

National Assembly Debates

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2007) OF THE NINTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN Part I of III

28th Sitting

14:00h

Thursday 26 July 2007

MEMBERS OF THE NATIONAL ASSEMBLY (71)

Speaker (1)

The Hon Hari N Ramkarran SC, MP

Speaker of the National Assembly

Members of the Government (42)

People's Progressive Party/Civic (41)

The United Force (1)

The Hon Samuel A A Hinds MP

(R# 10 - U Demerara/U Berbice)

Prime Minister and Minister of Public Works and

Communications

The Hon Clement J Rohee MP

Minister of Home Affairs

The Hon Shaik K Z Baksh MP

Minister of Education

The Hon Dr Henry B Jeffrey MP

Minister of Foreign Trade and International Cooperation

The Hon Dr Leslie S Ramsammy MP

(R# 6 - E Berbice/Corentyne)

Minister of Health

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The Hon Carolyn Rodrigues-Birkett MP

(R# 9 - U Takutu/U Esseq)

Minister of Amerindian Affairs

*The Hon Dr Ashni Singh MP

Minister of Finance

*The Hon S Rudolph Insanally OR, CCH, MP

Minister of Foreign Affairs

The Hon Harry Narine Nawbatt MP

Minister of Housing and Water

The Hon Robert M Persaud MP

(R# 6 - E Berbice/Corentyne)

Minister of Agriculture

The Hon Dr Jennifer R A Westford MP - *(Absent)*

(R#7 - Cuyuni/Mazaruni)

Minister of the Public Service

The Hon Kellawan Lall MP

Minister of Local Government and Regional Development

*The Hon Doodnauth Singh SC, MP

Attorney General and Minister of Legal Affairs

The Hon Dr Frank C S Anthony MP

Minister of Culture, Youth and Sport

The Hon B H Robeson Benn MP

Minister of Transport and Hydraulics

**The Hon Manzoor Nadir MP

Minister of Labour

The Hon Priya D Manickchand MP - *(AOL)*

(R# 5 - Mahaica/Berbice)

Minister of Human Services and Social Security

The Hon Dr Desrey Fox MP

Minister in the Ministry of Education

The Hon Bheri S Ramsaran MD, MP

Minister in the Ministry of Health

*Non-elected Minister **Elected Member from TUF

The Hon Jennifer I Webster MP

Minister in the Ministry of Finance

The Hon Manniram Prashad MP

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Minister of Tourism, Industry and Commerce

Mr Donald Ramotar MP

The Hon Gail Teixeira MP

Mr Harripersaud Nokta MP

Mrs Indranie Chandarpal MP

Ms Bibi S Shadick MP

(R# 3 – Essequibo Is/W Demerara)

Mr Mohamed Irfaan Ali MP

Mr Albert Atkinson JP, MP

(R# 8 - Potaro/Siparuni)

Mr Komal Chand CCH, JP, MP

(R# 3 - Essequibo Is/W Demerara)

Mr Bernard C DeSantos SC, MP

(R# 4 - Demerara/Mahaica)

Mrs Shirley V Edwards JP, MP

(R# 4 - Demerara/Mahaica)

Mr Mohamed F Khan JP, MP

(R# 2 - Pomeroon/Supenaam)

Mr Odinga N Lumumba MP

Mr Moses V Nagamootoo JP, MP

Mr Mohabir A Nandlall MP

Mr Neendkumar JP, MP

(R# 4 - Demerara/Mahaica)

*** Mr Steve P Ninvalle MP

Parliamentary Secretary

Mr Parmanand P Persaud JP, MP

(R# 2 - Pomeroon/Supenaam)

Mrs Philomena Sahoye-Shury CCH, JP, MP

Parliamentary Secretary

***Non-elected Member

***Mrs Pauline R Sukhai MP

Parliamentary Secretary

Mr Dharamkumar Seeraj MP

Mr Norman A Whittaker MP

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(R# 1 - Barima/Waini)

Members of the Opposition (28)

(i) People's National Congress Reform 1-Guyana (22)

Mr Robert HO Corbin

Leader of the Opposition

Mr Winston S Murray CCH, MP

Mrs Clarissa S Riehl MP

Deputy Speaker, performing duties of Speaker of the Nat. Assembly

Mr E Lance Carberry MP

Chief Whip

Mrs. Deborah J. Backer MP

Mr Anthony Vieira *(Absent)*

Mr Basil Williams MP

Dr George A Norton MP

Mrs Volda A Lawrence MP

Mr Keith Scott MP

Miss Amna Ally MP

Mr James K McAllister MP

Mr Dave Danny MP *(AOL)*

(R# 4 - Demerara/Mahaica)

Mr Aubrey C Norton MP

(R# 4 - Demerara/Mahaica)

Mr Ernest B Elliot MP

(R# 4 - Demerara/Mahaica)

Miss Judith David-Blair MP

(R# 7 - Cuyuni/Mazaruni)

Mr Mervyn Williams MP

(Re# 3 - Essequibo Is/W Demerara)

Ms Africo Selman MP

Dr John Austin MP

(R# 6 - East Berbice/Corentyne)

Ms Jennifer Wade MP

(R# 5 - Mahaica/Berbice)

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Ms Vanessa Kissoon MP

(R# 10 - U Demerara/U Berbice)

Mr Desmond Fernandes MP

(Region No 1 – Barima/Waini)

(ii) Alliance For Change (5)

Mr Raphael G Trotman MP

Mr Khemraj Ramjattan MP

Mrs Sheila VA Holder MP

Ms Chantalle L Smith MP

(R# 4 - Demerara/Mahaica)

Mr David Patterson MP

(iii) Guyana Action Party/Rise Organise and Rebuild (1)

Mr Everall N Franklin MP

OFFICERS

Mr Sherlock E Isaacs

Clerk of the National Assembly

Mrs Lilawatie Coonjah

Deputy Clerk of the National Assembly

PRAYERS

The Clerk reads the Prayer

**PRESENTATION OF PAPERS AND REPORTS,
ETC**

NATIONAL ASSEMBLY DEBATES 26 JULY 2007

Honourable Members, I present to the Assembly the Minutes of the proceedings of the fourth meeting of the Committee of Selection, held on Wednesday 20 June 2007.

Honourable Minister of Local Government and Regional Development

[Pause]

Hon Kellawan Lall: Sorry Mr Speaker, I left my papers ... Does this have to do with the report?

The Speaker: Honourable Member, you begged to present the annual report of the Ministry of Local Government and Regional Development for the year 2006.

Hon Kellawan Lall: Yes, sorry about that. Thank you very much, Mr Speaker.

QUESTIONS ON NOTICE

The Speaker: Honourable Members, there are ten questions on the Order Paper, Nos. 1- 8 are for oral replies.

Mr Aubrey Norton, you have a question for the Minister of Foreign Affairs? *[Pause]*

Mr Aubrey C Norton: Mr Speaker, can the Hon Minister tell this National Assembly what measures are being

taken to improve the morale and functioning of the staff of the Ministry of Foreign Affairs?

Hon S Rudolph Insanally: Thank you. Mr Speaker, let me first say, in reply to my Honourable friend, that the improvement of the morale and performance of our staff is a priority issue for the Ministry of Foreign Affairs; because without dedication, without commitment, we cannot have a successful Foreign Service.

Several studies, I should tell you, have been done, including one by the United Nations, which I have commissioned, another by CARICOM, and there is, of course, the study done by the Public Sector Reform Project, which have all determined various ways and means by which the improvement we seek can be achieved. And in fact several of these recommendations have been or are being implemented by the Ministry at this point in time.

Let me first say that training is a very important incentive, and I think that we are well served in that area. Our officers received a number of scholarships and attachments from friendly governments and international students. In fact, I would think we have a subject of training in that regard.

Then the second area in which we strive to make an effort is that of exposure because, unless you get beyond the theoretical terms to pragmatic observations, then your service is not complete. And here again we try to expose them to various conferences, as many as we can afford because, ultimately, we have to depend on the Treasury, the Cabinet for the financing of these attendances. But in many cases there are institutions which provide the funding for small developing countries like ourselves; so in that fashion we are able to cope, I think, fairly adequately with the situation.

And lastly I would point out that we have a system of attachment whereby, when the occasion provides, we send some of our staffs - for example, during the General Assembly, to be members of our delegation. So, in that way, they are exposed - not only to bilateral diplomacy; but to multilateral diplomacy and conference diplomacy, and I have reasons to say that we have all distinguished ourselves.

Last but not least we try, within our limits, to ensure that there is communication within the Ministry, because unless everyone is close to what we are doing, then there is a disconnection.

I know that the question of salaries and emoluments is paramount, and I have been asked that question umpteen times; but again I would say that the Ministry of Foreign Affairs is not an autonomous ministry; it is not an elite ministry; but it is part of the Public Sector of Guyana, and there is a Reform Modernization Project, and we are subject to that; so we cannot unilaterally offer improved terms and conditions. We have made submissions, and we are waiting for these submissions to be acted upon.

Let me end by saying that we are relatively a small service - very small and therefore I have provided the Honourable Member with a list of our postings and cross-postings. The Foreign Service is a service where everyone expects to have a service abroad, but then not everyone is exportable. We have different levels of staff, and therefore, on the whole, I think our staff are encouraged by reason of exposure and the practice of foreign affairs. Thank you.

The Speaker: Mr Norton ...

Mr Aubrey C Norton: A follow-up question, Honourable Minister. It is interesting to note that all of the reports mentioned the importance of increased salary to raising morale, but here again, Minister, this one has been

sidestepped. In addition, what the reports suggest is that there is need for regular opportunities to participate in conferences, and again, this issue was not addressed. Could I ask you these two questions?

- (i) Do you see morale being raised in the Ministry, without increased salaries, and without opportunities to participate in seminars?

And the second question I want to ask:

- (ii) Having looked at your list of postings and reposting, and with reference to the question I raised first, I noticed a marked absence of the non-professional ambassadors not experiencing posting and reposting. In fact, they appear to remain sacrosanct. Thank you.

Hon S Rudolph Insanally: Let me respond to the last point. If I may, I would respond to the last point. The appointment of ambassadors lies within the prerogative of His Excellency the President, and these appointments can only be made by him. My understanding is that there is a plan in train this year to make some new appointments, and to have a rotation, because I readily agree that there is a need for circulation; because without circulation the service will

become mercurial but I was made to understand that with the Public Sector Reform Project certain changes would be made.

As I said, very frankly, on the question of compensation, I think that we can do much more, but again, we are linked to the Public Service as a whole, and special arrangements are not made for us. Some countries do have a special diplomatic service, but we are not one such. But let me say, having said that, when you look at the salaries that we pay our staff serving abroad, they are by no means petty, and we compare favourably with other countries in the Caribbean. As far as the local staffs are recruited we are very often compelled by the law of the land where we serve to pay the decent wage. So we are bound by the laws of those countries, and therefore we have to.

So I think we make the effort but, as I said, we are small, and therefore the movements have generally been what were necessary and vital. But we can, and I hope this year, we would be able to have some movement at the higher levels. Thank you.

The Speaker: Mr Aubrey Norton.

Mr Aubrey C Norton: Am I permitted another follow-up question, Mr Speaker?

The Speaker: Yes.

Mr Aubrey C Norton: There was a period in the history of the Ministry of Foreign Affairs when special arrangements were made. Do you see Minister, you proposing that such an approach occur, so that the Ministry can do its work in keeping with the realities? You are aware of the realities, unlike Mr Kumar, who is aware of nothing. Could we therefore, Mr Minister, ask you if you are prepared to support a proposal, which suggests that the Ministry should be treated differently, because of its importance to international relations and because of the importance of international relations in mobilizing resources for the development of this country? Thank you.

Hon S Rudolph Insanally: Yes, Mr Speaker, that is, in fact, as the Honourable Member knows, one of recommendations of the Strategic Plan, and the studies that were done. It is an ideal arrangement, and some countries, as I have said, do have such a system, where their Ministries of Foreign Affairs, Foreign Trade, which have to react to situations occurring, you know, quickly, and then they have some

measure to respond to these. So this is a matter for consideration and I would certainly be one to advance it for consideration.

Mr Aubrey C Norton: Thanks Minister, that is welcome. I would now go to question two. Can the Honourable Minister tell this National Assembly what measures have been taken to address the problem of the compromising of the effectiveness of the Ministry of Foreign Affairs as a result of the establishment of the Ministry of Foreign Trade and International Cooperation, as stated in the 2003 Report of the United Nations Advisory to Guyana on the restructuring ... *[Interruption: "English is not on your forte, by any chance, Kumar"]* and the reorganization of the Ministry of Foreign Affairs? Thank you. *[Laughter]*

Hon S Rudolph Insanally: Mr Speaker, let me say that that particular question rests on a very erroneous premise. *[Interruption: 'Erroneous?']* We do not see it as a problem of compromising the effectiveness of the two Ministries but, rather, it was an effort to deal with the current realities of external representation. The International Agenda has become so complex and comprehensive that it is impossible for one Minister to deal with the multiplicity of issues arising in the international arena. If I were to, for example,

leave Guyana to attend conferences and negotiations in foreign trade, then I would be spending all my time outside of Guyana; so it was a very practical measure – a division of labour that was arranged by the Government to deal with this problem.

It is true that the study speaks of it as a problem, but as you would know, you know an assertion that is made, when it is frequently made, tends to become an accepted fact. In fact, the study consulted with other Members on the structure and formed this opinion, but it is not true to say that *there is a compromise of the responsibilities*. There is a division of labour, and it is fully justified. Let me also point out that some ministries experiment in other ways. For example, you may have one ministry, but with two ministers - The Ministry of Foreign Affairs and International Trade; while other Governments, the Canadian Government, for example, over time, has switched from one to the other: So these are experiments, especially by small countries, to deal with the realities and the needs of external representation.

Let me say ... and I would admit that there are gray areas. When you allocate the responsibilities, there are gray areas; for example, in CARICOM ... but we have defined those responsibilities so that, by consultation with my colleague,

the new Minister of Foreign Trade and International Corporation, we are able, either through conversation, or in the Cabinet, to resolve those differences. So very frankly, Mr Speaker, I do not see it as any compromise of our effectiveness.

Mr Aubrey C Norton: Mr Speaker, a follow-up question. Would the Minister agree that it is much better and more effective to have one Ministry with two Ministers, rather than the present situation?

Hon S Rudolph Insanally: Mr Speaker, as I said, the practice varies, depending on the particular needs of the country. I do not know that we have found, in our case, that our practice is not working; so you know, I think by having the levels also ... In some countries where you have the two ministers then obviously one is going to be a junior Minister. So I think, given our importance in the international arena where, for example, we are representing CARICOM in the WTO, it would be unfortunate if we send a junior Minister. So I think the system is working well, and I do not see any reason to change it. *[Applause]*

The Speaker: Mr Norton.

Mr Aubrey C Norton: Question No 3. Could the Honourable Minister tell this National Assembly if the Ministry of Foreign Affairs is recruiting the required specialists that are needed to deal with issues that are emerging in international relations?

Hon S Rudolph Insanally: Thank you. Mr Speaker I think the Honourable Member is quite right in his recognition that the International Agenda, as I said, has become very complex and diversified: In fact, to such a point where they now require specialized treatment of the various issues to be addressed. Clearly, we cannot send an average officer to deal with Maritime Law; it has to be somebody qualified. Unfortunately, many ministries, and ourselves included, do not have that kind of competence very often within our own walls so that, on occasions, we have to resort to maybe contracting specialist advisers to deal with these problems. Of course, not having the kind of financial resources we need, we have to be very selective.

But on the important questions ... For example, we have had to retain legal advice on the maritime dispute with Suriname; we have had to ... with the negotiations with Barbados and so on. There are areas that are sufficiently important that warrant the contracting of specialized

services. Let me also say that we try to be inventive enough so that, where we need them, we try to get them gratis. When we had the present sitting of the General Assembly, for example, to deal with the issue of Reform in the United Nations and World Areas on Development, which we sponsored, we were able to get the Chancellor of UWI to provide that kind of expertise. And similarly, when we were chairing the RIO Group - just last year, we were able to get Professor Gorvan through courtesy of ECLAC, CDCC. So we are trying, within these constraints, to respond to the needs.

Mr Aubrey C Norton: Follow-up question. You did mention, Minister that you are doing a lot of training. Could you say, Minister, if you have identified the areas of specialities that are needed; identified the specificities and, in your training programmes, organized to train people so that the Ministry becomes self-reliant and not reliant on others for the specialists in the future?

Hon S Rudolph Insanally: Yes. That is the ultimate and necessary objective; because we have to get as many ... The question, of course, is the emolument – the ability to pay comparable wages and so on. So we have to find some devices, but we are doing that. We have trained ... In fact,

we have qualified lawyers – maybe overqualified, but the challenge is to get them back: So one has to be competitive, but the training is there. Some of them, as I have said, have had many opportunities, and I think, over time, hopefully, we will have the conditions that would really preserve them within our Ministry.

But let me say, again, very frankly to this House, that international relations, as you would know, since you have a Foreign Service background, is becoming so specialized that even developed countries, Mr Speaker, are now contracting out these things, because their own staff cannot cope with it. So you know, it is a very experimental stage that we are going through, but we are training to that higher level.

Mr Aubrey C Norton: One last question, Mr Speaker. Could the Honourable Minister say, noting the present situation, if any attempt is being made to train persons who are specialized in international economics and trade with, specifically, negotiating skills?

Hon S Rudolph Insanally: Let me say, very quickly, that that is beyond my purview. That is now in the purview of the Minister of Trade. I think I can speak, not for him, but I can tell you that we have got a lot of help, in terms of being

able to deal with international negotiations. I think this was recognized by the International Community. I do not know if my distinguished friend is here, but I think he has ... I know of offers where we have had training in that regard.

The Speaker: Thank you.

Honourable Member, Mr Everall Franklin ...

Mr Everall N Franklin: Thank you, Mr Speaker. To the Minister of Local Government:

- i. What is the status of the contract awarded in 2005 for the construction of the road from Paramakatoi to Karisparrow in Region 8?

And I will give you the other part:

- ii. If the contract is still valid, what is the expected completion date?

Hon Kellawan Lall: Mr Chairman, the five miles of roads, at the cost of \$5 million, is about to be completed. There were some delays in this project. The project was awarded to Mr Noel Thomas – the Village Captain. The first phase of that project is about to be completed, and funds have been allocated for the second phase to start this year. I am

informed that work will commence in early August on the second phase of that road, and we are hoping to complete it by the end of this year.

Mr Everall N Franklin: Follow-up question. At a meeting of the RDC thirty days ago, members expressed concern that nothing was done on that road. They further expressed ... Mr Thomas expressed that he only got \$3 million for that road, so he really could not have completed the job. Did the Ministry send people in to check if anything was done?

Hon Kellawan Lall: Mr Speaker, the road has not been completed as yet. Another seven miles are to be completed, so obviously people are going to be complaining about the state of the road; a part of it has been finished. It is true that there are some issues concerning the amount of measured work completed in the payments; but I am advised that the additional \$1.7 million has been paid recently, or is about to be paid, depending on how those people measuring the work come up with the results; so it is not a question of refusing to pay him. As soon as the people who are supervising the work are satisfied that the work is done in accordance with the plan, I think the final payment would be released.

Mr Everall N Franklin: Follow up ... I was not questioning whether the money would have been paid or not. The contract was awarded in 2005 and, according to our Capital Project Profiles of 2007 – Budget Reference 294, Agency Reference 78 and Sector Code 07; Item 3 states:

Rehabilitation and upgrading of roads as follows: Paramakatoi to Taruka, Paramakatoi to Karisparrow and Kato to Chayung MPN – \$16 million...

This is in the 2007 Budget, so how come we are still discussing the completion of a road that money was allocated for in 2005, in 2007?

Hon Kellawan Lall: Mr Speaker, there are two sums of money; one sum was allocated in 2005. As I said, there were some delays by the Village Captain in the village council in completing this road; but that work is about to be completed, including the final payments. There is another phase that is budgeted for in this year's budget; that is an additional seven miles, so that would be done, starting sometime in August.

The Speaker: Thank you very much. Honourable Member Mr Franklin, you have another question for the Minister of Finance?

Mr Overall N Franklin: Thank you. The Minister of Finance, in connection with the status of the investors for Globe Trust, what is the status of that investment; so that people who have lost monies, or have monies pending, could be dealt with? ... [*Noisy Interruption*]

The Speaker: Hon Minister. Honourable Members ... Let us have some quiet please.

Honourable Minister ...

Hon Dr Ashni Singh: Thank you, Mr Speaker. The question that is printed in the Order Paper and circulated has two parts. In response to the first part, which inquires whether a strategic investor has been found for the restructuring of Globe Trust, I would respond by informing this Honourable House that, since the appointment of an Administrator in 2002, there were expressions of interest from several investors. However, only one of these interested investors demonstrated seriousness of intent, to the extent of signing a Memorandum of Understanding with the administrator, which was done in 2005. That investor has, to date, however, failed to provide evidence to demonstrate that it has the necessary financial resources to acquire Globe Trust, despite being granted several

extensions to do so. Meanwhile, and as a consequence, the Administrator continues to explore other options, including discussions with other potential investors who might be interested, and who might have the required capabilities.

And in response to the second part of the question:

When do the hundreds of depositors expect to be in a position to access their savings?

I would respond by informing that the access to funds by depositors will, of course, be dependent on, among other things, successful reorganization of Globe Trust.

Mr Everall N Franklin: Thank you, Mr Minister. Could you just let the House know what figure the expected investment is required to cover the cost of acquisition?

Hon Ashni Singh: Mr Speaker, there is not an expected figure per se, because there are various options for reorganizing Globe Trust. And, ultimately, the potential amount, or value of the investment, would depend on the shape of the reorganization plan which is agreed to. Discussions are ongoing, like I said, ultimately, how much is invested would depend on the proposal that is made by the

investor, and the plan that is recommended for approval by the administrator.

The Speaker: Honourable Members, I have two questions for Mrs Lawrence. Is anybody in a position to ask them? ...
[Pause]

Mrs Volda Lawrence: I am right here, Mr Speaker.

The Speaker: Oh, sorry Mrs Lawrence. *[Laughter]*

Mrs Volda Lawrence: Thank you, Mr Speaker.

The Speaker: Please accept my apology.

Mrs Volda Lawrence: Certainly, Sir.

The Speaker: You see, you usually sit your humble self without deliberately seeking to attract attention. I was told, somewhere along the line, that you would not be here, and I did not look up. I am sorry. *[Laughter]*

Mrs Volda Lawrence: Your apology is accepted Sir. Mr Speaker, the question in my name to the Honourable Minister of Public Works and Communications reads.

Could the Honourable Prime Minister, in his capacity as Minister of Public Works and

Communications, inform this National Assembly when the Government proposes to honour its promise to build a mile of all-weather road, every year, for the people of Redlock and Mainstay in Region 2?

Hon Samuel A A Hinds: Mr Speaker, this question is more properly directed to the Minister of Transport and Hydraulics, and I think he is prepared to answer.

Hon B H Robeson Benn: Thank you, Mr Speaker and Honourable Prime Minister. We are not specifically aware of such a promise as outlined in the question. But what I would say is that the programmes for Region 2 are usually established, based on the recommendations from the Ministry of Local Government, with whom we consult. The 2007 Programme includes GY \$3.8 million for repairs to the seven miles of the referred-to road. The works are being undertaken by the Ministry of Local Government, with technical assistance from the Ministry of Public Works and Communications.

The Speaker: Mrs Lawrence, do you have a follow-up? If not, you have another question here.

Mrs Volda Lawrence: Yes, Mr Speaker. Could the Honourable Minister indicate what the timeline for the completion combination of this project is?

Hon B H Robeson Benn: We anticipate that this work would be finished by late-September of this year. I myself was on this road about four weeks ago and observed some issues, with the engineers relating to it, along with the Regional Chairman for Region 2, Mr Ali Baksh, and we anticipate that by September we will have works substantially completed on this road.

The Speaker: Mrs Lawrence ...

Mrs Volda Lawrence: Mr Speaker, my second question is to the Minister of Agriculture:

Could the Honourable Minister of Agriculture inform the National Assembly when the wire will be attached to the koker door at Mainstay, having regard to the fact that several reports were made to the RDC and the D&I Authorities of Region 2, as well as through the Ministry of Agriculture's hotline?

The Speaker: Honourable Minister, Robert Persaud ...

Hon Robert M Persaud: Thank you very much, Mr Speaker. First of all, I want to congratulate my colleague, I am quite sure on behalf of all of us, on her recent election as the Vice-Chairperson of her Party. *[Applause]*

In response to her question, I wish to inform the Honourable House, and the Member, that this koker was vandalized, as well as the wire was removed in the process. The cost of replacement is in excess of \$150,000. The RDC of Region 2 has commenced work on its replacement and, by the end of August that should be completed.

The Speaker: Honourable Member, Mrs Lawrence ...

Mrs Volda Lawrence: Thank you. Mr Speaker. My third question that is here on the Order Paper is to the Minister of Human Services and Social Security:

I would like to invoke Standing Order 22(9) and ask that, at the request of the Minister, and with the approval of the Assembly, the question standing in my name on the Order Paper be referred ... *[Interruption: "To the correct Minister]* ... to the correct Minister ... *[Laughter]*

The Speaker: Thank you, Honourable Member. We would have to republish it in the Notice Paper directly to the Minister ... *[Laughter]*

Thank you, Honourable Members. Questions 9 and 10 are for written replies and the answers have been circulated in accordance with the Standing Orders.

PUBLIC BUSINESS

(i) GOVERNMENT BUSINESS

Thank you. Honourable Members, we can now proceed with the second reading of the Guyana Forestry Commission Bill 2007

1. GUYANA FORESTRY COMMISSION BILL 2007- Bill No. 20/2007 published on 21 June 2007

Honourable Minister of Agriculture ...

Hon Robert M Persaud: Mr Speaker, I beg to move that the Guyana Forestry Commission Bill 2007 be now read for a second time.

In so doing, Mr Speaker, this Bill, as stated in the Order Paper, seeks to repeal the Guyana Forestry Commission Act of 1979, and the overall intention is to create, or to allow for an institution, which can better serve the development of our Forestry Sector whilst, at the same time, ensure the sustainable utilization of those resources.

Mr Speaker, our forest, Guyana's Forest, is considered one of the best conserved in the region and, in fact, one of the best of the tropical forested countries around the world. Seventy-six percent of our total land area is covered with forest and, of this, 135,800 square kilometres is classified as state forest, falling under the jurisdiction of the Guyana Forestry Commission since 1979. But, in understanding and appreciating how far we have come, and where we want to go, regarding the administration of our forestry resources, I think a historical context is necessary, Mr Speaker.

