

National Assembly Debates

**PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF
THE FIRST SESSION (1998-2000) OF THE SEVENTH PARLIAMENT OF
GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE RE-
PUBLIC OF GUYANA**

61ST SITTING

14:00H

2001-01-04

MEMBERS OF THE NATIONAL ASSEMBLY (75)

Speaker (1)

The Hon. Winslow M. Zephyr - Speaker of the National Assembly

Members of the Government - People's Progressive Party/Civic(46)

<i>The Hon. Samuel A.A. Hinds, M.P.</i>	- Prime Minister
<i>The Hon. Repu Daman Persaud, O.R., J.P., M.P.</i>	- Minister of Agriculture and Parliamentary Affairs
<i>The Hon. Clement J. Rohee, M.P.</i>	- Minister of Foreign Affairs
* <i>The Hon. Charles R. Ramson, S.C., M.P.</i>	- Attorney General and Minister of Legal Affairs
* <i>The Hon. Rev. Dr. Ramnauth D.A. Bisnauth M.P.</i>	- Minister of Education (Absent)
<i>The Hon. Indranie Chandarpal, M.P.</i>	- Minister of Human Services and Social Security
<i>The Hon. Clinton Collymore, M.P.</i>	- Minister in the Ministry of Local Government
<i>The Hon. F. Vibert De Souza, M. P.</i>	- Minister of Amerindian Affairs
* <i>The Hon. George E. Fung-On, M.P.</i>	- Minister of the Public Service
* <i>The Hon. Dr Henry B. Jeffrey, M.P.</i>	- Minister of Health and Labour
<i>The Hon. Harripersaud Nokta, M.P.</i>	- Minister of Local Government
* <i>The Hon. Satyadeow Sawh, M.P.</i>	- Minister of Livestock and Fisheries
<i>The Hon. Gail Teixeira, M. P.</i>	- Minister of Culture, Youth and Sports
* <i>The Hon. C. Anthony Xavier, M. P.</i>	- Minister of Transport and Hydraulics (Absent)
* <i>The Hon. Shaik K. Z. Baksh, M.P.</i>	- Minister of Housing and Water (Absent)

* *Non-Elected Ministers*

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- * *The Hon. J. Ronald Gajraj, M.P.* - *Minister of Home Affairs*
- * *The Hon. Saisnarine Kowlessar, M.P.* - *Minister in the Office of the President with responsibility for Finance*
- * *The Hon. Geoffrey Da Silva, M.P.* - *Minister of Trade, Tourism and Industry*
- Mr S. Feroze Mohamed, M.P.* - *Chief Whip*
- Mr Cyril C. Belgrave, M.P.*
- Mr Donald Ramotar, M. P.*
- Mr Husman Alli, M.P.*
- Mr Komal Chand, C.C.H., J.P., M.P.*
- Mr Navindranauth O. Chandarpal, M.P.*
- Mr Bernard C. De Santos, S.C., M.P.*
- Mrs Shirley V. Edwards, J.P., M.P.*
- Mr Alston A. Kissoon, M.P.*
- Mr. Moti Lall, C.C.H., M.P.*
- Mr Odinga N. Lumumba, M. P.*
- The Hon. Moses V. Nagamootoo, J.P., M. P.*
- Mr Kemraj Ramjattan, M.P.*
- Dr Leslie S. Ramsammy, M. P.*
- Mr Lawrence E. Rodney, M. P.*
- Ms Philomena Sahoye-Shury, C.C.H., J.P., M.P.* - *Parliamentary Secretary, Ministry of Local Government*
- Ms Pauline R. Sukhai, M.P.*
- Dr Bheri Ramsaran, M.P.*
- Mrs Bijulee Moti, M.P.*
- Mr B. H. Robeson Benn, M. P.*
- Mr Joseph M. De Souza, M. P.* - *(Region No. 1 - Barima/Waini)*
- Mr Heeralall Mohan, M. P.* - *(Region No. 2 - Pomeroon/Supenaam)*
- Mr Ramratan, M. P.* - *(Region No. 3 - Essequibo Islands/ West Demerara)*
- Mr Geoffrey A. Fraser, M. P.* - *(Region No. 5 - Mahaica/Berbice)*
- Mr Ramsundar Sankat, M.S., M.P.* - *(Region No. 6 - East Berbice Corentyne)*
- Mr Eustace S. Rodrigues, M.S., M.P.* - *(National Congress of Local Democratic*

Members of the Minority (29)

(i) People's National Congress (25)

<i>Mr H. Desmond Hoyte, S.C., M.P. Leader of the Opposition</i>	
<i>Mr Winston S. Murray, C.C.H., M.P.</i>	
<i>Mr Dunstan Barrow, M. P.</i>	- Chief Whip (Absent)
<i>Ms Clarissa S. Riehl, M. P.</i>	- Deputy Speaker of the National Assembly
<i>Mr E. Lance Carberry, M.P.</i>	- (Absent-on-Leave)
<i>Dr Faith A. Harding, M.P.</i>	- (Absent-on-Leave)
<i>M Ivor Allen, M. P.</i>	
<i>Mr Kadim A. Khan, M.P.</i>	
<i>Miss Jean M. G. Persico, A.A., M. P.</i>	
<i>Ms Cyrilda A. DeJesus, M.P.</i>	
<i>Mr Andy Gouveia, M.P.</i>	
<i>Ms Deborah J. Backer, M. P.</i>	
<i>Mr John S. DeFreitas, M.P.</i>	
<i>Mr Raphael G.C. Trotman, M.P.</i>	
<i>Dr Dalgleish Joseph, M.D., M.P.</i>	
<i>Ms Volda A. Lawrence, M. P.</i>	
<i>Mr Joseph L. Hamilton, M.P.</i>	- (Region No. 4 - Demerara/Mahaica)
<i>Mr Sherwood A. J. Lowe, M.P.</i>	- (Absent-on-leave)
<i>Mr Andrew Hicks, M. P.</i>	
<i>Mr Neaz Subhan, M.P.</i>	- (Absent)
<i>Mr Colin Bynoe, M. P.</i>	
<i>Miss Sandra M. Adams, M.P.</i>	- (Region No. 10 - Upper Demerara/ Berbice)
<i>Mr Kelly Andres, M.P.</i>	- (Region No. 7 - Cuyuni/Mazaruni)
<i>Mr Thakechand Ramnauth, M.P.</i>	
<i>Mr Aubrey C. Norton, M.P.</i>	- (Absent)

(ii) The United Force (2)

<i>Mr Manzoor Nadir, M.P.</i>	
<i>Mr Matthew R. Charlie, M.P.</i>	- (Region No. 9 - Upper Takutu/Upper Essequibo)

(iii) Alliance for Guyana (2)

<i>Dr Rupert Roopnarine, M.P.</i>	- (Absent)
<i>Mr Albertino Peters, M.P.</i>	- (Region No. 8 - Pataro/Siparuni) (Absent)

OFFICERS

Mr Frank A. Narain, C.C.H., Clerk of the National Assembly
Mr Sherlock E. Isaacs, Deputy Clerk of the National Assembly

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The Clerk read the Prayers.

Announcements

Welcome year 2001

The Speaker: Honourable Members since this is our first meeting for the New Year, I would like to take the opportunity of welcoming all of you and extend to you my best wishes for the year 2001.

Leave

Leave has been granted to the Hon. Member Dr Faith Harding up the 19th March 2001, and to the Hon Member Mr Sherwood Lowe for today's sitting.

The Clerk: *Presentation of petitions*

Presentation of Papers, and Reports, et cetera

Questions to Ministers

Statement by Ministere

Personal Explanation

Request for Leave to move the Adjournment of the Assembly on Definite Matters of Urgent Public Importance.

