

FIRST GAMBIA NATIONAL DIALOGUE (16th FEBRUARY, 2024)

REMARKS BY HIS LORDSHIP THE HON. JUSTICE HASSAN B. JALLOW CRG, CHIEF JUSTICE



Your Excellency Mr. Adama Barrow President of the Republic of the Gambia

Hon. Speaker of the National Assembly

Hon. Ministers

Members of the Diplomatic and Consular Corps

Distinguished Guests

All Protocols duly observed

I wish to extend my congratulations to His Excellency Adama Barrow, President of the Republic of the Gambia for his laudable initiative in convening this first national dialogue in The Gambia on the theme “Our Collective Responsibility for Preserving and Safeguarding the Nation and Securing our Resources.” My commendation to the Preparatory Committee as well for so diligently and promptly implementing the directive of His Excellency to bring us together with the object of engaging in reflections and identifying measures that will “strengthen our quest for sustained democracy, peace, and stability” in our nation.

Dialogue and communication are not only appropriate but necessary, particularly in these challenging times, for the strengthening of national unity, cohesion, and solidarity. Dialogue provides us with the opportunity to listen to each other and understand our common as well as different perspectives. It equally enables us to identify the challenges we face as a nation and to develop a consensus on what measures need to be taken to address those challenges. Differences of opinion will always be, and it is healthy and enriching that many flowers of different hues and scents are allowed to bloom in the community. Pluralism is a vital and indispensable characteristic of the democratic environment. Dialogue will empower us to manage those differences in viewpoints and approaches. Dialogue should also assist us in identifying not only differences. It will also assist us in appreciating and reaffirming our shared national common values and national aspirations and in that way strengthen national unity and solidarity around these values and aspirations.

This is the first National Dialogue. It is clear that it should not be the last. The dialogue should be a continuous process and a welcome outcome of today’s event would be the establishment of a mechanism to ensure the continuity of such a process. The nation needs and can benefit from a dialogue amongst the citizenry. Even at the level of the State structure, I believe that the process of governance can benefit significantly from a regular dialogue between the three organs of the State i.e. the Executive, the National Assembly, and the Judiciary to enhance cooperation, consistency, and direction even whilst respecting the constitutional autonomy of each of these organs.

Mr. President, Distinguished guests, it is fitting on this occasion to recall that for much of its existence as an independent sovereign State, The Gambia’s commitment to good governance was unshakeable and widely recognised, and respected, particularly under the leadership of its First and Founding President Alhaji Sir Dawda Kairaba Jawara. Adherence to the rule of law, respect for human rights and democratic principles was the cornerstone of both the domestic and foreign policies of the country. It is commendable that His Excellency President Adama Barrow has made the restoration, consolidation, and further development of that governance policy a primary focus of his administration. And as we engage in a national dialogue it should not be impossible, indeed it would be appropriate for us to collectively affirm, whatever our other differences, that adherence to the rule of law, respect for human rights and democratic principles is a core value of our community. For the rule of law, respect for human rights and democratic principles provide the most secure foundation for national peace for social and economic progress. The rule of law requires us all to be subservient to

the law; the law stands above all of us. Not just any law but a law that has the quality of fairness and decency and compatibility with recognised international standards.

We must however follow up on that affirmation and commitment through many concrete actions. Such as greater public investment in the machinery of justice to improve access to justice countrywide with more and better courtroom facilities and the more efficient and timely delivery of justice. We must strengthen our dispute resolution processes, both formal and traditional, in order to promote stability in our community. The institutions of the Ombudsman, the National Agency for Legal Aid, the National Human Rights Commission and the National Audit Office are important elements of the architecture to promote good governance preventing and providing remedies for abuse of power and maladministration in the public service, providing defence for indigent persons promoting human rights and safeguarding our national resources. They need strengthening of their capacity for the effective discharge of their mandates.

We must intensify our efforts to review our laws, through the Law Reform Commission, to make them more relevant and responsive to our challenges and aspirations. Above all, we must not give up on our goal of putting in place a new constitutional framework that promises better governance for our nation. We have come very far, too far, in preparing a draft constitution for us to give up the process due to divergent views. All stakeholders should be prepared to make the necessary compromises and accommodations to enable us to revive the process of having a new constitution for The Gambia.

Thus, the whole range of state institutions that are implicated in the governance process ought to be the subject of intensive capacity building and public support to enable them contribute more effectively to the discharge of their respective mandates. We must invest in effective crime prevention and management as well as law enforcement, as crime constitutes a serious violation of the fundamental rights of citizens. The constitutional obligations of legal justice for individuals must be enforced more effectively; the constitutional promise of social justice in the Directive Principles in relation to education, health, employment, safe environment, gender equality, etc. must be given concrete reality.

Beyond what the State can and should do, we must remember that as citizens, we too, have obligations and duties to each other and to our community. Life is not only about rights. It also comes with responsibilities. The Banjul (African) Charter on Human and Peoples' Rights, the premier African instrument on human rights reinforces this message by providing not only for the rights of individuals but also emphasises their duties to family, community and to the nation. It imposes inter-alia a duty on every individual to respect and consider his fellow beings without discrimination, to maintain relations aimed at promoting and reinforcing mutual respect and tolerance, to preserve and strengthen social and national solidarity and to preserve and strengthen African cultural values in the spirit of tolerance, dialogue and consultation. We must strive to live up to our responsibilities, individually and collectively. We must nurture and sustain in our community and relate to each other with tolerance, with respect, with solidarity with compassion. We must ensure that we pass on these values to succeeding generations through our families, our educational institutions our religious

leaders and through our community and traditional structures. These values are surely very secure foundations for making our nation a community of peace, of progress and of development.

I thank you all for your kind attention.