Commercial forest utilization can date back to the initial days of the Dutch settlement and colonization in our country. There was, however, very little legal or governmental control over forest utilization until 1887. In that year, formal forestry commenced with the promulgation of the Crown Lands Ordinance, No. 18/1887. That Ordinance sought to provide for the proper regulation of

Crown lands, forests, rivers and creeks of the Colony. Under the 1887 Ordinance, the governor was empowered to issue woodcutting leases and licenses on behalf of the Crown, with some minimum guidelines. Additional regulations were implemented in 1890, and catered for the payments of royalty on forest produce extracted for trade.

A revised version of the Crown Lands Ordinance 1903 provided the legal administration for our forest resources up to 1953. The Crown Lands Ordinance and Regulations placed the responsibility for the administering of the forests of the country on the Department of Mines, headed by a Commissioner. A forestry branch of that department was established in April 1908. Forest management was boosted in 1910 with the appointment of a forest officer and five rangers. In 1919, our Crown lands regulations were revised and were primarily designed to safeguard revenue; with very little emphasis placed on controlling woodcutting, or to either look at issues such as regeneration and conservation of our forestry resources.

In 1925, the Forest Department of the then Colony of British Guiana was formally established. This entity was as a direct result of the of the 1923 British Empire Forestry Conference, which identified, as a high priority, the

establishment of a forest department, independent of the Lands and Mines Department of the Colony. That Forestry Department embarked on a strategy for forest management that comprised three phases.

Phase 1 – Exploratory; that is, doing inventory, mapping and volume estimations;

Phase 2 – The passing of legislation; and

Phase 3 – Phase and recording the forest management, especially promoting the concept of natural regeneration and self-sustaining forestry.

From 1926 onwards, several forest inventories or forest valuation surveys were done over the accessible forest areas. Legislation was passed, providing for the protection of forest and forest products, and early work on silver culture, wood identification, and market promotion; as well as natural regeneration of species commenced. In 1939, the forestry department headquarters was moved to its current Kingston location. And around 1950, it was recognized that there was a need for radical changes in the forestry sector. Some major, immediate areas for action, or concerns that needed action were the lack of qualified staff and the reorganization of the Government forestry service.

Forest Ordinance, No. 15 of 1953 was passed by the Legislative Council in March of that year. With this and other legal enactments the forest department ceased to be an advisory body and assumed executive powers. The Conservator of Forest now had effective control over our forest. 1954 marked the development of a ten-year plan for our forestry, based on recommendations by the World Bank. There was also the realization that a properly constituted body had to manage the forest resources of Guyana. Accordingly, under the Forestry Act No 2 of 1979; the Forestry Department - a Body that was in existence for fifty years, under various Ministries, was then made the Guyana Forestry Commission in July of that year. The GFC was formally established only in 1980, and from then onwards the Commission – a public sector organization, became the sole entity charged with the responsibility of administering and managing state-owned forests. Its role became more autonomous and commercialized.

At that time, the GFC started with three functional sections:

- The Forestry Inventory Section;
- The Silviculture and Research Section; and
- The Wood Utilization Section.

A new Draft Forestry Policy was developed in 1989. However, it was soon recognized that the forestry sector was not contributing as it can to the national economy and, by 1990, the major concern of the country, and the authorities was the GFC's inability to ensure sustainable harvesting and reducing of illegal operations, and that led to and started the process, of building an effective GFC. In 1992, the GFC, through the Government, became a member of the International Tropical Timber Convention. There was also a revision of policy and the development of very specific objectives. During the period 1996-2000, the GFC pursued an aggressive, institutional strengthening programme in an effort to make the organization much more efficient, credible, respected, and also to increase Forestry's contribution to the Gross Domestic Product of our country. This process was facilitated through support by the UK DFID.

The GFC was downsized during that period, and reorganized into:

- The Planning and Development Division;
- The Forest Monitoring Division;
- The Forests Resource Management Division

- The Finance Division; and
- The Human Resources and Administration Division.

Mr Speaker, it is pertinent to note that, during the last decade, several major changes occurred - regionally and internationally, and these created the need for a more dynamic entity to manage the forest resources of Guyana in a manner in keeping with the main focus areas established by the International Community; that is, sustainable forest management and environmental management.

But the importance of the forestry sector cannot be ignored. At the national level, forest plays an important role in the economic, social and environmental development of our country. And the Government recognizes that we must manage our forest resources in a way that aids development locally, especially since the forestry sector makes valuable contribution to economic development in our country. Let me illustrate. Just in 2006 the forestry sector accounted for 25,000 Guyanese being directly employed; forestry contributed to four percent of our GDP, and earned our country just about US \$60 million from exports.

But what is the intention of revising the GFC Act? This Act is being revised in an attempt to create, as I said, a more dynamic, appropriate and modern piece of legislation that will ensure the GFC is better equipped and enjoys a stronger legislative mandate for promoting sustainable forestry management for social, environmental and economic benefits to all stakeholders. The new bill, or the bill that is being proposed, will provide an enabling environment for the GFC to better perform its functions as a regulatory agency. The GFC, through this Bill before the House, will be given an enhanced ability to monitor, develop and regulate forestry activities in keeping with new environmental best practices, established for forest management.

This new piece of legislation also allows for compliances with international policies, which are being driven by the European Union, and the World Wildlife Fund; specifically the Voluntary Partnership Agreement, through the Forest Law Enforcement Governance and Trade Regime, and the Global Forestry Trade Network. Mr Speaker, those agreements are important, since they provide for the trade of forest products that are harvested legally, and regulated by the local management authority. Our compliance would

allow access by our exporters to foreign markets strictly controlled in an attempt to reduce deforestation through illegal forestry.

Mr Speaker, the main elements, or the main changes in this Bill I wish to outline, but before doing that I wish to clearly state that this piece of legislation reflects the participation of various stakeholders; and this process started under several of my predecessors in the Ministry of Agriculture. For instance, the document here compiles the various submissions made by the different stakeholders over the past decade of consultations and interaction, to craft and to create this piece of legislation for the National Assembly.

The new Bill, Mr Speaker, recognizes and acknowledges the valuable role played by our local Amerindian communities, in terms of forestry development, and the forestry sector as a whole; and some of us might have seen, this morning, that the Ministry of Amerindian Affairs held a very important workshop regarding the role and involvement of the Amerindian Communities in forestry-related activities.

Specifically, the new law is seen as important, since it allows for the realistic evaluation of our forest and forestry products, which are recognized as great assets to the State.

In keeping with this, this proposed GFC Bill seeks to capture the value of our forest, reflecting the true value of the resources. The new bill sets the framework for the GFC to undertake the required assessments that will achieve that objective. The Bill also seeks to empower the GFC in keeping with international focus, whilst allowing the Commission to play an active role in shaping the development of our local forestry sector. Also, the revised Bill sets the enabling mechanism for the sector to achieve greater economic, social and environmental development. Also it is proposed, Mr Speaker that this Bill will allow for enhanced transparency and accountability of the commission, through the deliberate insertions of human resource procedures, rules of financial operations, improved constitution of the Commission, or the Board of the Commission; for it also rearranges certain sections and clauses, giving the Act more coherence and structure.

This revised legislation, Mr Speaker, also proposes to give authority to the Commission to employ staff and consultants, as opposed to the Minister doing so, as is the current situation. Also, it makes it an offence for employees of the GFC to disclose any privileged or confidential information. And I must say Mr Speaker that reference was made to some

gag order. *[Laughter]* This is not the situation, Mr Speaker, because Article 13 of the Bill, if one reads it very carefully, will show that it deals with strictly privileged information; which is really intended to deter persons who have access to confidential information, of a business nature, from disclosure or unintended use of a company's market information, investment, salaries information, and so forth.

Mr Speaker, I am stressing this because a number of investors have complained that, from time to time, when their submissions and their business plans are made, they find that, even before these are considered, one way or the other, their competitors are aware, and we need to protect the confidentiality of business submissions at those levels. Mr Speaker and that is why we find that we are placing such great emphasis on confidentiality. We have nothing to hide – absolutely nothing to hide, but the Commission has the obligation to protect the confidentiality of the various private investment submissions, and that is why we have raised the fine for disclosure of privileged information from \$500 to \$500,000, and also for Body corporate to as much as \$1 million, and we make no apologies for that. It is our responsibility to secure people's information.

In terms of the Constitution of the Commission – that is the GFC Board of Directors, the Revised Act give more specific directions on the appointment of the board of directors; mainly based on their technical skills, or special capabilities. As it stands now, that interpretation is left up to the Minister; another instance whereby we are giving more authority, more power to the Commission, as against these powers, or these decisions, being left on the desk of the Minister. The Revised Act also requires the Commission, or the Board, to hold a business meeting at least once a year, where the financial statement of the Commission will be discussed in detail, as well as other important issues. This is not a current requirement.

There is also an entirely new section that deals with, or captions rules for financial operations, which is being inserted; thus to ensure that the Commission enhances its financial accountability and has better financial management. Reference was made ... Somewhere I read that it was made that it was sort of trying to take away some of the authority and responsibility of the Minister of Finance, and Article 16, I think, was the reference that was pointed out. I wish to state, Mr Speaker that it is not stated there that the GFC is not obligated to inform the Minister of Finance

of the amounts held in that reserved account. So I want to deal with that upfront. However, it is spelt out that:

The Commission shall maintain a reserve fund, and transfer into it, from the net surplus for each year, an amount not less than the amount fixed by the Minister, and notified to the Commission.

In addition, financial accountability, as I said, would require annual audits and various other stipulations, which the Commission would have to meet, and also we have now inserted this entirely new section on Rules for Financial Operation ... [*Interruption: 'And also verifications'*] And verification is provided for forensics audit also. The new Act will also provide for greater use of entities, such as the Forestry Training Centre, which provides training in the sector, in terms of reduced impact logging, and also the Forest Products Marketing Council ... [*Interruption: 'Listen; you will learn a thing or two'*] [*Laughter*]

The Revised Act has a new section on the establishment of a Human Resource Policy for the Commission. This policy is intended to address issues such as non-discrimination, based on race, gender, or any other difference.

Mr Speaker, there is also concern expressed elsewhere, and perhaps will be expressed here following my presentation, about the reference to a Forest Act of 2007. I wish to advise the National Assembly that copies have already been sent to the Clerk's office - I think about a week ago; and even before copies of the Forestry Bill 2007 have been sent to the Clerk's office for First Reading, which would be sometime before Parliament goes into recess. I want to state, Mr Speaker that the reference to the Forest Act 2007 in the GFC Bill is limited to only the following, because there is a revised ... and I have it before me. There is revised Forest Bill 2007 and reference to the Forest Bill is restricted to Page 4, where it states that:

Forest has the meaning given to it by Section 2 of the Forest Act 2007.

Also on Page 4, whereby forest produce is defined, based on what exists in the proposed Bill, in Section 2: And also, on Page 5, it talks about:

To administer the Forest Act of 2007

These references should not, or ought not to alter the content of this Bill; and certainly, when this Bill: that is, the Forest Bill 2007, comes up for debate, any consideration, any

suggestion certainly can be raised at the appropriate time regarding that legislation.

In conclusion, Mr Speaker, I wish to state that this Bill – the Guyana Forestry Commission Bill 2007, is intended to modernize our forestry sector; to ensure that we have an agency - the Commission in place; in order to ensure that the forestry contributes to our economic development in an expanded way, especially with emphasis on value-added; and to ensure, at the same time, that forestry activities in our country meets international forestry practices, benchmarks, and standards. Mr Speaker, as I said, this Bill here will be followed by the Forest Bill 2007, and I think, in the interest of a modern, and in the interest a functioning, and in the interest of a Commission and forestry sector, in which all of us, all Guyanese stakeholders can benefit; I implore the House, I implore Members of the National Assembly to support this legislation. Thank you very much, Mr Speaker.
[Applause]

The Speaker: Thank you, Honourable Member.

Honourable Member, Mr Winston Murray ...

Hon Winston S Murray: Thank you very much, Mr Speaker ...

Mr Speaker, I listened with great attention to the Hon Minister of Agriculture giving us a historical lesson on the forestry sector, and such references as he made to the Bill itself, I believe, did not really reveal some of the very important matters dealt with in the Bill, which I would like the opportunity so to do.

But I want to begin with the last or penultimate comment made by the Minister. The penultimate comment that much has been made of the fact that the Forestry Act 2007, to which this Bill makes reference, is not a big deal that is what it amounts to and we can go ahead, nonetheless, and deal and with this Forestry Commission Bill today, and not be worried about the Forestry Act. Mr Speaker, we, of the People's National Congress/Reform – One Guyana, believe that such an approach is contemptuous of this National Assembly ... *[Interruption: 'I thought you gone']* ... because in this Bill – the Guyana Forestry Commission Bill; he is saying that one of the functions of the Guyana Forestry Commission is to administer the Forest Act of 2007. What it is that they are administering? We know nothing about it. In fact what I can tell you is when I look at the functions of the Forestry Commission as contained in this Bill several of them are listed, but they are rather perfunctory, compared

with the very in-depth responsibilities and functions given to the Forestry Commission under the Guyana Forestry Commission Act of 1979. Let me give you examples of what I mean. In the Act of 1979, it says:

It was a function of the Commission to formulate and advise the Government...

I see in this one that they are removing *Government* and putting *Minister*. Perhaps that is an improvement, because ministers should be held accountable for their sector; so that is not a problem. *To be responsible ... [Interruption: “No, I do not regard it as such; I regard it as making the Minister for the sector accountable, and that is a good thing”]* This Act of 1979 says:

One function of the Commission is to be responsible for the management and control of exploitation of the forest of Guyana, so as to ensure an optimal yield of forest produce, and the maintenance or improvement of the environment.

There is no such profound responsibility put on the Guyana Forestry Commission in this Act. So the point I am making is, maybe, the Forest Act deals with it as a substantive

matter and puts it there. I do not know. So what I am saying, Sir, that until and unless this National Assembly has had the benefit of, at the minimum, an insight of what is proposed in the Forest Act, then we are handicapped in truly assessing the intrinsic merit and worth of the Guyana Forestry Commission Bill, which we are asked to consider. *[Applause]* And I do not believe that the Minister should have been as dismissive, as he appears to be, at any rate, in terms of referring to the almost nebulous effect of not having the Guyana Forest Act placed here.

Mr Speaker, he said that this Bill – the Forest Bill, was given to the Clerk of the National Assembly a week ago. Sir, I make bold to say that our information is that this Bill has only, over the last twenty-four hours or so, been made available to the Clerk, because we enquired after it; because we wanted to have a point of reference, so we can compare what we have here with what is proposed in the Act. And we were informed by the Clerk, as he has a duty to do, that he had not yet received it, and this was as of a few days ago. So the Minister should not get up in the National Assembly and say to us that *about a week ago he had given it to the Clerk*, when that is not the fact. Let us deal on the basis of fact. We have been unable to have access to the Forest Act, so we

could have the benefit of the input. Sir, so I believe it is unfortunate. Let me say this ... *[Interruption]*

The Speaker: We have a book into which, when bills are received they are required to be recorded. That is our administrative system.

Hon Winston S Murray: Yes, Sir ...

The Speaker: That is our administrative duty.

Hon Winston S Murray: Could we be informed, Sir?

The Speaker: We have sent for the book.

Hon Winston S Murray: Thank you, Sir; because that would be very enlightening to the National Assembly.
[Pause]

Sir, when we saw the reference to the Forest Act of 2007 in the Bill that we are considering today, our Chief Whip thought that in the spirit of cooperation we should bring this to the attention of the Government, and request of the Government a deferral of this Bill until the next Sitting of the National Assembly, at the minimum, to allow us some time to be able to have access to this proposed Forest Act, so that we can see what it has in it, and whether it complements

some of the functions that are set out in the Bill today, so that we can see the comprehensive picture, and I would not then have had to raise an issue as to an important function not appearing in the Bill today, because maybe it is in the Forest Act, and we would have seen that. So unfortunately, the Government did not think that they could make such a concession to the People's National Congress Reform – One Guyana. They did not think that it was appropriate to defer this Bill for another week, because I believe a Sitting is due next week. They just treated us with contempt and said that they were going to go ahead with this Bill, today. I regard that, Sir ... and I want to place this on record; that it is most unfortunate that, in an era in which, I thought, we were moving along the road to try to build cooperation, to lead to this level of frustration, when we make efforts to cooperate with the Government.

Mr Speaker, I now want to move on to the substance of the matter that is before us. I agree with the Minister that this sector is a very important one for Guyana. In fact, it is a critical sector that has to be developed, in a modern way, with maximum opportunity for participation by investors; so that Guyana can realize its economic potential. So we share that common objective with the Minister. I think that he

would agree that where we are now, in terms of the development of the sector, much needs to be done. That is not to not acknowledge that things have been done, but much more needs to be done.

We therefore, of the People's National Congress/Reform – One Guyana, looked at this Bill to try to assess the framework that was being created for the development of this sector; and in our view, what was important in proposing this Bill for approval, was that we strike a proper balance between the need for independence of institutions in the sector, and between the need for political involvement. I believe it is right and proper that the Executive, indeed the Government, should define a policy framework for the development of the sector, and thereafter, it should develop and put in place relatively independent institutions that report, from time to time, to the subject Minister, and through the Minister to the Cabinet; but ensuring that there is a discreet distance between the hand of politics and the operations of these institutions; because what I believe we want to avoid at all costs, is the oppressive hand of politics in the functioning of institutions that should exercise the development of the sector.

In my view, and in the PNCR-1G's view, what you do is you hold the people appointed in the sector accountable for performance by keeping these two things separate: By keeping policies separate from execution, and appointing competent persons to execute, you can hold them to account for lack of performance: But if the hand of politics is too oppressive in the sector then, I am afraid, you would be hard put to really bring to book, sometimes, officials that would otherwise, or may otherwise have been properly brought to book.

So I want to say, having looked at this Bill, that we see a worrying trend in it, and that is the almost ubiquitous hand of the Minister in all aspects of the life and work of the institutions that are herein created. I will give you some very specific examples, Sir, and for that purpose I would want to do a bit of comparison with what was set up in 1979, which is being undone now, in those same areas; and then we can leave the public to judge whether we are moving forward, or whether we are moving backward.

I want to start, Sir, with the Constitution of the Commission; because the Commission is supposedly the body, apart from the policymakers, that would oversee the sector; and the clause in the bill that deals with it is Clause 7. This is what

Clause 7 says, Sir: it tells us about the number of persons that may constitute the Commission.

Not less than nine and not more than thirteen.

But it goes on, thereafter, to tell us how those persons are to be appointed, and what it says, Mr Speaker, is that:

All the Members of the Commission shall be appointed by the Minister.

This is carte-blanche, without any reference whatsoever to the involvement, or the advice, of anyone in his making of these appointments. Sir, we have, ad nauseum, referred to our concerns in the setting up of these structures, of the overwhelming influence and presence - the overbearing influence and presence of the Minister, or the political directorate, in the constitution and functioning of these Bodies.

Let me tell you what the position in 1979 was. On Page 14 of that Act of 1979 this matter was dealt with, and these are the terms in which it was set out, Sir. It says here:

The persons appointed by the Minister as members of the Commission shall be persons who in his opinion...

This is in 1979.

...are qualified for appointment by reason of their experience of, and shown capacity in matters relating to the functions of the Commissions in the performance of its functions.

So this puts a responsibility on the Minister, in the constitution of the Commission, way back in 1979, to ensure that, in so doing, he had to take account of people's experience of, and knowledge in those areas of operations and their functions, which the Commission has to undertake: And I thought that we had moved even beyond that, because this is of 1979. And I thought that today we were in a position where, in fact, we had advocated ... I remember, very clearly in the case of the Investment Promotion Act, we advocated that the law should make reference, without binding the Minister ... and this is the important point. It was not seeking to bind the Minister, but to ensure that an opportunity was provided for consultation. This is the Guyana Forest Products Association; why could not provisions be made in this Act, at minimum, for there to be consultation with that body? There was the Guyana Private Sector Commission; why, at the minimum, could there not

have been reference, in this Act, to the need for consultation? In fact, some would even say that there would be no harm done in the case of these institutions, if there were nine persons to be appointed, that - say, three or four of their number could come through nominations from these bodies that obviously have an interest in the sector in which this institution is going to perform.

Sir, in my view, this is not in keeping with what should obtain ... [*Interruption: 'It is retrograde'*] and an investor, when he come the Guyana, should not feel that everything has to have a political hand in it. He should feel confidence that he can make his case to a Board, or a Commission, which has persons of the requisite qualifications, to amply consider his case, and that the Minister simply would be the person, or the Member of Government, who sets the policy framework for action. I say that that is an overbearing presence of the Minister in the work of the Commission, and in the constitution of the Commission.

Sir, I come to an even more ... I would say this one is laughable, were it not so serious - the rules for financial operations. Let us look at what this says. In Section 18 (2); now, the Minister talks about improving the functionality of these organizations. It says:

The Commission shall keep accounts of its transactions, to the satisfaction of the Minister.

Keep accounts to the satisfaction of the Minister? There are standard accounting practices and procedures and systems, and that is what we should write in this laws. [Applause] What we should say is that the Commission shall keep accounts of its transactions in accordance with independent national or international accounting standards; not according to the standards of the Minister. [Applause] [Interruption: 'Shame, shame'] [Uproar] Mr Speaker, we deem this to be rather short-sighted. Well, I know their standards are low and that is where you are keeping them. [Laughter] So, Mr Speaker that is another example of the overbearing and unnecessary, and indeed very harmful, presence of the Minister, let us look at Clause 18. [Pause] It says:

Rules shall be made for financial operations.

Rules for financial operations, you know. This is not policy. This is not about leasing forest, but financial operations.

Clause 18 (2):

No rule for financial operations may be made, except with the Minister's approval.

You have to make a rule for the financial operations of this Commission, and you cannot make it without the Minister's approval. So even in the area of financial systems, and financial control, the Minister asserts his presence; and I am saying that that cannot be beneficial, from an image point of view, or from the point of view of practice, to the institution that we are creating.

Mr Speaker, I did hear the Minister refer to this Privileged Information Clause in the Bill, and I want to go to it – Clause 13 of this Bill.

Clause 13, the Minister explains ... and believe you me, I have some sympathy for the position of the Minister, to a degree. *[Laughter]* The Minister says that:

Where persons obtained information in their capacities as members, or employees or consultants, this information shall be treated in a certain manner.

And Minister, I do believe that there is good and proper reason why confidential information should be treated in that manner. I have absolutely no problem; but this, I am afraid, does not make it very clear that it is only information of a confidential ... You said, *relating to person's*

application, information provided by investors. I think you could delimit this, to some degree.

And further ... This is the other point I want to make; there should be a system of declassification of information after a while. And this Act makes no provision. In other words, it is locked up forever and forever. But, ultimately, even in the great United States of America, they periodically declassify information, and at some point in our affairs, information must come into the public domain; so while can accept, as a principle, in some context, the need for confidentiality, and treating that information in a certain manner, I think we have to go on ... and more specifically, more narrowly, define it – that is one; and two, make provisions for declassifications, because if you make provisions for declassification then, after the initial period of years – be it ten years before you declassify; then, after that, every year information would be coming into the public domain, because in every succeeding year, after the tenth year, there will be an additional year's information becoming available. That, I think, would accentuate what is perceived to be a very harsh and draconian provision.

I want to go on to say that I believe, too, that it is equally the penalty share - I believe it is Section 27, I believe needs to

be looked at. Certainly the one, in relation to Section 24 (6), where an offence is created; if a person is summoned before the Commission and, without good reason, or good explanation, does not turn up. You say:

He is liable, on conviction, to a fine of \$500,000 and imprisonment for six months.

Now, I think if you compare this with the failure of a witness to turn up in the High Court or the Supreme Court of Adjudication; I do not think you would find the harshness of the penalty there anywhere near this: And \$500,000, Sir, I daresay, is a lot and lot of money for ordinary folks, and I believe that this should be accentuated. The one about the \$1,000,000 and imprisonment for one year; I think if it is more narrowly defined, I think the PNCR-1G would be willing to live with this, because we do believe, Sir, that certain types of information do, in fact, need to be protected, initially, in certain circumstances, but with a provision for declassification.

Sir, there is another provision, which I wish to draw to attention before I take my seat, and it has to do with; if there is a deficiency in the reserved fund, how this money is provided. I do not know whether the Minister of Finance has

given his blessing to this, but I find this not acceptable at all, because what this does ... this is contained in Clause 16, Section 2:

If the reserved fund is insufficient to cover any net loss of the Commission, in any financial year, the amount of the deficiency shall be charged on the Consolidated Fund.

This is not a Constitutional Body, where there is automaticity of charge on the Consolidated Fund. We do not know whether this body has performed efficiently or inefficiently; but we have an automaticity of any loss, which this fund cannot bear falling onto the Consolidated Fund, and that is very worrying. I do not know if the Minister of Finance has seen this and approved of it, but I do want to say that, what we did in 1979 ... and that may provide some clue as to what could be done, or I would even say, what should be done.

In Clause 16, Sir, under Financial Provisions of the Guyana Forestry Commission Act as it now is; this is what it says:

Where there is a deficiency in the funds of the Commission, such deficiencies shall be met out of monies provided by Parliament.

In other words, you have to come to the Minister of Finance; you have to satisfy him that you have not been lax in the management of your affairs, and that this is a justifiable loss; that you were unavoidable. You argue your case before the Minister of Finance, and he then brings a request to the Parliament of our country – the National Assembly. This body then debates it and approve - because the Government has the majority, so the approval will be given to meet that expenditure. But I do not think it is good financial practice for us to have a Commission going to a loss and automatically have that loss charged on the Consolidated Fund.

Sir, I want to say, finally, that we, of the People's National Congress Reform – One Guyana, always stand ready to cooperate in the creation of institutions, and in the arriving at policies that will help to move our country forward. We would like to believe, and we have thought so, that we were on a course of cooperation, but what we witness here, is a failure to even bring us into the picture on important matters, and to simply take us for granted, and to assume that we can come here, pass a bill which refers to an Act not in being, and think that, when we raise it, that you can simply deny us, and we must give the people of Guyana the impression

that this is what the spirit of cooperation means. Well, for us, this is what it should not mean, and does not mean. Sir, I think that is a very serious lapse, and because of that, in particular, and because of the lack of awareness of what the Forestry Act contains, or proposes to contain, we would have great difficulty in supporting this Bill, at this time, in the National Assembly. Thank you very much, Mr Speaker.
[Applause]

The Speaker: Thank you, Honourable Member.

Honourable Member, Mrs Pauline Sukhai ...