Motions relating to the Business or Sittings of the Assembly and moved by a Minister

Suspension of Standing Order No. 46(2) and 46(3)

Hon Reepu Daman Persaud: Mr Speaker, I wish to move the motion

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standing in my name.

Be it resolved that Standing Order No. 46 (2) and 46 (3) be suspended to enable the Assembly to proceed at its sitting, Thursday January 4, 2001, today, with the second reading and the remaining stages of the Constitution Amendment No. 5 Bill 2000, Bill No. 18/2000.

The Speaker: The motion is proposed. I will now put the Motion. Those in favour say Aye, those against No.

Members of Parliament: Aye.

The Speaker: The Ayes have it. The Motion is carried.

INTRODUCTION OF BILLS

Hon Reepu Daman Persaud: Mr Speaker, I wish to introduce a Bill to intitule an Act to alterthe Constitution in accordance with Articles 66 and 164, and move that the Bill be read a first time.

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

The Clerk: Constitution Amendment No. 5 Bill 2000.

PUBLIC BUSINESS

BILLS

1: Representation of the People (Amendment) Bill 2000 - Bill No.17/2000

Hon Reepu Daman Persaud: Mr Speaker, the Constitution Reform Process has undoubtably been creating history and contributing

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substantially to the constitutional evolution of this country. In this connection all the political parties have been working together. The civil society had made a magnificent input. Whatever unfolds in this process, therefore, is the results of consultations, discussions, debate and consensus.

Consensual politics is something to be pondered and reflected upon because if we can move a people, a nation, in the true spirit of togetherness it will lead, undoubtedly, to the progress and prosperity of the country. When a country prospers all the people benefit, in fact the focus has to be on every citizen and every citizen should enjoy absolute equality in the country.

The constitutional process endeavours to do exactly that and it has to be a move in the right direction. It is not only a welcomed move but a commendable move. The nation looks forward to what takes place in this National Assembly. With electronics I think they have a great opportunity which was not here for a very long time. They can evaluate, assess and form their own conclusions. Consequently, our work is being analyzed.

For me, Mr Speaker, it has been an honour and privilege to make a small contribution in this process and I've learnt from the process that people could work together once the common ingredient or ingredients of understanding, reasonableness and rationale remain an overriding consideration. I am sure with that kind of scenario, Guyana is traversing the path of constitutional evolution. In my own humble way I have looked back at the constitutional evolution from the time of the plantocracy. I have looked at subsequent development and one former Attorney General was kind to make his book available to me. I have read it and it had useful information.

Constitutional change, constitutional reform remain, Mr Speaker, a tedious process. It is not only a question of the nation, the parliamentarians, the civil society, sitting and addressing the issues with a view of making recommendations for constitutional advancement. It doesn't stop there. Because when all the talks are over, when all the

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discussions are concluded, the important work of crafting and drafting in language which is elegant and admirable, play an important part.

One has to ensure that there is no ambiguity that the language is crystal clear and whatever interpretation is given to it subsequently by the court, or whosoever, that they will find no difficulty in defining and interpreting what has been drafted. This being so, one has to recognise all the players in the process and there are many of them.

Bill No.18, Mr Speaker, strengthens the democratic character of our country and will imbue greater confidence in our citizens. What hitherto, in some instances, were simple principles in the 1980 constitution have been elevated to fundamental rights. I will refer to some of them shortly. *[Interruption]*

Yes, Mr Speaker, this process does not stop at the constitutional level, it goes beyond. Because the Constitution lays the foundation, then there has to be consequential legislation. There has to be Constitutional Statutory Legislation. And so Mr Speaker, this Bill has its genesis in a constitutional instrument. *[Applause]*

And one has to ensure that the provisions of the statute does not collide with the Constitution, so the draft persons are not mandated or expected simply to craft the legislations, but to ensure that those legislations do not collide with the fundamental constitutional instrument. Because elementarily everyone knows that the Constitution is the supreme authority.

What is this Bill before the House today? It amends the Representation of the People Act and we had discussions before on this matter.

My prelude was to bring home the fact of how we were working in a spirit of oneness and togetherness. *[Applause]*

Mr Speaker, racial hostility is abominable, deplorable, obnoxious, dangerous and the greatest threat to stability and peace. It is disgusting

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and it ought to be condemned vehemently at every level. The National Assembly must be the first. *[Applause]*

To teach to hate, to spread hatred, to promote hatred are destructive and can only emerge from a sick, sick and irrational mind.

On this issue Mr Speaker, our voices must sound loud, clear and strong that there will be zero tolerance to racial hostility. To those who are inclined, or those who are in the habit, I would like to feel that what we say today have got meaning and they will get the message. Talent, knowledge and experiences can be better used.

Racial divisiveness is not cured by legislation and by constitution. It can only be removed and eliminated by a genuine effort to do so by all concerned. When we look across the corridors of the world and we see the consequences, the tragedies, the disasters, these things should warn us to steer clear of any actions, words or otherwise which can lead to such situations. I believe strongly that dialogue is the greatest way, the best way, the way towards reconciliation, and probably clarity.

While legislation and penalty may be a deterrent, I think our voices and our action at this level can have even greater meaning and greater impact. I will urge that we begin the new century, we begin the new millennium with zero tolerance towards racial hostility and incitement. I hate violence. I believe in peace and I shall use every grain of my energy to promote peace and understanding. And I speak with feelings and very sincerely.

I am sure everyone of us is concerned about this country and where it is going. So the Amendment to the Representation of the People Act which brings out penalty for offences in so far as racial hostility is concerned speaks of the feeling of the varying committees which worked on it. And I cite 139(D):

(a) Any person who makes or publishes or causes to be made or published, any statement or

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(b) takes any action which results or can result in racial or ethnic violence or hatred among the people shall be liable on summary conviction to a fine of \$100,000 together with imprisonment for 2 years.

Every person convicted of an offence under Subsection 1, shall in addition to any punishment under the said Subsection, be incapable, during a period of 5 years from the date of conviction, of being a member of the National Assembly or being a member of any local democratic organ. Where a person is convicted of an offence under Subsection 1:

The Registrar of the Supreme Court shall send the particulars of the conviction to the Chairperson of the Ethnic Relations Commission, who shall, subject the provision of Subsection 1, take such measures or issue such instructions as are required or necessary to give effect to the provision of Subsection 2.

Mr Speaker, it is not my intention to quote all the provisions of this Bill, but to say that if a person is convicted, the record of that conviction is sent to the Chairman of the Ethnicity Commission or the Ethnic Relations Commission, who in turn sends it to the Chairman of the Elections Commission. That person on conviction can be debarred from contesting General, Regional, or Local Government elections. There is appeal to the Tribunal, and there is appeal to the higher court. At the appropriate time, Mr Speaker, I will move an amendment which moves the offence from a summary one to an indictable one, because we feel it is a matter serious enough to require the attention of the higher court. There the penalty is severe and one wants to ensure that the person so accused is tried by a competent court. So at the appropriate time I will move that amendment.

My Honourable friend, Mr Trotman, has an amendment in mind which he showed to me, I want to indicate on my feet that this side of the House will be in support of your amendment. So the process of consultation and discussion continues, which I speak about.

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The process, Mr Speaker, allows full ventilation and recourse to appeal to ensure that justice is done. But what is significant about this Bill is that it is not confined to the offender alone, it goes beyond that. A political Party can virtually be debarred from contesting in the election if the person so found guilty belongs to a Party, and the Party does not disassociate itself from any statement of racial hostility. The Bill in this instance looks like it is carefully drafted. There is provision in the Bill for the Leader of that Party, and if there is no Leader for the General Secretary, to be invited by the Ethnicity Commission and to be heard.

