

National Assembly Debates

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY
OF THE FIRST SESSION (2001) OF THE EIGHTH PARLIAMENT
OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE
REPUBLIC OF GUYANA

3RD SITTING

14:00H

Thursday, 31st May, 2001

MEMBERS OF THE NATIONAL ASSEMBLY (67)

Speaker (1)

The Hon. Hari N. Ramkarran, S. C., M. P. - *Speaker of the National Assembly*

Members of the Government - People's Progressive Party/Civic (35)

The Hon. Samuel A.A. Hinds, M.P.	- <i>Prime Minister and Minister of Public Works and Communications</i>
The Hon. Reepu Daman Persaud, O.R., J.P., M.P.	- <i>Minister of Parliamentary Affairs</i>
The Hon. Clement J. Rohee, M.P.	- <i>Minister of Foreign Trade and International Co-operation</i>
The Hon. Harripersaud Nokta, M.P.	- <i>Minister of Local Government and Regional Development</i>
The Hon. Gail Teixeira, M.P.	- <i>Minister of Culture Youth and Sport</i>
The Hon. Dr. Henry B. Jeffrey, M.P.	- <i>Minister of Education</i>
The Hon. Saisnarine Kowlessar, M.P.	- <i>Minister of Finance</i>
The Hon. Shaik K.Z. Baksh, M.P.	- <i>Minister of Housing and Water</i>
The Hon. Navindranauth O. Chandarpal, M.P.	- <i>Minister of Agriculture (Region No. 4 - Demerara/Mahaica)</i>
The Hon. J. Ronald Gajraj, M.P.	- <i>Minister of Home Affairs (Region No. 3 - Essequibo Islands/ West Demerara)</i>
The Hon. Rev. Dr. Ramnauth D.A. Bisnauth, M.P.	- <i>Minister of Labour, Human Services and Social Security</i>
The Hon. Clinton C. Collymore, M.P.	- <i>Minister in the Ministry of Local Government and Regional Development</i>
The Hon. Satyadeow Sawh, M.P.	- <i>Minister of Fisheries, Other Crops and Livestock (Region No. 5 - Mahaica/ Berbice)</i>

*The Hon.S.Rudolph Insanally, O.R.,C.C.H., M.P.	- Minister in the Office of the President with responsibility for Foreign Affairs
The Hon. Dr. Jennifer R.A. Westford, M.P.	- Minister of the Public Service
The Hon. C. Anthony Xavier, M.P.	- Minister of Transport and Hydraulics
The Hon. Bibi S. Shadick, M.P.	- Minister in the Ministry of Labour, Human Services and Social Security (Region No. 3 - Essequibo Islands/West Demerara)
The Hon. Carolyn Rodrigues, M.P.	- Minister of Amerindian Affairs
The Hon. Dr Leslie S. Ramsammy, M.P.	- Minister of Health
Mr S. Feroze Mohamed, M.P.	- Chief Whip
Mr Cyril C. Belgrave, C.C.H., J.P., M.P.	- (Region No. 4 - Demerara/Mahaica)
Mr. Donald R. Ramotar, M.P.	
Mr Husman Alli, M.P.	- (Region No. 7 - Cuyuni/Mazaruni)
Mr. Komal Chand, C.C.H., J.P., M.P.	
Mrs Indranie Chandarpal, M.P.	
Mr Bernard C. DeSantos, S.C., M.P.	- (Region No. 4 - Demerara/Mahaica)
Mrs Shirley V. Edwards, J.P. M.P.	
Mr Odinga N. Lumumba, M.P.	
Mr Heeralall Mohan, M.P.	- (Region No. 2 - Pomeroon/Supernaam)
Mr Ramesh C. Rajkumar, M.P.	- (Region No. 6 - East Berbice/Corentyne)
Mr Kurnkaran Ramdas, M.P.	
Mr Khemraj Ramjattan, M.P.	- (Region No. 6 - East Berbice/Corentyne)
Dr Bheri S. Ramsaran, M.D., M.P.	
Mrs P. Sahoye-Shury, C.C.H., J.P., M. P.	
Mrs Pauline R. Sukhai, M.P.	- (Region No. 1 - Barima/Waini)

Members of the Opposition (31)

(i) People's National Congress/Reform (27)

Mr. H. Desmond Hoyte, S.C., M.P.	- Leader of the Opposition (Absent on Leave)
Mr. Robert H. O. Corbin, M.P.	
Mr. Winston S. Murrav, C.C.H., M.P.	
Mrs Clarissa S. Riehl, M.P.	- Deputy Speaker of the National Assembly
Mr E. Lance Carberry, M.P.	- Chief Whip (Absent on Leave)
Mr Ivor Allen, M.P.	- (Region No. 2 - Pomeroon/Supernaam)
Mrs. Deborah J. Backer, M.P.	
Mr. Deryck M.A. Bernard, M.P.	
Mr. C. Stanley Ming, M.P.	
Mr. Raphael G. C. Trotman, M.P.	

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Mr Vincent L. Alexander, M.P.	- (Region No. 4 - Demerara/Mahaica)
Mr. Andy Goveia, M.P.	
Mrs. Volda A. Lawrence, M.P.	- (Absent)
Dr Dalgleish Joseph, M.D., M.P.	
Miss Amna Ally, M.P.	- (Region No. 5 - Mahaica (Berbice))
Ms Sandra M. Adams, M.P.	- (Region No. 10 - Upper Demerara/Berbice)
Mr. Jerome Khan, M.P.	- (Absent on Leave)
Dr George A. Norton, M.P.	- (Absent - on Leave)
Ms Myrna E. N. Peterkin, M.P.	- (Region No. 4 - Demerara/Mahaica)
Mr. James K. McAllister, M.P.	- (Region No. 3 - Essequibo Islands West Demerara)
Miss Lurlene A. Nestor, M.P.	- (Region No. 4 - Demerara/ Mahaica)
Mr Abdul Kadir, J.P., M.P.	- (Region No. 10 - Upper Demerara/Berbice)
Mr Ricky Khan, M.P.	- (Region No. 1 - Barima/Waini)
Mrs. R. Bancroft, M.P.	- (Region No. 8 - Potaro/Siparuni)
Mr Nasir Ally, J.P., M.P.	- (Region No. 6 - East Berbice/ Corentyne)
Miss Judith David, M.P.	- (Region No. 7 - Cuyuni/Mazaruni)
Miss Genevieve Allen, M.P.	- (Region No. 4 - Demerara/Mahaica)

(ii) Guyana Action Party/Working People's Alliance (2)

Mrs Sheila V.A. Holder, M.P.	
Mrs Shirley J. Melville, M.P.	- (Region No. 9 - Upper Takutu/ Upper Essequibo)

(iii) Rise, Organise and Rebuild Party (1)

Mr Ravindra Dev, M.P.

(iv) The United Force (1)

Mr Manzoor Nadir, M.P.

OFFICERS

Mr Frank A. Narain, C.C.H., Clerk of the National Assembly

Mr Sherlock E. Isaacs, Deputy Clerk of the National Assembly

The Clerk read the Prayers.

ANNOUNCEMENTS

The Speaker: Honorable Members, on the 12th February, 2001, a report with a copy of the Judgment delivered on the 15th January, 2001, and Consequential Orders made by the Honourable Justice Claudette Singh on the 26th January, 2001, were received from the High Court. As required by Section 35 of the National Assembly Validity of Elections Act, Chapter 1:04 of the laws of Guyana, the report was submitted to the National Assembly by the Speaker on the 13th February, 2001. Copies of the Judgment and of the Consequential Orders were reproduced and circulated to the Members of the Assembly.

I have now received from the Honourable Justice Claudette Singh, Justice of Appeal, a letter dated 17th April, 2001, with a Schedule containing a list of the findings of the court in relation to the illegal practices which prevailed. These I now do hereby submit to the National Assembly, and I will for the record, read the letter. Copies of the letter and of the Schedule have been reproduced and will be circulated to Members of the Assembly.

The Honourable Speaker,

National Assembly,

Dear Sir,

On the 15th January, 2001, I set aside the General and National Elections held in Guyana on the 15th December, 1997, on the ground that it was not conducted according to the Laws of Elections as required by Article 163 for the reason that electors were prevented by the edict of the Elections Commission:

No I.D. card, No vote

from exercising their franchise.

The petitioner had asked the Court to declare that the said elec-

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tions were void on the ground firstly, that the elections were not conducted according to law as provided in the first limb of Article 163 of the Constitution and secondly, on the ground that there were massive irregularities and illegalities which vitiated the results of the elections.

In my judgment I did find however, that there were 'massive irregularities and illegalities' which took place during the elections but did not set aside the elections on those findings.

In accordance with Section 35 of the National Assembly (Validity of Elections) Act Chapter 1:04. I herewith submit my decision and in the Schedule attached, is a list of the findings of the Court in relation to the illegal practices which prevailed.

For the purpose of clarification as regards, 'corrupt practices' I have to state there was no evidence that was led at the hearing, therefore, I could not have made any finding that anyone was guilty of any such practice. In other words, this was not one of the grounds on which the petition was premised.

The letter of 12th February, 2001, from the Registrar, Supreme Court, is hereby withdrawn since it is a mandatory requirement under the section that the report should be under the hand of the trial judge.

Yours respectfully

Signed: C.M.C. Singh

Justice of Appeal.

Leave

Honourable Members leave has been granted to the Hon Member Mr Hoyte and the Hon Member Mr Jerome Khan up to 2nd June, 2001, and Hon Member Mr Lance Carberry for today.

PRESENTATION OF PAPERS AND REPORTS ETC.

By the Hon Saisnarine Kowlessar, Minister of Finance:

Report of the Auditor General on the Public Accounts of Guyana for the year 1999

By the Hon S. Rudolph Insanally, Minister in Office of the President with responsibility for Foreign Affairs:

Annual Report of the Ministry of Foreign Affairs for the year 1998.

INTRODUCTION OF BILLS

The Speaker: Hon Minister of Parliamentary Affairs

Hon Reepu Daman Persaud: Mr Speaker, I wish to introduce:

- (1) *Bill No. 4, a Bill to intitule an act to alter the Constitution in accordance with Articles 66 and 164*
- (2) *Bill No. 5, a Bill to intitule an Act to alter the Constitution in accordance with Articles 66 and 164*
- (3) *Bill No. 6, a Bill to intitule an Act to alter the Constitution in accordance with Articles 66 and 164*

I propose that the first Bill be read for the first time.

The Speaker: Let the Bill be read for the first time.

The Clerk: Constitution Amendment No. 4 Bill 2001.

Hon Reepu Daman Persaud: I propose that the second Bill be for the first time.

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The Speaker: Let the Bill be read for the first time.

The Clerk: Constitution Amendment No. 5 Bill 2001.

Hon Reepu Daman Persaud: Mr Speaker, I beg that the third Bill be read for the first time.

The Speaker: Let the Bill be read the first time.

The Clerk: Constitution Amendment No. 6 Bill 2001.

PUBLIC BUSINESS

Committee of Selection

Hon Reepu Daman Persaud: Mr Speaker, I wish to propose the following names to constitute the Committee of Selection. Honourable Members Feroze Mohamed, Donald Ramotar, Dr. Henry Jeffrey, Gail Teixeira, Robert Corbin, Lance Carberry, Clarissa Riehl and Reepu Daman Persaud.

The Speaker: Hon Members I will now put the proposal. Those in favour please say Aye, those against say No.

Members of Parliament: Aye.

The Speaker: The Ayes have it. The proposal is carried. The Members nominated will comprise the Committee of Selection.

Constitution Amendment (No. 3) Bill 2001

Bill No. 6/2001

The Speaker: Hon Members the next item will be the second reading of the Constitution Amendment Bill No. 3/2001. The Hon Minister of Parliamentary Affairs may proceed to move the second reading of the Bill.

Hon Reepu Daman Persaud: Mr Speaker, this Bill is historical, it represents substantial constitutional reform. It covers a wide area of matters pertinent to ensuring equity and social justice. I would like to

share the conviction that every conceivable Hon Member embraces that concept, and that accordingly we hold together to achieve those objectives so that we can construct and build a better and prosperous Guyana for all.

When this Bill is perused in its entirety, one finds that the National Assembly will take on a more meaningful role. It will be involved in the evolution of constitutional change and reform, and it will contribute to the mechanism that will build confidence in the system, the Parliament and in the Government. This measure, Mr Speaker, definitely broadens the scope of our democracy and provides for inclusiveness. Our democracy is still fragile, it has to be strengthened. I speak with the faith and conviction this afternoon that we are all committed to build, to strengthen, and to broaden the parameters of the democratic norms in our country so that we will continue to win respect not only within the narrow borders of Guyana but also in the world at large. This requires collective efforts. In this context dialogue is a crucial component when we meet and talk, exchange ideas, not only on controversial matters but matters that can lead to the initiation of measures that can fashion a better country for all of us.

The difficulty we are experiencing is not unknown. We need to demonstrate our capacity to iron out and resolve our problems for the overall good of Guyana. I feel we have the capacity, I feel we have the wherewithal. And once, Mr Speaker, we commit ourselves to such a noble task, we can change what appears to be adverse to a more pleasant and happy environment. Peace and stability are importance. We owe it to ourselves, not to the narrow corridors of this National Assembly, but indeed, to the country, to work for peace and stability. This afternoon I want to use the opportunity to issue that appeal to all.

We cannot all have the same views, we cannot all have the same ideas. Our approaches would be different, but I am sure there are common grounds and common areas where we can work together, even in those areas of controversies and disagreements. The whole idea and objective is to reconcile. This is what life is about. This is the challenge

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that the world offers everyone, without exception, and it is a challenge which we must take. We must not simply take the challenge, but we must take the challenge with overwhelming optimism that we can do it, and we must do it.

This Bill, Mr Speaker, has its genesis in the Constitution Reform Commission. This Commission was broad and wide. It involved the civil society and afforded the opportunity for individuals, organizations and institutions to make representation to the Commission. This has taken place, so that the Bill before the House came out of that process. The Bill itself would have been the subject of long discussion and compromises. I suppose the fact that we ultimately adopted the report, presented it to the National Assembly and won unanimity for it, is evidence that we can rise to the call.

I share the view that the Constitution is not a static document. If you examine Constitution evolution in different parts of the world you would see the number of amendments which came subsequent to the original sovereign document. It is the primary authority in the country. It is an ultimate text which ensures freedom, liberty, rights etc. Thus it has to be under persistent and close review as we strive to achieve the ideal. Mr Speaker, in this context a permanent Constitution or Constitutional Reform body is to be appointed. I would assume that in a country where citizens can, from time to time, make representation I would assume by sending in memoranda and so the National Assembly would benefit from these representations, discussions and recommendations emerging from the process.