Hon Pauline Sukhai: Mr Speaker, in contributing to the debate for the repeal of the Act No. 2 of 1979, I wish to say that I agree with the action for the repeal, and that I support the replacement of the Repeal Act, with the now debated Bill, which is before us.

Mr Speaker, it is a significant action by the Government that it seeks to regularize the legislation that will provide the Commission to really function as a body corporate. The Act No. 2/1979, we must remind ourselves, was formulated and designed in a period when the heavy hand of the State

permeated all sectors. And we can identify, in this Act, which is about to be repealed, many such patterns of intervention and heavy influence by the Minister; which was so profoundly used by Honourable Murray, MP, to say that the new proposed Act seeks to impose such a hand by the Minister.

But I wish to draw your attention to some of the arguments which he raised, and to debunk such arguments, because the Bill clearly states, Mr Speaker that as it relates to employment practices, the Act, as it now stands, does not give independence to the institution, or the Commission, any such independence to employ. Even as it relates to the appointment of the members of the Commission, it was on the sole opinion of the Minister, if he thinks fit any individual was qualified enough to be a commissioner. This new Act, Mr Speaker, repeals that objectionable clause, and today the proposed Bill is giving independence to the Commission to employ, to set terms and conditions, and even to appoint the commissioner and set his terms and conditions.

Mr Speaker, what also occurs is the fact that no longer would the Minister be solely responsible, on his opinion, to appoint members to the Commission; but now he is guided

by guidelines, which is legislated in this proposed Bill, which allows him not to make his own judgment, but to use the legislative judgment: That is, anyone who is to be appointed to the Commission as a member must come from relevant fields, relevant to the sector, with relevant expertise, and qualified to be able to bring capacity to the Commission. Mr Speaker, that gives him the use of the guidelines, as is stipulated here; so no longer the present Minister, or any other minister, could solely make a judgment on who can become a commissioner.

Mr Speaker, what is important in this Bill, also, is that it provides a constitution for the Commission, which would formally guide the commission in the execution of its function. I say this is important, because it will act as a measuring rod for the Commission, and it would also act for a judgment call, whenever it is needed. Mr Speaker, this new proposed Bill is in keeping with current practices; and one must understand that in today's current situation, there will always be need to focus on maintaining, or mainstreaming, our institutional systems, and the development of those institutions - whether it is in forestry, whether it is in agriculture, or whether it is in any other sector in our country.

Mr Speaker, what is significant about the Bill is also that it defines the lines of authority and the chains of command for the various levels of management. This, Mr Speaker, is important as it provides an opportunity for the various levels of management to perform according to specified tasks. It augers well, and will avoid the blame-game scenario, which is perceived to be pervasive in many public institutions. Good governance of the forestry sector is of utmost importance to our Government, and therefore, it requires improved operational authorities, with capacity to adapt to the new challenging roll of management, and the demands of the forests sector; and this is what this proposed Bill seeks to bring to this House for approval.

Mr Speaker, I now turn to Part 2. Part 2 of the Bill, Mr Speaker, provides an objective for the Commission. Mr Speaker, the objective encourages the development and growth of forestry in Guyana on a sustainable basis. Mr Speaker, this is the vision which the Commission would have to work with. This is the vision which the Minister of Agriculture just outlined, in his earlier presentation, whereby he spoke about the local interests, and the all-embracing international demands and challenges, which the sector has to face.

Mr Speaker, the Bill also establishes clear criteria, as I said, for guiding the functioning of the Commission. It also distinguishes the role of the Commissioner from that of the Commission. Part 2, Mr Speaker, at Section 5; it states the importance of legislating the roles, and I say that it is important because, many times, there are issues whereby opposition, stakeholders, members of the public use the argument that the Minister, or the Board, are usually interfering with the day-to-day management, or that there are very high levels of micromanagement in Governmental institutions and agencies, so that is the importance of that proposal.

Mr Speaker, Section 2 also places restriction on commercial operations by the Commission and dealing with privileged information. This was the crux of the statement of the Honourable Mr Murray. Mr Speaker, this provision merely seeks, or it intends to safeguard the sustainability, integrity, and image of the Commission. Mr Speaker, obviously, with any member of staff - anyone who is privy to privileged information discloses or compromises such information; obviously disciplinary actions, or penalties are required. And Mr Speaker, the increase in the penalty that is stipulated in the proposed Bill is high enough to cause deterrence by

offenders who seek to compromise their place of employment, or the Commission. Mr Speaker, it is even better that it is not only employees, or people within, what reveal confidential information; but there are outside players who sometimes encourage such malpractices, and I am happy to see that the penalties for those who encourage such malpractices, that the fines will also be very heavy.

Mr Speaker, I am also happy to see, in the proposed Bill, that it legislates for a human resource policy. This is expected to attract working and operational environment for the employees. It will provide some form of secure employment conditions, and complement skilled staff who are equipped, and qualified to perform their duties, so designated, in a more efficient manner. It will also seek to build much more relevant capacity that is necessary within the Commission. Mr Speaker, the proposed policy also seeks to ensure that the Commission works to develop a safe and healthy working environment, and stipulates the recognition of special employment requirements of women, Amerindians, and differently able individuals. This is a positive approach towards building and retaining human resources within the institution and, hopefully, other public agencies can provide, or develop such innovative human

resource policies within their sectors, since this augurs well for the benefit of employees.

Mr Speaker, there have been some disagreement with some of the clauses in Part 3 – Financial Provision and Accountability. The clauses contained in Part 3 merely seek to ensure financial sustainability, and to safeguard the financial operation of the Commission. The Honourable Winston Murray, MP, was not happy with the Bill at Clause 18, where it spoke about the deficiency, or deficit. But, Mr Speaker, he stopped short to explain to this House that, at Clause 16, Subsection 3; it clearly states that:

An arrangement will be made to repay the Consolidated Fund whenever it becomes necessary, from the surplus that may accrue, in any year, and consultation for repayments will be made with the Minister responsible for Finance.

Mr Speaker, sometimes Members of this House tend to stop short, because they wish to highlight only what is of interest, or only what will politically make them look good; but they also need to be honest to this House, and to explain,

properly, the contents of any proposed legislation that is before this House.

Mr Speaker, when one looks at the Bill before us, it gives us a sense of what the impact is expected to be, and for me, and there may be many others, as mentioned by the speakers; but for me the importance of this proposed Bill is that it will improve systems within the institution. It will also distinctly separate roles, responsibilities and functions. It will also outline and protect the independence of the institution, which is the Guyana Forestry Commission. It will also cause the Commission to consult with various subject Ministers, when necessary. It is expected to benefit employees, stakeholders, and partners, within the forestry sector. The impact will be a less heavy hand of the Minister in the smooth and efficient functioning of the institution.

Mr Speaker, I am tempted to mention some of the powers, or the authority that the Minister held in the old Act; but I am sure that everyone can receive a copy of the 1979 Act No. 2, whereby you can check that almost every clause, and all the parts, have the very heavy hand of the Minister; and therefore, the long list of delinking the authority and the powers and the interference by the Minister in the smooth

and efficient functioning of the Commission, I will not go into.

However, in conclusion, I wish to say that, facing the challenges in the forestry sector; this new proposed Bill, which is to replace the GFC Act No. 2 of 1979, is expected to enhance the institutional changes, and it will result in a changed Bill that will bring enhanced performance of the Commission. It will even give greater effectiveness and adaptiveness and will also support the responsiveness of the Commission to the needs of management, and the sector as a whole.

In reality, Mr Speaker, this proposed Bill is a really substantial mainstreaming of the various operational activities of the Commission, as it retains the positive aspects of the Bill which is before us for repeal. It dislodges the negative aspects, and it also includes best practices, which the Commission has adopted over a number of years, during its successful functioning under the Act which is being repealed.

With these few words, Mr Speaker, I wish to ask that the Bill before this House be supported and be approved by the National Assembly. Thank you. *[Applause]*

The Speaker: Thank you, Honourable Member.

Honourable Member, Mr Ramjattan ...

Hon Khemraj Ramjattan: Mr Speaker, this is but a piece of the grandest deception that you will ever get coming to Parliament, [*Applause*] in our Parliament – this August Body, as intended legislation for the Forestry Commission. The entire purpose of carrying out a long period of consultation with the Amerindian saw millers and chainsaw operators, and others, was to ensure that there would be lots more ability for stakeholders in the Industry, to have a Forestry Commission that is in consonant with their interests. I speak here from a position of knowledge, because I was very much involved in the drafting of a certain Guyana Forestry Commission Bill, which is not this. Absolutely; it is not this! What will serve the stakeholders, the saw millers, and the Amerindians is not this. And they come now and they give the entire history to say that *we consulted stakeholders*. This is not only deceiving the stakeholders and us parliamentarians; it is also deceiving the funders, because the funders had given me the proposed Bill to do what is calling *a manual*. A manual that was done, the new Forest Act, it was written based on the Bill that I had. It was written by Khemraj Ramjattan. I am not mixing things up.

It was clearly a case that arose out of the Dexter Cummings affair. All of them know about the Dexter Cummings affair. Oh yes, tell us; be reminded about it. The management of the Forestry Commission had come to a decision, in which a certain person should not have been paid severance, because that person was obviously breaching his employment contract. The Board, and everybody else, agreed that this is the decision, and then Dr Roger Luncheon – politician par excellence decided that he is going to order that \$5.3 million be paid: and the strong chairman then decided to ask for legal advice, and they came to Ramjattan, and he indicated that this was an autonomous body, and in its operationalization of issues on operational matters, it has the exclusive authority, based on the 1979 Act. That Chairman of the Board was a strong chairman. What did Mr Luncheon do? He changed the Chairman; he got another fellow to come and pay the man the money. That is what we have.

And so, essentially, what was decided was to give a lot more autonomy to the Forestry Commission, as the basis for a new Bill. What we have here today is but a major disaster, and that which was not, in a sense, proposed and sent around. This person, who probably chopped up that which was sent to stakeholders, where the basis for the manual was

being done, is obviously deceptive. [*Interruption: 'It is the wrong Bill. You got this thing confused'*] I am not! It is the Guyana Forestry Act.

One of the main functions of the Forestry Act, which was something being lobbied by the international sponsor, DFID, was this; one of the functions was:

To keep public registers of applications made to the GFC; decisions made on applications, permits and concessions, and enforcement action taken.

Remember, at the time there was a lot of quarrel by the people representing certain interests - which all the concessions were going to Indo-Guyanese. One of the things was to ensure that a register was kept, so it could be proven that that is not so. That function is missing from this Bill. It was especially made to keep a *public register of all applicants*. And what they do now? That is deleted; we do not see it; because, remember, GPSU was giving a girl called Kamini Balram a whole set of problems. And what do we have now? They deleted that. This was something that the Amerindians loved, the saw millers loved - and the concessionaires, because they would have seen who would

have been applicants. They would have seen how the decisions were made, because it said:

To keep public registers of applications, and decisions made on those applications and the enforcement actions taken.

That was one of the things. The new Act does not impose this duty. I am now looking at the Act and thinking that this is one of the functions of the GFC, and it is not there.

This is another one from the Bill that was circulated:

To provide, as requested, information that the Commission has an obligation to disclose

A specific disclosure function was given to the Guyana Forestry Commission. What do we have now? Do you know why that was the case? Because Dr Luncheon was ordering all the officers of the Forestry Commission to shut up. *Control Freakism* I call it. [Laughter] That is what it is – love to control everything: And so one of the functions that should have been there ... [Interruption: ‘It takes a strong man’ “Another control freak here”] [Laughter] After J in Section 5, the functions of the Commission are ... and they go on to J ... It was supposed to have these things. One of

the reasons why a lot of people supported this thing when it was sent out was because you had that as a function of the Commission. That was why the consultation ... So you are sending out a complete baby, and then you bring to Parliament a deformity. *[Laughter]*

Let me also say this, because when this Manual was done, these were some of the things that were in that Bill that was circulated - to train people within the Forestry ... There were supposed to be all these other functions:

- Require information necessary for the performance and duties conferred by the Act;
- To inspect the State forest in order to monitor compliance with the Forest Act, and all its regulations.

And in addition to that:

- To enforce conditions of agreements of sale of timber and concessions;

And also, very important, was the sustainable thing, because the first set of powers in 1979 did not conceptualize a couple of things that the modern world has now – like carbon credits and all of that.

- Sustainable development of the industry.

Those were some of the things, and also the thing called *conservation*, which is a big thing now; to put all those things there, and to let the Forestry Commission have all those powers.

I wish to make the point, too ... and I agree with Mr Murray, that this Bill has a certain foundation that rests on the Forest Act, and that foundation is not brought first. You know, they love to talk about Marxist-Leninist and all of that ... that you have to get the base before you can get the superstructure. Those fellows bring the superstructure here, before the base. *[Laughter]* I want to let this Parliament know ... I want this Parliament to understand that this is not what was done all around Guyana. They have taken it away.

Moreover, when they say they want to lessen the powers of the Minister; this is what they have done. Section 8, which was not there in the earlier Act. As a matter of fact, in this context, the earlier Act was even better, because the earlier Act was giving operational matters to the Guyana Forest Commission, and policy arrangements to the Minister; but this is what Section 8 now does:

The Commission is responsible to the Minister for the discharge of its functions.

So assuming now that Mr Jim Singh, the head there, wants to give somebody a forest permit; he has to now run back to Hon Robert M Persaud and say; *Well look, in the discharge of my function I am giving somebody ...* He, that Minister, now can say almost everything that happens there. Responsible means that you bring it to me; and that is what is happening here:

The Commission shall provide the Minister with any information about the discharge of its functions.

So even if they want to, as an independent body, to give severance payment or not to somebody, they have to go to the Minister first. What kind of corporate entity is that? This is the deception – the grand deception, and he now comes and tells us, *there is a modern management style being incorporated here. [Laughter] [Interruption: ‘That is true’]* My goodness!

This is what the old Act has, and it is here:

The Minister may, by notice published in the Gazette, give to the Commission directions of a general character as to the policies to be followed.

That is all right. Ministers are entitled to do that; but unlike the old Act, which had only that; this one now, the Minister brings here because he wants some more power; he wants some more control; he wants some more authority. *You know what Commission? You have to bring every decision you make to me and I will then do what I think is right; I can give directions thereafter.* This is in keeping with the communism they love, Mr Speaker, and this is what he makes sure happens at Paragraph 4 of Section 8:

The Commission shall give effect to those directions, subject to any written Law.

Those directions of the Minister, they mean there. So when the Minister ... now he is micromanaging the thing - This corporate entity has absolutely no autonomy left after Section 8 here, and that was never circulated to the stakeholders, nor to me, who was asked to do a manual – never; because I knew of the issues; and those who sponsored the manual knew that I knew of it, and we wanted

to give more autonomy than what we have here in Section 8. This is a grand deception; not only ... and I wish to tell the international people who sponsored it too that they have been deceived. It was sponsored by whom? I think it is DFID. You said DFID and you are asking again. *[Laughter]* I was given a special contract by DFID and the Guyana Forestry Commission. *[Interruption: 'You just wasted the money' "Wasted some money? It was money well spent."]*

That is precisely the point. It is no longer there, because we questioned the authority but you do not like anybody questioning authority. You are giving yourself more authority that nobody must question; because if they do, it is \$1,000,000 fine *[Laughter]* \$500,000 fine; one year in jail. *[Laughter]* That is what you do here. The old Act did not have that. *[Interruption]*

The Speaker: Honourable Member, do you have long more?

Hon Khemraj Ramjattan: No, I do have long more.

The Speaker: No, no. We need to know how much longer you have, because it is now time for the suspension, and if you have more than two or three minutes, I will take the suspension now.

Hon Khemraj Ramjattan: Well, let us take the break and come back. [*Laughter*]

The Speaker: Honourable Members, we will take the suspension now. Thank you very much.

16:01- SUSPENSION OF SITTING

16:40 - RESUMPTION OF SITTING

Honourable Member, Mr Ramjattan, you may continue ...

Hon Khemraj Ramjattan: Mr Speaker, I was at the point of emphasising just before we recessed that indeed Section 8 of this Act is consolidating powers into the Minister, which was never the intent or purpose behind the creation of a new Guyana Forestry Commission. As I had indicated, the intention was solely to give it lots more autonomy from the Minister, to give it lots more independence, because Ministers know their politics; they do not necessarily know their forestry. [*Laughter*] And it was for that reason, further, that those aspects of that which was circulated to one and all, had in them nothing of the sort that we see here now.

The old Act, Mr Speaker, was rather encyclopaedic about its listings of the duties and functions of the Guyana Forestry Commission. It had, among other things, the very important matter that was mentioned by my colleague, Mr Murray, and also, it had aspects of it that dealt, rather vaguely, about investor knowledge, concerning what specifically they had to do to obtain, whenever they want, certain concessions. It was on that score then, apart from the two that I just mentioned – to keep public records, and to provide information; that was also another big purpose that was behind a new Act.

Generally, like the engineers would talk about, you do not fix something that is working, excepting that there are defect about the machinery, and that fixing will improve it. The defect of the machinery was seen sometime in the 1993-1994 period. The defects being that there was a lot of talk that there is not a standardized procedure for applications; there is not a standardized distribution to those applicants of forestry concessions by the Commission: And to remedy that defect that our Law had, one of the purposes, as I indicated, which was circularized to one and all, was that they keep this public register, a register that is supposed

to also have how the decisions were made before the concessions were granted, and the enforcement thereafter.

But another very important one was to specify the related matters, which the following holders must bring to the notice of the Commission; namely, the holders of exploratory kit permits, and forest concessions, and all of that; along with other permits and certificates. When the forest investors were coming into the country, there was no one-place that they could have seen what it is that the Commission, as the body that they must first touch base with, requires them to have, and also, to educate them as to what they must look for. The forestry, at the time, was having lots of people showing tremendous interest. Mr Sash Sawh, then, was indicating too, to let us put it in the law - what it is that they want, so that when they come to invest in this country, they can go to a Forestry Commission Act and say that this is what the Forestry Commission is empowered to educate them on. And so, as far as I am aware, one of the other functions was to specify related matters that these interest holders should know about, and it was so drafted that way. That too is absent, as a function, from this new Guyana Forest Commission Bill that we have here.

The absence of telling people what it is that is specifically required before an investment is made is then cause for creating the conditions that the Minister can create his own set of criteria, rather than it being stated here. Just like you did in relation to the Guyana Revenue Authority, you give the Commissioner the power now, or you take away that power for certain benefits that the people used to have; you take it away and it will be exclusively something that that Authority will deal with. That was the intention and purpose behind stating, clearly, *this is what should be done*. We do not see that fourth category stated there. And so, to a large extent, this thing is going to make investors, in a sense, ignorant not seeing, when they come to the country, what it is that they should be looking for.

And then what does that mean? You have to go to the Minister; you have to deal with the Minister after that. Our Laws do not have the requirements, so you go to the Minister, and that is not modern management of a sector, and an industry – running to the Minister all the time. You can have people, who can advise on what are the criteria, and then you can advise ... or the invertors can advise themselves; *Fine, fine, we are going to get these as the criteria, and we are going to send our reports in, or send*

our applications as to what we will be doing. Control, again, is the point I am getting at. You have to go to the *polit-bureau*. [Laughter] You have to go to the *polit-bureau* to find out if you will be given a grant; and what it does, Mr Speaker, is that criteria could apply differently for different persons. Criteria for Mr X can be different from criteria for Mr Y, and that was one of the defects and why we wanted a new bill, and we do not have it; and that Bill that had it that they were circulating had all of that, and that is why a lot of people supported it. Some had their criticisms of it; but it is like sending out candies and now you are bringing in some sour fruits here and say “Well, *I consulted, you know*” and that is the deception I am talking about here.

This also has inside ... and I want to make some specific records in this August Body, as to the delegation instrument now that the Commission has, under Section 9. The previous Act had something that was democratic, in a way. The Commission may, by instrument, now delegate the exercise of its functions, under this Act, to any committee, or to any person. The whole basis for creating a Forestry Commission, as the historical reasoning was, was to take it out as a Government Department; that was the whole basis of it. Whatever is the long talk about it, when you distil the

principle, it comes back from being a ministerial department; you wanted a special, independent, autonomous Commission, made up of people who know their business, rather than having politicians deal with the business of forestry, and it was on that pillar on which the Commission resides. What we have here now is ... and more than that, Mr Speaker, it was supposed to be, at the Commission level, the decision-making being what corporate entities call collegiate decision-making. So like how Donald would do it in the Central Committee, as he would say; *everybody will be making their inputs and now, we will be having a decision arrived at.* [Interruption: 'You had your inputs too' [Laughter] "I know"]

The trouble with this now is that, under this Act, the Commission ... and you can very well have - a majority of the Commission has to make this, knowing very well that they do not want to involve dissenting members of the Commission, like we had in the incident with Dexter Cummings; all they have to do now – the majority there, to appoint a person to deal with that issue of, let us say, a Dexter Cummings affair. That is what they are doing here now. So if there is dissension in the camp; they have the power to give that issue to some person, or to delegate that

issue to some committee; so that the knowledge that a collegiate decision-making process can bring would be absent; so if there is something controversial, or if a *polit-bureau* person do not like a decision, because a lot of it would be known, if it is going to be decided at the Commission level, because you have dissenting members who are going to press on – *no*: Make a decision; send it to a committee; send it to a person - That was not there, and that was never intended to be there. That was not a defect in the old Law for which you have to make a provision here now: But it is again the *control freakism* - Bring it in, so that you can delegate it to somebody that you like to make the decision. It is that which is abundantly clear from this kind of provision – decentralism.

Mr Speaker, this is not the way people should allow its parliamentarians to make laws. This is not the way in which arrangements for the improvement and the amelioration of a certain sector, and a certain industry, should be conducted. It is but an execution here of the little autonomy that was there existing before. It is a guillotining of that which was there before, and it is so flagrantly done. And the Minister will get up here and say: *This is modern management principles and we are getting modern*. This is not correct.

Let me also make the other point. *[Laughter]* In relation to the gag section, we knew that, as a result of what was happening within the Forestry Commission, certain senior officers ... and Mr Lumumba was talking about it - that I sacked some Bollers girl. The idea behind lawyers advising a legal entity is but an adherence to the rule of law, and if you have to advise and your advice goes one way - Well then, fine. The trouble, however, is now to let Board members and officers, who would have seen wrong things going on in the Commission, not to want to come and tell even their lawyers. That is exactly what that gag order is talking about. They cannot tell anybody anything. Is this the liberal kind of culture, in relation to institutions of the land, and transparency that we want? This is but another pillar that is being cut down, when they want to give that power now to gag people.

I also want to make the point, in relation to Part 3. Before I make that, I want to say that I agree totally that privileged information should not ever go out. Privileged information should be kept by the officers and those who work in an entity. But what Section 13 is talking about here, and the way it is drafted, is obviously wide enough to catch any dissenting member of the Commission, to shut up; that is

what it does. They cannot even go to their lawyers now. What should have been done here, in relation to privileged information, is to state what and what should be kept internally; because, as I indicated, another purpose and function that we had in mind, when we were circulating that other Bill ... I do not see it here; is this:

To provide, as requested, information that it has the power and obligation to disclose.

That was one of the functions of the new GFC. As I stated, herein, having read that Bill that was there – the one that we cannot find now, so we come with this one; the new Act imposes this new duty on the Commission as follows:

To provide, as requested, information that it has the power and obligation to disclose.

Five years ago, that is what a defect was. It came about because management in the Commission felt that it should not disclose, and I remember the Minister indicating *you must not disclose*. That was a defect. So if we want to know if a piece of land is available for concession in a certain place; you have got no information; you have no process; so you indicate it now that you can come to the Commission, because the Commission now can provide that requested

information, and it has an obligation to disclose. This Bill does not have that very important function; so you do not have a register. You do not have investors become knowledgeable from the Laws, what the criteria is. You do not have, now, an obligation to disclose. It is extremely rabid piece of legislation. This is undemocratic. This is obviously a piece of legislation that did not have that which was to remedy the situation. The remedy is being provided for... *[Interruption]*

The Speaker: Your time is up, Honourable Member.

Mr David Patterson: Mr Speaker, I ask that the Honourable Member be given ten minutes, in which to continue his presentation.

The Speaker: Yes. *[Phone rings]* ... When the cell phones are off, we may resume. *[Pause]*

Mrs Deborah J Backer: Do you have your cell phone on in school? *[Laughter]* *[Applause]*

Motion put and agreed to

Motion carried

Mr Khemraj Ramjattan: I may not need it. Yes. The final point I want to make has to do with Part 3, and that has:

The funds of the Commission comprise money and all of that.

And that same point that the Minister, in that Section 8, has the power, more or less, by virtue of that section, in his power, to state where and where this money can go.

The Commission shall maintain a general fund and pay into it all monies paid to the Commission for the Commission's purposes, and all income, excepting monies kept in the Reserve Fund, maintained under Section 16 - a special fund.

Quite clearly, now, what this is giving is power, since the Commission is responsible to the Minister. When you give the Commission that power, and the Minister, in a sense, has that overarching power, this thing could be created to be a slush fund for the politicians, so, assuming a minister wants to go to Lethem, or wherever, he can ask the Forestry Commission, *I am going and do some business there.* I am

saying it has happened. It was one of the scenarios, which was supposed to be remedied, that ministers ought not to take monies out of the Forestry Commission Fund; and we had made a special arrangement to have that explicitly stated in the new bill - that ministers cannot do that; but in this beautiful circuitous way, the Minister now has the power. You have created a fund here; the Minister has control over it. Why could it not then be used that way? Which was the way it was being used under a regime, prior to 1993, to the extent that you want to bring it to a halt; but no, you do not do that. What do you do? You create a Section 14. This is even worse than the 1979 legislation, because it could be misused, and that is not an attribute, not well-known to the some of the ministers over there. *[Laughter]* It could be misused and now they can say; *well, we have the power under the Law to do it*: So when it was a defect; now it has become that which the law is, in a sense, giving them. This is horrendous.

The Alliance for Change, Mr Speaker, for these reasons, and some others, will not support this Bill. Thank you very much. *[Applause]*

The Speaker: Thank you, Honourable Member.

Honourable Member Mr Lance Carberry ...

Mr E Lance Carberry: Mr Speaker, I rise here, very reluctantly, to speak on this Bill, and the reason for it is very simple. This Bill is premature. It is premature in the sense, Sir that the Bill that defines its core function, that is, the Forest Bill 2007, has not been presented to this House.

Now, if you examine this Bill very carefully, you would see that, at Clause 5 (I); it says that:

One of the major functions is to administer the Forest Act of 2007, including carrying out the Commission's functions under that Act.