Of course, that is subject to appeal so that the matter can be ventilated fully. I feel this is the strongest piece of legislation for a long time on the issue and what is noteworthy is the fact that it has the support of all sides of the House. I want to seize the opportunity this afternoon to move its second reading and to call on all Hon Members to give their approval of this measure, emerging and emanating from the Constitutional Amendment Bill now an Act setting up the Ethnic Relation Commission. I so move. *[Applause]*

The Speaker: I propose the question that the Bill be now read a second time.

Hon Member Mr Trotman

Mr Raphael GC Trotman: Mr Speaker, with your permission, I rise to speak on this Bill Representation of the Peoples Amendment 2000, Bill No. 17/2000. Mr Speaker, I join with the sentiments expressed by the Hon Minister for Parliamentary Affairs, and endorse the words of description he used to describe how abhorrent and abominable race hate and racial prejudice are. For a moment however, Mr Speaker, we on this side of the House were baffled as to what piece of legislation the Hon Minister was speaking on, except, of course, that he seemed to have brought himself in line.

It is said, Mr Speaker, that one cannot legislate to change one's attitude, but certainly the legislation before us this afternoon, as tabled is, a start, and we trust that if we make a beginning with the laws and then

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later on in our attitudes, this country could become a better place. We continue to feel however that the reasons for having this legislation, as we have expressed in the past, is in a sense an indictment. That view was expressed by myself and my colleague, Mrs Riehl, some time before. But nonetheless, as I said, it seems now imperative that we have it.

We would describe this Bill, Mr Speaker, as being the completion of the legislative process which gives completion to the commitment espoused firstly, in the Herdmanston Accord and then by the Constitution Reform Commission and later by the Special Select Committee on Constitution Reform, that is to say that special attention will be paid by this House to matters of Ethnic Relations, the improvement, to be specific, of Ethnic Relations.

We describe this Bill, Mr Speaker, as being part of what I would call the trilogy of legislation, beginning firstly with the Ethnic Relations Commission which was established in August. Then only recently, Mr Speaker, we passed through this House, the Ethnic Relations Tribunal Bill. Now, this afternoon, we have the penalties to accompany those two organs. The penalties for the violations of those two organs as set out in the legislation as passed.

It is my hope and the hope of the People's National Congress/Reform that for the year 2001, Mr Speaker, that no provision of this legislation will have to be utilized and that no Member of this distinguished and August body, neither as Assemblyman or Assemblywoman will be called to task for uttering any language or doing any act or committing any omission which would bring us under the provisions of this Act.

We, Mr Speaker, pledge on this side, that we intend, not only to strictly adhere to tenets of the Bill, but also to ensure that all those, both in the House and those who wish to participate in the body politic of this country are kept in line as regards the tenets and principles of not only this legislation, but also all legislations passed previously dealing with ethnic relations. And I wish therefore, on behalf of the PNC/Reform to support this Bill in the hope that no one, henceforth would be found

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victim to the vices of hate, bigotry, prejudice or ignorance.

We agree, Mr Speaker, with the stringent provisions of the Bill and as well with the very harsh penalties that are imposed, and perhaps even would entertain a hope that in time those penalties could even be increased as the need arises. There is absolutely nothing, Mr Speaker, to be gained by promoting, advocating or embracing ethnic divisiveness. We pledge as did the Hon Minister for Parliamentary Affairs to eschew any activity which appears, or does in fact embrace ethnic division or divisiveness. That is our solemn pledge.

I refer in particular now, Mr Speaker, only to one aspect of the Bill which the Hon Minister alluded to and it is my intention at the appropriate time to move an amendment thereto. That is Clause 1, the proposed Clause 1, 39(D)2, which reads very quickly:

Every person convicted of an offense that person shall be disqualified from being a Member of the National Assembly or from being a member of any local democratic organ.

Mr Speaker, it is my intention to address you at the appropriate time to show you that not only should such a person be disqualified from this National Assembly or Local Democratic Organ, but so too should such persons be disqualified from being the holder of any high constitutional office in this country. If it is that you are inappropriate or unworthy to be here, so too should you be unworthy for any constitutional or other statutory body that makes up the body politic in this country. So at the appropriate time I will move. And I am glad to know that we have received the concurrence of the Honourable Minister. I will move that amendment.

Without more, Mr Speaker, we wish to join in our support wholeheartedly of this Bill. Whilst it is a painful exercise to know that we have come to a state in this country that it is necessary, we realize that it is imperative that it be enacted and we, as I said, pledge our full support.

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We intend to hold all stakeholders to this provision. Therefore in closing we support this Bill.

Thank you. *[Applause]*

The Speaker: The Hon Member, Mr Nadir.

Mr Manzoor Nadir: Mr Speaker, I, too, stand on behalf of my Party to support the Bill which is one of the enabling pieces of legislation to ensure that those who are convicted of causing ethnic or racial violence or hatred, be severely punished and debarred from holding Government office. While I note that the Hon Member, Mr Trotman said we cannot legislate to change behaviour, what this particular Parliament has done in the passage of these ethnic relations amendments to the Constitution is that they send a signal that the society as a whole stands firmly against racial hatred, division and violence and we sign on to that, Sir.

Thank you very much, Sir. *[Applause]*

The Speaker: The Hon Member, Mr Lumumba.

Mr Odinga Lumumba: Mr Speaker, colleagues on both sides, first of all I would like to wish all on both sides a Merry New Year. I assume that the New Year's gift for Guyana is this Bill that we are discussing today. I am very happy about that.

I am happy also because as a youngster growing up in Buxton on many occasions we have had to be confronted with the issue of race. I remember one particular period when the train reached Buxton at 4 p.m. and we heard that a friend named Soati had died in the backdam. Everybody in the village was upset and mad, then there were confrontations et cetera. But I think what this Bill will do today, is say to all people of Guyana and all races, that the time has come when we can discuss our politics without having to feel any physical or mental pain.

I think Mr Speaker, what this Bill will do is to ensure that we don't have any more Rodneys, we don't have any more incidents in Buxton.

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And that my fellow parliamentarian, Mr Nadir, will no longer have to be concerned if, unfortunately, he is on the lamp post and then there is some disagreement. I'll anticipate that someone will, in a nice way, ask him to leave the poster and climb down quietly. I also anticipate that when the Hon Prime Minister Sam Hinds and I campaign again this year in Festival City we will not be concerned about obstacles.

At the same time I also want to say when my brothers and sisters on the opposing side, go in any area that is controlled by our parliamentarians or our political party, they can speak in the same manner, in peace and tranquility.

In addition, I want also to point out that in most modern societies people are able to debate and discuss things in peace and tranquility. What it means for us, Mr Speaker, is that when Minister Shaik Baksh says that he has distributed 20,000 house lots then those on the opposing side will find a way and a manner to explain to the public why they were only able to distribute 175 houselots. Any we'll have those debates and discussions with peace and harmony.

When Minister Xavier attends a public meeting and talks about the roads that he fixed, I would assume that my brothers and sisters on the opposing side would be able to come out with figures and facts to counter that position and to state clearly to the Guyanese public what they will do if, for some strange reason, they are able to get in the position of power.

Mr Speaker, indeed I am very proud today that the world can now see that Guyana has finally matured. The next time the Hon Opposition Leader speaks at the Square of the Revolution we wouldn't have to tremble, because of what we hear. [Interruption... 'I know you would like that Sir, that one was just for you. Well, I can't say that any more Sir'.] The next time you speak at the Square of the Revolution, Sir, we all will be able to listen to you regardless of race, colour, or political affiliation. We can listen, we can take notes and we can debate it the next day. So we don't have concerns of whether hundred or thousands

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will be on the road for any particular reason. Again Mr Speaker, I think this shows a high level of maturity on both sides and it means that we can now begin to plan our public meeting in South so we can get a minimum of 30% of the vote in that area.