It is not my intention to deal with every aspect of the Bill but will lead to some of the major areas of the Bill. The Bill in terms of the content, the actual changes, has an explanatory memorandum which I think is reasonably adequate.

The first five clauses of the Bill alters provisions relating to the Public Service Commission, the Teachings Service Commission and the Police Service Commission. The amendments provide for six members to con-

stitute the commission after consultation with those organizations which propose to represent public officers. Three members of that Commission would be appointed after consultation, meaningful consultation, with the Leader of the Opposition. Here, then, the Leader of the Opposition is brought within this exercise, in this new era of our political history. Two members are nominated by the National Assembly, preceded by consultation with the relevant organizations, and a single, a solitary, nominee by the President - that would make up the six members of the Commission.

What is also true about this new dispensation, Mr Speaker, is that unlike the past, the Chairman is not appointed by the President. The chairman is elected from among the members. It shows the extent to which things have moved.

The Teaching Service Commission shall consist of seven (7) members, two (2) of whom will be appointed by the Minister of Local Government. The Minister is expected to consult with the regional bodies so that he takes their views into account. Three (3) are appointed by the President after consultation with the Leader of the Opposition. Again, the chairperson and deputy chairperson will be elected from among the members.

There will be six members of the Police Service Commission. And it is now mandatory for the President to meaningfully consult with the Leader of the Opposition and the chairperson of the Police Service Commission before appointing the Commissioner and the Deputy Commissioner of Police.

These are reassuring measures, they are comforting, they, without dispute, point to a new approach, an approach of involvement, which we must commend.

The Bill has twenty-seven (27) new Articles in Clause 7, seventeen of which provide for the establishment of commissions. What commissions have been identified?

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The Human Rights Commission
The Women and Gender Equality Commission
The Indigenous People's Commission
The Rights of the Child Commission

These are important Commissions. They would no doubt guarantee the social justice which I alluded to earlier in my contribution.

To quote from the document:

The Human Rights Commission shall promote the observance of and respect for, protect and investigate violations of the rights recognized by this Constitution, and any other law relating to the equality of opportunities and treatment, hereinafter referred to as rights.

So certain rights are guaranteed. Those covenants which the country has signed are brought into play in the whole process. We have moved, or traveled from simply providing rights. We have reached the point where we are creating the mechanisms and institutions to ensure that these rights are not honored in the breach.

What is significant about the Human Rights Commission is the provision of who is to be the Chairman, or to put it in the language of the Bill. the Chairperson, because the Bill is gender neutral, which is the correct approach. The Chairperson of the Human Rights Commission would be a person who holds or has held office as a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth, or a court having jurisdiction over appeals from any such court, or who is qualified to be appointed as any such judge, or any other fit and proper person with expertise and experience in human rights

matters, to be appointed by the President. They are drawn from a list of six persons that is acceptable to the President, and submitted by the Leader of the Opposition, after meaningful consultation with such entities as appear to him/her to have expertise or experience in human rights matters.

So the President will not in his sole discretion, or in the exercise of that discretion, appoint the Chairperson. The mechanism for such an appointment is clearly and unambiguously provided for. What is more is that the Leader of the Opposition submits a list of names of six persons, from which list the Chairperson is chosen.

In addition to the Chairperson, there shall be four members of the Commission who shall be Chairpersons of the Ethnic Relations Commission, the Women and Gender Equality Commission, the Indigenous Peoples' Commission, and the Rights of the Child Commission.

The Chairperson and Deputy Chairperson of the Human Rights Commission shall be elected by and from other members of the Commission using such consensual mechanism as the commission deems fit.

So the Bill empowers the Commission to decide on a consensual mechanism and to go beyond that in electing the Vice Chairman.

Clause 212 A, details the functions of the Human Rights Commission. I have no intention, and I hope you will agree with me, to read them. They are available to you.

Clause 212 B, provides for a Secretariat. A Secretariat which will finally be sub-divided into four units to serve the other Commissions. That Secretariat comes under the jurisdiction or the administration of the Human Rights Commission. So, Mr Speaker, when the Bill is perused it covers, I think, all the areas that are significant for such a Commission.

Then, of course, there is the Women and Gender Equality Commission. Their functions are spelt out also. The Decisions of the Com-

missions are subjected initially to appeals to Tribunal for which legislation would eventually be enacted to establish. But the constitutional change made provision for this Tribunal and for further redress, if necessary, to the Court of Appeal. This concept spreads across the whole Bill.

There is another important Commission apart from the Gender, Child and Human Rights Commission etcetera, talking about equity, talking about social justice, talking about transparency, that is, the Public Procurement Commission. In the Bill there is this Clause:

The Commission shall be independent, impartial and shall discharge its functions fairly.

The Commission shall monitor public procurement and the procedures therefor in order to ensure that the procurement of goods, and services and execution of works are conducted in a fair, equitable, transparent, competitive and cost effective manner according to law and such policies and guidelines as may be determined by the National Assembly.

This again is an advance step. The Bill is an innovation. It might be unique, I do not know. But I want to refer to it because it struck me:

The President shall appoint the Members of the Commission (the Procurement Commission) after such members have been nominated by the Public Accounts Committee and approved by not less than two-thirds of the elected Members of the National Assembly.

One can feel the weight which was put into the creation and establishment of the Commission and the care taken to ensure that the law is such that the Commission's integrity would never be in question.

Not only the bodies of the institutions are important, but what has been passing through my mind is that the doors are open for the involvement of citizens. Citizens must evolve, and must in that process of evolu-

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tion, possess integrity so that they can enjoy the respect and confidence of all the people of this country. Very often we hear people say that you can hardly find independent people. But what has come out of this process is that the opportunity has been created for the emergence of such people. So the challenge is not confined to us, it seems to me that the challenge has gone beyond us, the doors are wide open for the kind of involvement I talk about. So even after the Public Accounts Committee would have named those who should constitute the Commission, that, it appears to me, is a form of recommendation. It then has to come here and be put to the vote.

The Bill is not silent in the workings of these Commissions. It allows, apart from annual reports being presented to the National Assembly, for reports to be presented at any time the necessity arises.

So Mr Speaker, this afternoon we are discussing a significant Constitutional change or changes. We are translating into the realm of Constitutional enshrinement ideas and talks which have been pondered upon and reflected upon from time to time. We have given teeth to those ideas and those thoughts.

I want to pay tribute to those who have given us time to form these legislations. There may still be imperfections, there may still be weaknesses. But, I think, the fact that a permanent Constitutional Commission is going to come into being, it would give an answer to imperfections and weaknesses which may be cited or discerned from time to time. There will be the appropriate corrections and changes.

I find that every Commission is important. The other speakers will talk about two other commissions which I did not deal with in detail.

Mr Speaker, I take the opportunity this afternoon to move the second reading of the Bill, and to invite Hon Members to contribute to the debate and, ultimately and finally to the passage of this most significant and historic Constitution Reform Bill which I was privileged to present and to move in this Honourable House.

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Thank you very much. *[Applause]*

The Speaker: Thank you very much Hon Member.

The Hon Member Mr Robert Corbin.

Mr Robert Corbin: Thank you very much, Mr Speaker. I rise to give my support to this Bill, the first major Bill to be presented to this Eighth Parliament. (I hope I am correct in view of the decision you just read, from the Hon Judge, whether there was a Seventh Parliament or not). But I speak advisably to the Eighth Parliament and would like to say that this Bill does represent a significant move forward in the correct direction and in keeping with the recommendations of the Constitution Reform Commission.

I propose, Mr Speaker, to speak very briefly on this matter since some of my colleagues here will deal in detail with the substance of some of these Bills. I would like to use the few moments at my disposal to put this Bill in its proper perspective, look at some general areas of constitutional change, and make some general remarks about certain aspects of this particular Bill which is before Parliament.

This Bill, as the Hon Member Mr Reepu Daman Persaud pointed out a few moments earlier, is the product of hard work, by several stakeholders in Guyana. It is the product of long discussion, debate, disagreement and finally consensus. I think, it would be difficult to say that this Bill would not have the support of all in the House. On a personal level I still have some concerns about certain interpretations but I will leave that to my own idiosyncrasy. I will probably get some better explanations of some terms in the Bill from my colleague here, who are more familiar with the thinking of the Constitution Reform Commission when those words were used.

It is important to note that this Constitution Amendment Bill came in the wake of discord and confusion in Guyana arising after the 1997 General Elections, elections which saw in its wake serious demonstrations, acts of dissatisfaction, protest, and many persons in Guyana de-

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veloping grave concerns about the future stability of the state. It was in this state of confusion and discord that there was intervention by some sane thinking persons, to avert what could have been a national crisis. We witnessed the St. Lucia Statement, the Herdmanston Accord, and they provided a way out of catastrophe, a way forward for our country.

The Herdmanston Accord provided an opportunity for this nation to seriously sit down and, through its leaders, provide mechanisms for us to proceed with smooth and the rapid development of our country. That agreement (or agreements, because the St. Lucia Statement and the Herdmanston Accord were incorporated into law) provided inter alia that a constitutional review should take place and that there should be certain Constitutional changes put into effect before the holding of the next election. Indeed, the participants in that exercise worked vigorously to ensure that those Constitutional changes were agreed upon. And we had a final document, a very thick, heavy and copious document, dated August, 2000, and the final report of the Oversight Committee on constitutional reform. I think it is in keeping with Resolution No. 13/1999, Section 8.

However, history has recorded that the elections were held and all those amendments which were anticipated, before the next elections, were not implemented. In effect, there was inability, to put it mildly (I would not say a breach because we would have to find out who was in breach and I am trying to keep a positive approach in this debate). The fact is that those agreements were not fulfilled in the real sense. And the elections were held while those Constitutional changes were not made.

What lessons can we learn as we introduce this Constitution Amendment No. 3 Bill - 2001. The first is that agreement on Constitution reform only came after prolonged confusion and unrest in this country.

Secondly, after calm was restored good faith entered into the picture and decisions were made. But those decisions, regrettably, were not implemented. So the question that needs to be addressed is whether this is the way forward.

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So as we look at the first in a series of Bills which should have been passed since the last Parliament, the third lesson we can learn from this Bill is that, perhaps, there ought to be a better way forward for this country than to have decisions being arrived at only out of chaos and confusion.

The fourth lesson is that we ought to work vigorously to ensure that agreement is arrived at, and are arrived at in good faith so that there would have no further breaches of agreements made in these matters.

To take this Bill in proper perspective we had the 2001 elections and there was virtually . . . post elections confusion and demonstrations. *[Interruption . . . Yes, violence against me.] [Laughter]* In the midst of that confusion again responsible leadership provided an opportunity for us to look forward to dealing seriously with the problems which face our country. Among those matters listed and agreed upon was that Constitution amendments which should have been laid in this Parliament prior to the elections would have been laid within a month. We are fast approaching the end of that period. I do not know whether the Minister of Parliamentary Affairs proposes to wave a magic wand so that we can have all these Bills before the thirty days expire. I know the Chief Whip on this side has written to him, but I am not aware of what the response was, if there was one. Certainly, it appears again, that despite the Bills have been a major concern, we still have not met the deadline. This Bill before the House is therefore long overdue.

The lesson that can be learnt from the agreement that this Bill should have been lodged in this Parliament within the last thirty days, is that even when decisions are made between parties in good faith there is tremendous delay in implementation of those decisions.

What faith can we have in the Parliament? What faith can the people in our society have in the Parliament if we have many more examples of this kind? I say this with all seriousness if we are to look at the far reaching proposals in this Bill.

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There already exist, Mr Speaker, in our Constitution several provisions, the fundamental rights provision, the protective rights provision etcetera. These are rights which ought to be protected by the State. Therefore, when we look at those which we are passing in Bill No. 6/2001, we have to look at the provisions of this Bill in the context of those which already exist.

The Bill touches on very important areas. Clause 7 speaks of the Human Rights Commission, the Women and Gender Equality Commission, the Indigenous Peoples' Commission and the Rights of the Child Commission. I am sure that all Guyanese who are interested in peace, stability and the development of our country look forward very eagerly to these provisions being passed in our supreme law. On this side of the House we support them. But, we need to draw attention to the fact that there already exists constitutional provisions which are many times honoured in the breach. The point I am attempting to make as we pass such important legislation in this Parliament today, is that it is not the passing of the legislation, it is not the constitutional change that is important, but it is the good faith with which this Bill ought to be passed, and the good faith in which the provisions of the Constitution ought to be honoured.

As I said, there already exists certain constitutional provisions. I will give a few examples, Articles 138, 139, 147 and 149 of our Constitution.

Article 138, Mr Speaker, I am sure you are most familiar with this provisions. The Article does not need to be passed, it already exists in the Constitution. The Constitution Reform Commission in its report said that this right should remain unaltered. Article 138 speaks of the Right to Life:

No person shall be deprived of his life intentionally save in the execution of the sentence of a court in respect of an offence under the law of Guyana in which he has been convicted etcetera.

This provision already exists in our Constitution. Yet, Mr Speaker,

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that provision in itself is not sufficient to stem the spread of extra judicial killings that have been going on throughout the length and breadth of this country over the past few years. *[Applause]* To date we have questions being asked about, and a refusal to take action to deal with breaches of these rights that are already enshrined in our Constitution. I do not want to go into details, I am only drawing an inference of good faith. We still await the details of the Mc Gregor, Collins and Daniels shooting. We still await the mystery of Jermaine Wilkinson and some one hundred other people who have been tried and killed before reaching the court of law. Yet, Mr Speaker, these provisions are in our Constitution.

Recently in the newspapers there were announcements of people being shot, and it has become so rampant that no one seems to worry. It has become more of a norm that people are executed other than by a sentence from a court.

Article 139 is already in our Constitution, Mr Speaker. This article deals with the Right to a Person's Liberty. As an example, Mr Speaker, Article 139(3):

Any person who is arrested or detained shall be informed as soon as is reasonably practicable, and in a language which he understands, the reason for his arrest or detention and shall be permitted, at his own expense ...

How often is this honoured in the breach? And so as we look at this legislation and as we increase and/or improve on these protective rights, I emphasize that it is not only the legislation, but the will and good faith in seeing that those rights are properly preserved.

Article 147 (1). We did not have to amend that, Mr Speaker. It speaks about Freedom of Assembly. It is there in the Constitution. It was there even in the Constitution before 1980. If I might refresh my friends' memory, it states:

Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and associa-

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tion, that is to say, his right to assemble freely and associate with other persons in particular, ...

