. It means a lot to us.”

This will encourage the duty bearers to ensure that sign language is used like other means of communication, he added.

Sheriffo Kanteh, Finance Officer at GADHOH said that sign language is very important to the lives of the deaf people, adding that, it is their mother tongue.

He also expressed hope that having the sign language mentioned in the draft Constitution, they would like to see that it translated into reality through enforcement in every public function as a way of promoting some degree of inclusion for the deaf people.

“With this, GRTS and other TV stations will now employ sign language interpreters so that the deaf and hard-of-hearing people will know what is happening in and out of the country,” Kanteh emphatically indicated.

He suggested that with such an inclusion, it means that it will help facilitate the teaching of ‘Gambian Sign Language’ in The Gambia College as a way of preparing school teachers to have the mastery of the sign language.

Binta Badjie, the president of GADHOH mentioned that as Gambian sign language users, this development is quite impressive for them, saying that they have been ignored when it comes to the context of language communication, information laws and policies.

She cited section 56 of the draft Constitution which she considers as a ‘landmark victory’ for them and their inclusion means upholding democratic tenets of respecting people’s rights.

For Lamin M. Ceesay, he commended the CRC’s usage of sign language during the public consultations.

“I am very much delighted to see the inclusion of sign language in the draft Constitution. Gambian Sign Language must be respected and it should be further introduced into our school system and television stations,” Ceesay suggested.

Aja Binta Jabang then stated as follows: “I am very impressed to read about the sign language in the draft Constitution. I want its implementation when the final Constitution is out.”

She also thanked the CRC for being inclusive from the outset and called on other sector institutions to follow suits.
A delegation under the esteemed leadership of Secretary Omar Ousman Jobe completed a five-day preliminary tour of all the regions of the country. As the Constitutional Review Commission (CRC) is about to embark on the second round of face-to-face dialogue with Gambians, the decision was taken by the Commission to prepare the ground in consultation with key regional stakeholders, namely the Governors and the district chiefs. The buy-in of these key players in national development is critical to the success of any intervention in the country.

The trip accorded the CRC team the opportunity to inform regional governors and districts chiefs about the proposed CRC meetings dates, time, and selected host communities across the country. In the process, several copies of the draft Constitution were distributed to chiefs, governors and the general public with a view to preparing them ahead of the much anticipated meetings.

Speaking at Essau, North Bank Region, the CRC Secretary Omar Osman Jobe expressed words of appreciations and thanked the people of North Bank for their readiness to welcome and attend to the proposed CRC meetings geared towards discussing what is contained in the draft Constitution.

"I urge you all to take this stage very seriously so that we end up in a good place, that is, a progressive and better Gambia for all," Secretary Jobe told Gambians across the visited communities whilst urging them to participate actively in the interventions that will be rolled out in a matter of days.

As the team progressed through the country, emphasis was placed on the significance of the public consultations and explanations were provided as to why the citizenry should devote valuable time to reading the draft Constitution and come up with positions on it. Similarly issues surrounding the logistical arrangements such as the transportation of participants to and from their places of abode were discussed with the Governors and the Chiefs. Additionally, the meeting locations and the dates were all successfully communicated to relevant stakeholders across the country to enhance their state of preparedness.

Additionally, the tour delegation successfully conducted radio sensitisation programmes in community radios across the country. All the radio sessions were well co-ordinated and local languages were used to communicate with the audience. In spreading the message of the Commission, emphasis was again placed on participation, transparency, inclusiveness, and ownership in the history making process by the CRC.

The team comprised of Omar Ousman Jobe, the CRC Secretary; Sainey Dibba, Local Language Linguist; Yaya B. Baledah, Communications Officer; Sheriff Grant, Logistician; and Ousman Senghore, driver.
CRC STAFF IN PERSPECTIVE

The Constitutional Review Commission (CRC) engaged in the constitutional building process since its establishment in June, 2018. The process was guided by core values of participation, transparency, inclusiveness and ownership aimed at delivering to the Gambian people a Constitution that reflects the collective values and aspirations of all. The Secretariat is comprised of staff with diverse experiences in different disciplines. Additionally, they exude enormous intellect and energy in driving the Commission’s work.

In this special edition of the CRC Newsletter ‘In perspective’, we sound the opinions of these industrious, passionate and enthusiastic Secretariat staff featured herein with regard to their experience working with the CRC.

Mary T. Mendy, a Notes Taker at the CRC said working with the CRC has been one of the most fulfilling experiences of her life. According to her, coming in contact with ‘very knowledgeable’ Commissioners and a hardworking staff could not have been better anywhere.