Thank you Sir. *[Applause]*

The Speaker: The Hon Minister, Mr Moses Nagamootoo.

Hon Moses V Nagamootoo: Mr Speaker, I rise to support the amendment to this legislation to introduce a new category of culpability under the law. There are many who believe that the appeal to ethnicity, ethnic sensitivities, the advocacy of ethnic violence and race hate are electoral offenses. I believe that we have to look beyond electoral offenses and to situate this far reaching amendment to our law in the political and historical antecedent of our country, which unfortunately had experienced much over the last decade in political ethnic polarization. I say political ethnic, because the root cause of the polarization that we have seen in Guyana itself at the political level, had in fact been evident at the ethnic level.

For a greater part of the last century one leader, the late Dr Cheddi Jagan, had inscribed in heart and banner a historic mission to reunite the Guyanese people, to reunite the races of Guyana and not allow the political cleavages to tear the society apart. And there have been many, many initiatives during the last century, to bring about a political solution of the ethnic problematic. Initiatives in language and in appeal for a national unity government, national front government and winner-does-not-take-all-politics. So this is not simply an electoral offense that is addressed, this is a profound and deep seated problematic of our society.

And the Constitution Reform Commission has quite rightly seen that it might be good for our Constitution to talk about a multi-racial republic and a republic premised on the foundations of ethnic harmony and working together, but that there has been no clear deterrent to immobilise and penalise those who would exploit the political problematic in Guyana to spawn ethnic hatred and division and to further polarize the

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society. Hence the resort to the Representation of the People Act chapter 103 of our law to provide harsh penalty, a fine of \$100 000 and imprisonment of two (2) years for anyone who causes, utters, publishes or causes to be published offending remarks with appeal to race hate, race incitement and race violence.

Unfortunately Sir, there are still in our society a large pocket of irresponsible propagators of race hate. Race hate, Sir, is a universal crime. Race hate and hate speech have lead to genocide. We do not have to go very far in our modern history to look at the unfortunate and catastrophic episode of genocide in Hitlerite Germany, the extermination of millions of Jews. The episode of violence, ethnic and/or racial intolerance and genocide in Bosnia, in Serbia, in many parts of Africa, including the use of the media in stimulating race hate.

Today Sir, in Guyana while we emphasize one aspect of this proposed amendment to do with restricting and circumscribing the behaviour of political activists, members and/or supporters of political parties in the propagation of race hate and race intolerance, we must not forget, not for one moment, that the most insidious appeal to racism is the racism that enters into your sitting room, into your houses. It is the racism that pollutes the electro-magnetic wave, the air waves, the racism on the television screen.

Sir, we must also be very careful in approving this law, that we make a difference between what is correct political behaviour and the deliberate misuse of the media which promotes mischief, race hate and intolerance. Race speech, Sir, is a crime. It is so in the amended version of our Constitution. It will come before this House and I hope that this entire House will fully castigate those who exploit the free use of the plural media in Guyana to daily poison the minds of the Guyanese people.

I can claim, Sir, absolute parliamentary privilege and name those people on those channels who have been espousing race hate and race venom and race poison. We have seen the episode of racism overflowing on the streets spurred by these elements on television, one in particular. And Sir, I wish that we have less television racism and not more. I repeat,

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Sir less and not more. I do not want to enter any realm of disputation of how a television station can advocate racism. A television station is licenced, has a licensee, a proprietor who has a licence to broadcast. The licence must be circumscribed by perimeters of responsibility and a high sense of civic responsibility which says, Sir:

Though shall not set one set of people against another set of people even for political purposes.

I wish that law would be expanded in this House to mean that. Just as a politician can be debarred from holding or running for office, any proprietor of television station who allows his station to be used, who hires out station time, who rents station time to those who advocate racism and rate hate and race violence should suffer the forfeiture of the licence. No less than that. *[Applause]*

Sir, the amendment to Section 139 sets out in Chapter 103 a series of electoral offences. I think that we'll have to, as one Member has said, in looking at the harsh penalties which this amendment introduces to also refer to the existing penalties under the Representation of the People Act. Section 139 states:

Every person who wilfully mutilates, tears down, destroys, obscures or makes any alteration on any list or notice published in accordance with this Act shall be liable on summary conviction to a fine of \$100 or imprisonment for three months.

The fines should all be increased. I am reading this to show where this amendment fits in. It fits in after Article 139 and it adds 139, D and E, It starts from 138 and so on. There are other offences in the Representation of the People Act that had to do with the impersonation of a voter which is punishable with imprisonment as well as a fine. It has also offences that deal with multiple voting, people who vote and vote again. Sir, we are aware of behaviour in the past that provided offences when persons connected with political parties attacked candidates

unjustifiably.

That they should not use during the elections campaign offending remarks about candidates unless those remarks are absolutely justifiable.

In other words, the Representation of the People Act had sought to introduce a certain mode of political behaviour, civil behaviour, that in the political contest for office we would not depreciate our behaviour to hostility of a personal or individual nature so that we indulge in character assassination. So together with all these prohibitions now come an amendment that identifies the ethnic problematic. I think this is a great occasion for us to show unity on this amendment and I feel that it is still important that we understand that the rigging of elections alone is not enough to introduce new mode of behaviour. It should be to solve that. You need to address the fundamental issue of curbing those who advocate racism and the use of media in the advocacy of racism.

Sir, therefore, I support this amendment, the proposed amendment to be made by my colleague and by the representative on the other side. I hope that the amendment will not be something that is just written on paper. It was meant to command us all to a better and a higher level of political conduct in the interest of our nation, the unity of our people, ethnic harmony, the peace of Guyana and the togetherness that we all aspire to promote in this new century.

Thank you. [Applause]

The Speaker: Hon Minister.

Hon Reepu Daman Persaud: Mr Speaker, It is my sincere hope and wish that those of us who constitute this National Assembly will do everything conceivably possible to avoid racial hostility, division and turmoil. We are beginning a new year and we should start it on a positive note of working together to build a strong economy and a happy country.

I now, Mr Speaker, move that the Bill be read a second time.

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The Speaker: I now put the question that the Bill be read a second time. Those in favour say Aye, those against say No.

Members of Parliament: Aye.

The Speaker: The Ayes have it. The Motion is carried. The Assembly will do everything conceivably possible to avoid racial hostility, division and turmoil. We are beginning a new year and we should start it on a positive note of working together to build a strong economy and a happy country.

I now, Mr Speaker, move that the Bill be read a second time.

The Speaker: I now put the question that the Bill be read a second time. Those in favour say Aye, those against say No.

Members of Parliament: Aye.

The Speaker: The Ayes have it. The Motion is carried. Let the Bill be read a second time.

The Clerk: Representation of the Peoples Amendment Bill 2000.

The Speaker: The Assembly will resolve itself into Committee.

In Committee

The Chairman: I propose the question that Clause 1 stands part of the Bill. Those in favour please say Aye, those against say No.

Members: Aye.

The Chairman: The Ayes have it. Clause 1 stands part of the Bill.

I propose the question that Clause 2 stands part of the Bill.

Hon Minister.

Hon Reepu Daman Persaud: Mr Chairman, I wish to move the

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Amendments on Bill No. 17/2000 standing in my name. The amendments are clearly stated in the circulated document. I therefore move the amendment.

Mr Raphael GC Trotman: Mr Chairman, I rise to move an amendment standing in my name that is circulated to Clause 2, subsection 2 of the Bill, with one minor correction. Delete in the penultimate sentence of the amendment the word 'of'.

Any local democratic organ or the holder of any constitutional or statutory office.

I wish to remove the word 'of' coming before 'the holder of any constitutional or statutory office'

The Chairman: The amendments are proposed. I will now put the amendments. Those in favour please say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it. I now put Clause 2 as amended. Those in favour please say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it. Clause 2 as amended stands part of the Bill.