Collecting and so on, now, Sir, we are debating the Forestry Commission Bill, and we do not know exactly what its core function is, because the bill, which defines its core function, is not available to us. Sir, I am not sure whether it is the intention of the Administration to force us into making a decision on a matter without the benefit of adequate information. And, as a consequence Sir, I am beginning to be inclined to the view that this is nothing short of contempt to the National Assembly. *[Interruption: 'Yes, yes']* *[Applause]* It is a case of another example, Sir, of the Executive showing contempt for the legislative arm of

Parliament. And I believe, Sir, that the Minister ... When I listened to the Minister, what he is really saying to us is: *Look, your function is really the function of a rubber stamp. You are not supposed to question what I tell you. We are telling you that this is a good Bill; and therefore you must take our word for it.*

Mr Speaker, we have heard the presentations, so far, and I am sure that all of those presentations would have convinced you that there is something seriously wrong with this Forestry Commission Bill. Sir, the forest of Guyana represents a large and a vital part of our national patrimony. And when I say *our National Patrimony*, I am talking about the patrimony of each Guyanese ... [*Interruption: 'That is right!'*] ... man, woman and child. This patrimony, Sir, is to be used for the development and the welfare of Guyanese.

But the impression you get, when you read this Bill, is that it is really unclear in the minds of the drafters of this Bill what the responsibility is, in terms of the dispensation of this national patrimony; and it is very important because, Sir, the forest is the critical thing, but the bill that is supposed to define how the forest is going to be managed is unavailable to us; but we are being asked to make a decision about

establishing a Forestry Commission, that is supposed to manage that forest, that we do not know anything about.

Mr Speaker, according to the FAO:

Forests are crucial for the wellbeing of humanity. They provide foundations for life on earth, through ecological functions, by regulating the climate and water resources, and by serving as habitat for plants and animals. Forests also furnish a wide range of essential goods, such as wood, food, fodder, medicines; and recreational, as well as spiritual and other services.

Sir, I have quoted that, because it must be recognized that the forest means more than a source of timber, and it seems that a commission, or the concept here, is that the Commission's responsibility is simply that of dispensing concessions for the extraction of timber.

Well, let us look at the Guyana forest. Above all else, our forests are a vital reservoir of biological diversity, and that is important. In fact, this is what the 1992 International Convention on Biological Diversity was all about, and that Convention was signed by the late President Hoyte on behalf

of Guyana at Rio. But Sir, since the accession to this Convention, there has been nothing visible or known, in our National Legislation that brings onboard the benefits which are conferred on us by this international convention. It seems as if the convention is forgotten. Perhaps it is forgotten because it was negotiated during the time when the PNC was in office. I do not know why, but this Convention, Sir, invests countries like Guyana with very important benefits, and the forest of Guyana provide us with the opportunity to maximize those benefits.

Let me continue, Sir. The forest in Guyana is also the place where our major mineral resources are found. It is also the place where our major hydropower resources are formed. The forest is also the place where any expansion of human habitation will take place: And therefore, Sir, you have to manage our forests in a very holistic and integrated way; and in fact, Sir, it is because of that, that the People's National Congress Government had established an agency called the Guyana Natural Resources Agency; because that agency provided a very important, coordinated mechanism that allows us to decide on the use of those resources in a very organized and internally consistent manner. But Sir, the PPP/C Administration, in its usual bull-in-a-China-shop

attitude, *[Laughter]* dispensed with this, without even trying to understand the benefits of it: and so, as a consequence of their short-sightedness, what we are faced with is a lack of the institutional capacity to manage, effectively and efficiently, the resources found in our forested areas: And I say *the resources found in our forested areas*, because we are not just talking about wood; we are talking about *the resources found within the forested areas of Guyana*.

And therefore, the result of all of this, Sir, we have seen since 1992, that we have reverted to a very backward, piecemeal approach; and the only beneficiaries of that piecemeal approach happens to be the corrupt, and the corrupted, because the country itself is not benefiting, as it should, from the use of its national, natural patrimony, and that is what I believe a Commission is all about. If this Commission is going to serve any purpose; this Commission must recognize that it has an overarching, and very important responsibility, to manage the resources of the forest in a coordinated, coherent, and efficient manner, and it is not really about giving concessions to friends. *[Laughter]*

And the fact of life, Sir, is that even the idea of a forest concession needs to be redefined; because it is quite clear, in

the modern world that we are in, that some of the microorganisms in the forest are becoming more important than the trees themselves. In fact, Sir, the International Pharmaceutical Industry is more interested in the fungi on the forest floor, because they are able to develop antibodies using those fungi; and therefore, Sir, we cannot simply see this forest as a place where you only give a concession for extracting wood because, in that same space you have lianas, you have medicinal plants, you have seeds, you have a number of elements, including animals, which are very important for the survival of the species.

Therefore, we must understand that, whatever mechanisms we are establishing, it must be a mechanism that is capable of responding to modern ways for managing biodiversities present in our forests. This Bill does not address that. This Bill, Sir, is simply focusing ... and it seems to be a preoccupation of this Administration, focusing on the Minister. In fact, Sir, I am beginning to wonder whether there is going to be a Commission at all; because it seems as if they want to cough, or if they want to sneeze, they have to ask the Minister; and if the Minister does not give permission then they cannot cough or sneeze; because, really, this Commission is the Minister – everything

revolves around the Minister. Why have a Commission? Why do we not just have it as a department in the Minister's Office? Because, really, it is not serving the purpose it is intended to serve.

Sir, I believe that Clause 8 is very invidious – very invidious, and we must, in fact, ensure that, if the Commission is going to serve its purpose, it must be truly an autonomous Commission, and it must be endowed with the authority to act professionally, in the discharge of its function for the management of the resources in our forest. I do not believe that we should take lightly the fact that we do not have an entity, and this Bill does not provide us with an entity that is capable of managing our national, natural patrimony in a manner that maximizes the development benefits to this country. And as a country where the level of unemployment is rising, where the working poor is rising; I believe that it is important that these resources are used to enhance development, to create new opportunities for Guyanese: but this Bill is not about that. This Bill is certainly not about that.

Sir, I believe that, as I have said at the beginning, that we are debating this Bill at a premature time. We should have had the benefit, Sir, of the Forestry Bill 2007, and without that

Bill, we are engaged in an exercise, where the basic – the core knowledge is unavailable, and I am not sure that we would like to participate in making a decision like that. Therefore, Sir, I reinforce and reiterate the fact that the People’s National Congress/Reform – One Guyana will not support this Bill. Thank you. *[Applause]*

The Speaker: Thank you, Honourable Members. Honourable Member, Mr Odinga Lumumba.

Mr Odinga N Lumumba: Mr Speaker, I rise to support the Government’s position on this Bill; but before I do that, I would like to say that most of the things that Mr Carberry said, in terms of the benefits to society, in terms of the forest, are frank and it is correct, and we served together on the Natural Resources Committee.

However, where I beg to differ from Mr Carberry is that I believe that the Commission and the Commissioner are not rubberstamps. For example, my understanding of the Bill and of the function of the Commission is that the Minister represents the policy of the Government; and those are policies that are generated by Cabinet and the President, etc. The Minister does not, and cannot, on a day-to-day basis, manage the Commission, or the Commissioner. My

understanding, Mr Speaker, is that the Commissioner reports to the Board of Directors, and the Board of Director has a Chairman who, after a monthly meeting will report to the Minister. Of course, like any other society, if there are problems with the Commission, and the Commissioner, I would think that the Minister must have that right to step in and try to resolve the issues.

Mr Speaker, one of the problems that we have in the society ... maybe because it is small, I do not know, or maybe because we tend not to respect each other; but I sat here and I heard Mr Ramjattan make a very strange presentation; and he was behaving in a certain manner. But there is a gentleman, who is the Lawyer for the Commission; and I want to know where the ethics are? Where do we draw the line? That you hire somebody, they represent that Commission, and then for whatever reasons, they take that information out and put it all over the place. This is lunacy, but they continue with this type of behaviour; and Mr Ramjattan, Member of Parliament, he comes here and speaks about discrimination and all kinds of issues.

I particularly remember the case of a black woman named Bollers – M P, Debbie Backer knows of this incident - who had problems. She had some problems with the Commission

- serious problems; and Mr Ramjattan was one of the diehards of the Commission who felt that she deserved what she received. What does this have to do with the Bill? You cannot, on one morning, say it is justice, and when you shift gear, it suddenly becomes the other side of justice. That is what it got to do everything. And that is point; it is of the credibility of the person, and of the spokesman.

Mr Speaker, I believe that support of the Guyana Forestry Commission Bill 2007 ... I support it for the following reasons. I believe that we need to put in place mechanisms that will allow management to be more creative and more efficient; I believe there is need for more accountability in the Commission, and by the Commissioner, and I do not believe that anyone on the other side can disagree with that policy and position. I think it is important, Mr Speaker, that the public perception of the Commission be changed. We believe that this Bill will bring back, or bring a change in the public perception. The attempt here, Mr Speaker, is to ensure that the public sees the Commission, and the Board of Directors, and the Commissioner in a different way; seeing them as positive people; and see them as people who are fair ... *[Interruption: 'That too, Sir']*

Mr Speaker, we believe that we will need to ensure that there is confidentiality, in terms of information. Mr Speaker, this is a world of competition. You cannot allow an investor to produce, to spend millions, and thousands of dollars on a document, then submit it to the Commission; and then the next day a staff person, or a member of the Commission leaks that information to a competitor, or someone else. The present fine is not enough to stop them. People must think twice before they take information from another company and take it somewhere else.

But, Mr Speaker, what is most important is the steps that we are taking now to rid the Commission of political influence, by providing some form of constitutional authority to the Commission and the Commissioner. Mr Speaker, I had anticipated that during this presentation not a member of the PNC will talk about credibility and transparency after your destructive social behaviour last weekend. *[Laughter]* Let the AFC speak to me on this issue. Let the AFC comment on this issue, not the PNC. You have lost the opportunity to talk about anything about credibility.

Mr Speaker, these amendments, these changes in this new Bill also reflect the willingness of this Government to put in place the human touch in all areas of governance – the

human touch. Mr Speaker, most of us did not realize that the Commission that we know, Sir, never had a Human Resource Department. The Commission, and the Board of Directors that we met, when we came into power, was a cowboy state; it had no Human Resource Department. *[Laughter]* It had no room for staff or employees to felt that it can be treated in a fair manner.

Mr Speaker, in order to support my views I just want to quickly point out a few things that are part of this Bill. Section 12 (A) ... *[Interruption: 'You have to be joking' 'Well, you have been a joker for quite a while'] [Laughter]*

The Commission may employ any person as an officer, or employee of the Commission, and engage the services of any person as a consultant or advisor.

It does not say *the Minister ...*

The Commission shall appoint a person as its secretary.

It did not say *the Minister must pronounce ...*

All officers, other employees, consultants, and advisers shall be employed, or engaged, on

terms and conditions set by the Commission on the advice of the Commissioner.

It does not say *the Minister ...*

Human Resource Policy: Mr Speaker, can you believe that, in this modern world, the PPP/C came and met an organization that, at the minimum, did not have in place safe and healthy working conditions that conformed to the Occupational Health and Safety Act? Mr Speaker, where were we? You cannot believe that, in a modern society, that those things were absent. But because of this Government's concern for human rights, and respect for the working-class, the PPP/C put these things in place. *[Laughter]* Mr Speaker, Human Resource Policy; we now have that in place. That is proposed.

The Commission shall establish and carry out a Human Resource Policy, containing provisions generally accepted and necessary for fair and proper treatment of employees in all aspects of their employment, including provisions requiring the impartial selection of suitably qualified persons for employment; opportunities for the enhancement of the

abilities of individuals and employees; recognition of the special employment requirements of Amerindians, women, and people with disabilities.

Mr Speaker, we cannot agree with everything; but I think we must attempt, in this Assembly, to see where we can agree, and sometimes, when we disagree, we have to accept that those disagreements can be dealt with at a later point. But truly, Mr Speaker, this is an attempt by the Government, through its Minister, to put in place policies and procedures which can move the Commission and the Commissioner forward. It is our attempt, Mr Speaker, to ensure that there will be no political influence or, at minimum, rid us of that. Now we know, Mr Speaker, that the human being is a strange person, so even though we put that in place, we cannot say what the Minister may, or shall not do; but we are putting into place, Mr Speaker, the mechanism in place that will ensure that these things will not be abused.

So I support this Bill and I ask Members on the other side to consider their positions. Thank you. *[Applause]*

The Speaker: Thank you, Honourable Member. Honourable Member, Mr Aubrey C Norton.

Mr Aubrey C Norton: Mr Speaker, I listened a while and I was waiting for Mr Odinga Lumumba to touch down from the spaceship he was on, *[Applause]* because he could not have been addressing this Bill. Mr Speaker, this Bill suggests, or indicates, that the Minister is omnipotent, omnipresent, and I dare say, with the amount of responsibilities he wants for himself, he is omniscient. *[Laughter]* Mr Speaker, in this Bill, the Minister has emasculated the Commission, if not obviated it from power. Mr Speaker,

I want to point out a few things about this Bill. When I listened to the Honourable Winston Murray, I thought he was going to cover all the points in which the Minister usurped the power of the Commission, but he did not. As it relates to payment of non-members of the Commission who are appointed to the Committee; it is opposite, Mr Speaker, to note what the Bill says in the Schedule, as it relates to payments of non-members of a committee. It notes in Article 4 (3) that, and I quote:

Where a non-member is appointed to a committee, the Commission shall pay each of them, in respect of their membership to the

committee, such remunerations and allowances as the Minister may determine.

Mr Speaker, would you believe, in this modern age, that a Minister would not want the Commission to determine how much these members will get? He will determine. Is this not true that he is omnipresent? I think it is. Mr Speaker, this is a sinister innovation in the Act.

There are no criteria for appointing non-members of the Commission to the committee.

This is another avenue for cronyism, nepotism, and for the Minister to distribute patronage. It shall not be allowed. *[Applause]* The People's National Congress/Reform – One Guyana shall not support the Bill with such a sinister motive. *[Applause]* Mr Speaker, this question of payment should be determined by the Commission and not by the Minister. You cannot just establish a Committee for the purpose of financing cronies, and creating sinecures. That is what I think the Minister wants to do.

Mr Speaker, it is in the same vein that I find Article 7 of the Schedule pernicious, if not heinous. It states, and I quote:

The Commission shall pay for the Chairperson, and every other member appointed to the Commission, such remuneration and allowance as the Minister may determine, in respect of the office held.

Is he not omnipotent? Is he not omnipresent? You, my colleagues over there, would you agree for one of your colleagues to be determining the payments of each and every one in an arbitrary way? Could you talk about justice and democracy and agree to this? *[Applause]* Submit Mr Speaker that this is a sinister piece of legislation and it should be withdrawn. *[Applause]*

Hon Minister, I am prepared to rescue you. Your colleagues appear to have abandoned you, but I am going to help you. I am going to make two recommendations that I think you should listen to and consider.

- (i.) That the determination of payments should be the responsibility of the Commission.

And the second recommendation I want to make is:

- (ii.) That it should not be the Minister, but there should be objective and standard criteria for payments to Members of the Commission.

The criteria should be objective and it should be standardized. It cannot be left to the whims, fancies and caprices of the Minister. Mr Speaker, as if the Minister did not get enough; he then inserts a clause dealing with the revoking of appointments of Members of the Commission. Act No. 2 of 1979 did not see it fit to give the Minister the power to revoke the appointments of members of the Commission. This is an innovation of a Government that is bent on domination; that is bent on absolute power. Here is what the Bill says; the Bill, No. 20/2007, states, in the Schedule of Article 2, that; and I quote:

The Minister may at any time by giving written notice to a Member and after affording the member natural justice, revoke the appointment of the Member for incompetence, disability, bankruptcy...

I do not understand that one; I must admit.

Neglect of duty, or misconduct, proven to the satisfaction of the Minister.

Would you believe that, in these modern times, the Honourable Member Mr Lamumba would say that they were putting proper human relations and human resource management principles in place? But this is not an indication of it. This is an indication of a Minister who wants to do what he likes, when he likes, however he likes, to whom he likes and that cannot be policy.

Mr Speaker, this Article is dangerous and draconian in nature. It is steered with scope for subjectivity, arbitrary action and a clear indication that the aim is not good governance, but authoritarian governance. Mr Speaker, there are no objective criteria to determine when a member is incompetent, neglecting or anything that he claims. The reality is, Mr Speaker, even if you are going to seek to remove members, there should be some objective criteria so that members can know these are the standards, and if we do not live by them, then we go, but it cannot be at the will of the Minister. I believe, Mr Speaker, that this is dangerous. Mr Speaker, even if there is a need for a clause such as this, the power to revoke should not lie with the Minister, and it should be based on objective criteria.

Mr Speaker, we live in an era when the focus is on sustainable development. Mr Speaker, this Bill omits a

crucial function that could be found in Act No. 2 of 1979. Mr Speaker, in that ACT it states that:

One of the functions of the Commission is to identify, establish, manage forests, including national parks, wildlife areas, and nature reserves for the purpose of production, protection of the environment, education, recreation, the provision of amenities and matters of scientific, historical and special values.

It goes on to say that:

It provides that these functions conferred on the Commission by this paragraph shall not derogate from the functions of the National Trust and the National Parks Commission.

Mr Speaker, this one has been removed but I turn to the National Development Strategy that this Government talks about, and it says:

It is important to stress the multiple functions of forests.

When you look at that piece of legislation, you see, it takes into consideration; it takes cognisance of the fact that the forest performs multiple functions, and therefore should be treated as such: But no; that has been omitted for a more kind of a circuitous definition.

Another one that has been left out ... [*Interruption: 'I do not understand that one' "I want to make sure you do not understand" [Laughter] "But I am sending you to read my dear"*] Also in the Act of 1979 it states, at Article 4 (M) of that Act, and I quote:

To provide, or to assist in providing, access to forested areas...

Mr Speaker, I cannot believe that this Government would say that it is a Government of the people, and that it wants to help the people and it obviates from this Bill, this commitment to help people to access the forest. All and sundry know that our forests can be difficult to access, and I think, Mr Speaker, it was a good element of the 1979 Act that was taken out. I do not know the reason why, but I suggest that, in the interest of the development of the forestry sector, that the Government should consider the reintroduction of this function, so that it can become a true

institution that will create the conditions, and provide the physical infrastructure, so that those who are involved in the forest Industries can achieve their objectives. I do not believe that there is anything sinister about that objective; and I believe that it really should have been there, or some type of coinage that permits the idea to be there. I find, Mr Speaker, that this Bill is limited in this sense.

The world has changed. I think I heard Minister Insanally pointing out that the world has changed, and that there is need for new approaches. Mr Speaker, one of limitations of this Bill is that it treats forestry in their own way, as if it is only the trees that are standing that are important to the forest. Mr Speaker, since I do not have a definition of the forest, because that is to come ... *[Interruption: 'Debbie, lend him the dictionary' "If you spell dictionary, I'll pay you"]* *[Laughter]* Mr Speaker, I want to suggest here that there is need for a new approach to forestry. Mr Speaker, let me point out something here. In an Article called *Sustainable Harvest and Marketing of Rainforest Products* – Mark Portin and Lisa Premolaris stated, and I quote:

In every 1812 the eccentric naturalist and explorer, Charles Waterton set out from Georgetown Guyana, accompanied by four

Amerindians and one Afro-Guyanese slave; Waterton's quest, which took him through hundreds of miles of uncharted jungles, and into Brazil, was in search for curare...

Do you know what that is? [Interruption: 'I know what that is' "If you tell me, again I will pay you"] [Laughter]

The Englishman found the plant used to make a arrow-poison and brought it to England ...

Note: "brought it back to England"

... where he shared it with leading figures of the medical establishments. The experiments with this rain forest product led to the use of curare as a muscle relaxant and its use in abdominal surgery. That practice continues until today.

I want to point out to you as well, Mr Speaker, in *The History of Non-Timber Products from the Guiana's*, Robert De Phillips said this: and I quote:

We have observed that, in addition to the many species used in the preparation of curare by different tribes, Guyanese Amerindians have

found many treatments for malaria, skin parasites, venereal diseases, etc, in plant materials.

Mr Speaker, I pointed this out because there is a marked absence, in this Bill, of an understanding that our forests have got genetic and other materials that, if dealt with in a commercial way, can redound to the benefit of Guyana. Mr Speaker, the Convention on Biodiversity provides for Guyana to access resources to do this kind of activity. But yet, Mr Speaker, this Bill does not have one legislation, or one rule that is aimed at protecting these resources from gene wrestling and the concomitant that they portend. I want to suggest that we will do well to expand the scope of our understanding of forestry in such a way that we can address other crucial laws that are necessary to deal with our biodiversity. The Convention provides for assistance for in situ and ex situ conservation.

While listening to the Honourable Minister, he was speaking, and telling us what the international world said, and what the international environment created; but Mr Speaker, what we need, is for us to be able to analyze our own situation, and then tell the international world that this

is what we need. I think we have to stop being takers of foreign policy and be initiators of foreign policy. *[Applause]*

And Mr Speaker, I heard a lot of talk about this Bill. Mr Speaker, I would assume that the PPP/C is consistent ... *[Interruption: 'Of course they are' "Well, I am about to prove that you are not"]* I want to read to this Honourable House, when the PPP was in opposition, and the Hon Reepu Daman Persaud was speaking on this Bill, what he had to say. He stated:

I am concerned with the composition of the Board, because we are talking of involvement, and I would wish the Minister (talking to the PNC Minister) to state in this House this afternoon, because we would like the producers to be involved; we would like the workers to be involved. Our concern is the way things are managed after its creation, because the country is not without experience of mismanagement.

Mr Speaker, did the PPP forget that they promised ... at its policy position was that they would involve stakeholders; that the producers should be involved; and that the workers should be involved? Where are they, Honr Robert M

Persaud? When you respond, I invite you to show me where, in this Bill, the producers are involved, and the workers are involved. I submit, without fear of successful contradiction, that they were not, and there was no intention to involve them.

Mr Speaker, in this Document, again – the National Development Strategy, which I think should inform this Bill; it says:

Most important is the role of the professional, technical and administrative staffs of the GFC, and they must be clearly distinguished from that of its Board.

Again, I would like to know, what in that piece of legislation would suggest that? And there is another quotation from this National Development Strategy that you so like to speak about.

The Guyana Forest Products Association does not play an important role, as it might, in the development of the country's forestry sector.

Mr Speaker, if we underscored that then I thought that there would have been a rule for the Guyana Forestry Products Association.

And Mr Speaker, last but not least. This ... *[Interruption: 'I was getting you some capadula, but you refused' "Do you use capadula?" 'I do not use it' "You do not understand. Capadula is a useful product, and if you are of a Guyanese following ... There is a young man named Jack who has placed capadula in bottles and is exporting it and bringing income to this country." 'Your comment sounds like idiocies transcending the normal']* ... *[Applause]* Mr Speaker, I return; it is unfortunate that you all have him here, but capadula is a crucial product that is being exported and is making money for this country.

Mr Speaker, this document promised that one of the objectives of the forestry sector is to distribute, equitably, the benefits of Guyana's forest-based developments to Guyana's rural and interior Areas. Mr Speaker, I believe this is a noble objective, and I do believe that the time is nigh when the legislation should reflect such a reality. Mr Speaker, I believe that this Bill is a bad piece of legislation. I must submit, Mr Speaker that I saw one good thing in it, and

it would be remiss of me, if I do not point it out. It says, in Article 24, that:

The Commissioner and each employee of the Commission shall, on request, give to the auditor:

- (i) Full access to all books, documents, cash, securities of the Commission; and*
- (ii) Any information, within his or her knowledge, relating to the operation of the Commission.*

I believe it is good for that to be done; but I do hope that it would extend past the Commissioner, and that the Minister with his powers will do the same.

Mr Speaker, I wish to conclude by saying that we live in an era when we talk about democracy and good governance, but yet we have a bill that is rooted in centralization of power in the hands of the Minister. Mr Speaker, I believe that cannot be good for the Forestry Commission. And I believe that the People's National Congress/Reform – One Guyana will have great difficulties supporting this Bill in its present form. I thank you. *[Applause]*

The Speaker: Thank you, Honourable Member. Honourable Minister of Agriculture

Hon Robert M Persaud: Thank you very much, Mr Speaker ... [*Interruption: 'I now withdraw this Bill' "You do not know me"*] [*Noisy Interruption*]

Mr Speaker, I thought that this afternoon ... We have a very useful, forward-looking, and nationally-oriented piece of legislation; and we thought that it would have evoked, and would have inspired some constructive debate, recommendations - a debate that is devoid of the political rhetoric; in some of it you see hate falling out of their mouths, or they have old scores to settle, like the abuse we saw on the Head of the Presidential Secretariat, and we did not foresee that we would have descended so low, in terms of the rancour with no focus on what the actual objectives of this legislation is. But I guess some of us are suffering from the hangover of congress; others are expecting their own congress coming up, so suddenly this Bill is caught between one Congress and another Congress; so I am a bit disappointed that we have had to go down that way.

Mr Speaker, as I pointed out in my opening remarks, this Bill here came about as a result of years of consultation,

discussion, and participation by all and relevant stakeholders and I am glad that - the Honourable Member did not dispute that, the Honourable Khemraj Ramjattan. He did not dispute the consultation and the Government sticking to its commitment to involve stakeholders in crafting a piece of legislation in the national interest and in the sector's growth and development. But also, it is sad that we have Members ... and I think there is a section here in Standing Order 106; whereby it talks about:

No Member of the Assembly shall appear before the Assembly or any committee thereof, as counsel or solicitor for any party, or in any capacity, for which he or she is to receive a fee or reward.

I wish to bring this to the attention of Mr Ramjattan – sorry he is not here; but someone probably will communicate that to him. [*Interruption: 'Where is the relevance?' "Because we need to be ethnical, the relevance is ethics; strange word for you, but ethics. There is something called ethics, and that is what it is"*] But not only is it a breach of ethics; it is also an attempt to misrepresent the process; it is also confusing two pieces of legislation, and speaking and confusing the Forest Bill with the GFC Bill; and it is also intending to

create a lot of misperception, and peddle misinformation about two vital, important pieces of legislation; so I am sad that we had to descend to those levels in the debate.

But I want to touch on some of the issues that were raised ... and I must say, there were some attempts by ... Although the general tone of the debate was not what one would have expected, there was also some attempts to address some of the contents of this particular Legislation, and I will respond to those in that regard.

But let me talk about the Forestry Bill, as against the GFC Bill; and which one comes first, or which one comes second; because, had the Forest Bill come first, Members here would have gotten up and say, *you are referring to the Guyana Forestry Commission, and you do not have to the Guyana Forestry Commission.* And it is because of that, Mr Speaker, we have put in that:

The Guyana Forestry Commission Bill will not come into effect until a date that is prescribed by the Minister.