“Being part of this institution has imparted a lot of knowledge in me and I will do it a heartbeat if given the opportunity again. Being part of the institution that made a historical change in the lives of many by giving the people a Constitution that reflect their views and aspirations was an honour forever treasured,” said Mary T. Mendy. She further indicated that the experience with the CRC has been an intriguing and wonderful one, noting that one of the most memorable events was coming in contact with the political parties to seek their opinions on how and what they want written in the new Constitution. She said, “I would say I was very fortunate to be part of this great family.”

Karamo Jobarteh, a Protocol Officer at the CRC said since the Commission embarked on the journey of building a ‘cohesive’ Constitution there has been no rest. Jobarteh remarked that: “I have spent every hour of the day and every day in a week at the office to make sure that the history making process comes to fruition.”

He further thanked the CRC commissioners for the professionalism they demonstrated in discharging their duties. According to Jobarteh, today he can thankfully say that the Commission significantly helped him to develop and realised his professional potential.

Babucarr S. Njie, a CRC staff is also of the view that the Commission has strengthened his work abilities in diverse areas such as his interaction with others, multi-tasking ability and communications skills. Continuing, he added that it is indeed true that the Commission’s work is challenging, but quite rewarding for the fact that the ultimate goals are achieved at the end of the day.

Njie stated in the following terms, “I feel very much honoured considering working in the course of national development is very essential.”

Essa M.A. Jallow, a Local Language Linguist at the CRC expressed delight for working with the CRC. He said that what he like most about the CRC is the bond of unity among the staff, adding that, everybody is much committed in their work.

The usage of local languages by the Commission has helped to ensure effective participation and inclusion in the review process, Jallow observed.

To conclude, he said, “I feel so proud to be part of the history Gambians are making.”

Foday Mboob, Record Clerk, also shared his thoughts working with the Commission. He indicated that working at the CRC gave him the unique opportunity to serve his country and contribute in the review of the most important national document.

“Overtime, I have come to appreciate my country more and also learn from a pool of knowledge and experience other CRC staff came with,” Foday stated.
Vox Pop

Gambians React to Draft Constitution

 Barely days after the CRC published its first draft Constitutions, Gambians from various quarters both at home and abroad are already actively debating on the contents of the draft Constitution.

The CRC circulated its draft Constitution in order to generate feedbacks from the public before finalizing the document and submitting it to the President. This is a great window of opportunity that we urge Gambians to seize by further engaging the Commission in constructive dialogue to improve the draft.

In this special edition we bring you diverse reactions from Gambians on the draft Constitution.

Karamba Touray, a Gambian based in the United States said that the CRC has crafted an outstanding Constitution that will be here for ages. He said that: “Living up to its provisions for The Gambia that is free, democratic and at peace is our duty. Let us be vigilant and protective of the Constitution.”

Sidi Sanneh, who resides in the United States indicated that the Constitutional Review Commission has in their view, conducted one of the most open, transparent, proactive and painstakingly inclusive exercise, and thus a worthy case study for future bodies of its kind to draw lessons from. #VeryWellDoneCRC, Sanneh remarked.

Ebrima Jatta, Chairman and Director of Research at Media Centre for Research and Development (MERCAD) stated that the draft Constitution comes with a delightful entry, speaking to every issue, need and concern that has forestalled and somehow affected national progress in the past.

He also argued that the draft Constitution entails package of provisions that tackles the core values of an inclusive society, guaranteeing the right to a decent life, freedom, social protection and security that covers the country’s elderly population and protects women and children from every form of abuse and discrimination.

Jatta said: “Structured on a perfect slate of given fundamentals that immediately recognise our local realities, the draft Constitution is a result driven bill of rights that engage sound decision-making, allowing Gambians to make informed choices along progressive lines; imbuing the best models of democratic institutions.”

MERCAD firmly associates itself with any endeavour to build a fair and inclusive society and therefore pledges its unwavering commitment to work with the Gambian government, development partners and civil society towards strengthening the country’s democracy and national aspirations, Ebrima Jatta, Director of Research, MERCAD expressed as he reacts to the draft Constitution.

Pata P.J. Saidykh, a Gambian in the United States hailed the efforts of the Constitutional Review Commission in producing what he described as ‘progressive and reasonable’ draft Constitution.

“The draft Constitution, the presentation and outlining makes an easy read. It seems to have captured the essentials that many Gambians want. The CRC public consultations did pay off,” Saidykh observed.
VOX POP

Demba Baldeh, a journalist and owner of Gainako News outlet said the Constitution if implemented to the letter and spirit of the drafters, it seeks to transform the future of generations of Gambians.

“It is progressive, empowering and most importantly, equitable. Thank you the CRC for a remarkable work,” Baldeh said.