Assembly Resumes

The Speaker: Hon Minister.

Hon Reepu Daman Persaud: Mr Speaker, I wish to report that Bill 17/2000 was examined clause by clause in Committee and passed with amendments. I now move that the Bill be read a third time and passed as amended.

The Speaker: The question is that the Bill be now read a third time and

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passed as amended. Those in favour please say Aye, those against No.

Members of Parliament: Aye.

The Speaker: The Ayes have it. Let the Bill be read the third time.

The Clerk: The Representation of the People Amendment Bill 2000, Bill No. 17/2000.

Hon Minister.

2. Constitution (Amendment) (No. 5) Bill 2000 - Bill No.18/2000

Hon Reepu Daman Persaud: Mr Speaker, the Bill before the House is one which came out of the process beginning with the Constitution Reform Commission. The Commission sat for many days, many hours, and examined the Constitution of 1980 and looked into other constitutions of different countries. That exercise resulted in what is before us this afternoon. In this Bill principles of the 1980 Constitution have been elevated to fundamental rights.

These rights include the gender issue, confiscation of property - that would mean that there must be prompt and adequate compensation so that those who have property can feel secured - freedom of speech, freedom of association, peaceful demonstration, (I emphasize, peaceful demonstration), the right to form and belong to a political party, trade union and other organizations. These constitute fundamental rights and no one can be inhibited or restricted in their unfettered freedom which they are entitled to.

For the first time the right to strike is written into the Constitution

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though that right existed probably out of industrial agreement. It was not directly written into the Constitution. Now that right is written into the Constitution.

A significant feature is that there should be no form of discrimination. This is spelt out in Article 149 in detail. I do not want to burden the Assembly by reading it. The Bill is in the possession of all Hon Members.

Every Public Service worker who now enjoys an enforceable right to any pension or gratuity granted him or her no one has the power to deny the worker his or her pension or gratuity. *[Interruption . . . 'Tell Roger that . . . I will tell him that in 1983 the Constitution provided for that to happen'.]*

This is a good amendment, a welcome amendment. The gender issue is a major issue. It has shifted and moved bodily from a principle to a fundamental right.

Mr Speaker, ever since my entry into politics I have heard particularly and specifically my late leader, Dr Cheddi Jagan, advocating and advancing these rights. He parted from the days of the plantocracy, the British and even post independence. Many of these rights did not find themselves in the Constitution.

For example, if a person is arrested, he cannot be kept for longer than 72 hours and has to be released. That is only one change. Let me read some of the new features in the fundamental rights chapter:

No person shall be hindered in the enjoyment of his/her right to work.

That is to day the right to free choice of employment. I referred already to the public sector worker who now enjoys unenforceable right to pension and gratuity.

Article 141 C which took the original position of a principle has moved to a fundamental right. I want to read it.

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No person shall be hindered in the enjoyment of participating through co-operatives, trade unions, civic or socioeconomic organizations of a national character in the management and decision making process of the state.

This provision which will be enshrined in the Constitution definitely broadens the perimeters and scope of our democracy, and it is fundamental to inclusionary politics. So this concept, this perception of inclusionary politics no longer remains a perception or a concept, it has now moved into the constitutional instrument, the Constitution, the supreme authority of the country.

The state shall not deny any person equality before the law or equal protection and benefit of the law.

The state shall for the purpose of promoting equality take legislative and other measures designed to protect disadvantaged persons and persons with disability.

Even international treaties are now recognised and cognisance ought to be taken by a number of agencies including Parliament and the Courts.

This one brings everybody in a position of absolute equality, 149 E:

All persons whether born in or out of wedlock, and whether born prior to the enactment of this Article or not, are born equal, have equal status and are entitled to equal rights.

So this concept of equality is clearly strengthened.

As I said, these were measures which we have struggled for, battled for, fought for, and it is really an honour and privilege for me to move it from this side of the House on behalf of the PPP/C Government.

On the gender issue I should put on record 149 F:

Every woman is entitled to equal rights and status with

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*men in all spheres of political, economic and social life.
All forms of discrimination against women on the basis of
gender or sex are illegal.*

Discrimination on the ground of gender is now illegal. So credit should be given to this measure. And congratulations to the women in this country who finally in the year 2001 have risen to equal, absolute and unequivocal status with men in the country. I wish you well.

I remember a little story and let me tell you it. The husband who believes he is the head of the house, his wife would have successfully fooled him. Because the wife knows that if he thinks he is the head she is the neck, and wherever the neck goes the head has to follow.

Mr Speaker, the indigenous people of this country for the first time in their history are elevated substantially. That elevation is accounted for in Article 149 G. I want to put it on record.

*Indigenous people shall have the right to the protection,
preservation and promulgation of their language, cultural
heritage and way of life.*

Again, a move in the right direction. A progressive step forward. Congratulations to the Amerindian Community.

Every child is entitled to free primary and secondary education in schools owned or funded by the state.

In the Fundamental Right Article 149 (1):

*No person shall be hindered in the enjoyment of the right
to establish a private school which shall be under
regulation by the state.*

So the right to establish a private school is also provided for.

Environment which is a big issue has not been excluded. Everyone

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has the right to an environment that is not harmful to his or her health or well being.

So Mr Speaker, this Bill covers a wide gamut of rights and principles. But those that are crucial and significant have been elevated. And I want to put them on record so we will know what is a principle and what is a right in the Bill.

Article 11 has been repealed. This has been dealt with now as a fundamental right in Article

139 (C) that deals with Trade Unions. The right to work remains a principle. The right to education is also a principle.

Repeals to Article 13 deal with equality for children born out of wedlock. And it has put the framework for equality for all persons. That is now a fundamental right. I have been referring to some of the seven new principles enshrined in the Bill.

Mr Speaker, among the seven new principles, guiding principles in Article 39, Article 40 is a fundamental right to have a creative and happy life. I think that ought to be a fundamental right if not an inherent right.

This one about 72 hours I have already referred to. It is a fundamental right. At the CRC there was lengthy discussion on it. When a person is arrested how long the person should be kept et cetera. There was a long legal discussion and, of course, non legal input. Ultimately we settled for 72 hours.

The right to compensate, Article 142, is a fundamental right.

The right to demonstrate is a fundamental right. But as I said, that demonstration has to be peaceful.

Article 149 ought to be highlighted, which again is a fundamental right. The right against discrimination is fundamental on the basis of sexual orientation or marital status. It is widened.

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Mr Speaker, this Bill therefore, as I said, went through the full gamut of the total process - CRC, Special Select Committee, National Assembly and Oversight Committee. So it is my pleasure to move this Bill, Constitution Amendment Bill No. 5, Bill No 18/2000, and ask that it be read a second time.

The Speaker: Honourable Members, I propose the question that the Bill be now read a second time.

Hon Member Ms Riehl.

Ms Clarissa Riehl: Thank you, Mr Speaker.

Mr Speaker, this Bill represents a major overhaul of the fundamental rights provision of our Constitution. Some of the principles and the bases of the political, social and economic system outlined in Articles 9-39 of the Constitution and often referred to by lawyers as the non-justiciable clauses of the Constitution have been reshaped and elevated into rights clauses. There are at least three of them. The Hon Minister has traversed these areas already.

(1) Trade Unions, cooperative bodies and other socio-economic organizations are allowed to participate in the decision making processes of the state.

(2) Women's rights have been lifted from Article 30 and upgraded to a fundamental right now in Article 149E.

(3) Equality of the status of all persons.

These amendments have been elevated to fundamental rights.

The other principle in Chapter 2 of the Constitution that is the said Articles 9 - 39, though enhanced and elaborated upon remain mere guiding principles and objectives as the substituted Article 31 (1) tells us. These cannot be sued upon unless and until legislation is passed crystalizing these principles into law.