But what is more interesting, Mr Speaker, the Constitution Reform Commission went further and they recommended a certain amendment which I would like to read for my friends in the House. They were not satisfied with that so they recommended:

Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly, association and **freedom to demonstrate peacefully**, that is to say his right to demonstrate freely, demonstrate peacefully and to associate with mobsters and in particular . . .

[Interruption . . . 'I seemed to have touched a very sensitive cord']

So we can have the old Constitution and we can have new provisions, whenever this provision is brought, because it has not yet been brought. I hope we can have some explanation as to when these other amendments will be brought to the Assembly. I hope soon. But, as this is brought to the House we need to appreciate that it is not the constitutional provision alone which will carry this country forward. It is the willingness to observe its provisions.

When we brand peaceful demonstrators as violent, or we brutally attack them or demonize them and call them criminals we are in fact violating the very spirit of our Constitution. That seems to be the norm these days. I do not want to go back to those days because you profess you want to turn a new leaf, and I am trying to look forward. You are saying and we are saying we are in the new era and we are trying to look forward. But, in this new era where these provisions should be honored we brand decent citizens hooligans, mobsters, criminals et cetera. Some are on television stations, host et cetera promoting as thugs decent citizens of this country.

So I say, Mr Speaker, as we move to provide all these Commissions, et cetera, that already in the Constitution there are provisions which provide protection for the rights to our citizens to express their views

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fully and unless those rights are respected this country will not move forward.

Article 149 is the final Article I will touch on. (I can touch on many more to illustrate the point I am making in connection with this Bill.) This Article speaks about Protection from Discrimination. We only have to examine the state of affairs of this country for the past eight years and see how this provision has been honoured in the breach. Not only have there been personal and individual discrimination and discrimination on various grounds, but entire communities have been discriminated against in this country. So in the past few weeks . . . [*Interruption* . . . 'That is why they have the Commission to do the work. I would not like the Prime Minister to do the work of the Commission'] So when we reap 'dissatisfaction, bad feelings and a lack of trust' - the words of the decision makers - we are reaping, in fact, the fruits of our own practices in the management and governance of our own country. So, Mr Speaker, as we speak of these constitutional changes, I want to emphasize that while we support these fundamental changes which are about to be made in this Constitution we must urge that unless there is good faith and seriousness we may be repeating the St. Lucia Statement and the Herdmanston Accord - making statements and not implementing them, or delaying the implementation. We may also be breaching agreements about the way forward for this country.

I now come to an area that has puzzled me about this Bill, and I hope that we can get some explanations. Clause 2(a) (ii) of this Bill has the words 'consultation with the Minority Leader' changed to "meaningful consultation with the Leader of the Opposition". (The Bill that I have does not have meaningful, maybe they will change it at the committee stage.)

Now we move forward to Clause 4 (iii) of the Bill. There are some words of substitution at (d):

Three persons appointed by the President after (and here are the words my friend used just a while ago) ***meaningful consultation***

with the Leader of the Opposition.

If you look at 5(a) (i) you will see the same words '*meaningful consultation.*'

Now when we look at 4(b) (ii) (c) it states:

Two persons nominated for appointment by the Minister assigned responsibility for local government after that Minister has consulted with local democratic organs or bodies.

So the Bill has certain words, more particularly the words '*meaningful consultation*', and therefore there must be some difference of intention. Perhaps the participants will try to give this some parliamentary definition so it cannot be an avenue which will give rise to a breach of good faith which I spoke about not so long. It is these little words which sometimes creates an opportunity for the breach of good faith.

I took the time to look at the Oxford Encyclopedic Dictionary to see what this word *consult* means. 'To seek information or advice' is one explanation they give. Another is 'to seek permission or approval from a person for a proposed action.' A third is 'to take into account and consider the feelings and interests of others.'

I had greater difficulty trying to find out from the dictionary what meaningful meant. It seems meaningless was more clear. [*Interruption* ... 'that was in days of critical support, mind you'].

So, Mr. Speaker, the use of these words in our Constitution, unless **clearly understood**, could give rise to what that consultation means. And my good friends on the other side must remember that that was a very troublesome word for them some years ago. The shoes are on the other foot. And I am sure that I have heard many of them in this very House, I am sure the Hansard will report me correctly, speaking at length on the meaning of consultation. Therefore, there should be no difficulty in perusing the records of this Parliament and using the very interpretations which my friends on that side of this House gave to this Parliament of

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what they understood consultation to mean. We will accept those interpretations that they gave to the this House when they sat over here several years ago, especially Mr Rohee.

Mr Speaker, we now have meaningful consultation.

The Speaker: Hon Member your time is up.

Mr Winston Murray: I rise Mr. Speaker, to crave the indulgence of the House for another 15 minutes for my colleague to conclude his presentation.

The Speaker: Hon Member, you may continue.

Mr Robert Corbin: Thank you very much, Mr Speaker. I shall try to expedite my brief remarks. *[Laughter]*

I was saying, Mr Speaker, that meaningful consultation must not be consultation for the sake of saying that there was conversation. I understand that meaningful consultation should take seriously into account the thoughts, the views and the expressions of those who are being consulted. It is in this area that we will have to look at the concept of good faith in what we are trying to do.

Members may be concerned about why I am emphasizing this so much today. In our society today there is great pessimism about statements by leaders and decision makers.

This Bill, according to Clause 7, is intended to strengthen social justice and the rule of law. Further down, the Commissions have been given power to investigate complaints et cetera. Unless there is some demonstration in the actual work of the Commissions and in the way consultation takes place, there will be no faith in these Commissions however they are constituted. If Government institutions and organizations fail to respond to requests and directions of these Commissions, their work will be meaningless. I do not want to go into examples of that. *[Interruption . . . Oh yes, many. Even when the Court orders. . .]*

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So why does pessimism exist? I will give an example. Not so long ago in the midst of the post-elections confusion in this country there was great publicity of the meeting of the leaders of this country, the President and leaders of political parties, having discussions setting out broad criteria, setting up committees, terms of reference for them to work. Committees are expected to report. But what do we read in the national newspapers? Perhaps the Hon Prime Minister, this afternoon, will explain to this House what he meant when he made certain statements, which are clearly intended to undermine and breach the good faith of the leaders of this country. They have set themselves certain criteria for committees to work.

Now we go to a sensitive matter, a matter which affects the lives and living of hundreds and thousands of people of this country. The leaders of this country set up a committee to look into the future of the bauxite industry. There were clear terms of reference. My good friend and I sat for hours trying to work out the terms of reference. We even reduced the time frame in which the committee was expected to report.

The PNC/Reform did not take a political partisan approach to these issues. The PNC/Reform recommended people of competence, knowledge and capability to examine objectively proposals for the future of the bauxite industry in this country.

Prior to that, Mr Speaker, there was a privatization committee set up by the Government itself which examined these proposals and made certain recommendations. I have seen copies of these reports. This special committee with competent people are in the midst of discharging the mandate which was given to them by the leaders *in good faith*. But what do we hear on the radio, basically, that they are probably wasting their time. The Government comes out openly - if what the Prime Minister says is true - and says it favours these proposals. Well, Mr Speaker, if the Government has representatives on this committee which was recommended and appointed, one would expect that the proper avenue and forum for those views to be expressed on what recommendations should be made, should come through the representatives on that com-

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mittee. So the question must be asked, why the sudden breach of the norms of the protocol so that the Government goes public through the Prime Minister and others to say that they favour certain proposals? Are they attempting to interfere with the independence of this team to prejudice its thinking? Is this how they expect these commissions to function? Are we to set up constitutional commissions and when these commissions are performing their functions there will be interference? This is what I mean by bona fide in terms of what is happening in Parliament today. [*Interruption. . . 'I do not want to get into discussion on the media, the media is capable of taking care of itself'*]. We have seen distrust of all of these committees. So I want to urge the People's Progressive Party/Civic Government to examine carefully the provisions which we are all in favour of and which resulted from long debates. I also want to say that this Bill despite its noble intention could turn out meaningless, not meaningful, in the context of Guyana, if we do not approach these things in good faith and with all seriousness.

Before I take my seat I would like to mention one more example to show why I stressed for my entire presentation on good faith. All of these constitutional Bills should have been in this Parliament before the last elections. The committee made copious recommendations, I have a detailed report dated April 14 showing that these Bills have already been drafted and therefore the explanation could not be that there are problems with the legal drafting. What is interesting, Mr. Speaker, is let us assume that the government was serious about the recommendations of the Constitution Reform Commission, and there was intention to honor, in good faith, all the recommendations of this Commission, I look at Article 127:01, page 97 of the report by the Constitution Reform Commission, where the Commission was looking at the structure and functions of the judiciary, this proposed amendment was adopted by all, Members on that side of the House and by this side:

The Chancellor and the Chief Justice shall each be appointed by the President, acting after obtaining the agreement of the Leader of the Opposition.

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Among the many things agreed upon and publicized (this was no secret) was that they would have the appointment of the Chancellor and the Chief Justice - my remarks are not meant to refer to any impediment on the part of the persons so named - I am dealing here with the principle. The fact is that the Government and the opposition agreed to this document so it does not mean that it has to be law or a part of the Constitution for the President in his good judgment to implement the recommendations of the Constitution Reform Commission. That is what good faith means. *[Applause]* It means implementing the recommendations even before it is a part of the Constitution. It is something that you agreed to. This is another demonstration of 'good faith'.

So as I look this afternoon at the proposed Bill, that is coming late, on page 5, instead of the recommendation by the Constitution Reform Commission, there is a proviso stuck in, which I read for the record: *[Interruption . . . I am speaking of Bill No. 7. It is laid in this House, therefore it is a proper document. I am using it for inference. I am saying it should have been made law before the elections. In good faith we agreed that it should have been so, and we all agreed it.]*

Provided that if there is no agreement within two months the President shall make the appointment taking into consideration views of the Leader of the Opposition.

I am saying that raises suspicion as to the reason why this Bill was not brought before this House earlier. Perhaps, although there was public consensus or agreement on the recommendation of the Constitution Reform Commission there was some 'soul searching' so what we agreed on we did not want to implement. So, sneaking into the actual Bills that are coming to this House are modifications. I am drawing attention to it early, there is still ample time to correct it.

I hope that when we examine the other constitutional amendments which will come before this House as part of the recommendations of the Constitution Reform Commission we will not see more examples of this kind.

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Mr Speaker, we have great pleasure in supporting Bill No. 6/2001 which is before this Assembly and I hope, in good faith, all of us in Guyana will seek to uphold the provisions of this Constitution, and that we see evidence of these provisions being upheld in our daily lives and in the operations of state agencies.

The Speaker: Thank you very much Hon Member.

Hon Member Mr Bernard De Santos.

Mr Bernard DeSantos: Mr Speaker, I was prepared to make a very smooth and conventional intervention this afternoon. But since there is so much good faith around, I think, I need to put (the Hon Member said that I was putting things in perspective) in proper perspective some of what he said before I get into my presentation.

So, Mr Speaker, I refer to what the Hon Member, Corbin, said in the initial part of his presentation as he spoke about good faith. He said all of these constitutional changes came in the wake of discord and confusion. That is true. The man is right.

The Speaker: The Hon Member.

Mr Bernard DeSantos: The Hon Member is correct. He is, to me, a man that is still a very Hon Member. While it is true, I want to make it very clear that there is a distinction between something that happened or that came in the wake or something that results from the wake. In fact, Mr Corbin knows that he practiced a little slight of hand on us because the constitutional process, of which this is a mere phase, started well in advance of the confusion. Mr Speaker, I know because I happened to have had the privilege to chair the first part of it in the Constitution Reform Commission, the work of which was later incorporated in the work of the Commission and permeated right down to the Oversight Committee and to this House.

Now, he laments the fact that the process has not gone as speedily as he would have liked. That is also true. But it is also true that a lot of

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the blame for it not being as speedy as it should lays not on this but somewhere else. I am not going to point fingers, Mr Speaker. *[Interruption ... 'You pointing your finger upwards.']*

I do not think my colleague was in good nick this afternoon because when he gets into things like judicial killings (I know my colleague Ramjattan will deal with it) but I cannot resist the temptation, Mr Speaker, to let this go just like that. If the records were produced, two decades ago, long before the 1980 Constitution had been foisted on us, judicial killings were taking place. More than that, there was the case of a man who was shot around a corner and when the police would not prosecute for his murder and a private prosecution was brought to the country by Mr Brotherson, now dead, the DPP stepped in and used his power, then thought to be unchallengeable, to enter a noll'e pros' equi, to discontinue the prosecution. That was a bullet that went around the corner. The man was around the other side of the building. He was shot in the back.

As I said Mr Speaker, I did not intend to engage in this kind of advocacy. I think this is not the place for it, because Mr Corbin himself has told us about the process the kind of synthesis that this legislation has gone through from the earliest days in 1996 right through. Now we are hearing all sorts of criticisms. If they were justifiable, Mr Speaker, I would be one of the first to stand and applaud. But they are not. To say now that all sorts of judicial killings are becoming the norm is to disregard history, to disregard the truth, to tell Rodney he is not dead, to tell Teeka that he is not dead, to tell Joshua Ramsammy that he never got shot, and Father Dark will forever remain in the dark. *[Applause]*

My colleague says he doesn't want to look back. He says we should look forward. But what is likely to happen to a man who keeps looking forward but looks over his shoulder every two minutes? He will fall. Eventually this kind of advocacy those of us who have been standing on the side of people who claim to have indulged in 'lawful' activity should note that it is not lawful to lie down on the street. Every person has a right of passing and re-passing. That is why you see picketers moving.

They cannot stand. They have no right to stand. And if you have no right to stand you can't have a right to lie down. You cannot say it is peaceful and you are doing an unlawful thing. [*Applause*] So much for that.

I am more interested in the one good point he raised and that is what meaningful consultation means? It is a new concept and this Government is proud to have it inserted because this Government knows what it was subjected to under the meaning of the word consultation all along. I have not taken the trouble to go to the dictionary but I would accept one of the meanings which the Hon Member found in his tome, that is, 'to take into account and consider'. I think the best way to look at meaningful consultation is to ascertain what it does not mean. It does not mean to be bullied, harried and coerced. It does not mean that the person to make a decision must succumb to pressures. It means exactly what it says. To be meaningful you listen and in 'good faith' (I adopt that) take into account what is useful and productive.