He also expressed delight to witness such a remarkable foundation for The Gambia, saying that, it is not how many times one’s tried that matters, but when you get it right is crucial.

Amadou Ceesay, political activist said that the new draft Constitution is very insightful and requires thorough scrutiny by those who can read and understand English Language.

He expressed concern that those who cannot read English Language might find it difficult if not impossible to understand what the new draft constitution entails and challenged the Commission to conduct a thorough consultation with members of the public and comprehensively interpret the contents of the draft Constitution.

"The previous CRC consultations gave citizens firsthand opportunity and the right to express their concerns and ordeals as people within the human race. The challenge now is to help interpret this draft Constitution to those who cannot read in order to promote an all-inclusive participation in the decision-making processes that will affect our lives, and our children yet unborn,” he said.

Ceesay also underscored the fact that the CRC did a commendable work in producing a progressive draft Constitution that shall usher The Gambia into a third Republic where the practice and observance of fundamental human rights is expected to be the modus operandi by all State Agencies so as to build a nation that is free from abuse and other human rights violations.

“The Supremacy and defence of the Constitution is necessary for us to hold our public officials to account and to make them aware that they are exercising delegated functions given to them. Having the vetting of appointments of those in public offices approved by The National Assembly is key in promoting the principle of accountability and transparency,” he further underscored.

He also said that the Gambia must try to address issues of impunity and should promote the building of a nation that recognises that all powers emanate from the people from whom all policies, law and actions are geared towards promoting the general welfare of the people.

Ceesay finally expressed satisfaction for the inclusion of local languages in the National Assembly and want it extended to public offices and schools. "The introduction of our local languages in the National Assembly as an option must not stop there but should also include all public offices, institutions of the state and the education system.

Lamin E. Fatty, a student and youth activist said the new draft Constitution is a reflection of the common desire by all Gambians to graduate from the era of self-perpetuating rule characterised by poverty and hopelessness to an era of enlightenment, the hallmark of which shall be a prosperous and progressive nation.

He further said that although he might not agree with all the provisions in the draft, but he believes that the interest of all constituents (Youth, children, women, the elderly and the differently-abled) are represented.

“I may not agree entirely with every bit of the points provided for in the new draft Constitution, but that’s in fact the character of democracy. All groups and interest must be represented and justice is fairly done to that effect in my opinion," he concludes.

Sainey Kuyateh, teacher, Latrikunda UBS, said “I am really proud of the CRC team for producing this amazing draft Constitution. Noting that his concern in the draft Constitution is that for a person to be become a fully-fledged citizen, one of his/her parents should be a Gambian."

He pointed out that all elective positions including NAMs, Mayors, Mayoresses and Chairperson should be elected if they have the 50+1 threshold. The qualification to become President, Minister and National Assembly Member should be bachelors or Masters’ degree.
Fatou Jeng, a climate change activist, said the draft Constitution has indeed represented the views of the majority of Gambians.

She added: “the educational level of presidential candidate helps in ensuring intellectual discourse on policies and programmes of these aspirants and having at least an undergraduate degree would serve as a catalyst to ensure its realisation among other crucial issues relevant for the development of the country.”.

Bakary Seedy Dampah, a child rights activist said I appreciate the efforts of the CRC Commissioners for coming up with a draft Constitution at the right time.

He noted that without any reservation, “I wholeheartedly support the inclusion of the presidential term limit of two terms of five years each whether or not the terms are consecutive. This is very fundamental in the dispensation of justice and good governance and more importantly it will foster a sense of accountability.”.

Salimatou Fatty, founder, Salimatou Foundation for Education (SaFE) said section 55 which deals with Right to Education, its sub-section (2) (a) doesn’t specify in terms of free and compulsory education with respect to basic and secondary education. However, she is not clear whether free and compulsory would apply to both public and private schools?

“It’s important for these to be clearly spelt out. Additionally, the word ‘free’ needs to be spelt out in terms of its limitation. Sub-section (b) and (c) only talk about available and accessible and progressive realization of the provision. My recommendation is for the Constitution drafters to add the word ‘affordable’ to the clause.”

She pointed out that this is important for the fact that, Gambia is a low income country and many people especially young ones, find it difficult to afford tertiary, technical and vocational education. Citing University as as a classical example where many people struggle hard to finance their education and most especially if they don’t have family support or external support, she concludes.

Muhammed S Bah, assistant editor, Foroyaa Newspaper, said the CRC draft Constitution compared to 1997 Constitution is more progressive on government leaders declaring their assets. The draft Constitution includes more provisions which clearly spell out the rights of vulnerable people such as persons with disabilities, youth and women.

He added: “the draft Constitution also limits the powers of the President which is very commendable and also enhances public institutions to become stronger.”.
ABOUT THE 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.