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The fundamental rights provision situated in Articles 138 - 154 have been improved upon, as the Hon Minister told us when he traversed many of them, by the addition of several new rights including the rights of the indigenous peoples to the preservation of their culture and way of life.

The right to free primary and secondary education is a right which we enjoyed before. The state had given up to tertiary education, but this is no longer so since university fees have been introduced.

Mr Speaker, this section involving the fundamental rights of our Constitution more than any other affects the lives of the ordinary people of this land as it guarantees and safeguards those rights upon which our lives depend, those rights and freedoms that we take for granted as we live and move and have our being, the right to life, although with so many unsolved murders, the question arises whether the state any longer possesses the ability to protect that right. How-be-it, it has arrived in our Constitution.

The right to liberty, freedom from slavery, from torture and inhumane treatment, the right to choose our own religion, to the ownership and protection from deprivation of property, the freedom of speech, movement and association, are all fundamental. Our High Court is the guardian of these our fundamental rights and lawyers are familiar with the filing of constitutional motions on behalf of John Citizen to protect some aspect of some right or freedom which has been abrogated or curtailed by some functionary of the state. So important, so fundamental are these rights to our lives that it was felt in some quarters at the time this Constitution was being reviewed and amended that a new code, a constitutional code, not unlike that of the South African model ought to be considered. No doubt this was muted because of the present inadequacies of the High Court with its inbuilt delays in the hearing of matters and delivery of judgements. Certainly a fast-track method of dealing with constitutional matters becomes an attractive idea given this situation. Many Members of this Honourable House, Mr Speaker, would recall Justice Aldesax, a judge of the Constitutional Court of South Africa, who during the time of the

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work of the Constitution Reform Commission visited Guyana and gave several illuminated lectures on constitutional matters with particular reference to this area, the fundamental rights of the Constitution. The time is ripe, Mr Speaker, for a total Review of our Court system to better serve the needs of the Guyanese people.

Moreover, four years ago, Justice Desiree Bernard, the Chief Justice, sitting on a committee dealing with family maintenance and related matters recommended the formation of a Family Court. As far as my knowledge goes everybody appears to have agreed that there should be one but no steps have been taken to implement that or to change the systems of the court to accommodate a family court. Such a court would bring a more ameliorating approach to the solution of the myriad problems that beset the family in today's Guyana. Since the family is the basic unit of our society, the many unsolved problems of the family with its attendant consequential breakdown, inevitably contributes to the breakdown of the society as a whole.

Mr Speaker, I wish to advocate that these rights on paper would merely remain rights on paper unless and until we have the guarantee of a proper legal system and people know that the system is working for us. I wish to advocate, therefore, that the civil division of the High Court be streamlined into a Family Court, a constitutional matters division, perhaps, even a Justice Bagwattie type court, where a grieved person with stipulated instances may approach the Court directly without the aid of an Attorney-at-law.

A new and improved Constitution is welcome by this side of the House and by all sides of the House, because we participated fully in this process. I myself was a member of the former aborted committee that was set up but came to an end in 1997 when events overtook the committee. How-be-it, it took something like the Herdmanston Accord to galvanize this process forward. Today, we are, bit by bit, bringing these new amendments, these new versions of Articles, to this Honourable House. A new and improved Constitution enlarging the rights of citizens on paper is just not enough. We need to go that extra step forward and

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to implement changes in our Court system, our legal system to better accommodate and give true meaning to these rights.

Thank you.

The Speaker: Hon Member, Mr Nadir.

Mr Manzoor Nadir: Mr Speaker, I rise to support Constitution Amendment Bill No. 5 that is before us today.

As the two previous speakers mentioned these amendments come out of a long period of gestation and they have highlighted some of the aspects of these fundamental rights and some of the changes that are going to be made by these amendments to our constitution that will have significant impact on our society.

Mr Speaker, I want to highlight a few of the other changes that are enclosed in this Bill and to zero in, in particular, to that which deals with education.

Mr Speaker, in these provisions here, a person is going to be obligated to be in school up to age 15. There are provisions that are in these amendments, I think it is 149 (H) (1) that will ensure every child is given free primary and secondary education in schools owned or funded by the state. Mr Speaker, this is very important for me because we see the plethora of social issues that keep our young people out of school at very early ages. With these changes it is going to be incumbent upon our Government to ensure that we provide for every child up to the age of 15 to be in a primary or a secondary school on a full-time basis.

Mr Speaker, when the Hon Member Ms Riehl spoke she mentioned that many of the provisions will still not be enforceable. However, Mr Speaker, there are several of these amendments which I feel strongly can have enabling legislation that can put penalties on people who violate these rights. We can go further than just tabling these constitutional amendments by ensuring that the ordinary law is so framed, that those who violate the Constitution can face the severe penalties that such

violation should incur.

For example, parents who keep children out of school we should have the law say what we are to do with them. Within these amendments we have the obligation of parents and guardians to look after the children and there should be the ordinary law in place, if it is not there already, so that the state can take action against those persons.

Mr Speaker, dealing with education I think another significant development here is Article 149 that guarantees a person the right to establish a private school. We know we have gone through a period when schools were all taken over by the state. That movement did not only happen under the People's National Congress, but in the early 60s there was movement under the PPP Government also which caused the downfall of the Government in, I think it was, 1964, when the then PPP Government moved to take over the schools run by the churches. It is well documented in Father Morrison's Book.

Mr Speaker, this is a very important provision for me that private schools are guaranteed by our Constitution. We note that it is going to be under state regulations. But here within the Constitution that strong right of an individual to establish a private school is now enshrined.

Mr Speaker, there are some other commendable amendments that are in place here dealing with the rights of children.

One that I would like to highlight here is the issue of capital punishment. Clause 11, Article 138 that is before us to be amended.

That no person under the age of 18 at the time when he or she would have committed an offence could be subjected to capital punishment.

Even though it was there before, Mr Speaker, it is now enshrined in the Constitution. The Attorney General knows better than you and me, Sir, that when you put it in the Constitution it is not so easy to take it out or to ignore it.

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Mr Speaker, the issue of a person's right to work, this is another one of the provisions which I feel can have accompanying it some form of ordinary legislation that can penalize those who prevent or hinder a person from enjoying that right to work.

Mr Speaker, one of the fundamental issues when we debated these rights and looked at the elevation of them was the issue of enforceability and also whether these rights should only be enforced against the state. There was one particular view that says these rights are rights that protect the individual from the excesses of the state. I am no lawyer, Mr Speaker, but I feel that just as the state can hinder a person from enjoying those rights, individuals can also hinder a person from enjoying those rights. Our legal brains will have to put their heads together in order to ensure that the individuals who are challenged for preventing others from enjoying their rights can face some amount of sanction from the society and the judicial system.

Mr Speaker, the final amendment that my party feels strongly about - and we want to highlight it again this afternoon - is the issue of prompt and adequate compensation to individuals whose properties were compulsorily acquired by the state. Mr Speaker, with the inclusion of prompt and adequate payment as a provision of the current Constitution it strengthens a citizen's resolve to challenge our Government when their property is acquired without prompt and adequate compensation.

Mr Speaker, a final word. We also support the strong moves within these amendments on the equality provisions for women and for ensuring that our indigenous people get an opportunity to preserve their culture and pass on their heritage to their children. We also, Sir, share in supporting the provisions in these amendments that will provide for a good environment for future generations.

Thank you. *[Applause]*

The Speaker: Hon Minister Ms Teixeira.

Hon Gail Teixeira: Mr Speaker, I rise also to give support to this Bill.

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This is a very important day for Guyana. In fact, the last few meetings of Parliament have been historic occasions in that we are making major changes to our Constitution and the democratic fabric of our society. The move today to amend areas of the Constitution to provide for fundamental human rights is a sign of the level of the development of the democratic culture in our society here in Guyana.