Mr Speaker, the process of constitutional reform of which this Bill was a major component is one of the proud achievements of this Government. We must remember that what we are trying to change is a Constitution which was enacted in this House and a disgrace! a disgrace! a disgrace! to the persons who have given their lifeblood to this country over the years in defending the rights of people. It seems to me that when consultation could have meant a phone call to advise you on who had already been selected that the successor to that Government would have the temerity to question what meaningful consultation means. It was because of the abuse of the word consultation (and I don't know whether the Oxford Encyclopedic Dictionary had not been printed in those days and did not have the meaning of consultation.) It did: Nobody knew better, perhaps, than the persons who led at that time in Government - a student of syntax etymology, if ever there was one. But, Mr Speaker, I say it is a proud achievement because it involves, maybe, for the first time in the annals of the history of this country, an inclusive approach not only of the rank and file but of the Opposition Members of this House in every step of the way. As I said earlier, Mr Speaker, this process commenced with the setting up of that Committee, although the

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Committee did not realise its full mandate partly because there was a delay in getting it started for reasons I would not mention. It collected much valuable information which was incorporated by its success.

What is significant about this process, is that it had support from all sides. Data was collected from all over the place. As a member of the Constitution Reform Commission myself, some of the Members of the House on the other side were there as well and they recognised that we argued and we sometimes forcefully put forward our views and in the end (of course, I am speaking to the converted because I recollect that your Honour, you were a member of the Commission at that time) after all of that, today, we see a major step in the culmination of this phase. I say phase because constitutional amendments will have to come from time to time as the Constitution works itself out and, in fact, as the people's aspiration change and need to be redefined. This, however, Mr Speaker, is a step in the right direction for enhancing, defining and re-defining what the people of this country want as their supreme law. Mr Speaker, any subject matter which finds itself expressed in a Constitution, (and I use the word expressed because there is at least one unwritten Constitution that we know of) must be a matter of importance. A Constitution is not for trivial matters. Out of all the subjects so far dealt with by the Constitution Amendment Bills, this Bill, Mr Speaker, deals with, perhaps, one of the most important sets of issues. Therefore it must have been subjected to the most searching debate and analysis. It is a credit not only to those who formulated the ideas, I want also to pay tribute to the draftspersons who put those parliamentary intent into the form in which they now appear.

It is my intention, Mr Speaker, to comment on only the addition by insertion of the new Articles 212 (G) to 212 (FF), that is, the inclusion of the Rights Commissions. I will confine my few comments to the Human Rights Commission.

Mr Speaker, in a society, such as ours, where ethnic division rears its ugly head from time to time, and where social unrest springs from real and/or perceived disadvantages, the Rights Commission will play a vital

role in allaying the fears and suspicions and indeed righting the wrongs of those persons who are aggrieved. While I consider each of these Commissions to be of great importance, I hold a view that the Human Rights Commission is likely, perhaps, to have a greater impact on the lives of the ordinary man. The question of respect for the Human Rights Commission looms large the world over. Though our record is not without blemish, Mr Speaker, over the years, by this act of giving it constitutional teeth and effectiveness, through the operation of the Commission and the appellate mechanisms, we can, Mr Speaker resolve to change to a straighter and narrower course. Perhaps the recognition that we are all human beings and therefore brothers in creation [*Interruption . . . 'Point taken, and 'sisters''*] is a good starting point for a national fraternity and reconciliation. By an acknowledgment and a show of respect for the rights of each other in this simple way, Mr Speaker, we can seek to foster the promotion and enhancement of human rights and the rule of law both of which are pillars upon which the democracy for which we so fervently strive to achieve can be realised.

Mr Speaker, the establishment of the Human Rights Commission is a welcome measure. This body whose decision will be subjected to the scrutiny of the Court of Appeal will oversee the other three (3) Commissions established by Article 212.

Finally, Mr Speaker, a very significant aspect of this Bill is an attempt to involve both sides of the House, in effect all the people of this country, in the processes of Government. In short, it institutionalises the concept of inclusiveness in recognition that the Government is of the people, for the people and by the people. This approach supersedes the lip service which was foisted on us a mere two decades ago. Lest I be reprimanded for making no mention of the other three (3) Commissions, I so do, Mr Speaker, because I am aware that these subjects will be treated by my colleagues who are far more *au fait* with them than I am.

I commend all the provisions of this Bill to this House and urge unanimous support for it.

Thank you. *[Applause]*

The Speaker: Thank you very much, Hon Member.

The Hon Member Mr Winston Murray.

Mr Winston Murray: Thank you Mr Speaker. I rise, like my colleague who spoke before me, on this side of the House to support this Bill without reservation. Sir, this Bill comes at a time when Guyana is in the midst, I suggest, of immense difficulty. It comes at a time when no one can doubt that there is a lot of tension in our society. It comes at a time when there is serious distrust between the major ethnic groups in our society. It also comes at a time, Sir, when the foundations of our economy are shaking. Sir, as I reflected on these dark times, when I read this Bill I thought to myself it could not have been more timely. Because at this time in the life of our country we believe there is absolute necessity for the demonstration of positive and mature leadership in our country. Such leadership comes from every quarter in our society. It has to come from those who classify themselves as part of the civil society. It has to come from the religious community. It also has to come from every opinion leading group across the length and breath of Guyana. In that context, Sir, I feel pleased that the National Assembly of our Republic can reach consensus to make some of the most fundamental changes that we are seeing at this juncture in the development of our country.

I want to join those who before me referred to the many, many hours of arduous discussions and debates, in more informal sessions than this one, as we tried to fashion and shape a way forward in our country that was going to be positive. It was out of that process, Sir, that it was possible to find unanimity in this National Assembly to make these fundamental changes. I would like to say, Sir, and plea that as I say this, that we be very mindful as we try to inform the public about these changes that we do not try to claim unilateral credit as some are wont to do. It should be put in the right context, that this has been a truly national cooperative effort between Government and all the parties on

the opposition benches of the National Assembly. [Applause] I therefore felt somewhat disappointed to hear the learned

Member Mr DeSantos talk about the Government's achievement. Of course, the Government played its role, I am not going to deny them their role but they must equally acknowledge that this was a consensus effort, with many, many people on all sides playing very, very important parts in getting this Bill to us. [Applause]

Sir, the other thing that is absolutely important, as we move forward to develop our country is that these changes that we make to our Constitution must be implemented not only to the letter but in the spirit in which they were arrived at. [Applause]. Because at this time our country looks critically to the leadership emanating from this Assembly, from the Government and indeed from His Excellency, the President, so that at all levels when we come to honour these consensus arrangements, I appeal, please, let us honour them in good faith. That would be a great confidence-boosting measure to the people of this country and a demonstration that we who are responsible to lead them politically, are ourselves, at all times, acting in good faith. Thus they can have confidence in the things we do and in the arrangements we make here in this National Assembly.

In terms of the Commissions dealt with in this Bill, Sir, I want to limit myself to some comments on the Public Procurement Commission since this is an area that I, on this side, within the People's National Congress/ Reform have a direct interest in. I would like to highlight just a few of the Articles in this part of the Bill which will be incorporated in the Constitution. I want to identify myself right away with the Hon Member of Parliamentary Affairs, Mr Reepu Daman Persaud, who drew attention to what would become Article 212(X) which talks about the membership of the Procurement Commission first being:

Nominated by the Public Accounts Committee and approved by not less than two-thirds of the elected Members of the National Assembly.

This Sir, is the closest we have come to a kind of hearing for the appointment of important positions in our country. This can only augur well for the development of Guyana. It means, Sir, that it is not within the purview of the Government on its own to appoint members to this Commission. That is important because we, of this National Assembly, would be demonstrating to the citizenry that we can agree on who are the people with the right caliber, the right temperament, the right expertise, who will shun partisanship in the exercise of their duty in the national interest. That is why this is such an important inclusion, the way in which the membership of this Commission will be arrived at. I think all of those who put their heads together ought to be very proud that we can have such a position adopted by our National Assembly.

I note also, Sir, again with satisfaction, that it is the intention that those members who constitute these Commissions shall be persons with expertise and experience in the areas of procurement, law, finance and administration. So that not merely do we have the authority as the Assembly to appoint or to nominate, but more than that, we are guided as to the nature of expertise required if these people are to serve meaningfully. Then Sir, we note that the appointment process ends with the President who *shall appoint* once the National Assembly nominates these persons. I am giving such emphasis on *shall* because I interpret *shall* in this context to be nothing but mandatory, it is not an option that the President has. This is good, this is honourable. I hope that we shall execute it to its letter.

The Speaker: Hon Members, I think this is a good time to take the adjournment. This Sitting is adjourned for half an hour.

Suspension of Sitting at 16:00 H

Resumption of Sitting at 16:30 H

The Speaker: The Hon Member, Mr Murray.

Mr Winston Murray: Mr Speaker, I think I was at the point where I was expressing my full agreement and support for what the Hon Mem-

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ber Mr Reepu Daman Persaud had said about the way in which this Commission was to be put together in terms of its membership.

Sir, I would like to make brief reference to His Excellency's address when he declared open this Eighth Parliament on 4th May, 2001. He said, I quote from page 4:

It is now time for us to allow the structures and institutions we have established to function for the good of our people.

These, Sir, are words, if spoken with conviction, are very telling words, which must stem from some doubt in the President's mind as to whether the structures and institutions were functioning for the good of our people. For structures and institutions, including one such as the Public Procurement Commission - and it is in this context I am quoting the President - can only and truly function effectively if we honour them in the letter and the spirit in which they were created. We must also take note that if the President, when he uttered these words, was concerned about the fact that the institutions were not seemingly allowed to function, I think we all have to carry out an introspection to find out why that was the situation. Were the appointees to the institutions persons of the requisite caliber who could command the respect and the support of the people at large? Maybe that is why, Sir, they never functioned effectively. They were not functioning in the perception of the people. This at the end of the day is what matters. In the perception of the people they were not functioning in their interest. I say that merely to caution, and to reinforce the point that as we develop these institutions in our Constitution, that they are institutions merely on paper and that the kind of life they are given determines whether they succeed or fail in the eyes of the ultimate judges, that is, the people of our country.

Article 212 (Y) (3) speaks of the election of the Chairman and the Deputy Chairman *by consensus*. What a wonderful way for us to move forward. No longer, hopefully, would we have by subterfuge or otherwise a presidential chairman or a prime ministerial chairman, but a chairman coming from among the members themselves, identified by them,

elected by them, by a consensus mechanism. That does a number of things, Sir. It instills confidence among the membership in the person under whose chairmanship they preside. Further, it instills confidence in the people at large in the Commission as a whole. Again, I think, we should pat ourselves on the shoulder for being so bold as we move forward.

Sir, I must stress that until we act, and we demonstrate that we will honour both the spirit and the letter of what we write in our Constitution, things shall remain the same. So it is up to us. We on this side of the House are ready, willing and able to play our full part to enable the achievement of the objectives set in these measures.

Mr Speaker, there is one other matter to which I wish to make reference, and in doing so it is not my intention to be contentious, but rather to be forthright and honest. I hope, therefore, the comments will be taken in the spirit in which they are intended. The Public Procurement Commission as created by this Bill is intended to be an oversight body that shall have oversight functions on a number of governmental agencies that are in the business of the procurement of goods, or contracts for services. Sir, what is equally important as the creation of the Commission itself, is that we have a body of laws and rules that guide the functioning of these subsidiary bodies over which the Commission has oversight. If we do not look at the laws that govern those institutions over which the Commission has oversight, then we shall be presiding over institutions that cannot function to meet the expectations of our people. I note that the commission itself will have a role, and hopefully, an unfettered role, or to use the jargon of this afternoon, a 'meaningful role', however defined, in the evolution or creation of the policies that will guide these other institutions.

In that regard, Sir, I could not resist the temptation to draw the Government's attention to a signal failure in a very important aspect of procurement. For five years now we have been told in this National Assembly that there was going to be a revision of the laws as they relate to the Central Tender Board. I want to start with the budget of 1996

when our current President was the Minister of Finance. At that time this is what he said:

Improving the tendering and procurement process, the operations, procedures and functions of the tendering system are outdated. The rapid expansion in the investment program has exposed the deficiencies of the Tender Board system. With the assistance of UNDP the Central Tender Board will be computerized, appropriately staffed, an existing legislation will be reviewed and updated.

That was five years ago. Sir, in the succeeding year, 1997, there was further assurance in that budget which I will not detain the House with. But in the year 2000, this is what our present Minister of Finance had to say on the same matter:

We are undertaking a major transformation in the tender and procurement system in light of the rapid expansion in the capital and current programmes of the government and the need for efficiency, transparency and accountability.

Laudable, Sir. The words again. Very good.

The Government has prepared a draft procurement Bill that is currently engaging the attention of various interest groups. The process of consultation will be completed by the end of the second quarter of the year

That was last year.

after which the Bill will be tabled in this House.

Sir, 2000 has come and gone, and we await the revised laws in respect of the Central Tender Board. I am sorry that my friends find these remarks unsettling. [*Interruption . . . 'They were not intended to be so unsettling to you Hon Member Rohee.'*] They were merely in-

tended to demonstrate that when we pass these laudable aspirations, when we incorporate these commissions in the Constitution, I'm saying, supporting measures must be there and in place. I therefore urge my colleague the Hon Minister of Finance when he comes to deliver his speech in 2001, I hope he will tell us that he has the Bill ready to be laid in the House. *[Applause]*

Sir, if these two things of incorporating meaningful amendments in our Constitution and ensuring that the necessary support mechanisms are in place to buttress what we write in the Constitution, then I say Sir, we of the Peoples National Congress/Reform will give support wholeheartedly because in that way reside a good prospect for a successful future for our country.

Thank you very much.

The Speaker: Thank you Hon Member, Mr Winston Murray.

Hon Member, Ms Sheila Holder.

Ms Sheila Holder: Mr Speaker, I rise also to give our support for the Bill laid in the Assembly today. I want to make a few remarks, in particular, about The Rights Commissions, the Women and Gender Equality Commission, the Rights of the Child Commission. Those Commissions, Mr Speaker, tell us a number of things. To my mind, they tell us that despite the evidence of the troubling times we are living in at the moment we have a capacity in our society to do good for our people. But it also tells us that as a society without these fundamental rights enshrined in our Constitution it appears difficult for us to grant our people such rights. So in a way it exhibits good qualities as well as the weaknesses in our society. In this regard, Mr Speaker, I think it is important that we recognize that with the introduction of these Commissions will come a greater load for our judicial system. It is a system that is currently performing below satisfactory standards and in this regard it may be necessary for us to take on the advisements the extra load that this will be placed on the judicial system.

Mr Speaker, the Commissions that are going to be established, indeed, will be welcomed by our people. They are coming not too soon, because there is evident in our society of instability and the establishment of these commissions will go in no small way, in the right direction in alleviating some problems that we currently experience. But we must nonetheless face the fact that they are inadequate to address the fundamental problems which we face in our society. In this regard I think it apposite to mention that we need not re-invent the wheel but borrow from others who went before us and who have exhibited great thought about the kinds of problems that we have in our society. I refer to one of the founding fathers of the United States of America, Mr James Madison, I think he was the third or fourth President of the United States of America. He wrote extensively on what is required to develop a democracy.

