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3

COLONIAL OFFICE

REPORT OF THE
GAMBIA
CONSTITUTIONAL
CONFERENCE, 1961

*Presented to Parliament by the Secretary of State for the Colonies
by Command of Her Majesty
August, 1961*

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REPORT OF THE GAMBIA CONSTITUTIONAL CONFERENCE, 1961

The Secretary of State for the Colonies held talks with a delegation from the Gambia from 24th to 27th July on the revision of the Gambia constitution.

I

These talks followed a local conference held in Bathurst from 4th to 11th May, 1961, the report of which was sent to the Secretary of State for consideration at the London talks.

II

In his opening remarks the Secretary of State said:

"It is with great pleasure that I welcome you to these talks on the next stage of constitutional advance in the Gambia. This is an important occasion in the history of the Gambia and its importance is indeed marked by the fact that it is the first occasion on which a delegation representing a wide variety of opinion in the Gambia has come to London for talks on the constitution. A good deal of work has, however, already been done. The conference which the Minister of State opened at Bathurst in May, the record of which I have studied with great interest, set out very clearly the issues on which decisions need to be taken. From my preliminary study of your report I feel sure that it will not be difficult for us to agree on what should be done.

"I turn now to the substance of what we are to discuss. I would begin by saying that our main purpose is to consider the next stage of constitutional advance against the background of the special circumstances of the Gambia with which we are all familiar.

"It is, perhaps, well to ask ourselves at the beginning why we need at this stage in the history of the Gambia to contemplate further change in the constitutional structure of the country, given that the present constitution itself reflects changes which only came into operation last year. I myself feel that the answer to this question lies not so much in any defects of the existing constitution as in the growth of political consciousness in the Gambia and in the developments which have taken place in the surrounding countries of West Africa. Nor can we consider the constitution of the Gambia in isolation from the underlying economic realities. I do not think I can do better than quote what His Excellency the Governor said to your House of Representatives in his address of the 19th April.

'I believe that in looking ahead we must realistically consider our economic and political future as a whole. We must consider it against the background

of what may be described as the accident of history which created the Gambia too small and too ill-endowed with natural resources to develop economically in isolation. The peculiar position of her boundaries has prevented the full use of her one great natural asset—the Gambia River—and has restricted the development of the port of Bathurst. Her small size has severely limited her prospects of being able to become fully self-supporting at a reasonable level of services. There are, then, many reasons, both political and economic, which suggest that consideration should be given to the Gambia's relations with our neighbours with a view to seeing whether the obstacles to economic development resulting from separation can be overcome. I know that we are all conscious of many differences in the habits and traditions of the people of the Gambia and Senegal. We cannot ignore—nor would we wish to ignore—the long association between Britain and the Gambia and the strong ties which that association has created. The British Government has no wish to sever this historic connection, but if, after further stages in our constitutional development, a fully representative Gambian Government is able to address itself to these problems with the solid backing of the Gambian people who have elected them, Her Majesty's Government would certainly not wish to oppose the development of a close association with our neighbours.'

"I would endorse these words which seem to me admirably to set out the underlying considerations. I am aware of what has already been done through the exchange of visits between Ministers, the setting up of a Ministerial Committee to study economic and other matters of mutual interest. Clearly such actions to help the Gambia and her neighbours to get to know each other are good in themselves, though of course these detailed measures are not the concern of the present conference.

"Against this background it follows from this that I fully accept that our aim at the present talks should be to work out arrangements which will in due course provide the Gambia with a fully representative Government based upon the expressed will of the people, which can face up to the problems, political and economic, which will have to be resolved if the interests of the people are to be furthered in the years to come.

"What are the changes implied in this definition of aim? I believe that they are as follows:

- First:* an increased responsibility should be placed on Gambian Ministers. This means that, as you have in fact recommended in your report, the Governor should, subject to the retention of appropriate reserved powers and except in matters which would remain within his sphere, act on the advice of Ministers under a Premier able to command a majority in the Legislature.
- Second:* it means that the Legislature should be reconstituted so that it more directly represents the people.
- Third:* it means that when the constitution has been revised to provide for these changes in the executive and legislative fields, fresh general elections should be held so that the Gambia will then have a fully representative government able to exercise responsibility in the major fields of internal affairs and able, because of its representative nature, to foster closer relations with its neighbours in the interests of economic and social development of the people.