At this time when many people have fears, concerns, and are insecure about a number of issues, the creation of these major fundamental rights is a means of building confidence in society by providing mechanisms for its citizens to seek recourse or protection. I stress this point because democracy is based on a number of elements. A democratic state is based on a number of elements, not only on elections but on Constitution - the laws created to protect it and to ensure that democratic traditions and culture are not undermined or eroded by the whims and fancies of whoever is in office.

We need to remember the context under which we are operating. It has taken us twenty years from the last Constitution in 1980 which came after the 1978 Referendum that was boycotted by all the opposition parties. That constitutional process moved forward without any discussion or consultation with the population. In fact that Constitution was the baby or product of an un democratic state, and what was popularly known as administrative dictatorship.

The process that was started in 1995 to look at the Constitution again was delayed and frustrated. My colleague on the other side of the House, Hon Clarissa Riehl, pointed out that it was aborted in 1997 due to the elections. That process could have started in 1995 but was delayed for a whole year due to the inability of our colleagues on the opposite side of the House to name their representatives.

However, it is important that the Constitution Reform Process be recognised in this country as something that will go down in the annals of our country. All of us sitting in this House and all those who provided memoranda, all those who were part of the Oversight Committee, the Joint Management Committee and all the other Committees that made

this possible should be so recognised for having taken the Constitution through these various stages.

Obviously there are a number of other human rights that have to come forward to this House. This process is not finished. There is a great level of commitment and dedication to the building of a nation and on a strong democratic foundation. So what, today, we are doing is moving a number of things that were principles and declaratory statements - that's all they were - in the 1980 Constitution to the realm of fundamental rights. In some cases they stand on their own and therefore any person can go to the courts to seek recourse. Those clauses and changes that have come to us today are extremely important ones and I want to highlight some of them which have been raised already.

As a Member of the Fundamental Rights Task Force, which was led ably by the Hon Member Nadir, Deborah Backer, myself and Jean Rose, it was a real experience in serious consensus building. It was not like some of the committees I have been on recently that deal with consensus building. But I want to congratulate and to thank these persons genuinely. All four of us wanted this section of the Constitution amended, that is the section dealing with fundamental rights. Many of the discussions were exciting, challenging and certainly not acrimonious. One of the areas we spent a lot of time on in the Committee is the area of discrimination and the definition of discrimination. As the Hon Member Minister Reepu Daman Persaud pointed out the section to do with discrimination has elements defining what is considered discriminatory - 149 (2) and (4) - and makes it clear on what basis people cannot be discriminated against. We have been consumed as a country with ethnic discrimination and that is of concern to all of us and justifiably so.

However, the areas of prejudice and discrimination in our society relate to a number of other areas, class, gender, sexual orientation, religion, marital status, pregnancy, geographic origin, (For example, there is great prejudice against those who are called country people, rural people, versus town people.) age and disability, these are all areas of discrimination. Some persons are discriminated against because of whom

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their parents were, whether politicians of either side, whether their parents were not of a certain class or level or status in society. And this was the section that I think the Hon Member Deborah Backer and I had the greatest concern about. And so there were also debates about what was the difference between gender and sex. The legal draftsmen in their wisdom had decided to include both gender and sex and the Hon Member Backer and I agreed to whatever was their understanding of the differences between gender and sex. So this area of the Constitution and the amendments must not be miniaturised in any way. The areas of discrimination are important because it allows for a range of what are prejudices that are accepted in our society. Obviously the areas to do with women's right are extremely important. The fact is that the 1980 Constitution dealt with women's rights and women equality as a declaration or as a principle and not as a right. In the changes we are bringing here today 149(D) 1-3 and 149(F) 1 and 2 all deal with issues of equality and with women's rights in particular. Therefore I think this gives greater strength to the women's movement of Guyana. Now certainly we will say we haven't reached as far as we would like to as women, nor do we feel that all our rights will be respected. But for the women's movement of this country, I believe that it is a red letter day for us, in the sense that we now have in the Constitution areas of fundamental rights that can give us protection.

Other legislation that has been passed, such as the Domestic Violence Bill, also give us levels of protection.

The concerns of the Hon Clarissa Riehl are those to be considered and have to be strengthened in terms of the administration of justice in our society. But the fact is that a woman, a female citizen of this country, based on these amendments today, can go to the courts whether there is a piece of legislation or not, it covers an area of discrimination or what she perceives as discrimination. So I think that we have to look at the process of change in terms of a whole building of systems in our country. The fact that this Constitution went through many submissions of memorandum and consultations, those of us on the Fundamental Rights Committee when we looked at the changes we were asked to examine

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and to guide the legal draftsmen we felt strongly that a number of areas have not been considered and should have been considered, that there were omissions. However, the Oversight Committee and the Constitution Reform Commission advised us not to tread into new areas that the memorandum, in terms of submissions, had not covered. So there is still going to be the Constitution making process. This must not be seen as the final areas of changes. It is our right and our duty as citizens of this country and of the Parliament of this country to be able on a regular basis, to make changes to our Constitution as the needs change in our society.

Even the Americans now are looking at their constitution that has gone through very many amendments but in particular the areas of the electoral collage and elections now 200 odd years old, they are now considering that there has to be changes. And I am sure the Americans are not going to look at this with great rashness. They are going to take their time to look at this because the piece of the Constitution fit together like a jigsaw and one disruption can disrupt other areas of it.

The area of children's rights has also been part of the declaratory statements of the Constitution and are now enshrined in the rights of our children. That is important, it allows for newer legislation. There are areas of legislation already created that deal with children's rights but there are other areas that this constitutional change will allow for us to move forward.

Certainly the right to assembly, the right to trade unions is also an important one in terms of assuaging fears that people have, in terms of freedom of assembly, whether real or perceived, that these fears exist.

It took the PNC 50 years from the 1950s, and they were in Government up to 1992, so it's about 40 odd years, of refusing to bring the Trade Union Recognition Act. The Trade Union Recognition Act has been a precursor to what is the Constitution Amendment - in Jamaica the fundamental right. But nevertheless, it enshrines it so that it cannot be dealt with in a whimsical fashion.

One of the issues to come in the changes which the Human Rights

or Fundamental Rights Task Force put forward was that charges to the fundamental rights will in future be dealt with by a simple majority. But to remove a fundamental right it will take a two thirds majority and that was the sign of the Committee, and I believe the Oversight Committee and the legal draftsmen dealing with that ensured that the fundamental rights of our people cannot be treated lightly. So it does require major support in the Parliament to remove a fundamental right.

I believe that the Committee and the Oversight Committee and the Constitution Reform Commission, all these groups have made great strides in creating as I said a serious approach to democracy in our society. The changes being made to day and over the past few weeks, and the changes still to come will create a pillar or foundation for our society so that regardless of who is in office they have the duty to implement the Constitution, uphold the Constitution for all the citizens of our country.

I therefore, Mr Speaker, support the changes and call on this House, as others have said, to support the amendments.

Thank you. [Applause]

The Speaker: The Hon Minister of Agriculture and Parliamentary Affairs.

Hon Reepu Daman Persaud: I wish simply, Mr Speaker, to express my appreciation for the support and to state that we have advanced forward in constitutional evolution. I think at present we are definitely leading in the Caribbean. And this is only one of our many moves which

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will strengthen our constitutional fabric and consequently, the society and nation as a whole.

I move that the Bill be read a second time.

The Speaker: Let the Bill be read a second time.

Members I think this is a good time to suspend the sitting. Shall we suspend it for half an hour?

Hon Reepu Daman Persaud: Sir, I seek your kind permission that the National Assembly continues until this Bill is finally passed. With your permission we can take the suspension thereafter.