In Guyana we all hold fast to the view that we need to build on our fledgling democracy. To do so we need to also recognize the problems that have become evident in our society. The problems I refer to, Mr Speaker, relate to the fact that we have exhibited the majority seems to be fixed, and the minority which also seems to be fixed. Mr James Madison tells us that when we have such a scenario it leads to instability in our society and it therefore becomes necessary to introduce some element, or rules, to allow a shift to take place between the minority and the majority to create a degree of confidence that we will not have to confront a tyrant in the majority. I think, Mr Speaker, it is important that we understand that this is a first step in a process that should be ongoing and that if we are serious in fulfilling the desires of our people to grant peace and the ability to walk the streets without being attacked on the basis of their race, we have to introduce more than what the Bill before us this afternoon proposes to do. I believe I speak for our people when I say that we all desire to achieve such a state of peace in our country as quickly as possible. I believe, Mr Speaker, I speak for the majority of our people when I say that the events following the last elections have left us all shaken and we do not desire to see a recurrence of any of those terrible events.

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In that regard, Mr Speaker, I say once again, that we support wholeheartedly this Bill and the establishment of the Commissions before us including as well the one on Procurement. This to my mind addresses a fundamental issue in our society relating to good governance and transparency. It is our hope, Mr Speaker, that this particular Commission can be established as quickly as possible so that we can begin to introduce in our society those essential elements of good governance which we as a people desire to see established.

Thank you.

The Speaker: Thank you very much, Hon Member.

The Hon Member Mrs Chandarpal.

Ms Indranie Chandarpal: Thank you Mr Speaker. I rise in support of the Bill that is before this Hon House and welcome the proposal of the Constitution (Amendment) Bill No.3, Bill No. 6/2001 to establish the Rights of the Child Commission vested with the constitutional powers which will give it more authority to carry out its mandate. I am pleased also, Mr Speaker, to note that financial resources have been made available to the Commission through the Consolidated Fund. I do believe this is very vital for the functioning of the Commission as it is required to carry out a number of important tasks which all the Commissions are required to undertake. The issues which the Commission will be looking at, and Mr Speaker, I want to refer to the Rights of the Child Commission which will be looking at issues which we as a Government have been addressing since 1993 through the National Commission for Survival, Protection and Development of Children which was appointed to prepare the Guyana Plan of Action for children for the year 2000. This was in cognizance with the World Summit goals for children and the conventions on the Rights of The Child. Although this Body did not have executive powers there was, nevertheless, a positive demonstration of the commitment of the Government to adhere to the international instrument which it has ratified for improving the status of the children in Guyana.

Guyana signed and ratified the Conventions on the Rights of the Child in 1991. As a matter of fact, Mr Speaker, this Convention is one that has been ratified by the greatest number of countries in the world, to date one hundred and seventy-five. The plan of action was completed in 1975, and I wish to refer to two aspects of that plan. The first has to do with the implementation strategy which was developed with goals and objectives in education, health and children issues. Indicators were established for monitoring and data collection purposes. The national goal covered five (5) areas. These are:

(1) The first call for children which places issues affecting children and women on the political and social agenda and looks toward measuring social investment in women and children.

(2) A comprehensive review of the laws relating to children and women rights and well-being.

(3) The Family Maintenance and Related Matters Committee was set up to review Guyana's laws as it affects women and children. Out of the process a number of recommendations were made.

(4) The drafting of the Children's Act with reliance on the relevance of the CRC.

(5) The formulation of the Family Code, the strengthening of the juvenile court system, the training of personnel including Police, social workers and teachers and a repeal of any law which sanctions violent discipline for children from the schools and institutions.

My reference to these issues, Mr Speaker, are only intended to highlight two of the many tasks associated with the Plan of Action. I wish to inform the National Assembly that Guyana submitted its first report as a country with regard to compliance to the CRC for the year 2000. This report emerged from a two-day consultation in which we saw more than one hundred participants including Government agencies, NGOs and CBOs.

Mr Speaker, the annual report of the National Commission on the Rights of the Child gives a comprehensive overview of the many initiatives and activities of the Commission ranging from the promotion of the Convention to the erection of a monument for the children of Guyana which embodies all the principles of the Rights of the Child. Mr Speaker, I am sure some of my colleagues in their walks in the National Park would have seen that monument. That is something that the National Commission on the Rights of the Child did.

Also, Mr Speaker, with regard to the composition of the Commission we ourselves believed that in order to have the best we should encourage the principles where we will have persons drawn from different parts of the country from strategic departments and from the Government and NGOs. I just wish to refer to the type of Commission that was established, and some of the persons and institutions that were involved in this body. These are:

- (1) The Ministry of Finance
- (2) The Director of Rehabilitation Services, Ministry of Health
- (3) The Executive Director of the Guyana Responsible Parenthood Association,
- (4) An Attorney-at-law
- (5) Assistant Chief Education Officer, Ministry of Education
- (6) The Salvation Army
- (7) The Guyana Red Cross Association and other social workers.

These were some of the people who made contributions to the Commission.

Mr Speaker, I also want to use this occasion to thank all members for the dedicated work they did in the past year. Not only did they pro-

vide human service but they did it without any kind of monetary compensation. It was a lot of committed and dedicated work and they did it with a sense of pride.

Finally, Mr Speaker, I hope the new Commission will use the expertise available to vigorously accelerate the momentum which evolved over the past seven years. Mr Speaker, I commend all the provisions of the Bill and recommend it to this National Assembly.

Thank you. *[Applause]*

The Speaker: Thank you Hon Member.

Hon Member, Mr Manzoor Nadir.

Mr Manzoor Nadir: Thank you Mr Speaker. Mr Speaker, this Bill has its genesis in long hours and in years as mentioned by previous speakers and so I do not want to take a long time in making my contribution.

Mr Speaker, I see the passage of this Bill as strengthening our democracy. In our Constitution as mentioned previously many of the fundamental rights have been enshrined, and these provisions and those that are to come strengthen them. What these Commissions do is give power to enforcement. These Commissions will strengthen our democracy. We are hereby giving power to the Commissions to enforce these basic rights that we have agreed to. The strength of these Commissions lie not only in the power of enforcement, but they have two other very important duties, Mr Speaker. One is to promote these rights among our people, because if we go throughout the length and breadth of our country many of our people do not know what their fundamental rights are. These commissions have a responsibility to promote the awareness of these rights throughout the length and breadth of Guyana. And second, is the strengthening of fundamental rights in our country.

These Commissions are not static: they make recommendations for the strengthening of the rights of our people. So, Mr Speaker, I see this as a very important step in creating checks and balances or further checks

and balances in our democracy and strengthening the fundamental rights of our people.

Mr Speaker, there was some argument over how the words *consensual mechanism* and *meaningful consultation* crept into these Articles and having had the opportunity to serve on some of these Commissions, where meaningful consultation is concerned we were advised when we were dealing with it, that the provisions that apply to the South African Constitution we must go to for guidance. It is not in the basic law here, but as part of the discussions emanating from these Committees we were told that *meaningful consultation* is as described in the South African Constitution.

Mr Speaker, Consensual Mechanism. As we know there is tension in our society, there has been great strides in terms of trying to find a mechanism for inclusion and consent among our people in the governance of Guyana and so we have this new term in our legislation *consensual mechanism*. *Consensual mechanism* is not only related to the Leader of the Opposition and His Excellency, the President meeting and discussing, it comes right back to the National Assembly. If I remember correctly one of the arguments being advanced by one person was so strong that another person opined we are taking some of the powers from the executives and putting them in the National Assembly. The general comment was, so what, this is where it starts from, here in the National Assembly. That is why when we talk about appointing people especially to the three Commissions, the Women and Gender Equality Commission, the Indigenous People's Commission, the Rights of the Child Commission, there is a two-thirds mechanism in the National Assembly to identify the organizations that will be named to nominate people to these Commissions. In order to get the two-thirds majority in the National Assembly you technically have to get all sides to agree to the names. Here again this issue of *meaningful consultation* is given further credence.

Mr Speaker, I want to draw inference to one other part of the Bill that I was happy to be associated with, that is the issue of continuity. At

no one time will all of the people who are members of any Commission be retiring at the same time. If you go through the Bill you will see members are going to be appointed in the first instance for four years. But a term will run generally for three years. So the majority will be retiring after four years and some after three years. So there will be this rotation and some amount of continuity.

This Bill has profound changes for Guyana and for the people of Guyana. This has been an attempt by all sides, by civic society, in order to put the mechanisms in place to protect all the different interest groups in Guyana. So I have great pleasure in associating with this Bill and also in joining in its commendation to the National Assembly.

Thank you very much. *[Applause]*

The Speaker: Thank you for much Hon Member.

The Hon Member, Deborah Backer.

Ms Deborah Backer: Thank you very much Mr Speaker. Mr Speaker, like the speakers before me I rise to give support to this Bill, Bill No. 6/2001. I really did not intend to say just that and stop but in view of the encouragement I received from the Hon Prime Minister I will crave your indulgence to speak briefly [This is the female interpretation of the word briefly.] on this Bill.

Mr. Speaker, I would like to deal briefly with the Women and Gender Equality Commission. I would like to submit that the passage of such a Commission is not merely an important day in the lives of the women of Guyana, but it should be an important day in the lives of all Guyanese. The stated goals of the Commission are, to strengthen social justice and the rule of law. Mr Speaker, a reading of the scope and intention, a reading of the aims and objectives of this Commission reveal highly laudable aspirations. All Guyanese can be proud of the fact that Guyana is the first country of Caricom where such a Commission has attained Constitutional importance and will be part of the Constitution. *[Applause]* We should commend ourselves, each and every one of us.

My concern is, Sir, that we in the National Assembly and all the other opinion leaders, have to do whatever is necessary to rise above partisan politics and any other associations of that form, and ensure that this Commission is not still-born and that if it is born it does not become a white elephant.

Mr. Speaker, we are all aware of the fact that the Ethnic Relations Commission was by consent fast-tracked. (I think that was the phrase used) The Act that brought the Ethnic Relations Commission into being was assented to by this Hon House on 3rd August, 2000. It was assented to by His Excellency, the President on 11th August, 2000. The point is, almost ten(10) months after, on 11th June 2001, that Commission is yet to get off the ground. This is why I'm saying that I hope that this very important Commission, the Women and Gender Equality Commission, is not still-born, and if it is born it does not become a white elephant.

Mr Speaker, I am happy to see that there is provision here for resources, because without resources it will become a white elephant. I am heartened by the fact that the Government of the day found - I may be inaccurate about my figures, and if I am I will be happy to be corrected - approximately \$150 M and allocated it for post election violence. That is commendable. But it says to me that the government has money. As such I would hope that the same energy, enthusiasm and quantum that they found for post election violence, a figure no less favorable than that will be found for such an important Commission that affects over half of this population. Over half of the Guyanese population are women.

So, Sir, our communities, our regions, indeed the whole of Guyana, are looking at us, so we cannot fail them. I therefore want to urge that this Commission sees the light of day and sees that light quickly.

The only other point I would like to make on this very important Commission, I think every Member of the House will support it, and support it fully, is that the PNC/Reform, in case there is any doubt, stand

totally and completely behind the establishment of this Commission.

One of the functions of this Commission is to promote the participation of women in National decision-making. Mr Speaker, I am pleased to stand here as a Member of the PNC/Reform and to say that out of twenty-seven (27) members we have ten (10) women. *[Applause]* This is more than the suggested one-third and it gives tangible evidence of the commitment that the PNC/Reform has, and will always have for women's equality. *[Applause]* I therefore urge the other parties represented in this House not to be ashamed but to follow the lead taken by the People's National Congress/Reform. *[Applause]*

Mr. Speaker, with your leave the I would like to turn briefly to Clauses 2-6 of the Bill before us. These Clauses deal with three (3) Service Commissions namely, the Public Service Commission, the Teaching Service Commission and [my favorite) the Police Service Commission. Once I hear the word police, Mr Speaker, I am very excited. Not necessarily always in a positive way, excitement can be very negative. Fear is a form of excitement. The whole purpose and trust of these amendments is to change the mode of appointment of the members of these Commissions, and also the chairperson and vice chairperson. As the Honourable Reepu Daman Persaud quite rightly said the Bill is gender-friendly, that is why I use the word chairperson and vice chairperson.

Mr. Speaker, I think it is reasonable to submit that the *raison d'être* for these proposed amendments is to attenuate the present powers of the President vis-a-vis these Service Commissions.

Clause 2 and 3 deal specifically with the Public Service Commission. The proposed changes will see the commission having six persons rather than, as holds true now, five or six. So there is no discretion, six persons.

Three are appointed by the President acting after having meaningful consultation with the Leader of the Opposi-

tion.

My colleague the Hon Robert Corbin spoke about meaningful consultation earlier in his brief address.

Two members appointed by the President upon nomination by the National Assembly.

This is all that the clause says.

Mr Speaker, when you look at the existing Article 200, it is my respectful submission that there must have been an omission. This is because Article 200 (1) (c) has been left unaltered by this Bill. This will cause some problems and at the appropriate time I will move, Mr Speaker, what I consider to be the necessary amendment to bring the Bill in line with the intention.

Mr Speaker, the next Commission that is dealt with is the Teaching Service Commission. That Commission will now consist of seven (7) persons. Again, the President will have meaningful consultation with the Leader of the Opposition. It should be noted, Sir, that both the Public Service Commission and the Teaching Service Commission will now internally elect the chairperson and vice chairperson. Whereas, now, it is done by the President after he has consulted. I think this is a very forward looking step, a step in the right direction. I support it. And the members on this side of the House also support it.

Mr Speaker, I now turn to the Police Service Commission. Mr Speaker, the proposed amendment at Clause 6 is to amend Article 211 (1) of the present Constitution. I would like to read, Sir, with your leave, Article 211 (1) of the present Constitution:

The Commissioner of Police and every Deputy Commissioner of Police shall be appointed by the President acting after consultation with the Police Service Commission.

So right now we have a situation, if a Commissioner of Police or any Deputy Commissioner of Police is to be appointed the President will need to consult the Police Service Commission. The amendment that is being proposed, Sir, sees the President appointing the Commissioner and every Deputy Commissioner of Police after meaningful consultation with the Leader of the Opposition and also, after meaningful consultation with the Chairperson of the Police Service Commission.