We put that in to allow for sufficient debate, and participation in the National Assembly in the Forest Bill, when this comes to the floor; and many of the issues raised

by some of the Members regarding the definition of a forest talks about *what about the biodiversity, and all the resources in the forest?* All of those are covered in the Forest Bill. [*Uproar*]

Mr Speaker, let me now address some of the issues that were raised. First we talk about the appointment of Board members by the Minister. In the 1979 Act ... and Members there were quoting from that Section; the Minister had the power to appoint persons based on his opinion – his opinion. We have put in here now, and proposed in this legislation, two things; one of which is that we have expanded the size of the Board of the Commission to allow more participation by relevant stakeholders; but not only stakeholders. It is defined as *no person* ... so the Minister cannot go and appoint anyone. It states clearly here at 73:

No person may be appointed as a member, unless qualified by reason of relevant knowledge and experience in forest management, forest industry, manufacturing, marketing, business management, finance, economics, environmental management, Amerindian affairs, law, land use planning, education, training, human resources,

development, information systems, research and development.

So it states, specifically, *those who qualify to be members of this Commission*. Like in 1979, the same process applies for the naming of Board members; only that there is strict qualifications.

The other thing too, Mr Speaker, on participation and involvement; this Administration has ensured that, on the Board of the Commission, there is widespread representation. Representation that even came from the Opposition, and I am quite sure Members there know one Mr Hamley Case; he was a representative of the Opposition for many years on the Board, and we continue to practice that policy.

In addition to that, what we have done about seven months or six months ago; is that we have created another mechanism to enhance participation of stakeholders. We have created, now, what we call a committee that involves representatives of the EPA, representatives of the Guyana Manufactures Association, and also the Guyana Forestry Commission Board, because we have this ongoing debate between the forest producers and the manufacturers

regarding the use of our timber resources, and we have set up a consultative mechanism – a mechanism to ensure greater involvement. In addition to being on the Board, you have this separate mechanism whereby these stakeholders play a part, influence, and channel their contribution towards the functioning, and also helping to shape Government policy; so that, I am quite sure, will address the issue regarding the composition of the Board.

Let us talk a little now regarding the concern raised by the Honourable Member Mr Murray. He goes and he quotes one section regarding the rules of financial operation; but what he omitted to make, or the point that he omitted to make in that, he stopped where it says ... and this is what Section 24 (1) says, but Mr Murray stopped at this point. It says:

The Commission shall keep accounts of its transactions to the satisfaction of the Minister.

But he stopped there; but when the entire clause says:

The Commission shall keep accounts of its transactions to the satisfaction of the Minister, and the Auditor General shall audit these accounts annually. [Uproar]

Mr Speaker, there are clear stipulations for financial management. It is not up to the Minister: And the Honourable Members over there know, also, that the Forestry Commission falls under the sphere of the Natural Resources Sectoral Committee, also the Public Accounts Committee. When the Report of the Auditor General goes to the Public Accounts Committee they can also deal with those matters; so there are mechanisms which this National Assembly too – this National Assembly has oversight in terms, not only of financial, but also regarding some of the operations of the Commission ... [*Interruption: 'If you have Natural Resources Commission then take out Minister' "That is ludicrous"*]

Mr Speaker, the other thing that I need us to address is the much-talked-about application process, but before I go there I heard the word *cronyism* and an attempt to create the impression that there is no system, that there is no mechanism in place in the GFC, in terms of how these concessions and these resources are allocated, or how they are utilized. Gone are the days when affiliates, supporters, and others - of any Party, would have been given a large plot of forestry area. I remember that case of Region 10. Remember the case Region 10, where one concessionaire

got a huge tract, and it is this Government which had to negotiate and hold discussions with that concessionaire to give up some of those things; so that the small loggers of Region 10, who were denied by your administration, when you allocated those large plots of land, could have gotten land to log; *[Applause]* and you talk about *cronyism* and all sorts of other issues.

And there is a process that is clearly stipulated. Tomorrow if you go to the GFC office they will give you a document to advise you on how do you go about to apply, how do you identify areas of concessions. And these, Mr Speaker, are clearly known; they are clearly established and I am quite sure that if Members of the Assembly are interested perhaps, I shall share this with them. First of all, all applications are publicly advertised. Read the newspapers and you will see that.

(i.) For land under 20,000 acres:

- First of all, these applications are renewed by an internal GFC Forest Allocation Committee.
- There is also a recommendation to the GFC Board by this Committee, which

has a technical subcommittee; then the Board itself would either accept or reject that application.

(ii.) For areas which are in excess of the 20,000 acres:

- First of all, the applicant has to make a non-refundable application fee of US \$20,000.
- Then there is also a review, at the Board level; and then based on the recommendations of the Board, the matter is then referred to the Natural Resources Subcommittee of Cabinet, and then it goes to Cabinet.

(iii.) Also all applications, when they are filed, are accompanied by evaluations, and all applicants receive a letter, once they make an application, indicating whether or not they are successful.

So the case of whether there is any record-keeping regarding applications, that is a non-issue, because there are established systems in this provision.

Mr Speaker, I want to talk on the issue of the functions of the Commission; and again reference was only made to one function of the Commission, and I wish to refer Honourable Members to the expanded functions of the Commission – to the expanded functions, which Part 2 - whereby it goes from 5 (A) to 5 (J), and some of these functions include:

- To research, to collate, to analyze, to prepare, to disseminate data and statistics, *et cetera*;
- To provide, facilitate education and training;
- To provide an inspection certification accreditation...

And a whole list of functions is stated. To create the impression again or to misrepresent the function that it is only to develop, advise the Minister on, and carry out forest policy is erroneous, and a misrepresentation of the legislation: So I wish Honourable Members would look at that issue.

Regarding the issue of payment to non-members, Mr Speaker, currently, payments to chairperson and other members are determined, as exists in the same 1979 ... if you want to call it your Act, you can call it your Act. In that

Act it is stated clearly that these things must be approved by the Minister, so it is already there. It is not something new. And in fact, as I had stated in my presentation, we have taken away some of the powers of the Minister; some of the unnecessary involvement of the Minister, and what we have put there are critical policy guidance functions of the Minister; because the Minister reports to the Cabinet on the matters relating to the GFC, the Minister appears before the National Assembly of GFC; but the Minister must also have that policy involvement role. It is stated clearly in nearly all relevant pieces of legislation, if we look; so I do not find this bogey that Members are trying to create about the powers of the Minister.

Regarding also, Mr Speaker, about the role and oversight of Parks and Commissions, Honourable Members would know that there are different agencies which are now responsible for the management National Park of the Kaieteur National Park; and also for the Wildlife Unit in EPA, so while that would have been situated in another era at another time, these agencies and these responsibilities now fall under different entities; Hence they had to be removed from the current legislation that we now have before us. So, Mr Speaker I just tried to touch the many other areas that I can

go into, in terms of the inaccuracies, the misrepresentations regarding this Bill; but I am quite sure that, in the quiet moments that the Honourable Members of the Opposition will have, they will see the wisdom in this Bill, they will see, also, the need for us to work on issues such as developing an institution, or a Commission that will serve the development of our country.

I agree with the Honourable Member, Mr Carberry. The forest, yes, is a part of our national patrimony, and that is what we are seeking to do. We are trying to preserve it, and to ensure that each Guyanese benefit from this national patrimony, so I urge the Opposition for us to work together, to be involved; and whilst I noted their strong position on this matter, I am quite sure that when we come to discuss and debate the Forest Bill, we can see greater consensus – by which time I hope there will be a greater appreciation and understanding of the issues, so that we can work together and move forward. Thank you very much, Mr Speaker.
[Applause]

The Speaker: Thank you, Honourable Member.

Honourable Members, the question now is that the Bill be read a second time.

Question put and agreed to.

Let the Bill be read a second time, please ...

Bill read the second time

The Speaker: The debate was extremely long.

Honourable Members, the Assembly will resolve itself into Committee to consider the Bill, stage by stage.

IN COMMITTEE

The Chairperson: Honourable Members, the Assembly is in committee. Is there any amendment going to be proposed? Honourable Members, I therefore propose Clauses 1 to 32, consisting of the Schedule including Clauses 1 to 8 stand part of the Bill.

Mr Winston S Murray: Sir ...

The Chairperson: Yes ...

Mr Winston S Murray: I know I have not submitted a formal amendment on this point.

The Chairperson: Do you wish to make one?

Mr Winston S Murray: Sir, I would really like to make one amendment to this thing.

The Chairperson: Yes.

Mr Winston S Murray: It is Clause 16 (2), Sir.

The Chairperson: Well, let me do up to Clause 15 and then I will call 16 separately.

Clauses 1-15

Honourable Members, I propose the question that Clauses 1 to 15 stand part of the Bill. I now put the question that Clauses 1 to 15 stand part of the Bill.

Question is proposed, put, and agreed to.

Clauses 1 to 15 shall stand part of the Bill.

I now propose the question that Clause 16 stand part of the Bill.

Yes Mr Murray.

Mr Winston S Murray: Yes, Mr Chairman. I would like to propose an amendment, Sir, to Clause 16 (2) by replacing

Amendment –

The words *the amount of the deficiencies*, taking out the words *shall be charged to the Consolidated Fund*, and replacing them with the words *shall be met out of monies provided by Parliament*.

Sir, I think this is a very, very important principle, that no agency should have any right to have a loss, without an investigation as to the reasons for that loss, being an automatic charge on the Consolidated Fund; and I am therefore proposing that this automatic charge proposed in the Bill be amended to read *shall be met out of monies provided by Parliament*. Thank you, Sir. I propose that amendment.

The Chairperson: Honourable Members, the amendment is ... let me repeat it for those of you who have not taken it.

The Last Line of Clause 16 (2) contains the words *shall be changed to the Consolidated Fund*. The proposal is that the

words *shall be charged on the Consolidated Fund* be deleted and be substituted there for the words *met out of monies provided by the National Assembly*.

That is the Amendment. Now, I will put the Amendment first.

The Amendment is put

Mr Persaud, could you say what the position of the Government is on the amendment?

Hon Robert M Persaud: Mr Chairman, I am inclined to support the amendment; but I would require better advice from the Ministry of Finance in this regard, but I am inclined to support the amendment. The legal adviser says that there is absolutely nothing wrong, but I wanted to have gotten the involvement of the Minister of Finance; but I am inclined to support the amendment, Mr Chairman.

Hon Samuel AA Hinds: Mr Chairman, can we have a suspension for a few minutes to do the consultation?

The Chairperson: Honourable Members, we are suspended for five minutes.

18:14H - Suspension of Assembly

18:24H - Resumption of Assembly

Honourable Members, the House is now resumed. Thank you very much. We will now resume in Committee please.
[Pause]

Committee Resumes

I understand there is an agreement on the formulation of words, Mr Persaud?

Hon Robert M Persaud: Yes, Mr Chairman. I wish to amend the amendment proposed by Mr Murray, which we have agreed to; so Clause 16 (2) will now read:

Amendment –

If the Reserve Fund is insufficient to cover any net loss of the Commission recorded in its Profit and Lost Account for any financial year, the amount of the

deficiencies shall be met out of monies appropriated by Parliament...

[Interruption: 'What is the difference?'] Further, Mr Chairman ... *[Interruption]*

The Chairperson: *Appropriated* is the Parliamentary word ... *[Interruption: 'That is the difference; you hear?']*

Hon Robert M Persaud: Further, Mr Chairman, there is another amendment. Should I go on or seek your guidance on this?

The Chairperson: To that same Clause?

Hon Robert M Persaud: No. This would be Clause 16 (3).

The Chairperson: Let us do this one first ...

Hon Robert M Persaud: Okay Sir ...

The Chairperson: Honourable Members, the Amendment is proposed.

Question proposed and agreed to.

Amendment carried.

Clause 16

I now propose the question that Clause 16 (3) stands part of the Bill, Honourable Member.

Hon Robert M Persaud: Mr Chairman, I would just like to amend Section 16 (3); and to end that Clause at the word *finance*; so Clause 16 (3) would now read:

If in any succeeding financial year the net surplus accrues to the Commission, the Commission shall pay into the Consolidated Fund an amount agreed with the Minister responsible for Finance.

That is necessary because of the change we made in Clause 16 (2).

The Chairperson: Honourable Members, I now put that:

Amendment –

*The words after the word finance in
Clause 16 (3) should be deleted.*

Question proposed and agreed to.

Amendment carried.

Honourable Members, I now propose the question that
Clause 16, as amended, be approved

Question proposed and agreed to.

Amendment carried.

Clauses 17-33

Honourable Members, I now propose that Clauses 17 to 33
stand part of the Bill. I now put the question that Clauses 17
to 33 stand part of the Bill.

Question proposed, put, and agreed to.

I now propose the question that the Schedule, inclusive of Clauses 1-8, stands part of the Bill. I now put the question that the Schedule, inclusive of Clauses 1-8, shall stand part of the Bill.

Question proposed, put, and agreed to.

Honourable Members, the question now is that the Bill be reported to the Assembly.

Question is proposed, put, and carried.

Let the Assembly resume, please.

Assembly Resumed

The Speaker: Honourable Minister of Agriculture.

Hon Robert M Persaud: Mr Speaker, I beg to report that the Guyana Forestry Commission Bill 2007 was considered in Committee, clause by clause, and was passed with amendments. I now move that this Bill be read a third time and passed as amended.

The Speaker: Thank you.

Honourable Members, the question now is that the Bill be read a third time and passed as amended.

Question is proposed, put, and carried.

Let the Bill be read a third time, please.

Bill read a third time

The Speaker: Thank you.

MOTION

**ITEM 2: ESTABLISHMENT OF A SPECIAL
SELECT COMMITTEE TO CONCLUDE
THE CONSIDERATION OF THE 2004
REPORT OF THE DISCIPLINED FORCES
COMMISSION**

Hon Prime Minister and Minister of Public Works and Communications moved the following motion.

WHEREAS Article 197 A(5) of the Constitution provides that the Disciplined Forces Commission may be constituted by the National Assembly

AND WHEREAS on 16 May 2003, the National Assembly passes a Resolution No. 21 approving the establishment and terms of reference of a Disciplined Forces Commission- that is the Guyana Police Force, the Guyana Defence Force, the Guyana Prison Service and the Guyana Fire Service, and all their branches, departments and units, focusing on making recommendations for this reform, sustained professional development and structure;

AND WHEREAS the Disciplined Forces Commission was constituted and conducted frequent and extensive hearings;

AND WHEREAS the Disciplined Forces Commission submitted its Interim Report on the Guyana Police Force in the National Assembly on the 11 December 2003;

AND WHEREAS the Final Report of the Commission was delivered to the Honourable Speaker on 6 May 2004 and was presented to the National Assembly on 17 May 2004:

AND WHEREAS by resolution No. 48 passed on 8 July 200, the National Assembly referred to the Report of the Disciplined Forces Commission “to a Special Select Committee for review within a period of four months, and thereafter to report to the National Assembly as to the manner in which such of the recommendations which are accepted ought to be implemented including which committee of the national assembly will monitor such implementation”.

AND WHEREAS the Special Select Committee was established on 4 November 2004 and commenced its deliberations on the Report by inviting the Heads of the Disciplined Forces to share their views on the recommendation pertaining to their agency;

AND WHEREAS the Special Select Committee first examined the recommendations pertaining to the Guyana Police Force and completed a draft preliminary Report in April 2006, but was unable, owing to the dissolution of the Eighth Parliament on the 2 May 2006, to present that interim report;

NOW THEREFORE BE IT RESOLVED:

That the National Assembly approve of a Special Select Committee being established to conclude the examination of the Report and recommendations of the Disciplined Forces Commission and report to the National Assembly;

AND BE IT FURTHER RESOLVED:

That the newly established Special Select Committee of the Ninth Parliament take cognizance of the work done by the Special Select Committee of the Eighth Parliament that considered the Report and its recommendations

Hon Samuel AA Hinds: Thank you, Mr Speaker. Honourable Members, I rise to move the Motion standing in my name. Essentially it is calling for the establishment of a special select committee to conclude the consideration of the 2004 report of the Disciplined Forces Commission.

Mr Speaker, I think this is a quite straightforward motion here, and there is not much, I do not think, to speak about on it: But let me go through the history of the situation which requires us to establish this special select committee. Mr Speaker, we could go back to Article No. 19785 of our Constitution, which provides for a Disciplined Services Commission to be constituted, from time to time, by this National Assembly, and following that, on the 16th May 2003, the National Assembly passed Resolution No. 21, approving the establishment and terms of reference of a Disciplined Services Commission, to focus on making recommendations for the reform, sustained professional development, and restructuring of the Guyana Police Force, the Guyana Defence Force, the Guyana Prison Services, and the Guyana Fire Services, including all their branches, departments, and units.

So this Disciplined Forces Commission was constituted and conducted frequent and extensive hearings. The Disciplined

Forces Commission submitted an Interim Report on the Guyana Police Force to this National Assembly on the 11th December 2003. The Final Report of the Disciplined Forces Commission was delivered to the Mr Speaker on 6 May, 2004 and was presented to the National Assembly on the 17th May 2004; and then, by Resolution No. 48, passed on the 8th July 2004, the National Assembly referred the Report of the Disciplined Forces Commission to a Special Select Committee for review, within a period of four months, and thereafter to report to the National Assembly as to the manner in which such of recommendations, which are accepted, ought to be implemented, including which committee of the National Assembly will monitor such implementation.

So, in July 2004, we had the Report of the DFC referred to a special select committee and we remember that was in the life of the Eighth Parliament. The special select committee was established on the 4th November 2004, and commenced its deliberations on the report by inviting the disciplined services to share their views on the recommendations pertaining to their agencies. The special select committee completed a Draft

Preliminary Report in April 2006, but was unable to present that Interim Report, owing to the dissolution of the Eighth Parliament shortly thereafter, on the 2nd May 2006; so we have the special select committee of the Eighth Parliament preparing this Draft Preliminary Report, but the Eighth Parliament not having the opportunity to study it. So, Mr Speaker, we have today these resolutions that this National Assembly approve of a special select committee being established to conclude the examination of the Report and Recommendations of the Disciplined Force Commission, and report to the National Assembly; and be it further resolved that the newly established special select committee of this, the Ninth Parliament, take cognizance of the work done by the special select committee of the Eighth Parliament, which considered the Report and its recommendations.

So, Mr Speaker, Honourable Members, this motion seeks to pick up the pieces, again, of the Report of the Special Select Committee of the Eighth Parliament on the Recommendations of the Disciplined Forces Commission, and I urge all Members of this Assembly to support this motion. Thank you.

The Speaker: Thank you, Honourable Prime Minister. Honourable Member, Mrs Riehl.

Hon Clarissa Riehl: Mr Speaker, it is a sad indictment on this National Assembly and, by extension, our country, that this very important report, which was laid in this Assembly since May 2004, and placed in the hands of a special select committee of the Assembly since July 2004, has not returned to the Full House in a timely manner – much less reached the status of implementation.

That Disciplined Forces Commission, Sir, sometimes referred to as the *Chang Commission*, because Mr Chang and the other members ... I think Mr Ramson and Mr ... *[Interruption: 'Nandalall']* ... Nandalall, who is a MP here, and Brigadier Grainger, and I think Dr Lutchman was the fifth; those gentlemen took one year conducting hearings, synthesizing the evidence they took, and other data, and finally preparing that report, encompassing excellent recommendations for the Guyana Police Force, the Guyana Defence Force, the Guyana Fire Service, and the Guyana Prison Service. Today, over three years after that report was submitted, here we are putting in a second Select Committee to continue and complete the work of the first.

Mr Speaker, on a daily basis you open the newspaper and are confronted with reports of misconduct of members of the Guyana Police Force and the GDF. Yet, within the pages of that important report, are many recommendations: I think there are 71 for the Police Force and a number for the GDF, dealing with training and discipline, and other very important matters. Yet the report languishes with us and as I said, it is a sad day.

Mr Speaker, the Last WHEREAS clause of this motion refers to the Draft Preliminary Report of 2006, which was overtaken by the dissolution of Parliament on the 2nd May 2006; but given the importance of this report to our country, even today, when the country is almost consumed by crime and criminal activity, so much so that Mr Rohee knows that the Guyana Police Force was placed in-line. The Guyana Police Force was placed *in-line*, which is a terminology that is used in the disciplined Forces that means that policemen are not allowed to go home, or they are there twenty-four hours - on call at their postings. So they were put in-line, and I think only last week they came out of line, because of the crime situation in this country: So, because of that, they were put in-line.

So one would have thought that the exercise we are now engaged in would have been high on the agenda, since we missed the Eighth Parliament with the report, it would have been high on the agenda for the Ninth Parliament. That is, I would have expected it sometime last year – November or December, when the Ninth Parliament was first convened. Instead, here we are, two weeks before the National Assembly is due to go into recess for this year, 2007; we are now endeavouring to put in place this new special select committee. The attitude appears to be generally a dilatory course of conduct towards this report, Sir.

You may recall, Mr Speaker, in your capacity as chairman of the Management Committee of this Parliament, being written to by Mrs Debra Backer – the Shadow Minister of Home Affairs for the PNCR, who was also a member of the 2004 select committee, like yours truly. Mrs Backer wrote to you, urging that you use your good offices to cause the chairman of the 2004 select committee to convene meetings, when it appeared that that select committee had gone to sleep: So that is what I am saying that it appears to be a general kind of attitude towards the non-implementation of the report.

We have no choice, Mr Speaker, but to support this motion; but I want add a caveat, because I do not see that this Motion has a time limit on this new select committee that is to adopt and continue the work of the select committee of the Eighth Parliament. You know, there is no time limit. I would like to suggest and, at the appropriate time, to move the amendment, that this new select committee be given the same time that the old select committee was given, that was four months: four months it was given to conclude its work, and that is in the Second WHEREAS clause of this motion, that the period of four months was given, in July 2004 to that first select committee.

So that we give ... taking into consideration the two months of the recess that, notwithstanding that, we should give the new select committee four months to conclude, because that report is a very necessary report, and it is, as I said, a required tool to assist, not only the Police Force, but all the disciplined forces in this land to put themselves in a better shape.

We are here talking about all kinds of adjuncts to the Police Force – community policing, and we are setting up all kinds of new commissions - the Law and Order Commission, and all kinds of things going on all around the country; yet the

essential job of protecting this country rests on the back of the Guyana Police Force, and this Disciplined Forces Commission - the essential elements within that Commission's report, are dealing with the Guyana Police Force; and I think that we should all strive to ensure, this time around, that the work is concluded in a timely manner and be presented to this Parliament, so that those recommendations that the Parliament agrees with could be implemented. Thank you, Sir. *[Applause]*

The Speaker: Thank you very much, Honourable Member.

Honourable Member, Mr Everall Franklin ...

Mr Everall N Franklin: Thank you very much, Mr Speaker. I rise, also, to support this motion, although using the phrase of the Honourable Minister Rohee *better late than never*.

I think, apart from some of the economic hardships that our people are experiencing, the issues of crime and personal security comes ... if not above the situation of the economy and their personal finances – their personal security comes very, very close behind, and I think that it is the duty of any caring Government to ensure that things are put in place to protect its citizens. I would want to hope that this motion

that has taken so long in coming, that there is a genuine feeling of the need to implement some of the recommendations of the Disciplined Forces Commission, and not premised on possible financing of certain aspects of our security forces, because I believe that would be the wrong premise. *[Pause] [Interruption: ‘What is the right premise?’ “Protecting the people”]*

I do believe that the number of recommendations that were made to improve the Police Force and Prison Service have to be considered together, because you cannot improve the Police Force without dealing with the Prison Service. These are things that have to be dealt with, holistically, in order to achieve the results that are necessary.

Our own citizens went around this country and came up with splendid recommendations, and we apparently put it all off, expecting some ex-commissioner of police from New York to solve our problems. We have the ability, I think, if we believe in our people, to solve a lot of these problems ourselves, and we should give this select committee all our support, but it has to speedily implement a lot of those recommendations that do not require large financial inputs, but which are merely based on a question of organization. Some of the recommendations did not require money.

Therefore we do hope that we would work towards ensuring that the recommendations can come on stream, as quickly as possible, in order to do what is right for the protection of our people.

Therefore, I will support this motion, and look forward to other initiatives that would enhance the security of the Guyanese people. Thank you. *[Applause]*

The Speaker: Thank you, Honourable Member.

Honourable Member, Mr Raphael Trotman...

Mr Raphael G Trotman: Mr Speaker, like my colleagues I rise to support this motion, not because I necessarily agree with the way in which it is brought, but because I agree that the work of that Commission should be completed and seen to its end.

Sometime last year, Mr Speaker, on or about March or April, I remember writing to the then chairman of that select committee, Mr De Santos, saying that I was resigning from that committee, and wishing him and my other colleagues well, and expressing the hope that they would finish their work in a very short timeframe thereafter. Never in my wildest dreams, Mr Speaker, did I expect that I would

tonight be speaking on a motion of this nature, seeking to resuscitate that which passed this way before. It is unfortunate, Mr Speaker, that an important Commission such as this, which began in 2003, now today, in 2007, we are still grappling with its contents and its recommendations.

What is disturbing to me, Mr Speaker, is that, in December of last year, on the 14th December to be precise, when it was that the People's National Congress/Reform brought a motion for, in a sense the same effects and conclusions, to be given to the National Development Strategy, for the motion that had lapsed for the National Development Strategy to be considered by this House. Once again, we were met with some strange responses; and one of them, Mr Speaker, I found in the HANSARD, set out by the Honourable Minister Robert Persaud. He said, if I a quote:

It is recognized, by all of us, that the NDS sets out priorities for economic and social development; policies for the past, but which were intended for the coming decades, and much has been said about what took place a year ago; suggesting that nothing has happened; suggesting that the world did not move on; suggesting that really Guyana stood

*still. Even some of the Honourable Members ...
one in particular who spoke has moved on.*

He was then referring to me, of course. The point being, Mr Speaker is that the argument in December about the NDS seems to have been lost, tonight, about the Disciplined Forces Commission Report, and whilst I agree, therefore, for this to be resuscitated, we should have, back then, seen the wisdom of resuscitating the commission, or the committee, to consider the National Development Strategy.

Mr Speaker, as lawyers, we know that it is impossible for a new committee to conclude the work of an old committee, because new members of the new committee may bring a different point of view to the old deliberations and, as Mr Persaud said, circumstances have been altered. We now, between 2003 and 2007, have seen another shift in crime. We have robberies being conducted on a daily basis, where persons takeover stores, and in business places they take payrolls and then they move. In 2003 we were dealing with phantom killings; drive-by shootings – *terrorist acts*, as they were being described by the PPP/C Government at the time. So the point is that it is impossible, Mr Speaker, for this new committee to conclude the work of the old committee; and so this motion is a misnomer in the way it is intituled. The

new committee will have to start from scratch, and that is a great travesty, because we would have lost four years of good work.