"I have seen in your report references to the question of eventual independence. I would say at once that I fully understand your aspirations. I feel,

however, that the right course is for us at this conference to concentrate on the next immediate stage of constitutional advance. It would, I think, be wrong to attempt, before we have had experience of the new constitution, to decide what happens thereafter. A new government has yet to be formed and when it is formed it will have numerous problems to face. Only the future can tell what things will be like both inside and outside the Gambia when the new government begins to acquire its experience of managing the affairs of the Gambia and of developing its relations with its neighbours.

I have noticed also, that in some matters you did not, in your local conference, reach definite conclusions. Among the more important matters left open was the question what would happen if, after the next elections, no-one was found able to command a majority in the legislature. Another important question is the size and composition of the legislature, including the number and role of the Chiefs, which is connected with a suggestion that there might be a second House. I have given some thought to these and other matters left open and will certainly do my best to suggest possible ways of dealing with them."

III

In the general discussion that followed the Secretary of State was informed that delegates had met before the conference and had reached agreement on the various matters which had been left unsettled at the Bathurst Conference. In particular it had been agreed that a Second Chamber should not be created; that the number of chiefs should be reduced to 4 and that they should have full equality in all respects with other members, including voting rights; that there should be a Minister of Finance; that the Attorney-General should be a member of the House of Representatives without a vote; that the number of elected members should be 36, of which 7 would be of the Colony, 25 of the Protectorate and 4 Chiefs; and that elections under the new constitution should not be held before May, 1962.

On the question of independence which had been discussed in Bathurst, delegates expressed their views individually. Mr. N'Jie considered that a date for independence should not be fixed at the present conference but should be a matter for the government which emerged from the next stage of constitutional change to negotiate. Mr. Jawara said that his party adhered to the view that independence should be achieved in January, 1963 and that a firm indication should be given at this conference that the Gambia would achieve full independence. He added that the question of association with other countries should not be linked with the question of independence. Any negotiations for such association could only properly and successfully be carried out by a fully representative and independent Government. Mr. Faye and Mr. Garba-Jahumpa supported these views. Mr. Jallow, supported by Mr. Sisay, stated that the Gambia was capable of running its own affairs and he urged that a date for independence should be fixed now. Seyfu M'Baki and the other Independent delegates considered that while the ultimate aim should be independence the present conference should not look forward further than to the creation of full internal self-government.

The Secretary of State expressed his satisfaction that the delegates had reached agreement on detailed outstanding matters but left for a later stage his comments on the question of independence (see Section V below).

The Conference then considered specific proposals arising from the Bathurst Conference and reached general agreement on the following points relating to the next stage of constitutional advance.

Executive Council

- (i) The Executive Council should consist of the Governor as President, a Premier and not fewer than eight Ministers drawn from the Legislature.
- (ii) There should be a Minister of Finance.
- (iii) The Financial Secretary should attend meetings of Executive Council as appropriate.
- (iv) The post of Civil Secretary should be abolished. There should be a post of Deputy Governor. He would administer the Government in the absence of the Governor and assist him in matters for which he will remain responsible.
- (v) The Instruments should be drawn to permit the Premier to preside when the Governor (or Deputy Governor when he is administering the Government) is absent.
- (vi) The Attorney-General should receive papers and normally attend Executive Council in an advisory capacity.

Governor's Special Responsibilities and Reserved Powers

- (i) Internal Security, external affairs and defence should be the responsibility of the Governor.
- (ii) The Governor should be responsible for the Public Service (The Public Service Commission remaining Advisory).
- (iii) The Governor should act in accordance with the advice of Executive Council except on the subjects referred to in (i) and (ii) above but he should retain full reserved executive and legislative powers. These would need to be appropriately re-defined.

Appointment to Executive Council

- (i) The Governor should appoint as Premier:
 - (a) the elected member of the House of Representatives who is the leader of the party which commands the support of the majority of that House or failing this;

- (b) if there is no such person, the elected member of the House who in his judgment is most likely to command the support of the majority. In the last resort if no person could be found who could command a majority, there would no doubt have to be a further general election.
- (ii) Other Ministers would be appointed by the Governor on the advice of the Premier.