Mr. Speaker, the Members of this Hon House the representing the PNC/Reform are very excited by this proposal. I myself am extremely excited. It is, Sir, one of the new amendments that we expect will be used very shortly after it becomes law. We expect that within days of this particular amendment of Article 211 (1) that the President of Guyana, Mr Jagdeo, will be consulting, having meaningful consultation, with the Leader of the Opposition about the appointment of a new Commissioner of Police. *[Applause]*

Mr. Speaker, all Guyana, some will not want to admit it, is aware of the fact that our present Commissioner of Police is an anachronism. Our present Commissioner of Police. . . *[Interruption]*

Hon Reepu Daman Persaud: Mr Speaker on a point of order. The Commissioner of police has no *locus standi* to defend himself in this House and if anybody wants to speak against the Commissioner of Police pertinent to the Standing Order a motion has to be brought to do that. To simply stand and attack the Commissioner of Police is unbecoming and ought to be withdrawn.

The Speaker: I ask that the Hon Member follow the rules, please.

Ms Deborah Backer: Thank you very much, Mr Speaker, I would be guided by you. Mr Speaker . . .

The Speaker: Hon Member I would like you to withdraw the remarks about the Commissioner of Police, please.

Ms. Deborah Backer: I do so withdraw, Mr. Speaker,

The Constitution Prescribed Matters Act of 1967, the long title of it is:

An act to prescribe the age for the vacation [and the vacation here does not mean going on leave to the United States of America] of office by the holders of certain offices as authorized by the Constitution of Guyana and the two offices that are dealt with, not the two persons, is the office of the Auditor General and that of the Commissioner of Police.

Mr Speaker, this bit of legislation was amended by the Prescribed Matters Amendment Act of 1988. The combined effect of the original act, dated 1967, and the amendment of 1988, is that the Commissioner of Police must demit office at the age of 60. The Commissioner of Police is now over the age of 60. He became 60 in March of this year. As such, Mr. Speaker, we remain excited that the President, very soon after the passage of this particular Act, will be meeting with the Leader of the Opposition to give effect to this Act which right now is being observed in breach. Mr. Speaker, this is a very serious breach in the eyes of the PNC/Reform, and I dare say in the eyes of the Guyanese public.

Mr. Speaker, in closing, we are confident that the amendments proposed to the Service Commissions will result in transparent and broad-based appointments to these important and constitutional bodies. It is our expectations, Sir, that the yard stick for appointment to these very important constitutional commissions will be ability, and ability alone. It is our further expectation that this yard stick will not be bent [not 'benn'] the yard stick for appointing chairpersons of these commissions will not be bent to accommodate political loyalists.

Mr Speaker, with these few words, I join with my Honourable friends who spoke before me and support wholeheartedly this Bill.

Thank you. *[Applause]*

The Speaker: Thank you, Hon Member.

Hon Member, Ms Pauline Sukhai.

Ms Pauline Sukhai: Thank you, Mr Speaker. Mr. Speaker, I rise this afternoon to give support to the Constitution Amendment Bill No. 3, Bill No. 6/2001. Lest I forget, Mr Speaker, I wish to also congratulate the members of the Constitution Reform Commission for working hard and to recommend to the National Assembly the proposals and recommendations that are contained in this Bill.

Mr. Speaker, I wish to make a few remarks on the Women and Gender Equality Commission. For us, Mr Speaker, when I say us, I mean for the women of Guyana, it is an achievement in our historical struggle for women's equality. Moreso, Mr. Speaker, it broadens the scope and lends itself to assist in the development of gender equality. Therefore, this broad-based mandate with which the Women and Gender Equality Commission is entrusted will surely help with the free development of individuals in our country, moreso the constituency of women.

Mr Speaker, this is not a contentious article, and I must say, that I recognize the support from the Members on the opposite side of the House when they cited with intent that they had goodwill toward this Bill. Mr Speaker, what this Bill lends to this House and to this nation is the fact that it is being presented in an environment of democracy. I am pleased also to note that within one decade our country has seen great improvement in legislative reforms for Guyanese women. *[Applause]* I also want to say that I want it to be put on record that this Bill being presented to the House is an achievement.

Article 212(Q) and 212 (R) are also achievements for the organization for which I'm a member. We are celebrating, Mr Speaker, 48 years of public awareness, promotion of women's rights and equality for the sexes.

Mr Speaker, the functions of the Commission are very wide with the Commission having constitutional powers. It will be a constitutional commission. This, I think, lends credence to the fact that our Govern-

ment and those who helped to draft and coin the words contained in these Articles that they stand true to our country's intent of ensuring that women's rights are indivisible and part of Universal Human Rights. Again, I must say that in the past we have had issues with previous governments. We also have had issues under our government as it pertains to the advancement of women.

I thus commend the Bill because it gives teeth to women's advancement. It gives teeth to women having the right to the independent development. It also gives credence to the empowerment of women. These recommendations are not new. We have seen over recent times that there have been many policies and programmes to support the advancement of women.

Mr Speaker, I must also touch on the consultative nature that this commission must ensure. It started with the coining of this recommendation, and I hope it will continue when the Commission is established. It is important for all Guyanese to understand that women's issues, women's status and gender equality is a common issue that affects all.

Mr Speaker, like the others I wish to say that this Bill holds merit. The government has good intent in ensuring that the Commission will be funded by the Consolidated Fund and that there must be reporting.

I wish to draw attention to the Hon Member Deborah Backer's fear of this Commission being a white elephant. I must say that the PPP/Civic Government has been successful, moreso in the implementation of the mandate given to them. *[Applause]* Therefore, I say, I have no fear that this Commission will be a white elephant because, to assure the Hon Member, Deborah Backer, competition will ensure that the Commission is going to be broad-based and each member of the Commission will have to uphold this constitutional charge which is today being recommended in this Honourable House.

Mr. Speaker, once again it is a victory for all Guyanese women. Thank you. *[Applause]*

The Speaker: Thank you honor Member.

Hon Member, Mr Raphael Trotman.

Mr. Raphael GC Trotman: Thank you Mr Speaker. Like my colleagues before me I rise to support this Bill, and wish to join in the fulsome praise which has been heaped on this Bill in the House this afternoon.

We heard just a few minutes ago my colleague the Hon Sukhai speak about the tremendous achievement and gains for women that this Bill will introduce. Whilst I agree with her, Mr. Speaker, I wish only to remind her, and those like herself, about the tremendous gains that women already enjoy, thanks to the People's National Congress/Reform. *[Applause]*

Mr. Speaker of the long, long and outstanding list of legislation that flowed through this hallowed Chamber in the 1980s and early 1990s, today's session gives fulfillment to a promise we, as representatives, made to the people of Guyana to establish four constitutional permits, rights commissions in the area of Human Rights, Women and Gender Equality, Indigenous Peoples Rights and Children's Rights.

My colleagues, Mr. Speaker, (not, of course, Mr Belgrave, because he is never going to speak) *[Laughter]* who have already spoken or are going to speak will address various aspects of this Bill. My task is to address the Human Rights Commission and the Rights of the Child Commission. I say unhesitatingly and unreservedly, Mr Speaker, that in my humble opinion these two commissions will turn out to be the quintessential Commissions that are to come. In them reside the very future of this country. This is why both myself and People's National Congress/Reform are extremely pleased this afternoon despite the many distractions, protestations and provocations coming from the Hon Belgrave and others. We intend, nonetheless, to support this Bill.

Mr. Speaker, the history of these two Commissions is a very interesting one. These Commissions first had their genesis, as the Hon Mem-

ber Mr Reepu Daman Persaud pointed out, in the Constitution Reform Process which began in 1998 and ended its work in July 1999. It then went to the Special Select Committee on Constitution Reform. That Committee refined, as best as it could, these recommendations of the CRC, as you, Mr Speaker, are well aware, sending them to the Oversight Committee which ended its work as my colleague, the Hon Mr. Robert Corbin pointed out, in August 2000. Today, the Eighth Parliament, if indeed we are the Eighth Parliament of Guyana, we give life and the meaning to all of these important commissions. It would be remiss of me, Mr Speaker, were I not to point out the obvious sloth involved in bringing these Bills, this Bill in particular, before this House, when we examine the fact and the stark fact that this Bill along with those tabled this afternoon were well ready to be tabled before the dissolution of the "Seventh Parliament". Therefore, one has to wonder whether there was any suspicious or ulterior reasons or motives why these Bills did not come before. I hasten to remind us that as Shakespeare said:

In delay we waste our lives like lamps during the day.

We have, in my opinion, wasted good time and energies by not coming before. We, Mr. Speaker, as representatives of the people, can brook no delay. As you have heard this afternoon Guyana is in a state of partial chaos, some would wish to go further. We, Mr. Speaker, like those (other than the Hon Belgrave) who support this Bill this afternoon, recognize the social ills which affect us. We live in a Guyana, Sir, where the people are literally crying out for help. They are crying out for salvation. They are crying out for justice and for equality. In some cases, Mr. Speaker, when notorious arms of the Police Force are around they cry out for their very lives. We are slowly losing our way, and our behaviour toward each other can sometimes be best described as primitive. The value of life is at an all-time low, and we treat each other sometimes with scorn and contempt, and not as equals inextricably linked in this diverse fabric which makes up life in Guyana. So the significance of the debate this afternoon for the People's National Congress/Reform, and here I join with my colleague, the Hon Murray, in saying the significance is not to be lost in the simplistic act of just debating this Bill and passing it

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through this House. The significance is to be found in recognizing that this Bill gives a signal of collective and sincere intention to value the lives and rights of a fellow man and fellow woman at a premium. It also signals that we commit ourselves to work assiduously toward lasting peace and stability, toward lasting understanding, equality and justice. This is why, after all, Mr Speaker, we have been elected to serve and not to be served.

In Clause 7 of the Bill we see the intended Clause 212(G). Reference is made to the Rights Commissions which are to be established. As I mentioned before they are the Human Rights Commission, the Women and Gender Equality Commission, the Indigenous Peoples' Commission and the Rights of the Child Commission. I, with your leave, Mr Speaker, will dwell on the Human Rights Commission and the Rights of the Child commission.

These intended Clauses are meaningless if we fail to understand, deliberately or perhaps inadvertently the significance of what we are setting out to do this afternoon. Moreso, Mr Speaker, the duty on those who are to become members and chairpersons is even greater than the duty we hold this afternoon. Because in their hands we commit a very, very serious and significant body or bodies. So we trust that at the time for the appointment of these persons great care and attention will be paid to ensuring that the right and proper persons will be chosen to administer these affairs.

Mr Speaker, I quote from the Human Development Report developed by the UNDP for the year 2000, page 1:

The mark of all civilizations is the respect they accord to human dignity and freedom.

I wish, this afternoon, Mr Speaker, to align myself and the People's National Congress/Reform to those words and to say that this has to be the hallmark of what we are about. I will repeat those words for emphasis:

The mark of all civilizations is the respect they accord to human dignity and freedom.

Mr Speaker, I am sure that you will agree that no matter what we say or do, no matter how many schools are built, roads repaired, hospitals constructed, drugs dispensed, it all comes down to how we regard human dignity and freedom. With your leave, Mr Speaker, I will quote from page 2 of the very document and hopefully persuade you to embrace these words as well:

Human rights and human development are both about securing basic freedoms. Human rights express the bold idea that all peoples have claims to social arrangements that protect them from the worst abuses and deprivations and that secure the freedom for a life of dignity. Human development in turn is a process of enhancing human capabilities to expand choices and opportunities so that each person can lead a life of respect and value.

I commend, Mr Speaker, those words to yourself and to my colleagues in this Honourable House. We are therefore prompted to ask ourselves what is the mark of the Guyanese civilization? How respected are human dignity and freedom in Guyana in the year 2001? And I make bold to say that whilst we have made strides as a people, those strides are going into reverse. I refer you, Mr Speaker, to the increase in domestic abuse, violence and sexual offences. I refer you to the incidence of entire families going homeless and destitute and having to reside on our city pavements. I refer you to street children who survive by prostituting themselves, by begging and by stealing. I refer you (and the Hon Belgrave) to the elderly who are not amply recognized and rewarded for the contributions they have made. I refer you (and the Hon Belgrave) to the indigenous peoples shamefully low standard of living which continues unabated. And I must say, Mr Speaker, that we applaud the recent rescue mission of a truck, I believe, of \$300 000 worth of food and other items. I refer you to extra judicial killings which are being committed in this country with pleasure and impunity. I refer you to the treat-

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ment and care of the mentally and physically impaired which is past poor. Lastly, I refer you to the treatment of prisoners and accused persons which makes prison life, when compared to other countries as if those prisons are like the Hilton Hotel.

This list, of course is non-exhaustive. [*Interruption . . . I have, Mr Speaker, quite a few CXC passes, and I am proud of it. Belgrave?*] Mr Speaker, I quote from a recent US Government State Report for the year 2000 on Guyana, under the heading, ***Political and Other Extra-Judicial Killings:***

The Police continue to commit extra-judicial killings. The Guyana Human Rights Association reported that the Police killed thirteen civilians during the year [2000] compared with nine in 1999, eleven in 1998 and twenty seven in 1997. In most cases, the police shot the victims while attempting to arrest them or while a crime was being committed.

On August 18, a Policeman shot and killed fourteen year old Trevor Crossman in Ituni, Demerara River. The Policeman mistook him for his older brother with whom the Police had argued.

In order to express public sympathy for the family [and note Hon Backer] the Commissioner of Police attended Crossman's funeral.

Mr Speaker, the authorities charged, the policeman with manslaughter though he was released on bail pending trial.

On September 3rd 2000, Mohammed Shaffick died in the Brickdam police lock-up. An autopsy revealed that Shaffick was beaten all over his body. His skull and neck were fractured. [In Guyana we say his skull and neck 'bruk', the Americans say fractured.] The Home Affairs Minister announced initially that Police reports indicated that Shaffick might have been beaten by other prisoners.

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The Police Commissioner subsequently announced on September 28 that an investigation revealed that Shaffick was beaten by the Venezuelan crew of a ship that had long since left the country.

The Report goes on to say, which is of interest to my learned colleague and friend the Hon Mr Dev:

Throughout the year the Rise, Organize And Rebuild [ROAR] political Party complained about threats and harassment from the ruling PPP. ROAR portrayed the murder on November 12, 2000, of a man named Mohan, the father of ROAR's organizer in the Essequibo Region, by a PPP supporter as a result of a campaign against it. However ROAR presented no evidence that connected the killing to the PPP.

Finally, Mr Speaker:

On March 30, the United Nations Human Rights Committee made twenty-two recommendations to the Government, including a call for prompt investigation by an impartial body of extra judicial killings and excessive use of force.

I will, Mr Speaker, provide copies to the Hon Members, Belgrave, DeSantos and Teixeira respectively.