Members of both sides of this House, Mr Speaker, assisted, not only in preparing deliberations to be made before that Commission, but also sat on the commission and made recommendations. Mr Nandlall, I believe, at the time was a commissioner. Mr De Santos was counsel for the Police Force, I remember, at the time, and later, its chairman, so in supporting it, we urge that it would not be subjected to the same sloth, as was the case of the past Commission. I noticed that Mr De Santos was not down to speak. I do not know what has happened there, but it would have been good to have heard from the past, as to what pitfalls he encountered – whether or not he was frustrated by the likes of Mr Ramoutar from completing his work. *[Laughter]* He laughs. Or whether or not, Mr Speaker, the fact that my colleague, Mr Franklin, has brought a motion, calling for a special national security committee, is that the real reason why, all of a sudden, this is being dusted off and brought back to the House?

So we support it, in good faith, hoping that we would not be disappointed, yet again. Thank you. *[Applause]*

The Speaker: Thank you, Honourable Member.

Honourable Member, Ms Gail Teixeira ...

Hon Gail Teixeira: Oh sorry. Mr Speaker, I thought that it was Mr Williams before me.

The points about the committee not getting through with as much as they should have are obviously correct; no one can dispute that; but point is, I think, what the committee did do is important. The past committee got through what was the maximum number of the real critical areas of the Commission's report, which has to do with the police, and those were 66 Recommendations, dealing specifically with the Guyana Police Force; but I want also remind everybody, because we are talking all about crime and everything which was the genesis of the whole coming of the establishment of this Disciplined Forces Commission - to include an inquiry into the operations of the Guyana Police Force, it really was brokered between the President, Mr Bharrat Jagdeo, and the Leader of the Opposition, Mr Robert Corbin, dating back to 2002-2003, in what was called *the Constructive Engagement* between the two gentlemen, and this had led to number of parliamentary steps that had to be prepared, including

amendments to the Constitution and so forth, to allow for the commission to be established.

One of the important aspects of this commission, and what it was asked to do, was that it would include a review of the ethnic composition of the disciplined forces; and give priority into an inquiry into the operations of the Guyana Police Force; and that it would be given three months to do that. Of course, the nature of its work took longer than that, and that was understood. It had a lot of memoranda presented, a lot of appearances, evidence, and witnesses and so on. So what it ended up with was 164 Recommendations - coming to the Parliament, being tabled, and then being put before a select committee.

The select committee, I think, was a very interesting one; Mr De Santos chaired it; and it is unfortunate that the last meeting that we should have had before the dissolution could not have come off. If my memories serve me right, it was just on the eve of the assassination of our colleague, Minister Sash Shaw, but that was the last meeting of the Committee, prior to the dissolution of Parliament, where we would have, hopefully, amended and approved the draft that was going to go into the Parliament as an interim report. What I think was also interesting about the committee is that

we examined the recommendations and we did not, in fact, as a collective, agree with, or accept all the recommendations. We had those that we disagreed with; there were those that we needed clarifications on and so forth.

So the motion in the Last BE IT RESOLVED clause that is before us today asks the new select committee to take cognizance of the work done by the select committee of the Eighth Parliament that considered the report and, hopefully, in the new committee, it will take cognizance of that. It may wish to review that work and, obviously, it may not agree with it; but to not let, as Mr Trotman fears, the amount of hours that it went into that work - that they would not be lost.

The report that we are examining, I think, is a critical part of what has to be done, in relation to dealing with the improvement of crime fighting; but it also deals with much more than that: the organizational issues, equipment, ethical issues, anticorruption measures, training, and so forth; and what could be legislative changes. And I think, therefore, that even though one thinks that it is just a stagnant document, the fact that the committee asked all the heads of services to provide them with their views and their timelines

for the implementation of a number of the recommendations, including their concerns in relation to a number of the recommendations; and so in the archives at Parliament, and in the committee records, would be the voluminous productions of the Commissioner of Police, the heads of the army, fire and prisons services, who produced some excellent work in showing what their views are, in relation to the recommendations, and what actions, in a number of cases, that they were taking to move some of the things forward – which they had recognized themselves as being problematical. Obviously, in the areas of policies, they were waiting for the support of the Parliament, or the views of the Parliament. So I think that it is important.

We may beat ourselves around the bush and say that we should have, and we could have, and so on; and I am always, Mr Speaker, a very difficult person, because I am a fanatic about record-keeping and so on. So my dear colleague, Honourable Member Riehl, whilst you talk about the slothfulness of the committee, please also have a look at your attendance record in the committee; because we cannot go around bashing each other all the time, without also not being accountable, as Members of Parliament, to our attendance and roles in these committee. Mr Trotman's

departure, by the way, from the committee was never filled by his Party. In fact, a vacancy seat was left there.

Mr Speaker, I hope, and I am glad to hear that everyone is supporting the select committee coming back into being, and we hope that we would be able to have a Committee of Selection meeting early so that we would be able to put forward the names of the members from the last committee. We should recognize some of the members who are not with us in Parliament anymore, and on the Government side, we have Mr Clinton Collymore and Faroze Mohammed, who also were Members on that committee and who do not sit in Parliament anymore – who had a wealth of experience, in particular Mr Mohammed, who was a Former Minister of Home Affairs.

And therefore, we must not lose the institutional memory of the last committee; but let us go ahead and look at the issues. They are very, very sensitive issues, and very important recommendations, which sometimes get handed around, particularly the ones in every section dealing with the Police, the army, the fire and the prison services. Each component of those recommendations deal with the issue of ethnic composition; deal with the issue of cultural and religious sensitivities and tolerance, in order to improve the

balance in the disciplined services, and to have it truly represent all the ethnic groups of Guyana.

So, Mr Speaker, I, of course, supports the Government's motion, and I am happy to hear the others will be supporting it too. Thank you. *[Applause]*

The Speaker: Thank you, Honourable Member.

Honourable Member, Mr Basil Williams ...

Hon Basil Williams: Thank you, Mr Speaker, may it please you. Because the PNCR-1G is a serious Party ... *[Interruption]* ... we are compelled, and impelled, to support this motion; but it is not that we do not have our reservations. We are disappointed with the dilatory nature of the work of this committee; because it is four years now, and bearing in mind that the recess is imminent; we now have this motion coming to the floor.

Mr Speaker, if I might respectfully refer you to the First RESOLVED Clause, which reads that:

This National Assembly approves a special select committee being established to conclude the examination of the report and recommendations of the Disciplined Forces

*Commission, and report to the National
Assembly simpliciter.*

The question is, Mr Speaker, what about implementation? What about the implementation, on the part of the Government, of the already agreed on recommendations in the select committee? What is the impediment to the Government's implementation of those already agreed on recommendations?

But what do we have? As the saying goes; *Nero fiddled while Rome burnt* – and Guyana, we can say, is burning. Why is it happening? It is because of the non-implementation of these recommendations. We revisited extra-judicial killings, for example. Extra-judicial killings are rearing their ugly heads again. Moreover, the recommendations with respect to the operations of the coroner have also not been implemented. The result is that you have the police investigating police killings for the coroner's inquest and inquiry; when the recommendations specifically states, which we all agreed to, that the coroner must have an independent office, and independent investigative capacity. So why are we dragging our feet ... Well, not we; but why is the Government dragging its feet on implementing these measures?

Another problem that is created by the failure to beef up the investigative and preventative capacity of the Police Force, for example ... and I am dealing with specific reference to the Police Force because the committee has only been able to treat with the recommendations in relation thereto. What we have ... Another drop-out from the system is the erosion of the presumption of innocence; because what we have is an attempt to legislate away crime. I have had occasions to deal with it in relation to certain bills passed at the behest of the Minister of Home Affairs; but if we have a Police Force with beefed up investigative capacity, and preventative ability; then we do not have to go and legislate to the magistrate that *they must refuse bail unless they have special reasons, et cetera*, because we are confident that the police would be able to do its work, and be able to impact on the incidents and the occurrences of crime.

Further, this whole question of the community policing group; what could be preventing this Government from implementing the recommendations to put community policing in a legislative framework? What could be preventing that? But what do we have? The same old dispensation, wherein guns are issued willy-nilly to members of the community policing groups who, most of

them, were not qualified, they were not qualified to be a member of the Rural Constabulary, but they carried guns. Another important recommendation ... [*Interruption: 'I have your files' 'Yes, I have files on all of you too'*]

Another important recommendation is this whole question of career attractiveness of members of the Guyana Police Force; the whole question of the remunerative package for police men. The failure to pay a living wage to the police men and women is really the bane of the problem in this country. You are paying those paltry wages and you want them to go into war zones; you want them to confront all kinds of criminals.

Mr Speaker today marks the sixth anniversary of the death and massacre of the *Mandela three*. And what is happening to that coroner's inquest? Where has it gone? So we are saying, notwithstanding that the select committee, for whatever reason, has been unable to complete its work; it has done sufficient work with respect to the Guyana Police Force, to cause the Government to start implementing those recommendations, so that we could get this Police Force up and running.

What about DNA testing? We do not want DNA testing only for the purpose of determining who the baby's father is, Mr Speaker; but we want DNA testing [*Laughter*] to play an important role in detecting crime and finding criminals. We want our handwriting experts to be in existence, and our ballistic experts, and our fingerprint experts. We do not have, sorry to say ... I mean I have been practicing for some time, but we do not have these types of cases being solved by handwriting experts, or fingerprint experts, or ballistic experts, and the Police Force needs to get its act together. We cannot have the Minister of Home Affairs hopping here and hopping there and not getting a chance to implement these recommendations. We cannot have him hopping around the place, you know. But I hope you are getting cooperation from the Government, Minister of Home Affairs, to get this thing done.

Plus there was this important recommendation that speaks to beefing up of the prosecutorial ability of the Guyana Police Force; where it was suggested that you could have police officers, who had legal training, to have an attachment to the DPP's Office, so that they could then be of use to the Force in having speedy trials in certain matters. There again, I do not know what they need to do to implement that, but

nothing is being done. And so, people are being charged, and even at the time that they are being charged with certain offences, they could not get a trial completed for the next eighteen months or more.

And so, Mr Speaker, we, as I said, as a responsible Party, we must agree, though with heavy heart, to these recommendations. However, we will urge, that we should not have red herrings like attendance records *et cetera*, which always seem to be thrown into the wash by the representative Teixeira. In this particular case, the attendance of the PNCR ... [*Interruption: 'You have to be accountable'*] ... representatives on this particular select committee cannot be impugned, Mde Teixeira, because we have always been in attendance, and Mr De Santos, the Honourable Member who chaired that Committee would attest to that fact. His work was always ongoing. If we had any delays it was because you were the Minister of Home Affairs at the time. [*Laughter*]

So, Mr Speaker, we would ... also my Honourable friend, Mr Trotman, spoke to the Second RESOLVE clause, and really, I would find it hard-pressed to think that all that hard work that had been done, to date, by the previous select committee would have gone for nought, and that any new

select committee cannot, in some manner or form, adopt most, if not all, of that work; but I would be guided. I am inclined to the view that the select committee of this Parliament should take cognizance of the work that has been done; it should be able to. Honourable friend, Mr Trotman, was suggesting that legally it might not be on the cards, but I am hoping that we would be able to adopt that work so that we could move on to the other disciplined forces and complete the work.

So, Mr Speaker, in the light of all these premises, I would urge that even though we are at the recess, some efforts should be made to get the select committee identified; but we must not go in any open-ended manner, but we must have some time limit.

At least we should give some time limit for the first report to be made. Maybe within the first four months some report should be made to the Parliament, and likewise, until our work is finished; that is, the work of the new select committee.

So, Mr Speaker, I close by saying that the PNCR-1G, being responsible, joins in adopting the motion as presented. Thank you very much. *[Applause]*

The Speaker: Thank you, Honourable Member.

Honourable Prime Minister...

Hon Samuel A.A Hinds: Mr Speaker, Honourable Members; let me say that, we appreciate the support for this Motion that has been expressed by Members of all sides of this House.

We accept the need for some timeliness on the new Special Select Committee completing its work and we are prepared to consider some time. I think, from our past experience, four months seems much too tight and we are willing to consider, maybe six months, as a target for the report of the new Select Committee.

I have been advised by the Minister of Home Affairs, sitting by me that... and even before Honourable Member Mr Basil Williams raised it, that many of the Recommendations of the Disciplines Forces Commission are being implemented. And also, I think I should bring to the attention of this Honourable House that this Government has a number of Justice System Improvement Projects, totalling some US \$45 million. So we have not been idle; we have not been waiting for the process of the committees to work its way

through. I think, Mr Speaker, Honourable Members; those are the main points.

I noted that the Honourable Member, Mr Trotman, had a point in time last year when he resigned. Now that he has regularized his situation, *[Laughter]* I would expect that he would be volunteering to return to this special select committee.

So, Mr Speaker, I would like us to accept the motion, and I am not sure at what time we may add the target of six months that the special select committee to report ... *[Interruption: 'For the committee to report?']* Yes, and it would be six months from the time it is set up, as soon as we return after the recess. *[Interruption: 'That is eight months from now then']*

The Speaker: Thank you, Honourable Member.

I now propose the Motion, as set out in the RESOLVED Clause.

Mrs Clarissa Riehl: Mr Speaker, there was an Amendment. I thought that the Honourable Prime Minister would be moving that amendment.

The Speaker: I am sorry, I did not hear it.

Hon Samuel AA Hinds: Let me put it formally.

Amendment –

At the end of the first RESOLVED Clause delete the ‘semi-colon’ and insert the words ‘*six months from the date of its establishment*’.

The Speaker: Honourable Members, I will put the amendment first.

Question proposed, put and agreed to.

Amendment carried.

The Speaker: I will now propose the Motion as Amended

Put and agreed to.

Amended Motion carried.

Honourable Members, we will suspend for fifteen minutes.

19:15H - SUSPENSION OF SITTING

19:47H - RESUMPTION OF SITTING

ITEM 3: AFRICAN SLAVE TRADE AND SLAVERY

The Speaker: Honourable Members, we can now begin the next motion on the African Slave Trade and Slavery.

Honourable Member, Mrs Backer ...

Mrs Deborah J Backer: Mr Speaker I wish to move the motion standing in my name as follows:

WHEREAS the 25th day of March, 2007 marked the bicentenary of the abolition of the Slave Trade Act between Africa and the British Empire.

AND WHEREAS scholars estimate that between 50 and 100 million Africans were either killed or abducted during the existence of European slavery and the slave trade;

AND WHEREAS it is universally accepted that slavery and the transatlantic slave trade were the most inhumane tragedies in the history of mankind;

AND WHEREAS our African fore parents, first as slaves and then as free men and women built the infrastructure of modern Guyana and made unparalleled contributions to the development of Guyana.

BE IT RESOLVED

That this National Assembly unequivocally acknowledges the immense debt that all Guyanese owe to our African ancestors and recognizes the outstanding contribution they have made to the development of Guyana;

BE IT FURTHER RESOLVED:

That an African Land Commission be established, similar in status to the Rights Commission established under Article 212G of the Constitution of the Co-operative Republic of Guyana, to determine the issue of ancestral land rights of African Guyanese;

BE IT FURTHER RESOLVED:

That this National Assembly urges the British Government to enact measures to effect reparation to the descendants of the victims of the African Slave Trade and slavery.

Mrs Deborah J Backer: Mr Speaker, Members of this August House ... The commemoration of the bicentenary of the abolition of the slave trade between Africa and the British Empire on the 25th March 2007 was an occasion for the world to reflect, not only on the slave trade, but also on slavery.

The four WHEREAS Clauses of the motion standing in my name are, I dare say, restatements of documentaries and undisputed facts. And as such, Sir, I am tempted to turn

immediately to the three RESOLVED clauses of this Motion. I am, however, conscious and mindful of CARICOM's theme for this bicentenary, and I quote:

CARICOM reflects, never forgets.

I therefore, Sir, crave your indulgence, and the indulgence of the Members of this August Body, to reflect on the statements contained in the four WHEREAS clauses.

Mr Speaker and Members of the National Assembly:

That the 25th day of March was observed by the 192 member states of the United Nations General Assembly as the International Day for the Commemoration of the 200th Anniversary of the abolition of the transatlantic slave trade was largely due to an initiative led by Jamaica. This initiative, not surprisingly, was supported by the CARICOM regional block, and for that, Sir; we should all collectively feel an immense sense of pride.

Mr Speaker, various scholars have given various figures as to the number of Africans who were captured during the four centuries of the transatlantic slave trade and slavery.

My figures, in the second WHEREAS clause, of between 50-100 million Africans, were obtained both from Brigadier David Grainger's article entitled *Crime against Humanity – the Atlantic Slave Trade in Captive Africans*, and an article sponsored by the African Cultural Development Association, in the March 2007 edition of the *Stabroek News* The exact date eludes me now, but it would have been just prior to the 25th March.

In Brigadier Granger's –(Retired) article, he stated that:

The figure of 50 millions captured Africans might be considered conservative.

While the statement of ACDA in the *Stabroek News*, which I just referred to, of March 2007 stated, and I quote:

Scholars of African History believe that the total number of Africans killed or abducted in Africa and the Americas could be between 50-100 million people.

Mr Speaker, whether the true figure lies between 50-100 million people, whether it falls just below, or it is above; the reality is that the Atlantic Trade in captive Africans, to again quote Brigadier (Retired) David Granger, was:

The largest forced transportation of human beings from one part of the globe to another in the world's history...

The Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from the 31st August – 8th September 2001 declared, inter alia, and I quote:

Slavery and the slave trade, including the trans-Atlantic slave trade, were appalling tragedies in the history of humanity, not only because of their abhorrent barbarism; but also in terms of their magnitude, organized nature, and especially, their negation of the essence of the victims, and further acknowledges that slavery and the slave trade are crimes against humanity, and should always have been so.

Mr Speaker and Members of this August House, the idea of slavery and the slave trade horrifies. Their realities nauseate; and I must confess, that as I refreshed my memory of these most barbaric acts committed on our African ancestors, I felt pain, I felt rage, as to what they were forced to endure for

four centuries – not four years, not four decades; but four centuries.

What were they forced to endure? They were captured in their homeland. Shackled and forced to walk for days - for weeks, to the holding forts along the West Coast of Africa: forced through the gates of no return, and forced to embark on the Middle Passage, where they were packed like cargo. And the horrors of the Middle Passage, particularly; and what was to follow, is sometimes, even from the relative safety of nearly two-hundred years of the abolition of slavery, and just two-hundred years away from the abolition of the slave trade, is still for me very painful. [*Interruption: 'All of us'*] I can only speak for myself, from this side of the House.

When they arrived at the new world, what welcomed them? They were sold as slaves. Their religion was brushed aside. Their families were destroyed, and they were, thereafter, condemned to a life of backbreaking work, continuous brutality, rape, and mutilations on the plantations. Mr Speaker, that our African ancestors emerged from these four centuries of barbarism, and went on to make outstanding contributions to this dear land of ours, is an outstanding

achievement. We must never forget their strength and their bravery. *[Applause]*

Mr Speaker, on the 25th day of March 2007 – the actual day of the bicentenary, the African Cultural Development Association shared with the Guyanese people, by way of a paid advertisement, a letter it had written to His Excellency, Mr Bharrat Jagdeo, on the 1st March 2007. Mr Speaker, I quote from this letter, to remind all Guyanese of the reality of the fourth WHEREAS clause. The Clause being, of course:

AND WHEREAS our African fore parents, first as slaves, and then as free men and women, built the infrastructure of modern Guyana and made unparalleled contributions to the development of Guyana.

What did the ACDA letter, which was published on the 25th March 2007 say? And I quote:

They (Africans) had driven back the sea and had cleared drains and reclaimed back 15,000 square miles of forests and swamps; this is equivalent to 9,000,000 acres of land. In short, all the fields on which the sugar estates are

now based were cleared, drained, and irrigated by African labour forces. All the plantations now turned into villages, land settlements, towns and cities were built by unpaid African labour. In the process of the building of these plantations, careful research has shown that Africans installed the following infrastructure; 2,580,000 miles of drainage canals, trenches and inter-bed drains; 31,500 miles of dams, roads and footpaths; 2,176 miles of sea and river defences.

The VEN Commission of 1984 (I continued to quote) noted in its Report that to build these Coastal Plantations alone of the volume of 100 million tons of earth that, had to be moved my hands – not the draglines, not escalators; it had to be moved by the hands of African Slaves in the digging of trenches and canals.

Mr Speaker, while the four WHEREAS Clauses cover *To Reflect, Never to Forget*; the three RESOLVED Clause points us to what we can, and indeed, what we have a legal and moral obligation to do, to try right this unimaginable wrong that was perpetuated for over four centuries. Sir:

- First; we must give recognition to our ancestors;
- Second; we must seek to rectify the wrongs that were done them; and
- Third; we must seek reformation for them, via their ancestors.

Sir, speaking very briefly on the area of recognition – in addition to building the physical infrastructure for country, that I just quoted from in the ACDA Release, our African fore parents by the purchase of land and the establishment of as much as 100 African villages stressing along our Coastland from the Pomeroun to the Corentyne humanize, within two decades of abolition of slavery, the great part of our coastline and laid the formation of the Guyanese system of local democracy and outlaid in excess of \$1 million and the building of over 10,000 houses.

Every Guyanese, irrespective of their creed or class, colour or gender, ought to be aware that the first such villages is the villages now known as Victoria, then known as Plantation North Broke; comprising approximate 500 acres bought in November, 1839 for \$30,000 Guilders, by eighty-three Free Slaves... and we all know full total freedom did not come until August 1838. So over just one years of being totally

free, the first villages – the villages now known as Victoria, was bought by 83 Free Slaves.

The plantation, then known as Plantation Orange Walk, now known as Buxton, followed closely. This village consisted of approximate 380 acres and was bought in April 1840 by 128 Free Slaves. Beterverwagting followed and so it went on and on and on; and there is a list here that I would not go through. Many of the areas are now even incorporated in the City of Georgetown; but then they all made up villages bought by the freed Africans.

Mr Speaker, with your leave, I would like to quote again from Brigadier Retired David Granger, to emphasize the contribution that our African brothers and sisters, as free people, made to the development of Guyana, and I quote, and this is from *The African Village* written by Brigadier David Granger in 1993:

In broad terms, the organized and orderly manner in which thousands of indigent ex-slaves attempted to construct an entirely free community and independent economy, and actually succeeded in buying and building millions of dollars worth of land and property,

immediately upon liberation, was unique in world history.

And I go on:

The beginning of free village life initiated the infrastructural development of rural areas by the construction of homes, the construction of churches – many of which approach their bicentenary also, the construction of schools, burial grounds, bridges and roads. Village administration called into existence a code of organization and a body of ordinances, which became the Public School House where many National Politicians had their apprenticeship. Although the African slaves lost their confidence with the Planters; in the long run, their trials and tribulation laid the foundation of the Guyanese System of Local Democracy.

So all our African Ancestors – Free Slaves were the forerunners for the system of local democracy that has endured to this day. I now quote, Mr Speaker, from Mr Allen Young on one of the six Radio Programmes he did on this area of Slavery and Emancipation and he said this:

Perhaps I should say at this point that I would like to remember for the sheer mass of people involved, the British Movement in British Guiana bears comparison with some of the great movement of mankind that changed course of history, in early time. It equals the size of the Army used by Alexander the Great in Asia Minor and India. It embraced more than four times the number of followers that Robert Williams used on his invasion of England that won for him in 1066 his favourite victory of Shedlack Hill.

So, Mr Speaker, one cannot overemphasize ... it is impossible to overemphasize, and many people perhaps do not appreciate how fundamental the purchase of those villages, their humanization of the landscape, the setting up of codes of conduct, the setting up of roads; how critical it was to what we now enjoy, sometimes without sparing a thought for those fore parents of ours, who struggled, and struggled and struggled.

Sir, the First WHEREAS clause is not controversial, and indeed, the People's National Congress/Reform – One Guyana feels very, very strongly that nothing in this motion

is controversial, but I will come to that very shortly. Indeed, Sir, I will come to that now.

Mr Speaker, the first RESOLVED clause can be seen as what I spoke about at the beginning: *recognition* – recognition of the contributions made by our African fore parents.

The Second RESOLVED clause deals with rectification. I must confess, Sir, to a sense of absolute amazement, when I saw an amendment on the table, previous to today, from Dr Frank Anthony which sought, not to reword, not to modify, not to change; but to delete the entire second RESOLVED clause. And what was worse; his proposed amendment did not propose anything in its place. So here is the People's Progressive Party/ Civic, in the form of Dr Frank Anthony seeking, with one sweep of the hand, to entirely remove the call, not from the PNCR-1G, but surely the call from all right-thinking Guyanese, to seek, as far as we stand at this juncture of our history, to rectify some of the wrongs that have been committed on our ancestors of those freed slaves, who were forced across the Atlantic and worked here to build the foundations of this country that we now call Guyana.

Sir, it is this proposed deletion of the second RESOLVED clause that has, to a large extent, caused the delay in the debate on this motion. This motion has had some period of gestation; it having been placed on the Order Paper, I think, sometime in April. And I think, at the last sitting, the Honourable Prime Minister, quite uncharitably ... because I think, if nothing else, the Honourable Prime Minister is a charitable man; but quite uncharitably he sought, for some strange reason, to blame the People's National Congress/Reform – One Guyana, to suggest that we were the cause for the delay, and to express disappointment in the delay. In fact he went as far as to say, *if we do not get on with the business* (this of course are my words) *the PPP/C was prepared to put their own motion on this table*, so to speak. I found that ... well; I cannot say amuses, Sir, because nothing about the slave trade and slavery amuses me. But I find it strange, because in the letter to His Excellency, Mr Bharrat Jagdeo, written to him on 1st March of this year by ACDA; they said this:

On the 29th October 2002 ACDA sent you a letter, acknowledged by your Office, seeking the Government of Guyana...

And I am quoting here:

To make a public statement about slavery; to date, we have had no reply from you.

ACDA is saying that *on the 29th October 2002 they wrote to his Excellency, seeking a mere public statement from the Government of Guyana – nothing. Nearly five years later, it is now on the table, and the Honourable Prime Minister would have this nation believe that it is the PNCR-1G who is delaying this thing. Sir, I would leave people to judge who the delayer was in this matter.*

Sir, we were so serious, and we remain so serious about the need for rectification, that there were discussions between the PNCR-1G and the PPP/C on this issue. Initially, these talks appeared to be bearing fruit; and indeed, Sir, the amendment that I propose to table to amend the second RESOLVED clause, which I would do at the appropriate time, was an amendment based on our discussions with the PPP/C. They were not in favour of a constitutional commission, as my second clause called for, and we agreed with them that perhaps the better way to go was by way of a national commission, and when I table my motion you would see that we changed that. We changed from a constitutional commission to a National commission. So the

question remains; what is the PPP/C's objection to rectification? How can they possibly be against, and I quote:

A national commission to make recommendations on actions that should be taken to rectify and regularize, as appropriate, the ownership of village lands based on an examination of the historical and legal tenure of lands in the villages, which were purchased by the freed African slaves.