The Legislature

- (i) The Legislative Council should consist of:
 - (a) A Speaker elected by the House. A Deputy Speaker should be elected by the House from among its members;
 - (b) Elected Members—7 from the Colony, 25 from the Protectorate;
 - (c) The Attorney General but without a vote;
 - (d) Not more than two members nominated by the Governor after consultation with the Premier and without votes;
 - (e) Four Chiefs elected by the Chiefs in Assembly.
- (ii) The Governor should have the right to address the House.
- (iii) Suffrage:
 - (a) The Qualifications for registration should be reduced from 12 to 6 months' residence.
 - (b) As the Chiefs are to have special representation they should not vote in the ordinary Constituency elections.
- (iv) Candidates:
 - (a) The requirement that candidates for Protectorate seats should be born or registered in the Protectorate should be removed.
 - (b) Chiefs should not be allowed to stand as candidates for the constituency elected seats.
- (v) Electoral Procedure:

The arrangements should provide for a secret ballot. The electoral roll should be as comprehensive and accurate as possible and there should be safeguards against abuse. Suitable arrangements for constituency delimitation and for the electoral commission should be made by the Governor who would consult with political representatives including members of the delegation.

Public Service

The Public Service Commission should remain advisory to the Governor but the membership should be revised so that it consists of an unofficial chairman

and five Gambian members who should not be civil servants or actively engaged in politics.

Elections

A general election should be held under the new Constitution not later than May, 1962, if this is administratively possible, and the new executive and legislative arrangements would come into force thereafter.

IV

After the conclusion of the constitutional talks there was a general discussion on the financial and economic problems of the country.

The Secretary of State took note of the desire of all delegates that the form of administration of the grant-in-aid should be modified. He undertook to review the present arrangements and to communicate further with the Gambia Government on the subject.

It was agreed that the amount of any assistance towards the 1962 budget would be negotiated with representatives of the Gambia Government. These talks should take place as early as possible in the autumn so as to give the Gambia Government adequate time to make their financial and economic arrangements for the following year.

The representatives of the Gambia emphasized that the most important factor in the economic life of the country was the return received by the farmer for his groundnuts. The Secretary of State noted these representations and said that attention would be paid to this question in the review in the autumn.

It was agreed that it would be necessary for the Development Plan to be discussed between the Secretary of State and representatives of the Gambia Government during the financial talks in the autumn. Arrangements were made for the delegates to have an opportunity before their return to express their views on the development needs of the Gambia.

V

In reply to suggestions that a date for independence should be fixed now, the Secretary of State said that, while he sympathised with the aspirations of the delegates on this and accepted that independence in one form or another was the goal, this was a matter for consideration during the next stage after the new constitution had come into force.

ANNEX

LIST OF THOSE TAKING PART IN THE CONFERENCE

THE GAMBIA DELEGATION

Democratic Congress Alliance

Rev. J. C. Faye, M.B.E.

Mr. I. M. Garba-Jahumpa, J.P.

People's Progressive Party

Hon. D. K. Jawara

Hon. S. S. Sisay

United Party

Hon. P. S. N'Jie

Hon. M. Baldeh

Chiefs

Hon. Seyfu O. M'Baki

Independents

Mr. M. E. Jallow

Mr. H. Madi, J.P.

Mrs. Rachel Palmer

THE GOVERNOR OF THE GAMBIA

Sir Edward Windley, K.C.M.G.

Adviser

Mr. P. A. Gore (*Financial Secretary, the Gambia*)

THE UNITED KINGDOM DELEGATION

Delegates

The Rt. Hon. Iain Macleod, M.P. *Secretary of State for the Colonies*

The Rt. Hon. the Earl of Perth, P.C. *Minister of State for Colonial Affairs*

Sir John Martin, K.C.M.G., C.B., C.V.O. }

Mr. C. G. Eastwood, C.M.G. }

Mr. A. N. Galsworthy, C.M.G. }

Mr. A. Emanuel, C.M.G. }

Mr. D. J. Kirkness }

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Mr. I. H. Cruchley

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Mr. R. W. Francis (*Press Officer*)

Mr. M. L. Woods

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