Mr Speaker, these references were not meant to trifle with our feelings, to stir the responses that we got, or to condemn anyone. They are meant to be a stark reminder to our consciences of where we are in the year 2001 in this our beloved Guyana. We are not where we think we are. I hasten to add that the Guyana Human Rights Association needs to be supported in its work, to focus not only on killings and beatings and the behaviour of lawyers but they must be able to address their minds as well to the abuse of women and children in homes and on the streets, to the treatment of the elderly, the physically and mentally impaired, to the plight of prisoners in remand, on conviction and on death-

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row. To paraphrase Carter, Mr Speaker, I remind us all that we are all involved and are all likely to be consumed.

In the special case of our dear children, Mr Speaker, the Peoples National Congress/Reform is particularly concerned about their plight, and in this regard wholeheartedly welcome the Rights of the Child Commission. We view the interest of the Child as the interest of all mankind. It has to be all of our business. And this Commission, as stated in this Bill, is to be given the constitutional responsibility of promoting initiatives that reflect and enhance the well-being and rights of the child. This, in my humble opinion, Mr Speaker, once again, could best be described as perilous. One third of Guyana's population is made up of children under age 18. One third of those below the age of 18 live in abject poverty. We may ask ourselves, what future is there for these children who live in poverty. [*Interruption . . . 'The Hon Belgrave fortunately has made it past the age of 18 and ought to be grateful'.*]

Our responsibility, Mr Speaker, therefore, in preserving and protecting these children is best captured in a joint publication by Caricom and UNICEF of 2000, and I quote:

The basic principle of child rights is to ensure child survival, development, participation and protection.

There is particular need to protect children from abuse, neglect or other factors which may interfere with survival. I take it as a given, Mr Speaker, that we in this House subscribe to these basic principles, that we wish to see our children develop, we wish to see them, to use the term that is being bandied about, meaningfully participating in life in Guyana.

Unfortunately, Mr Speaker, whilst we might have heard from the Hon Member earlier about all the work that has been done by the Government and by the Ministry for children, (we just heard about the measures and mechanisms being introduced) but little or nothing was said about the plight of our children in the year 2001.

I refer again, Mr Speaker to the US State Department Report for the year 2000 on Guyana. It says this on the issue of children:

The severe deterioration of the public education and health care systems has limited children's future prospects in Guyana.

This is a frightening reality, and I say, Mr Speaker, we all have a collective responsibility to correct this. The biggest obstacle which faces us is that of overcoming the poverty which faces the children of our country. So much of what we do this afternoon could be rendered meaningless unless the necessary budgetary allocations are made, and these Commissions are given the resources to do their work.

I refer also to the much touted document referred to as the Interim Poverty Strategy Paper. I'll quote from page 14 quickly as to the goals for poverty reduction which at some point we might be called upon to embrace. This, Mr Speaker, is, perhaps, going to be the blue-print for rescuing our children. *[Interruption . . . 'Could I ask you, Mr Speaker, to allow Hon Belgrave to enjoy a good speech rather than to interrupt.']*

Guyana's poverty reduction goals include:

- (1) creating opportunities for income generation
- (2) job creation
- (3) reducing mortality rate
- (4) achieving primary universal education
- (5) eliminating gender disparity in education

These are broadly consistent with international development goals. Attainment of these targets among other things is predicated on:

- (1) high and sustainable growth rate

(2) improvement in social conditions

(3) addressing uneven spatial distribution of population.

Unfortunately, Mr. Speaker, as I speak the high mortality rate that Guyana knows is second only in the region to Belize. These are the things we should be concerned with. So I will recommend, Mr Speaker, that in ensuring the protection and preservation of our children, that quite apart from whatever may be recorded in that Strategy Reduction Paper that we concentrate our efforts on increased life expectancy and the reduction of infant mortality, that we ensure that education and health care systems are improved, that we do the best we can to arrest the scourge of HIV/AIDS [only yesterday my radio blared the headlines that Guyana ranked foremost in the region for HIV population]. Mr Speaker, we must as well ensure that we create opportunities for our young people to remain in Guyana and to excel.

Having dealt extensively, Mr Speaker, with children and human rights, I will not, in detail examine the individual clauses of this Bill. But, I feel it appropriate to touch on a few of them, starting with article 212 (N) (3) which deals with the manner of appointment of Chairperson of the Human Rights Commission. That Chairperson, Mr. Speaker, is to be appointed in the same manner as the Chairman of the Guyana Elections Commission was appointed, that is, by the application of the so-called Carter formula. Unless I am mistaken, perhaps, this is the first time that this formula is being taken out of an electoral regime and applied to a situation such as this. We have seen that formula work, not necessarily always at its best, but nonetheless we will try it.

I refer you next, Mr. Speaker, to Article 212(O) (1) which sets out the important functions of the Human Rights Commission and I dear say that the most noteworthy of these are the powers that ensure the educational, supervisory and investigatory roles of the Commission to ensure that persons are educated as to their human rights. Because when, Mr Speaker, I read the many references as to what is taking place in Guyana and how frightening our state is becoming, we need to be educated,

we need to be supervised, and some of these heinous crimes need to be investigated.

I refer you, Mr Speaker, to Article 212 (U) (a) and that has to do with the election of members. I would posit, Mr Speaker, like my friend and colleague, Hon Backer, that members should be appointed forthwith. As soon as the ink is dry from this afternoon's proceedings that the President would see it fit to ensure that these Commissions are appointed with due haste.

Lastly, Mr Speaker, I refer you to Article 212 (V) (d) and (e) which have to do with the preparation of reports on the affairs and rights of children. I mentioned this particular Article because I am informed that Guyana has in the past been delinquent in submitting reports as required by the convention which we were told this afternoon was signed in 1991. So we would urge that the reports be submitted in a timely manner and that the Rights of the Child Commission stands, in conjunction, of course, with our courts as the grand, or perhaps even the angry protector of the rights of children in Guyana.

I draw your attention to the salient aspect of the Bill dealing with the monetary provisions and funding for the various Commissions and remuneration for members. We note that the Consolidated Fund will provide funding and that members will be paid out of the Fund as determined by the Standing Sectoral Committee for Social Services. We welcome both initiatives as enlightened developments. So I'll close this afternoon very much as I've begun by reminding you as my colleagues have done that the pith and substance of our work this afternoon will really be reflected in the work of these Commissions in time to come.

Whilst we pat ourselves on the back for the hard work and labour, the grand speeches and presentations, we need to support the Commissions, we need to shepherd and watch over them and to ensure that they have a steady birth and life.

Posterity will judge us harshly or kindly depending on the manner

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of our approach. I join my comrades in supporting this Bill cautiously optimistic, of course, about its implementation, and like all here, pledging to play my part to ensure the success of this Bill.

Thank you. *[Applause]*

The Speaker: Hon Member, Mr Kemraj Ramjattan.

Mr Kemraj Ramjattan: Thank you very much, Mr Speaker, for giving me this opportunity to support the Bill, as all members who rose and spoke have supported it.

I would wish to indicate to this House that this Bill is an expansion of the democratic process we have here in Guyana. It is an expansion process because more and more as we go into the 21st century, instilling the democratic process that we know is going to take us there to a more advanced society, we have to incorporate a larger set of people to either make the policy, the decision or to determine what priority should be given and where. This Bill does exactly that. You have to appreciate, Mr Speaker, that the soundness and integrity, the qualitatively higher step that we are, in a sense, proceeding here with, has to do with the fact that, previously, a literally small area of the elite would normally deal with the question of human rights, women's rights, child rights and so on. But this expansion, and I must set the historical records straight, not necessarily 1998, because the Constitution Reform process started since 1994, under the then Attorney General Mr. Bernard DeSantos. Of course, it had delays, that were due to the fact that my friends over there have some problems coming to Parliament in relation to that. Even when the process started again in 1998 we had further delays. We had delays recently when some of these amendments were simmering in the process of, I think, slow fire. That is why many of them did not appear earlier than today. *[Applause]*

We have to understand too that whatever the process was we must congratulate ourselves because whatever the circumstances were we have managed as a people, Government and Opposition to ensure that

they can come to compromise. What this Bill reflects is that we are civilized. If it requires that we must give and take we will do it to enhance our civil society, our politicians or Parliament, and in every respect our community and society at large. So in a sense this is what is reflected here and for that I must commend the Constitution Reform Commission which you chaired, Mr. Speaker, and also the Oversight Committee.

Little do we realize that this Bill, in a sense, has taken us ahead when compared with other Caribbean constitutions. We can proudly say along with the amendments we passed just before the elections, along with those that will be coming here, along with those that we past two years ago, ours, in a sense, has been, probably, the most progressive of Constitutions in all the Commonwealth. *[Applause]* And that is not boasting. Recently when Mr Raphael Trotman and I were in England, the professors indicated that it was a highly advanced process for the Opposition Leader to be elected from amongst Opposition members of Parliament. It was not known in the Caribbean. We have passed that legislation here and Constitutional Amendment. *[Applause]* So, in a sense, then, whatever the idea, it was passed, the government supported it.

You have to give kudos, Mr Speaker, to those members who have the collective ability to make the compromises. (It would not have occurred.) You have to give kudos too to the fact that an executive, is in a sense, shelving off powers to the commissions when it has to do with women and gender issues, child rights and human rights. Normally government should be extraordinarily conservative and would not want to do that. You go around the Caribbean and you find a difficulty with government and executive doing this. So our government must be congratulated because we have created these Commissions. They are going to be implemented, there should be no fear. It is something that recognizes the work, the dignity and the rights of the human person, especially the Human Rights Commission.

Mr. Speaker, it would be remiss of me if I do not counter this

charge that there might not be this willingness to observe the functioning of these Commissions. We have to understand that if there was anybody who never kept faith to what they agreed to it was the PNC. Do you remember how long we tried and worked for a voter to vote with an ID card? But then when the legislation was passed who were the ones that said it was unconstitutional? *[Applause]* That is the kind of act of faith they talk about. It must be understood that we came here and agreed, we passed laws and then when we do it they say that's unlawful, that's unconstitutional. So I must tell my friends across the floor that it was not the PPP/C Government that breeches faith, it always acts faithfully. It acted faithfully when there was the ID card issue. We also changed the Constitution to create, as pure as possible the chairmanship that would be neutral, that Elections Results were declared by the Chairman. Those results were corroborated by Mr Haslyn Parris, and who beat him up? That is their act of faith. *[Applause]* You create structures, the structures then tell you this is right, then you say it is not right. That is what we call, Mr Speaker, 'the-loser-can't-tek-it-attitude'.

This Bill has what we always spoke of in the PPP, 'winner-does-not-take-all', expansion of democracy. Other people must enforce the law and sometimes make it. There is the scenario where we are trying our best to create that kind of atmosphere - the attribute of this Government is winner does not take all, but the attribute of the PNC is 'looser-can't-tek-it'. I wish to make this very clear because it is indeed important that we talk about these incidents because, quite frankly, Mr Speaker, all the mechanisms in this Act are supported by all. However, the major objection to this Bill is that they are fearful that it would not be implemented. My remarks are essentially towards that, there is nothing here. You have to understand what it is about a government that will make it operate. They want to make it operate. We have to also, in a sense, look at the historical differences between these two parties. Do you remember that Martin Carter said, and it was in the mouth of the Hon Member, Raphael Trotman, that all will be consumed once all are not involved. Martin Carter was beaten out there in 1978 when they were trying to stop the amendments that would have made Burnham god. They were the ones who beat him up. That is the attitude we have in the context of

the times. That is something that makes it unsettling for them, that is their attitude towards the implementation of constitutional amendments. We would never in any way make amendments that give more power to one person. What this Bill is doing, contrary and distinct from what was done in 1978, is to share it around. You have a commission that would be made of five persons that will deal with human rights. But in 1978 you had the congealing into this dynamo called LFSB, a person who had all the laws and all the laws resided in him. This is a distribution of that power and an undoing of what they have done. That is why, Mr Speaker, we should pay more homage to this Bill and to the creators of it. I must commend the PNC in that regard because indeed they shared in many of these propositions which have come into Bill form.

I would also wish to make the point which is an extension to what I was talking about that this act of good faith has to do with the ability of those whose complaints are going to be heard being bound by, whosoever the commission members are, their decision. We have to understand that if we do give a complaint to, for example, the Human Rights commission, (and it is made up of whosoever there will be, because we have some extremely serious methods of appointment, six names, and the President to select one, in effect a very neutral method so that there will be no partisanship) and decisions are made we hope that the decisions will be respected. We had a Commission called the Caricom Audit Team here and they came up with certain determination but we did not have acceptance by certain quarters. We might very well have a Swedish Audit Team here and I hope they are going to be bound by whatever the findings are. We can talk about commissions being formed yet when they make their determination some people are bent on not accepting them. That is something that stultifies the democratic process. I would hope that that is not the position here. We as parliamentarians have come to the conclusion that Commissions are needed. We, as parliamentarians, have come to the conclusion that they must determine matters concerning human and/or women, gender or child rights. When we do that, please, let us be bound by it, otherwise what we give we will take back. That is not good for this modern day democracy. We have to create as much space as possible. The underlying philosophical under-

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pinnings of this Bill has expansive democracy as the basis.

I also wish to touch on the point that Hon Corbin made that had to do with the fact that the impression is being given that the act of faith is, recently, in the breach with the Alcoa and the Linmine thing. Mr Speaker, this is again where it can happen. No matter what mechanism you have, if facts and methods of twisting and tail-turning of the truth exist you will have confusion. We know that the Linden bauxite Town since the late 1970s and 1980s was in the red, not making steady profits. Even the PNC just before 1992, when they lost the elections, indicated that they would have liked to privatise it. To have a committee that is formed now to deal with bauxite industry and essentially to deny. . . [Interruption. . . 'Please, I haven't missed any issue. The issue is that when we have committees, committees must not be, in a sense, a burden to proper decision making. That is what I am saying'.] We can have another committee by Mr Hoyte wanting certain committees and it can affect the constitutional arrangements that we have in place. It is important, Mr Speaker, that we understand that when we started our negotiations with Alcoa the tabling of this bauxite committee came after and there were lots of people in that committee trying to give the investor a bad name and also to, in a sense, cause disreputation in the process. What do you expect the Prime Minister to do? [Interruption. . . 'Bad faith'.] It is not bad faith. It is putting the process on its right keel. It is restoring the balance which was destroyed by their saying a lot of negative things.