My disappointment, Mr Speaker, with Dr Anthony is still there, but I am even more disappointed when I see that no amendment is to be tabled today. And I will deal with that in my rebuttal - at the end, after I would have heard him, because I am hoping that the night's rest will bring some reasoning to him and that he will see that all these amendments are what we call in law *tales puff*. The substance they are not dealing with; but they are dealing with the puff.

Mr Speaker, according to the register in the Land Registry at Durban Backlands, the first of twelve registers regarding title ownership to land in Buxton shows that of the 182 parcels in Volume one, 57 have no registered owners.

Buxton is now under land registration, and of the 182 parcels; 57 have no registered owners. This does not mean that people do not live on the land. It means that the people who live there have no legal ownership of the land. They live there because, before them, their parents, or family members lived there, and before them, their parents and family members lived there, and before them, their parents, who were grandchildren of some of the 128 Freed Slaves who bought Plantation Orange Walk, now Buxton, in April 1840, live there.

In Victoria, our oldest village, again on the East Coast; the Property Book in the Deeds Registry ... and that book is in a very, very bad condition, as those of us who had to deal with it in the Registry would understand ... That register, as far as I was able to make it out, shows that several lots of land either have no transported owners recorded, or have transported owners, whose transport was dated so far back, many at the beginning of this century, that unless they are all centenarians, they must all be dead by now. So you see transports dated 1920, 1918, 1925, and that is the last legal transaction you had of these lands.

So, again, we have members of families, and extended members, occupying their lands, but they have no legal

document. In other words, though they live and work the land, the land is not a tangible asset which they can use to improve their economic status. They cannot go to the bank, because you cannot go to the bank and say, *I have been living here forty years, please give me a loan.* They cannot do that. They cannot use it to improve their status, and the status of their children.

Mr Speaker, several other villages bought by our African fore parents have large tracts of land, particularly in their third, fourth and fifth depths but they have no registered owners; and, over time, we know that certain NDC's and the Central Housing and Planning Authorities have, without regard for those who occupy and work the land, taken the land away from them. Sir, it is these types of situations that a national commission would look into. We are not speaking about a national commission which would look into land, and if they see Minister Baksh (Alright, let me do not use him as an example) or Minister Persaud is a transported owner; nobody is going to go and move him off; or move anyone off ... if they see Debbie Backer is a transported owner. We are not talking about removing people who have since acquired land, legally, from it. But we are saying there are many, many large tracts of land that have no transported

owners and those can be looked at, and they can be dealt with. Even if we cannot deal with all, there are many, many, many acres that we can deal with. We can seek to rectify the wrongs that were done to these people. *[Applause]*

In Nabaclis, East Coast Demerara, I am personally aware that two lawyers, living in that immediate vicinity, have free of charge ... so lawyers are not always the money grabbers that people think they are. There are two lawyers living in that area of Nabaclis who have, free of charge, assisted over forty persons, whose fore parents were freed slaves, to acquire transport for the land where they now work and till. *[Applause]* This is commendable but we, of the PNCR-1G, is saying that it must be more systematic, and it should be the Government doing that. It is the least we can do for our ancestors, and for their children, and for their children's children. *[Applause]*

Mr Speaker, I find it strange that this Government – this Government for the people, of the people, cannot see that, as a nation, we have a moral, indeed a legal obligation, to ensure that Guyanese of African descent, who occupy lands in the villages, and also Guyanese of African descent, who were dispossessed, in various ways, of the lands of their ancestors, be given legal titles to appropriate lands.

[Applause] How can this Government say, *yes, we are in favour of the call for recognition?* You see, it is easy to do, to say: *We recognize you; you have done a good job.* How can they say: *Yes, we are in favour of reparation?* Because, you see, reparation is calling on someone else to do something. How can this Government say: *We are in favour of recognition of your labour, your blood, and your lives? Yes, we are in favour of the ex-colonial powers making reparation?* Yet, when the spotlight is turned on them, and they are asked to get involved; this sitting Government says: *No – a big no.* They say: *no to rectification to our descendants, who lay down – I say their very lives, to build the foundation of this country.*

Mr Speaker, it is not too late for the PPP/C to agree to the establishment of a national commission. If they failed to do so, Sir, the spirits of our ancestors, including Cuffy, Atta and Damon, will remain restless *[Applause]* until this wrong, that is within the powers of the sitting Government to correct ... They do not have to wait; they do not have to wait on the PNCR/1G; they do not have to wait on the AFC; they do not have to wait on donor funds; they do not have to wait on anything, if the power resides in their bosoms, so to

speak, and unless they do this thing, our ancestors' spirits will remain restless, and will not take their final sleep.

Sir, I will reserve my response to Dr Anthony's amendments, and my own amendments, as I get up, I understand, later tomorrow afternoon, to close this debate. But Sir, for me, and for the people of the People's National Congress/Reform - One Guyana, and I dare say, for a large majority of Guyanese, of whatever ethnicity; we have taken a long time to get here, but we are finally here, in the highest Body of this land, seeking recognition, seeking rectification, and seeking reparation for our ancestors. For God's sake; let us not drop the ball. I thank you. *[Applause]*

The Speaker: The Honourable Prime Minister ...

Hon Samuel AA Hinds: Mr Speaker and Honourable Members. This Government joins in condemning the taking into slavery of tens of millions of Africans and their descendants, over about three hundred years, on to the second half of the 19th century. We of the PPP/C condemn this slavery, as the most abominable crime against humanity, as no other crime in the checkered history of man's inhumanity to his fellow man. As slavery, which was of global proportions, were perpetuated constantly and

consistently for over three-hundred years on tens of millions of people, of and from Africa, together with their descendants.

There is much in our world today that is outcomes and consequences of the African slave trade. Our world today would have been quite different had there not been the African slave trade; but there was no blessing in disguise, nothing redeeming, and no greater purpose in this slave trade. African slavery hurt twice. It hurt those who were taken as slaves, and it hurt Africa. As the Guyanese historian and martyr, Walter Rodney argued in his book *How Europe Underdeveloped Africa*:

This European trade in African slaves, the removal of tens of millions of Africans underdeveloped Africa.

Today, two-hundred years after the abolition of the Transatlantic slave trade in British ships and to British colonies, and a week away from the 173rd Anniversary of the abolition of slavery in British Colonies; many pernicious effects of that period of slavery have not yet been washed away – they still persist. This chapter in human history is still to be closed. The historical fact of African slavery

cannot be removed. We must work to remove the lingering, adverse consequences.

Mr Speaker and Honourable Members, the frequent affirmation by many these days that the world is one, and that all of her mankind is one, provoke demands by many other for the immediate realization of that affirmation. For all humankind to be one, this chapter in human history of African slavery has to be closed. This Government believes that the process of closure requires a series of gestures and material actions, starting with recognizing, understanding, and acknowledging that African Slavery was a holocaust of massive proportions that affect, inflicted on Africans and Africa, which provided an essential surplus contribution to get the Agricultural and industrial revolutions in Europe going.

There must a readiness to take steps to change inherited attitudes of, and between those whose ancestors were, for the most part, slaves; and those whose ancestors were, for the most part, traders in, and owners of slaves. There must be a readiness to contribute patience, time, space and materiel resources to hasten the disappearance of the lingering effects of African slavery.

Mr Speaker and Honourable Members, it is appropriate to note that, whilst we hope that institutionalized slavery in our world ceased with the end of African slavery, the institution of slavery did not begin with African slavery. Indeed, it appears that slavery was quite common among men. Wherever people lived, and from the earliest times, there seems to have been a readiness to take into slavery others, who came within one's grasp, to do the laborious, unpleasant menial work. Most of us would have heard the story of Joseph being sold into slavery in Egypt by his jealous brothers. We would recall the series of events by which he became the second man in the land; how he progressed from being a slave to being second to Pharaoh. In this story we see slavery being a matter of the circumstance of an individual, and even relatives or brothers may sell one into slavery. Though it is to be condemned, it was not outside of human behaviour, when Africans themselves took part in capturing, selling and sending fellow Africans into slavery.

Mr Speaker and Honourable Members, because of my own personal experience ... I want to refer also to the enslavement of Greeks by Greeks, where the victors in the wars between civilized Greek city states took men, as I was

told, [*Laughter*] not women. I was told that they had an agreement that they took men, not women and children, from defeated cities as slaves. And I was very moved, when being taken through the ruins of the ancient City of Delphic, to be shown a column on which names were inscribed, and to be told that those were the names of slaves inscribed as they were freed. So slaves of that time, in those days, could expect to be freed with their lifetimes, and freed slaves would be indistinguishable from those around them, who were not ever slaves. The personal history of a slave is not declared, but for a name inscribed on a column. In this situation, the chapter of history is closed: there is healing, and the freed returned to being free within one's lifetime; unlike the situation with African slavery, where the effects of slavery lingers on to this day – four, five and six generations after its abolition.

I thought of the remarks attributed to an early sociologist – Alex Deauville, that:

The institution of slavery disgraced the race, and the physiological peculiarities of the race have perpetuated the disgrace.

So here - four, five and six generations after the abolition of slavery, we still have the effects of slavery, and the issue is what is needed to be done to overcome those lingering effects.

Mr Speaker, Honourable Members; whilst slavery was common – not unique, there were the unique features of African slavery, which made African slavery the holocaust that it was. Whilst at that time wherever one looked one could find instances of slavery, slaves hardly ever numbered, maybe more than a few thousands, and there was no great distance between enslavers and slaves. However, African slavery involved the enslavement of tens of millions of Africans, over hundreds of years, by and for people from another continent - Europe. A coming together of a number of historical trends set the stage for the enslavement of Africans, by and for Europeans in Europe; and it is for this reason that our Government supports the condemnation of the enslavement of Africans by Europe. A great historical wrong was done to Africans and Africa, as Europeans took Africans into slavery into the then new world of the western hemisphere, to establish estates and plantations to produce goods for Europe, and a comfortable life for the planter class.

Here, too, in Guyana, we have no doubt, because it is a historical fact that it was the slaves who laid in the basic infrastructure that laid in all those miles of canals, dams, bridges and roads, that Honourable Member Deborah Backer referred to. There could be no quarrel with that, and we certainly are of the same mind. All of us in this country – Guyanese, need to always be aware of that contribution of our ancestors, who were slaves, to the formation of our country, and to the establishment of the estates. Our whole nation owes a great gratitude to those slaves.

Mr Speaker and Honourable Members, it is so that this motion, introduced by Honourable Member Deborah Backer of the PNCR-1G, has been deferred over many sittings, and over many weeks whilst we, on both sides, worked to reach a common accord. From the beginning we have been of the same mind to condemn African slavery, but we differed in one or two areas on what were the steps to be taken. The amendments ... We have put forward, strongly, that we deem African slavery a crime against humanity; that we seek reparation from the ex-European colonial powers - both an apology and reparations for profiting from the abominable crime of African slavery – reparations which, in quantum

and form, may go a long way to redress the lingering, adverse effects of African slavery and hasten the closing, the ending of this sad chapter in human history.

In this regard, having in mind that, on the 14th February 2007 at the 18th Intercessional meeting in St. Vincent, the Caribbean community called for both an apology and reparation from ex-European powers, we have been proposing and urging a resolved clause for this National Assembly to join the call of the Caribbean community. We think that, in this matter, we should join the call, endorse the call of the Heads of CARICOM. And further, we want this National Assembly to also call on the University of Guyana, and all research institutions to support the call of the CARICOM Heads of Governments to Universities in the Region to conduct research to support the demands for both an apology and compensation.

The area, Mr Speaker, that we have been continuing to work at, and I would admit that we became somewhat fearful that we could reach an accord, has to do with the issue of the second BE IT FURTHER RESOLVED clause in the original motion put forward by Honourable Member, Deborah Backer. We have noted her most recent submitted amendment on this matter and it came to us within the last

twenty-four hours, and we need time to look at it. We need time to look at it, too, because the way it was presented at the first ... presented in the earlier part by her - just recently, there was the focus, as she said, about situations where maybe in Buxton ... if I can find my notes, there were some lots of land ... of 182 parcels of land, 57 have no registered owner. In Victoria there are several lots, where the last transport is dated about 100 years ago; so the owners of those lots are not alive today. So, yes, we in the Government certainly want those problems of our citizens to be resolved, and I think some of the subsequent speakers on my side would speak more to this issue.

But, generally, we think that these issues are best resolved within the existing laws. As the Honourable Member said just now, and if I got her correct, Buxton is under land registration, so there are approaches existing in the Law to resolve these issues. But, Mr Speaker and Honourable Members, the Honourable Member Backer, as she continued to speak ... You may recall that she spoke about instances of people being dispossessed of land, and it appears that these were some incidents that might have occurred 100 years or more ago, and I think that these issues should be dealt with separately; not within this motion. It may be, Mr Speaker

that we saw this motion on, maybe a grander scale, than the Honourable Member intended. We saw this motion in the context of African slavery, in the context of similar to how it was approached in books like these and ... [*Interruption: 'Name the book'*] we saw it in that context, and maybe our focus has been different.

Mr Speaker and Honourable Members, as it has been said that we expect that this debate will continue tomorrow, and conclude tomorrow, and therefore we have some time, some interval, and my hope is that by tomorrow afternoon, when this debate closes, that we would have been able to reach accord on something which we all, on both sides, feel very strongly about.

There were some references, I thought, by the Honourable Member Backer, as she introduced ... which seemed to suggest that we, on this side of the Government, were any less identified with the problems of Africans and their sufferings during slavery, and their sufferings after slavery, as they sought to establish their villages ... [*Interruption: 'She did not say that' "She did not say that, but I am sorry. Maybe I could re-run a tape because I thought there may have been an implication there that we, on this side of the Government, we on the side of the House, are in any way*

less connected to those things'] But Mr Speaker and Honourable Members, let us continue the debate.

Let me reaffirm, again, that we on this side feel as strongly as the Honourable Member who introduced this motion. We feel as strongly about condemning African slavery. We differ, maybe, on the focus that we have on seeking reparation, compensation, and correction. We think, and we feel very strongly, that the situation of black people all over this world continues to be influenced by that period of African slavery, and we feel that it is for coloured people, and people who would want to ... [*Laughter*] We feel that people of colour all over this world suffered some from the period of African slavery and therefore we feel that we should maintain this large, world-wide focus.

Mr Speaker, Honourable Members; I look forward to us reaching an accord by the end of this debate tomorrow afternoon. Thank you. [*Applause*]

The Speaker: Thank you, Honourable Member.

Honourable Member, Mr Corbin ...

Mr Robert H O Corbin: Mr Speaker, I rise to offer my unqualified support to this motion before the House, and to

say that I would be uncharacteristically brief, not because of the lack of significance of this important motion, but because I believe that all of us in this House, once we have had the opportunity to benefit from the educational opportunities offered, have spent years in school studying the history of the West Indies - the Transatlantic trade, the evils of slavery, and I will not insult this House further, because I think that the records have already been presented, to go on a historical excursion. The issue really before us today is what we are prepared to do about this historical experience, which has so far gone underdressed, and without recompense.

This story of slavery is not new to mankind. For over two thousand years people of many different parts of the world have traded in their fellow man. Those of us who have some biblical experience and knowledge, and I know many of us in the House, including my good friend Moses, [*Laughter*] who obviously surprised us in a debate some time ago, are familiar with the stories related in Genesis and Exodus and Egyptian slavery; where, in that Holy Book, we recognize the Divine intervention, using the instrument of Moses and then Joshua; but indeed, very shortly, ensuring that there was a promised land, which they were offered, immediately

after that terrible experience. What we are seeking today is the Promised Land for the ancestors, [Applause] who have undergone that period of slavery. The proof of the pudding is in the eating. Words are like wind, Prime Minister; a friend once told me *they bloweth and is forgotten*.

There can be no doubt, however that in the periods between the sixteenth and twentieth century, there was recorded one of the most brutal crimes against humanity, which have been acknowledged, not only by West Indian scholars; but by those who perpetuated those acts of violence against people of African descent who, as Mrs Backer pointed out earlier, were brutally transported in horrible and atrocious conditions in that Transatlantic trade. Indeed, on the 25th March this year – two-hundred years after the Act was passed in the British Parliament, called *An Act for the Abolition of the Slave Trade*, the British themselves saw a need to recognize this significant atrocity that they had perpetrated on humanity. And so, looking at their website, this is what they had to say on the abolition of the slave trade, and the remembrance of two-hundred years of this atrocity. I would like to quote from their website; this is what they had to say:

THE ABOLITION OF THE SLAVE TRADE

Although it would be another thirty years before slaves gained their final freedom, when slavery was abolished throughout the British Empire, the Bicentenary in 2007 gave the opportunity to remember the millions who suffered; to pay tribute to the courage and moral conviction of all those - black and white, who campaigned for abolition, and to demand to know why today, in some parts of the world, some forms of slavery still persist.

There is a very strong view held by many people, and this I want to emphasize.

There is a very strongly, held view that the repercussions of the slave trade and slavery echo down the centuries. It is argued that some of those after-effects include racism, poverty, and conflict in Africa and the Caribbean, inequality and complex cultural legacies.

And then the British go on to say:

The Government regrets, and strongly condemns the evils of the Transatlantic trade. The 1807 Act marked an important point in the

Bicentenary. It (Bicentenary) offers a unique chance for the people of Britain to reflect on the wider story of Transatlantic slavery and its abolition, and on the roles of the ordinary people and politicians, alongside other Britons, Africans and West Indians in helping to bring slavery to an end.

And they emphasize that:

This period should be used to recognize the efforts of those who suffered etc., etc

Now these are the British, those who perpetrated this act. And the Government, recognizing this atrocity, sought to see what they could do to rectify that situation, and decided that they were going to:

Put aside millions of pounds to deal with poverty and inequality on the African continent, and in the Caribbean; tackling inequality, discrimination, and racism today, in particular for people of African and Caribbean heritage living in the UK, and tackling contemporary slavery in all its forms. The Government wants the Bicentenary to be owned by local

communities, as much as central Government and the Government's approach will encourage and empower grass-roots organizations, local authorities, trade groups, and national organizations to arrange commemoration activities.

And it goes on to explain what they are doing in the UK.

Why do I emphasize this point, Mr Speaker? We are in Guyana, where we have experienced the sight of this atrocity and I think it is only fitting that, without much fuss, the Government of our land undertakes this task, as a routine responsibility; and there should be no need to urge, and cajole, and to persuade - having regards to the rectification, which has been suggested in the motion before the House – which seeks to address the land question, and that is what I want to deal with, specifically, this evening.

Perhaps though, before I do so, I should bring to the attention of this House that it is claimed that this abolition of the slave trade and slavery was initiated and brought into being out of humanitarian considerations. I think that sufficient has been written to debunk that theory; but I came across this note, which I figured was significant for

Members on the other side to read, from the very British Parliament, where they recognize, and I quote:

The people who pushed the Act through were a group of Evangelical Protestants, allied with the Quakers, who united in their opposition against slavery and the slave trade. They viewed slavery as immoral and blight upon humanity and, among others, they led the charge in the United Kingdom.

I thought that I should remind my good friend, Mr Rohee, and others, about the role of the church in these significant chapters of history, having regard to the recent experiences in the casino bill that we witnessed here in this Parliament.

Mr Speaker, the motion before this House, among other things, seeks to have this National Assembly call upon the Government to set up a commission to establish a national commission to make recommendations:

To rectify and regularize, as appropriate, the ownership of village lands, based on an examination of the historical and legal tenure of lands in the villages...

This, I believe, Mr Speaker, is extremely important. Residual feelings and feelings, of alienation, develop sometimes over centuries, and result sometimes in explosion. One only has to look at what is happening in Africa itself, experiences in countries like Uganda, Zimbabwe today and, more recent experiences, soon-to-be disclosed, of developments taking place in South Africa, itself and one recognizes that, unless one attempts to deal promptly with these historical concerns, they can still come back to haunt society, and disturb social cohesion. *[Applause]* Let us not assume that the historical experience is so far back that we can afford to disregard concerns being raised, ignore suggestions, and feel that it is unimportant. In this direction, I wish to read another quotation – a statement made in 2004; lest it is assumed that the People’s National Congress/Reform-One Guyana has just woken up from some slumber, and is now seeking to raise this issue of concern:

*How then can we achieve national cohesion?
The presence of justice and peace is essential,
but that is not the only requirement. National
cohesion cannot be the superficial blending of
people of various ethnic or interest groups; it
has to go beyond that. Consequently, even as*

we seek to give meaning to the concept of inclusivity within our own Party; it has to be more than that.

National cohesion has to include taking seriously onboard and addressing the concerns of every ethnic or interest group, and we must be prepared to discuss these issues frankly with each other. We must be willing and prepared to address the areas of concern of Guyanese of African origin, equally, as we must be prepared to discuss the concerns of Guyanese of Indian origin, or the concerns of the Amerindians, and the Guyanese of Chinese or Portuguese origin.

Consequently, we must purposefully address the Amerindian land issue, just as we should address the African issue of reparation and claims for ancestral lands, we must also take onboard the issues raised by the Indian community and their security concerns.

This was outlined in the congress speech of 2004, Mr Speaker; because since then and prior to that, the People's National Congress/Reform ... *[Interruption: 'Which*

Congress was that? “2004” ‘Well, this is 2007’] in which we outlined certain proposals, which we considered essential, if national cohesion was to be achieved in our country ... It is available now on our website and publicly known, and repeated by us on several occasions that, if national cohesion was to be achieved, these were important issues that ought to be addressed.

Therefore, Mr Speaker, what really is the situation in the villages? That is the question. We have, if I may point out a few examples that the commission would have to address, situations in which villages lands have been arbitrarily cordoned off by the State, without reference to the historical antecedents of those lands, with citizens of those villages being denied even an opportunity to occupy these lands. I am saying that we need to get to the bottom of these issues; let us not sweep them aside, lands, which were sometimes handed over to cooperative societies to be managed, hopefully, in a very just manner for equitable distribution, arbitrarily taken over by the Ministry of Housing. Ancestors of African slaves, having to face the unhelpful experience of having all sorts of criteria applied to them acquiring those lands. And more than that, no serious attempt is being made by the Administration to redress the infrastructural

problems, which many of these villages have experienced since the time of slavery.

I am not blaming the present Administration solely for this matter. I want to be objective. It is clear that since the abolition of slavery, and the villagers sought to purchase these villages, our historians have done tremendous research to show that it was not by accident that agricultural development in these villages was undermined; that it was part of a deliberate plot by the plutocracy to ensure that the economic life of these villages was not allowed to prosper; so as to ensure:

- a. That they were able to have some labour force from the freed slaves; and
- b. To teach an example to the Indian immigrants, who were then coming in, that there was the possibility that they could not survive on their own outside of the enclave of the indentured labour arrangement.

And so the colonial plutocracy ensured that the villages and the backlands were flooded, making it difficult for economic sustenance, even today, as we go through the villages on the East Coast, for example, we see the serious state of

infrastructural development. Some of the matters which this national commission would have to address are:

- How do we rectify this serious injustice that was perpetrated on these villages?
- Do we realize that we have an obligation to provide the necessary resources to rehabilitate these infrastructural works to make the village lands more productive, so that we can deal, also, with some of the social problems which this country is experiencing at the moment?

A few years ago, in dealing with another matter, the late Leader of the PNC – Mr Hoyte, suggested that, as part of a plan to utilize the energies of our young people, that we should spend \$200 million as ... [*Interruption: ‘\$200 million?’*] yes, \$200 million ... to rehabilitate the infrastructure of certain backlands on the East Coast as a model of what could happen in every village, and as a basis for solving the unemployment situation, agricultural production, as well as the crime and security situation. Those suggestions were thrown away, in the heat of the moment, on the pretext that one was holding the nation to ransom.

Let us hope, Mr Speaker that, in addressing this issue of rectification, we do not allow narrow, political considerations to affect, or cloud our judgment of the wider picture; so that we can recognize that there is a job to be done, and also appreciate the tremendous benefits which such an approach can have to unleashing the potential of our villages, and particularly the young people of our villages in Guyana today.

I want to suggest, Mr Speaker, that there is no need to use this National Assembly to rehash all that we would have learnt in our history books. All that have been written by our local historical analysts; I have attempted to point directly to where the solution lies - to get a commission to look at all the lands that have been taken away, the lands that have been cordoned off, and let us put in place policies that can recognize the historical development of the land.

We have approached with objectivity the Amerindian land question. The People's National Congress/Reform was in the forefront of arguing and promoting – titles were given, but there was not sufficient time to do all the surveying, but the first set of titles were handed out by the PNC Administration. [*Uproar*]

The Speaker: May we have some order, please? Let us have some order, please, Honourable Members.

Hon Robert H O Corbin: I do not know why my honourable colleagues are so confused, Mr Speaker. Historical facts cannot be denied. Historical facts cannot be denied. We cannot rewrite history no matter what we try to do. And the fact is that the Amerindian land question of title was addressed by the People's National Congress Government. *[Applause]* It is time that you have continued and concluded the operation. And Mr Speaker, we are on record as supporting, very vigorously, the rights of the Indigenous people to their land. *[Applause]*

If cohesion is to be accomplished, we have to be principled in our approach to these questions, and all this motion is seeking to do, is to suggest that this is the appropriate time, a few days from the commemoration of another anniversary of the abolition of slavery, and two hundred years after the abolition of the slave trade, at a time when the world has come to recognize that there is need for this rectification and I trust that this National Assembly will not allow nuances, narrow, partisan political interests; but that we will put Guyana first, and that this motion, tomorrow, will be passed

in its original form, so that we can have action in redressing this situation. Thank you very much. *[Applause]*

The Speaker: Thank you, Honourable Member.

Honourable Member, Dr Frank Anthony ...

Hon Frank S C Anthony: Mr Speaker; Honourable Members. I feel very privileged to speak a motion with respect to the African slave trade and slavery. I am privileged, as a Guyanese, and as descendant of ancestors - all of whom were uprooted, transported, and transplanted into an environment of atrocities and injustices, designed to maximize profits from plunder. I am privileged today, because it gives me an opportunity, and indeed all of us a chance, to advocate for righting of a historic wrong, or simply put, correcting a historical injustice perpetuated on our Guyanese ancestors, with consequences for their descendants. I am privileged, because we do not have to endure the horror stories told by our grandparents about the sufferings of indentureship. These stories, however, pale in comparison to the atrocities that have been perpetuated on slaves. It however helps me to empathise, and to understand the magnitude of this injustice. Slavery and indentureship have similarities, but they are not the same.