Mr DeSantos indicated that in a democracy you do not just 'bully and harr'y', but that is what, sometimes, the Opposition can do. It can create the conditions of coercion and disruption to the extent that, for example, other investors are afraid to come. But little do they realise that when they talk about investment they are the ones that are creating. . . We had to make that statement, and it was correct in my humble submission what the Prime Minister did, it was not as if he was knocking down the bauxite committee. We have a tradition here in the People's Progressive Party of maintaining our axis. We have always acted in faith. [Interruption. . . 'It seems that we are touching some toes here that is why we have the problem of people reacting the way they do'.]

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I would also wish to make a point with regard to the point that we might have more litigation as a result of these Commissions. I think, if I understood Hon Member, Ms Sheila Holder, properly, it might have that effect. But I would wish to tell the Hon Member that, indeed, that was the whole purpose of it not doing. We have the situation where because of the fact that litigation is lengthy, litigation is so formalistic we have that people having complaints on a human rights issue can go to the Human Rights Commission. It is speedier, it is less formalistic, it is something that is going to ensure a quicker, hastier, if one may say that, resolution. There is a little benefit, that is the benefit of having the Commission inquisitorial, as against adversarial, when in a court of law. This Commission has the power, Mr Speaker, to ask questions of Ministers and Ministries. I am absolutely certain that if you have a strong Commission you are going to get answers because the Constitution requires answers of the Ministers. Unless, of course we do have Ministers like years before who hardly gave any answers. I must say that Ministers of this Government have been giving answers. But more than that the point I wish to make is that indeed that is the intent and purpose of the Bill in relation to the Human Rights Commission and all the other Commissions. It shall get from those Ministers, get from those administrative agencies and bureaucrats the answers that will facilitate the determining of human rights abuses or challenges. So then we have to understand that this is what is going to [Pause] Of course, you have to appreciate that you cannot give an over-reliance on our court system. As I indicated it is an extremely lengthy process. This is an advantage we are bringing to the people. We never had it before. Notwithstanding the fact that we are going to have the Commissions's decisions being appealable to the Court of Appeal, it is my view, and those words I wish to state categorically to my friend Hon Sheila Holder, that it will have the effect of dropping the litigation as regards human rights abuses. There will be a forum far cheaper and less formalistic to go to.

I wish also to make the salient point that was not made about the benefits of having these commissions. A benefit that goes toward the education as regards human, child, indigenous, women and gender rights.

It has been observed frequently and all over the place that people sometimes do not know what their rights are. There is an educational attribute about these Commissions. They are bound in accordance with the provisions as regards their purpose and function to educate. So people will know, unlike Mr Robert Corbin, that though you have a right to assemble it is not absolute. Mr Corbin quoted extensively from that right as though there weren't any exceptions to it. But I wish to tell you, Mr Speaker, and you do know that there are lots of exceptions that are provided for. There shall not be a breach of that right once it is reasonably required in the interest of defence, public safety, public morality, public order or public health. Obviously the category of public order was used to lift him up from where he was lying, sleeping in front of the President's place. It is reasonably required to protect the rights and freedoms of other persons. That is where freedom of expressions cannot be abused by seditious telecast hosts in their television shows.

The Speaker: Hon Member that is a matter that is being dealt with by the Court. I will ask you not to refer to it please.

Mr Kemraj Ramjattan: Very well, Mr Speaker. But in every respect, the point I am trying to make here is that sometimes people feel that rights are absolute. The educational aspect of these Commissions must be directed to the Members of the PNC to tell them that these rights are not absolute. *[Applause]* The rights here are of course all relative, being in the context of what the Constitution provides and prohibits. Very many people sometimes do not understand that. And I wish to say, Mr Speaker, that the education is not going to be only for members of the public. It is important that we understand that bureaucrats and officials of state administration must also educate themselves on human rights and these various rights. That was the reason why it was provided for in the relevant clauses. Indeed there is need, and very much so, not only for the public but also for members of the administration. And I hail that because sometimes you get the impression that the parameters within which they must operate are not very well known to these administrative officials, what I call 'officialdom'. It is important in that regard that these Commissions have their work done so that there will be benefits to this

fledgling democracy that wants to go places.

Another important benefit I want to mention has to do with the fact that legislation that will touch on and that concerns these various issues, whether they be women and gender issues or child issues, will be reviewed by these Commissions and they will come to Parliament and say that that piece of legislation that you propose passing is touching on a matter that will sometimes be questionable as regards human rights. That is an extremely important benefit to have from these Commissions. It is important for the simple reason that it is going to confine and, in a sense, squib that which Parliament can do. Of course, that is necessary. Sometimes we feel that that is not a benefit, but I wish to make it quite clear that the PPP/C Administration realises that it does have that intent and purpose which is extraordinarily beneficial. There will be other benefits, they are all listed in there. We also feel, Mr Speaker, that there will be what is called the facility of the disadvantaged using especially the Human Rights Commission to make complaints about whatever authority they feel aggrieved against. These Commissions have the power to investigate complaints. We have never had that before. We had probably to get a top lawyer to go to court to litigate. Because sometimes we have the scenario where even the public officials do not want to say what occurred. That is the benefit of this provision. It ensures that the disadvantaged who cannot afford lawyers can make a complaint. It can happen because the Commission is bound in accordance to ensure that they investigate. This will have tremendous effect on our state of grievance determination. It is now constitutionalised that these Commissions must act. They will not act and only report to themselves but they have to come and report here annually. That is very important.

Mr Speaker, these important attributes must be recorded because if they are not, we might simply come here and think we have just passed another piece of legislation or constitutional amendment and nothing has happened. It is not true. We have to understand that all these various rights give dignity to the human person - all Guyanese regardless of their creed, race, political orientation or whatever. They have the same cat-

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egory of rights circumscribed within the parameters that these Commissions are going to allow.

The Speaker: Hon Member, apart from the fact that your time is up it is now 6:30.

Mr Kemraj Ramjattan: I would not be very much longer.

Hon Reepu Daman Persaud: Mr Speaker, before we continue permit me to move the suspension of Standing Order 9:2 to allow the Assembly to continue until the matter is finally determined. At the same time I move that the Hon Member be given another ten minutes to conclude his speech.

Mr Kemraj Ramjattan: There is another important attribute that goes along with these Commissions, Mr Speaker, that must be stated. Lots of people on the Opposition benches have indicated sometimes that they do not have the information they require of government officials and that is why we get unenlightened remarks coming from them as to what is happening and also it might involve lots more than legitimate exercise of power.

The scrutinizing effect of these Commissions is very much a mechanism that is required in our administration of Government. The importance of scrutinizing government was never a hallmark, if I may say prior to 1992. I do now wish to go back to the twenty-eight year period, but sometimes I have to because unless we know from where we came we are not going to know where we are going. It is important that every member of this Assembly realise that there are scrutinizing capacities given to these Commissions. If, let's say, Mr Winston Murray feels that there is discrimination in a certain procurement contract he can, instead of making loud noises, go to these Commissions and get that which he ought to get. That is the proper explanation as to why a certain person won the award and another person did not win the award. In a sense it does our democracy all the better when these things are done. This kind of scrutinizing attribute of especially the Procurement Commission that

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he spoke on will bring us even the advances that we never had before. It will, as I have indicated, be an advance as against what we had before, an advance that will explain to members of the public and especially the Opposition, the reason why these things occurred and other things did not occur. That facility for openness, for transparency and for accountability is being constitutionalised and we must be proud of ourselves. It is probably this unenlightened attitude and the information that goes with the attitude that creates the perception that things are not real, things are worse than they look, that we can have the situation that we had post election.

To ensure that we get to the bottom of it all, to ensure that perceptions do not determine our actions but reality, we must be able to scrutinize what is the reality. Is Buxton worse off than Enterprise? Is it true that Afro-Guyanese are worse off than Indo-Guyanese? When we seek the truth by scrutinizing what the facts are then we come to the decision of where we should do things, where we should prioritize. This is effectively the kind of mechanism that is needed in this society of ours where there is so much distrust and what one may call mistrust. We must understand that this Bill is going to go a very far way in enhancing the democracy that was started here in 1992. It is not as if, and I have mentioned this many times, this journey has come to a stop. Democracy is an unfinished journey. This Bill is a milestone in that journey and we will continue that course.

Thank you very much, Mr Speaker.

The Speaker: Thank you, Hon. Member.

The Hon Minister.

Hon. Reepu Daman Persaud: Mr. Speaker, we had a lively debate. This Bill is an advance in our democratic process.

It will create in my own opinion, a new atmosphere. One thing is worth observing this afternoon is that people only like to hear good things about themselves; they can't take the bad.

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The other thing I want to say is that in the exercise of one's freedom, one must not trample upon the freedom of the other person. If it is a right for one person to march, I respect that right, but it could not be his right to beat, to assault and commit violence and arson against other people. Those are the factors that need attention to be drawn to. This Bill as I said, has fantastic potentials, magnificent potentials and we must look to all its positive features. It may be correcting many wrongs of the past and I am sure coming out of a process which was replete with overwhelming democratic approaches, it would bring a measure not of a party or a government alone but a large measure of the people. I want to call upon all to give their unstinted support to the measure and let us pass it this afternoon. *[Applause]*

The Speaker: Thank you Hon. Members. I will now put the question that the Constitution Amendment (No. 3) Bill 2001, be read the second time. Those in favour say "Aye", those against "No".

Members: Aye

The Speaker: The "Ayes" have it.

Hon. Members, this is the first time that a division is claimed in this Eighth Parliament and as this will be our first division, I feel that before we proceed, I should, for the benefit of new members invite attention to the procedure. The Clerk will call individually the names of all Members in the reversed order, that is to say, Mr. Nadir's name will be first and the Prime Minister's the last. Members will vote by saying "Aye" if you are voting for the proposal, and "No" if you are voting against the proposal, or you may decline to vote and so state. We will now proceed, and the proposal on which you are required to vote is that the Constitution (Amendment) (No.3) Bill 2001 be read the Second time. Mr. Clerk, please take the division.

The Clerk

Mr Dev

Mrs Melville

Mrs Holder

Miss Allen

Miss David

Mr Ally

Mrs Bancroft

Mr Khan

Miss Nestor

Mr McAllister

Miss Peterkin

Miss Adams

Miss Ally

Dr Joseph

Mr Alexander

Mr Trotman

Mr Ming

Mr Bernard

Mrs Backer

Mrs Sukhai

Mrs Sahoye-Shury

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Dr Ramsaran

Mr Ramjattan

Mr Ramdas

Mr Rajkumar

Mr Mohan

Mr Lumumba

Mrs Edwards

Mr DeSantos

Mrs Chandarpal

Mr Chand

Mr Alli

Mr Ramotar

Mr Belgrave

Mr Mohamed

Dr Ramsammy

Miss Rodrigues

Mr Allen

Mrs Riehl

Mr Murray

Mr Corbin

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Miss Shadick

Mr Xavier

Dr Westford

Mr Sawh

Mr Collymore

Dr Bisnauth

Mr Gajraj

Mr Chandarpal

Mr Baksh

Mr Kowlessar

Dr Jeffrey

Miss Teixeira

Mr Nokta

Mr Rohee

Mr Persaud

Mr Hinds

The Clerk: They voted for the Motion, 57, none against. *[Applause]*

The Speaker: The Motion is carried. Let the Bill be read the Second time please.

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The Clerk: Constitution (Amendment) (No. 3) Bill 2001.

The Speaker: The Assembly will now resolve itself into Committee to consider the Bill clause by clause.

In Committee

The Chairman:

Clause 1

I propose the question that Clause 1 as printed and agreed to stand part of the Bill.

Clause 2

I propose that Clause 2 stand part of the Bill.

Mrs Deborah Backer: Mr Chairman, I rise to move an Amendment to Clause 2 of the Bill and the Amendment reads:

Insertion of the following after sub-paragraph (iii) -

“(iv) in sub-paragraph (c) by the deletion of the words -

if the President deems fit,

Hon. Reepu Daman Persaud: I second the amendment, Mr Speaker.

The Chairman: Amendment proposed, put, and agreed to.

I propose:

Clause 2, as amended, agreed to and ordered to stand part of the Bill.

Clause 3, as printed, agreed to and ordered to stand part of the Bill.

Clause 4, as printed, agreed to and ordered to stand part of the Bill.

Clause 5

The Chairman: Hon. Members, the following two typographical errors were pointed out to me:

in subparagraph (i) of paragraph (a):

Insertion of the word “from” after the words “Minority Leader” in the second line.

Insertion of the word “among” after the words “Leader of the Opposition from” in the sixth line.

I propose Clause 5, as corrected, agreed to and ordered to stand part of the Bill.

Clauses 6 to 10 and the Schedule, as printed, agreed to and ordered to stand part of the Bill.

Assembly Resumes

Bill reported with amendments.

The Speaker: The question is that the Bill be read the Third time and passed as amended

Let the Bill be read the Third time. Mr Clerk, please take the division.

The Clerk:

Mr Dev

Mrs Melville

Mrs Holder

Miss Allen

31st May, 2001

Miss David

Mr Ally

Mrs Bancroft

Mr R. Khan

Mr Kadir

Miss Nestor

Mr McAllister

Miss Petering

Miss Adams

Miss Ally

Dr Joseph

Mr Alexander

Mr Trotman

Mr Ming

Mr Bernard

Mrs Backer

Mr Allen

Mrs Riehl

Mr Murray

Mr Corbin

Mrs Sukhai

Mrs Sahoye-Shury

Mr Ramjattan

Mr Ramdas

Mr Rajkumar

Mr Mohan

Mr Lumumba

Mrs Edwards

Mr DeSantos

Mrs Chandarpal

Mr Chand

Mr Alli

Mr Ramotar

Mr Belgrave

Mr Mohamed

Dr Ramsammy

Miss Rodrigues

Miss Shadick

Mr Xavier

Dr Westford

31st May, 2001

Mr SawhMr Collymore

Dr Bisnauth

Mr Gajraj

Mr Chandarpal

Mr Baksh

Mr Kowlessar

Dr Jeffrey

Miss Teixeira

Mr Nokta

Mr Rohee

Mr Persaud

Mr Hinds

**4. SEVENTH PARLIAMENT OF THE CO-OPERATIVE
REPUBLIC OF GUYANA (CONSTITUTION AND PRO-
CEEDINGS) VALIDATION BILL 2001 - Bill No. 5/2001 pub-
lished 17.5.2001**

The Speaker: The Hon. Minister of Parliamentary Affairs

Hon Reepu Daman Persaud: Mr Speaker, on request I am moving that the other Bill listed for today be deferred for discussion with the Government and the Opposition.

The Speaker: Hon Members, the Second reading of Bill No. 5/2001 is deferred.

31st May, 2001

ADJOURNMENT

Hon. Reepu Daman Persaud: Be it resolved that the National Assembly be adjourned to Thursday, June 7, at 14:54 h.

Adjourned accordingly at 14:54 H