In the book *Themes in African-Guyanese History*, Alvin O Thompson describes the prevailing views that planters had of slaves:

The view of physical repulsion, moral depravity, and mental retardation of Africans gained general acceptance among the white in the New World slave society. Thus slaves were branded, broken in, fed, housed, worked, sold, and sometimes made to breed like animals. Nevertheless, the legacy of slavery, the legacy of indentureship, and the legacy of colonialism is our common Guyanese history. We are all victims of our enslavers' cruelty, their rapacious behaviour and greed that have left us impoverished and underdeveloped as a people, and as a country.

Mr Speaker, I would like to congratulate the Honourable Member, Mrs Backer, on her important and timely motion. The timing of this motion is not accidental. It is strategically linked to the date, 25th March 1807; so this year is the Bicentenary anniversary of the abolition of the Atlantic slave trade in captive Africans, and on the 1st August 2007 we will also mark the 173rd anniversary of the abolition of

slavery on the plantations. Some of the cynics, however, believe that the 25th March 1807 was carefully selected and propagated; so that Britain would be remembered, not for its role in ending the slave trade, but rather for its role as a slave-trading nation. But history is explicit on the British slave trading role, dating back to when John Hawkins entered the slave trade in 1560, to its dominance and control in 1750. It is estimated that from 1750 to 1807 that there were more than 3552 slaving voyages transporting close to 2.5 million slaves.

When the British assumed control of the slave trade, and took possession of Guiana in 1796, there was a corresponding increase in the amount of slaves. After more than a century of Dutch rule, from 1616 to 1796, the colonies of Berbice, Demerara and Essequibo had a total of 46,232 slaves. From 1796 to 1807, the total population grew to 109,000 slaves. That is an increase of 62,768 slaves in eleven years. Indeed, these slaves were so thoroughly exploited that, by the early 1800s, Demerara and Essequibo became the second largest producers of sugar in the West Indies, the largest producer of coffee in the British Empire, and the greatest producer of raw cotton in the world. These facts were documented by Dr Winston McGowan in his

book *Atlantic Slave Trade, Slavery, and the Demographic History of Guyana*.

The 25th March 1807, while very significant, must not obscure our vision of four centuries of horror and death, and focus only on the newly found humanitarian efforts of the abolitionists. As Priyaavada Gopaul, on the 27 April 2007 stated in *The Guardian*:

To cast this bicentennial year largely as a celebration of the white abolitionist, once again marginalizes others to whom the history belongs. Whilst we acknowledge the efforts of Granville, Sharpe and William Wilberforce and Thomas Clarkson and Thomas Powell Buxton; we must not forget the work of slaves themselves, like Otobuc Kumbuna and Gustavas Vasa and their publications and what they did to advocate against the horrors of slavery.

In addition, we must remember the struggles of the slaves themselves for their own emancipation. The slave revolt in the French colonies of St Dominique during the 1791 to

1800s, which was successful; the French were expelled, freedom was proclaimed, and the country was renamed Haiti. The Berbice Revolt of 1763 – though unsuccessful, is most significant. It set the stage and aspirations of freedom. It is also significant that, sixty years after the Berbice Revolt, you had the Demerara Revolt in 1823, reported to be one of the largest slave rebellions in the Western Hemisphere, right at Plantation Success. So you see, through lots of struggle and sacrifice, the trade was abolished in 1807, and eventually the abolition of slavery on plantations, as proclaimed by the Abolition of Slavery Act of 1834.

We must therefore disabuse our minds that abolition was an act of generosity, or benevolence, lest we again inflict another injustice on the memories of our ancestors by marginalizing their contributions.

It is in this context, Mr Speaker and Honourable Members, that when I read the original motion that was submitted, knowing the trials and sufferings and tribulations of our Guyanese ancestors, that I thought that this motion was a

little too timid, which is uncharacteristic of its mover. I have therefore proposed several amendments. For example, in the Third WHEREAS Clause:

It is generally accepted that slavery and the transatlantic trade were crimes against humanity.

And I add some other pieces to that. Instead of:

The most inhumane tragedy in a history of mankind...

And there is a reason for that. In my mind slavery is more than a tragedy. In the book *Themes in African-Guyanese History*, Mr Thompson stated that:

In the early nineteenth century, Africans found places on the ferry boat in Berbice among sheep, goats, hogs, and other animals paying the same fair as the litter. Slavery reduced Africa into beasts of burden hewers of wood, and drawers of water. Slaves were barred from ownership and traded as commodities.

My contention is that any system that seeks to dehumanize persons, and reduce them to commodities to be traded, is certainly a crime. It is, however, a crime against humanity,

because it is so atrocious that the damage caused extends beyond the immediate victims and perpetrators to the entire society. *[Applause]* This phrase was appropriately coined to express the magnitude, severity and distinctive horror of the system of slavery.

In a recent report on Slavery and justice by Brown University – Steering Committee on Slavery and justice, Crimes against Humanity, it is described:

Not simply random acts of carnage, rather they are directed at particular groups of people, who have been degraded and dehumanized, that they no longer appear to be fully human, or merit the basic respect and concern that other humans command. Such crimes attack the very idea of humanity, the conviction that all human beings partake of a common nature, and possess an irreducible moral value. By implication, all human beings have a right, indeed an obligation to respond to prevent such horrors from occurring, and to redress their effects when they do occur.

When the issue of crimes against humanity comes up, an argument is usually made that slavery was legal and permissible, because some of the countries had implemented the code noir, known as *the Black Code*, which was variously described as the most monstrous legal instrument of recent times. There is a fallacy in this argument, because the Charter of the Nuremburg Tribunal defined crimes against humanity in these words:

Murder, extermination, enslavement, deportation, and any other inhumane acts committed against any civilian population, whether or not in violation of the domestic law of the country where perpetuated.

By this definition, those who committed crimes against humanity could be held to account, even when their actions were not in violation of domestic law of the country where perpetuated. In short, people are responsible for their conduct, even when they acted legally or under orders.

So this argument that such crimes were legal under European Law is no longer valid under international jurisprudence.

Having defined what a crime against humanity is; I think that we can have no doubt that the capture and enslavement of Africans, the dehumanization, the liquidation of their language and culture, and the cruel and degrading conditions in which they worked certainly constitutes a gross violation of international law. I would therefore urge this House, and the mover of this motion, to remove these benign diplomatic platitudes and substitute them with words of greater import and value and substance.

Mr Speaker, Honourable Members; the peoples that populated our lands have made various contributions to the development of Guyana. Our first peoples have practiced a sustainable livelihood, and later, open an active trade with the Dutch. To facilitate the trading, the Dutch opened various Trading Posts, and Kyk-over-al now stands as a monument to that period; but as the Dutch gradually shifted from trading to agriculture, they demanded much more labour.

And as was quoted before by Mrs Backer from the VEN Commission; I would also like to quote from the VEN Commission, which quoted the findings of Dr F C Venham, which stated that:

For every square mile of sugarcane cultivation, it involved the provision of 49 miles of drainage canal and ditches, and 16 miles of high-level waterways.

Dr Walter Rodney, in his book, *A History of the Guyanese Working People 1801 – 1905*; noted that:

Generations of blacks, working under white masters, have markedly transformed the coastal habitat, and that slaves moved 100,000 tonnes of heavy waterlogged clay with shovels in hand, enduring conditions of perpetual mud and water.

Mr Speaker, it is my opinion that this herculean effort is what laid the foundation of the infrastructure of modern Guyana, and can be considered as an unparalleled contribution to development of the Guyana, and therefore I have proposed suitable amendments to reflect these views. While we acknowledge the contributions of the slaves; we

must not, however, discount the contributions of the original inhabitants of this land, and the indentured labourers, who invested a lot of blood, sweat and monies, and hence, I have some other amendments to that effect.

Mr Speaker, I now turn my attention to the BE IT FURTHER RESOLVED Clause. My preposition is that this be dropped in its entirety, since conceptually; it does not fit in this motion. Nevertheless, let us examine what is being proposed:

To establish an African land commission to determine the issue of ancestral land rights of African-Guyanese.

In discussing this with the Honourable Members on the other side – Mrs Backer and Mr McAllister, we asked for clarification on what was meant by *ancestral lands* and *the rights of African-Guyanese*, and I understood, from the explanations that we have received, that in villages originally purchased in 1838 by ex-slaves, that the current occupants do not have titles to the lands, and that this should be regularized. I have since seen a list of 100 villages that were circulated, and the imputation is that these are some of the affected villages. Well, a cursory look at this list by any

person with elementary knowledge of Guyanese history, would detect the flaws that are being perpetuated. Lands that ex-slaves occupied after post-emancipation era, outside of the plantations, were of three categories:

1. Proprietary villages;
2. Communal villages; and
3. Crown lands.

And of course, we all should know that one of the distinguishing features of proprietary villages is that each villager held separate title for his or her individual plot. And I am sure that we all know that the enterprising planter, Mr Edward Carberry, who sold half acre lots for \$100, \$150 and for \$200, and then the villagers were invited by Governor Henry Light on the 25th September, 1841, to commission the village, and it was named Queenstown. After this initiative, there were several other proprietary villages that were established, including Den Amstel, Fyrish, Supply, and there were many more. In total, the aggregate acreage for these lands of proprietary villages was 6,413 acres, and it cost then \$631,000. And again you know the examples of a communal village, and Mrs Backer spoke about the first communal village, which was Plantation North Broke, but

which was renamed Victoria. There were twenty-four such other communal villages, and we can find this all documented in *The Approaches to Local Self-Government in British Guiana* by Allan Young. And the aggregate acreage of communal lands was 9,049.5 acres, and that value was \$400,000. There were also 13 settlements on Crown land.

Professor Brian Moore, writing in the book *Themes in African-Guyanese History*, has pointed out some of the problems in communal ownership:

The joint ownership of lands, almost from the outset, posed problems as each shareholder sought to establish claims to specific portions of the estate. The tendency to allocate to each shareholder small plots of land in different sections of the village, led to uneconomic parcels, made worse by further subdivisions among their heirs. All of this was done without recourse to the law, so that in many instances individual land owners never obtained legal titles for their plots, and even when they did, inheritance was complicated by the system of Roman-Dutch Law, which granted the widow and children each a specific, but undivided

share of the deceased's land. Further confusion was caused by the problem of illegitimacy and unregistered births within the African community, which led to many property disputes among villagers.

And this was what Prof. Moore said. The problems mentioned by Prof. Moore are further compounded, because lands were also sold by ex-slaves to indentured labourers. Plantation Palmyra, originally purchased by ex-slaves, was sold to a syndicate of Indian indentured labourers, or Hague listed on this list of 100 African villages. Is it really an African village when the evidence suggests that the British Government was renting rice land for \$3 per acre for the first year, and \$5 per acre per annum, and house lots were sold at a flat fee for \$35 each to the Indian indentured labourers? There are many other examples that I can cite, but I am sure that my colleagues would raise them in the debate that ensues.

I do not think that we need to get very emotive on this issue. I do not doubt that some villages may have an issue with titles, but if we want to be practical and pragmatic. If we really want to help these householders who currently occupy these lands; then I think the existing legislation already

provides for the remedy *[Applause]* and this can be found in Chapter 6003 – District Lands Partition and Re-Allotment Act, and Chapter 5905 – The Guyana Lands and Surveys Commission. I do not think that it is necessary to form a national commission on this issue ... *[Interruption: ‘We know that’]* and since this seems to be such a vexing issue for the PNCR-1G; I wonder why, in twenty-eight years, it was not fixed. *[Interruption: ‘Shame, shame’]* *[Applause]*

And in reviewing some of the documents and statements of the period dealing with the abolition of slavery, I have not come across statements from former presidents – Forbes Burnham or Desmond Hoyte, talking about African ancestral lands. I just heard from Mr Corbin that this cause is now being championed - from 2004. But, in a speech to mark the 150th anniversary of the abolition of slavery, the then Vice President and Attorney General – Mohamed Shahabudeen said:

In undertaking what remains of this honourable task of histo-graphical rectification, there is of course no dispute about the necessity to proceed with a sense of sanity upon tested materiel to yield durable judgments capable of withstanding critical scrutiny. Infallibility is not

demanded; but in legitimately setting forth to redress imbalances of the past, it would indeed be unfortunate if we allow ourselves to go overboard.

I would therefore urge that we should revisit this section, and I still maintain that it does not fit conceptually into this motion.

Mr Speaker, Honourable Members, if you accept my earlier proposition that a crime has been committed, the traditional approach has been to get some form of retributive justice, and that is to punish the perpetrators of the crime. However, there is a problem. These crimes against humanity were committed almost two-hundred years ago, and none of the perpetrators are alive today. It is therefore impossible to have retributive justice ... *[Interruption: 'so why you all...'* "*Listen and you will learn*"] *[Laughter]* But since these crimes were injurious, not only to those slaves on which it was perpetrated; but created injustices and inequities in the societies, then these generational transgressions can be corrected by reparative justice, and you should learn that. *[Applause]*

Based on the principle I have suggested that we introduce some amendments; and we have asked for an apology from the ex-colonial powers, and reparation for profiting from this abominable act of African slavery. The principled position adopted by CARICOM leaders on seeking reparative justice is an admirable one, and we, in this National Assembly, should endorse those positions. The call for an apology from the ex-European colonial powers is not without merit: An apology is the first step in the journey to redress historic injustice. *[Applause]*

There are numerous precedents that exist, where apologies were made for wrongs committed in the past. Some examples of this include, in 1951, the West German Chancellor acknowledged the German people's responsibility for the crimes of the holocaust. In 1995, Queen Elizabeth II issued an apology to the Maori people of New Zealand for the destruction of the Maori social life. In 2000, Pope John Paul II apologized on behalf of the Catholic Church for the issues of the Crusade, the Inquisition, and the marginalization of women in the Church. And of course we know that in 1997, Bill Clinton apologized to the victims of Tuskegee, where African-Americans were infected with syphilis to study the effects of the disease. The politics of

apology is not new, and while some might see it as difficult and awkward, it is nevertheless the most basic way of expressing remorse, and it is certainly a step in the right direction in righting the historic wrong.

The second part of CARICOM's motion is the call for reparation for profiting from this abominable crime of African slavery. Given our previous discussion, this call is not unreasonable, and this too has international precedence. The classic example of reparation being paid is based on a 1952 Treaty between West Germany and Israel that provided for the transfer of 3.5 billion Deutschmarks worth of money, machinery, and other goods, and this was done to resettle the victims of the Holocaust. Within West Germany itself, up to the time of reunification in the 1990s, some 90 billion Deutschmarks was dispensed for reparation to individual victims and their survivors. Since this settlement, many other nations, with varying, disputes have provided reparations.

So much so that this concept that victim of crimes against humanity is entitled to some form of redress has been settled as a principle in International Law and Ethics. In 2003, the United Nations published the United Nations Draft Principles – Guidelines on the Right to Remedies and

Reparations for victims of Violations of International Human Rights and Humanitarian Law. Recognizing the need for an apology and reformation, President Jagdeo, in his Address on the 26th March 2007 to mark the Bicentennial anniversary of the abolition of the African slave trade at the Cultural Centre, made a strong appeal for reparation. I would also urge the Members of this House, to add their voices and let us approach the ex-colonial powers with unanimity on this issue [*Applause*] that for a crime against humanity that their countries have committed, it is acceptable, under current international law and ethics, to pay for reparation.

I know some of you are sceptical and cynical about reparations thinking that it may be divisive and futile. There are some who are quick to point out that historic redress by monetary reparation is promoting victim mode and group grievances, instead of self-reliance, and that it might be a grand excuse to wallow in the past. My view is that if we discard these crimes in the abyss of history, this would be like a sore festering and the ugly facts would, from time to time, ooze out of these wounds to confront future generations.

In this Bicentennial year, if we really want to honour our ancestors, then we must confront our traumatic past by engaging in such a process of dialogue, then understanding will emerge from that; healing and eventual closure will take place in our country, and in the world. We must also remember that the profits derived from the exploitation of our ancestors were repatriated to the developed world, and our plantation style economy has stymied our international competitiveness, leaving us in a state of underdevelopment of our country.

Mr Speaker, this reparative justice is a necessary step, for countries that have benefited, to repent, and for the descendants of the victims to forgive, and this would allow the world to move forward. Mr Speaker and Honourable Members, I am sure that you would agree with me that slavery and the slave trade were crimes against humanity, and there is a need for reparative justice. There are also still many tricky issues to be resolved. What forms should the reparations take? Who are the beneficiaries of the reparation? ... *[Interruption]*

The Speaker: Honourable Member, your time is up.

Hon Samuel AA Hinds: Mr Speaker, I move that the Honourable Member be given another fifteen minutes to conclude his presentation.

Motion put and agreed to

Motion carried

Hon Frank S C Anthony: How do we calculate the reparations? Should this be a one-off payment? Should we commodity suffering in a narrow, materialistic term? There are many other questions which would require answers, and to do so we must do research and get the evidence, and look at the best practices that have evolved; and it is for this reason that I have proposed that our university and the universities in the region do the research, and this research would aid us, when we have to negotiate our case with the descendants of former slaves and indentured traders.

Mr Speaker, I do hope that the amendments that I have proposed are not too bold to make them unpalatable. Nevertheless, it is my sincere hope that we remember who the enslavers were, and who the victims are. We, as

Guyanese, still bear the bleeding scars from the whips of exploitation. We still find ingenious ways of dividing ourselves, rather than uniting ourselves against those who have perpetrated these crimes against humanity. Let us honour the memory of our ancestors by working together for justice. *[Applause]*

The Speaker: Thank you, Honourable Member.

Honourable Member, Mr David Patterson ...

Mr David Patterson: Mr Speaker, 25th March 2007 marked the Bicentennial of the abolition of the slave trade by an Act of the British Parliament. This Act sought to abolish one of greatest tragedies in the history of humanity, which denied over 25 million Africans, for over four-hundred years, the basic human right of freedom, and in some cases, even their basic right to life.

Mr Speaker, in his address to CARICOM on the occasion of the 200 anniversary of the abolition of the Transatlantic slave trade, the Honourable Ralph Gonzalez, Prime Minister of St. Vincent and the Grenadines, had this to say, and I quote:

With the benefit of hindsight, we are able to see that the Transatlantic slave trade, and the system of slavery, had a profound impact, not only on the Caribbean, but on the world as the economic and political conditions that developed during this period of world history, continues to be at the centre of international relations even today.

He further went on to state that:

Slavery, the slave trade and, subsequently, indentured servitude, were essential elements of a system that generated wealth and economic prosperity for European superpowers, fuelled the industrial revolution, and an economic boom in Europe, Africa, on the other hand, was plunged into a state of underdevelopment, social instability and dislocation, persistent poverty and economic decline. The effects on that continent of losing Africa's strongest, brightest, and best for hundreds of years is undeniably profound.

Mr Speaker, it is now universally accepted that the Transatlantic slave trade was indeed a great crime against humanity. Mr Speaker, the motion before this Assembly today seeks to highlight the contributions that our African ancestors have made to this society, and to offer a proposed method of redress.

Firstly, Mr Speaker, we in the Alliance for Change must express our surprise that it has taken this Parliament forty-one years to have this motion moved, and we are also surprised when we note that the mover of this motion was from a Party that is supposedly representative of many of the African descendants, whom we now seek *[Applause]* to offer redress to. So while we empathize with the mover in not being able to find common ground with the ruling Party, we can only say that the mover's Party had the opportunity, and failed to use that opportunity to examine all the issues contained in the motion.

Mr Speaker, while the exact date of the first arrival of African slaves in Guyana is not known, it is believed that the first group of African slaves were brought by the Dutch settlers in as early as the mid-17th century. As a number of plantations expanded on the coast of Guyana, the number of slaves in the colony expanded to, in the end, where it

numbered hundreds of thousands. It is also estimated that around 5 million slaves were shipped to the Caribbean between 1650 and 1807, and even this number is a conservative estimate, since only seventy percent of the slaves actually survived their journey through the Middle Passage.

Mr Speaker, our African ancestors and fore parents were utilized as labourers on the plantations that existed in the colonies during those times. The beneficiaries of their efforts were primarily the Europeans; namely, the English and the Dutch. Mr Speaker, these slave-owners then, in turn, repatriated the vast majority of their ill-earned wealth back to their mother countries. Mr Speaker, while the exact value, in present day terms, of the profits made by these slave-owners from the sale of sugar and other products cannot be definitively quantified, it has been estimated to be in the tens of billions of dollars, and all or the majority of these monies, went back to their mother countries.

In addition to providing free labour, our African fore parents also provided, in no small order, to several infrastructural projects which we, as a nation, still enjoy some of the benefits. Projects such as the seawalls, of course the cane fields, our agricultural plots, our drainage canals, our roads,

and even the conservancy are projects, all of which still serve the Guyanese people to this day.

After gaining their freedom, our African fore parents established villages in our country on lands, which they purchased, with whatever little savings they were able to acquire. Villages, such as Victoria and Golden Grove on the East Coast, Queenstown and Dartmouth on the Essequibo Coast, are all villages which have produced outstanding citizens of our country.

Mr Speaker, on behalf of the Alliance for Change, I would like to join my colleagues in this National Assembly in acknowledging the contributions made to Guyana by our African ancestors, first as slaves, and then as free men and women. These contributions, through their toil and hard labour have, in no small measure, helped to mould Guyana into the country it is today. Mr Speaker, we of the Alliance for Change would like it recorded that we support the call by this National Assembly in acknowledging the immense debt that all Guyanese owe to our African ancestors, and we also would like to recognize the outstanding contributions that they have made to the development of Guyana. We would also like to take this opportunity to recognize that other peoples have also contributed to the growth and

development of this nation, and all of the collective efforts of all of our fore parents have ensured that we have inherited a country that is rich in diversity and culture.

Mr Speaker, the second RESOLVED clause in the motion calls for:

The establishment of African land commission to determine the issues of ancestral land rights of African Guyanese.

Mr Speaker, I would like to direct this Assembly's attention to the AFC's Action Plan where, under the Section titled *Healing and Reconciliation*, we highlighted that one of the issues that which we, as a party, would like to have addressed was the issue of ancestral lands, not only for our African ancestors, but also for the indigenous peoples of this country. We recognize that there are some anomalies, due to the passage of time, in the regularization of some of these earlier settlements, and we think that it is time that this Assembly put measures in place to ensure that all Guyanese benefit from such measures.

Mr Speaker, on the matter of reparation, which seeks to repair or make good by way of compensation for over four-hundred years of enslavement of our African ancestors.

This particular matter – reparation that is, has been debated in other National Assemblies over the years, with very limited success. Mr Speaker, this effort has received limited success, not by reason that the principles of reparation has not been established; for in fact, there are many instances of reparation paid to countries and individuals for crimes against them. The State of Israel receives millions of dollars every year from Germany as reparation for the suffering of the Jewish people under Nazi oppression during the Holocaust. The Koreans receive reparation from the Japanese for the cruelties perpetrated upon them during the Second World War British prisoners of war currently receive compensation from the Japanese for their treatment as prisoners of war in their camps. The Maoris of New Zealand have received an apology from the Queen, and part payment of a claim for reparation for damages done to the Maori people during British Colony rule.

Mr Speaker, I have just outlined that there are precedents existing for the payment of reparation for the cruelties and crimes against humanity. Mr Speaker, no lesser Body than the United Nations has acknowledged that *slavery was one of the worst examples of man's inhumanity towards man.*

Mr Speaker, we in the AFC supports the call for reparation. However, we have some concerns about its enforceability. On previous occasions, when other Assemblies have passed motions and Acts calling on the British Government to pay reparation; the British Government's position has been that *the historic slave trade was not a crime against humanity, or contrary to International Law*, at the time when the UK Government condoned it. They have also issued statements, and I quote:

We regret, and condemn the inadequacies of the historic slave trade, but these shameful activities belong in the past. Governments today cannot take responsibility for what happened over one-hundred-and-fifty years ago. We can all agree that slavery was a deplorable chapter in world history, and a major human tragedy. The question of responsibility is complex. The sad reality is that all too many parties made slavery possible, including indigenous rulers and traders in Africa.

Mr Speaker, as I previously mentioned, it is universally acknowledged that slavery was a crime against humanity; so

we find it strange that Hon Minister of Culture, in posing an amendment to the slavery motion, now calls on the University of Guyana, and other research institutions, to do research to support the call for apology and compensation. We feel that it is simply a matter of trying to reinvent the wheel. It has been proven, and has been established - the UK Government have acknowledged their part in slavery, and although they fell just short of an open apology, they have offered some sort of an apology. So we do not think that we need to reengage the University of Guyana into further researches to support the demands, for both apology and compensation. Mr Speaker, while we have...
[Interruption]

The Speaker: Honourable Member, it is now 10:00 pm. Would you be in a position to conclude in a few minutes, or should we...?

Mr David Patterson: Yes Sir.

The Speaker: Honourable Prime Minister, you would like to...?

SUSPENSION OF STANDING ORDER NO.10 (1)

Hon Samuel AA Hinds: Mr Speaker, I move that we use Standing Order No. 10 to suspend the closing of this Session until the Honourable Member would have concluded his address.

The Speaker: I do not know what Standing Order No. 10 says [*Laughter*] but I approve this.

Yes, continue ...

Mr David Patterson: Thank you, Mr Speaker; Thank you, Honourable Prime Minister. Mr Speaker, while we have our reservations on the enforceability of this Parliament's calls for reparation for the ills of slavery, we will, however, join with this House in demanding that reparation be paid in some form, whether it is by the write-off of debts, or even direct payments to the descendants of the African slave trade.

Mr Speaker, in summary, the AFC would like to have it recorded that we acknowledge the contributions made by our African ancestors. We acknowledge the foundations laid by virtue of their hard labour – a foundation that was built upon by other inhabitants of this country. Mr Speaker, we

support the idea that this Parliament will put in place measures to address that the issues of ancestral lands, not only for the descendants of African slaves, but also for our Indigenous brothers and sisters.

Mr Speaker, the AFC also supports section of the motion, which calls for this Parliament to make a demand for reparation. Mr Speaker, I thank you. *[Applause]*

The Speaker: Thank you, Honourable Member. Honourable Prime Minister

Hon Samuel AA Hinds: Yes. Mr Speaker, I move that the Sitting of the House be adjourned to tomorrow – Friday, 27th July 2007 at 2:00 pm.

The Speaker: Thank you, Honourable Prime Minister; the House is so adjourned.

Adjourned Accordingly At 22:20H