The Speaker: The question is that the Bill be now read a second time. Those in favour please say Aye, those against No.

Members of Parliament: Aye.

The Speaker: I think the Ayes have it.

Mr Clerk, please take the division.

The Clerk: Mr Charlissa

Mr Nadir

Mr Ramnauth

Ms Adams

Mr Bynoe

Mr Hicks

Mr Hamilton

Mrs Lawrence

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Mr DeFreitas

Mrs Backer

Mr Gouveia

Mrs DeJesus

Ms Persico

Mr Khan

Mr Allen

Ms Riehl

Mr Barrow

Mr Hoyte

Mr Ramdass

Mr Rodrigues

Mr Sankat

Mr Frazer

Mr Ramratan

Mr Mohan

Mr DeSouza

Mr Bem

Mrs Moti

Dr Ramsaran

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Mrs Sukhai

Mrs Sahoy-Shury

Mr Rodney

Dr Ramsammy

Mr Ramjattan

Mr Nagamootoo

Mr Lumumba

Dr Lall

Mr Kissoon

Mrs Edwards

Mr De Santos

Mr Chandarpal

Mr Chan

Mr Alli

Mr Ramotar

Mr Belgrave

Mr Mohamed

Ms Teixeira

Mr Nokta

Mr DeSouza

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Mr Collymore

Mrs Chandarpal

Mr Rohee

Mr Persaud

Mr Hinds.

There voted for the Motion 53.

The Speaker: The Motion is carried. Let the Bill be read a second time.

The Clerk: Constitution Amendment Bill No. 5 Bill 2000.

The Speaker: The Assembly will resolve itself into Committee.

In Committee

The Chairman: I propose the question that Clause 1 stands part of the Bill. Those in favour please say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it. Clause 1 stands part of the Bill.

Honourable Members, the indication is that there are no amendments. I respectfully ask that I put Clauses 2 to 17 together. Those in favour please say Aye, those against No.

Members: Aye.

Now I put the question that Clauses 2-17 form part of the Bill. Those in favour please say Aye, those against No.

Members: Aye.

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The Chairman: The Ayes have it. The Bill is carried.

Assembly Resumes

Hon Reepu Daman Persaud: Mr Speaker, I wish to report that Constitution Amendment Bill No. 18/2000 was examined clause by clause in the Committee and passed without amendment. I propose that the Bill be read a third time and passed as printed.

The Speaker: I propose the Bill be now read a third time and passed as printed.

Those in favour please say Aye, those against No.

Members of Parliament: Aye.

The Speaker: The Ayes have it.

The Clerk: Mr Charlie

Mr Nadir

Mr Ramnauth

Mr Andries

Ms Adams

Mr Bynoe

Mr Hicks

Mr Hamilton

Mrs Lawrence

Mr DeFreitas

Ms Backer

Mr Gouveia

Ms De Jesus

Ms Persico

Mr Khan

Mr Allen

Mrs Riehl

Mr Barrow

Mr Murray

Mr Hoyte

Mr Ramdass

Mr Rodrigues

Mr Sankat

Mr Fraser

Mr Ramrattan

Mr Mohan

Mr De Souza

Mr Benn

Mrs Moti

Dr Ramsarran

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Mrs Sukhai

Mrs Sahoy-Shury

Mr Rodney

Dr Ramsammy

Mr Ramjattan

Mr Nagamootoo

Mr Lumumba

Dr Lall

Mr Kissoon

Mrs Edwards

Mr De Santos

Mr Chandarpal

Mr Chand

Mr Alli

Mr Ramotar

Mr Belgrave

Mr Mohamed

Ms Teixeira

Mr Nokta

Mr DeSouza

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Mr Collymore

Mrs Chandarpal

Mr Rohee

Mr Persaud

Mr Hinds

There voted for the Motion 55. *[Applause]*

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

The Clerk: Constitution Amendment No. 5 Bill 2000.

The Speaker: Honourable Min. Ramotar

Mr Belgrave

Mr Mohamed

Ms Teixeira

Mr Nokta

Mr DeSouza

Mr Collymore

Mrs Chandarpal

Mr Rohee

Mr Persaud

Mr Hinds.

There voted for the Motion 55. *[Applause]*

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

The Clerk: Constitution Amendment No. 5 Bill 2000.

The Speaker: Honourable Members, we're suspending for half an hour until twenty minutes to five o'clock.

Suspension of Assembly at 16:12 p.m.

Resumption of Assembly at 16:43 p.m.

MOTIONS

3. International Labour Organization Convention 1997 (No. 181) Recommendation 1997 (No. 188) and Instrument of Amendment 1997

The Speaker: Hon Member Mr Jeffrey.

Dr Henry Jeffrey: Thank you Mr Speaker.

Mr Speaker, I stand to propose the simple motion standing in my name. Mr Speaker, Guyana as a Member State of the ILO since 1966 is obligated to examine ILO conventions and recommendations and as instructed propose our views on them and adhere/ratify to their provisions as they relate to the social philosophy of the Guyanese people. But you are aware Sir, there is in Guyana a public employment agency, The Recruitment and Replacement Department of the Ministry of Health and Labour which in 2000 found jobs for some 1000 persons. However, there are also two private employment agencies to which the convention and recommendation should apply. Indeed globally this kind of private sector recruitment has become quite popular and as a result we can

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expect an increase in the numbers in Guyana, generally, in terms of the major labour rights set out in the convention - freedom of association, collective bargaining, minimum wage, occupational health and safety, working time and other working conditions. Workers to be recruited by private agencies have similar rights to all Guyanese workers.

In recent years, of course, those rights have been significantly expanded by legislation passed in this very Assembly. Nevertheless, there are no laws actually governing the behaviour of the agencies themselves. For example the convention recommends that workers recruited by private agencies are not charged directly or indirectly, in whole or in part, any fee or cost. These are expected to be borne by the employer. There should be rules governing the acquiring and protection of agents to ensure individual privacy. Mr Speaker, as discussed when we do have such laws, and particularly when the cause is worthwhile the convention and recommendation are laid to this National Assembly to act as guides to national policy and private action.

In any case the state bearer states that our commitment to the ILO requires that this document be brought to the attention of this National Assembly and that the Director General of the ILO be so informed. Mr Speaker, as regards the instrument of amendment to the constitution of the ILO, a major functions of the International Labour Organization is to devise acceptable industrial standard which allows for both economic development, and the protection of workers. This, in fact, it does by the creation of conventions, recommendations such as the ones we have in front of us.

The first convention, The Hours of Work Industries Convention was passed since 1919. It is only reasonable then to expect, Mr Speaker, that some conventions over the years lose their meaning and therefore need to be abrogated. The amendment to the Constitution of the ILO proposed here simply makes the process of this abrogation somewhat more democratic.

As it now stands what about Article 19 of the Constitution? It says:

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To abrogate a convention requires a majority of of the vote present at the conference plus ratification by the majority of the ILO membership including five of the ten members, considered members of chief industrial importance from industrialised countries.

The proposed amendments require simply of the votes cast by delegates at the conference. We therefore recommend that this Assembly give support to the Motion relating to the convention and recommendation whereby it is used as guides to policy and ratifies the instrument for the amendment of the Constitution of the International Labour Organization.

I thank you. [Applause]

Ms Jean Persico: Mr Speaker, Members of this Honourable House, I rise today to support the Motion captioned International Labour Organization Convention 1997 (No. 181), Recommendation 1997, Instrument for Amendment 1997, which was moved by the Minister of Health and Labour, the Hon Henry Jeffrey.

This support Mr Speaker, should come as no surprise to any Member of this House for, Mr Speaker, it is a known fact that the PNC, now PNC/Reform, always supports any convention, legislation or recommendation if it is in favour of workers. Further, Mr Speaker, and Members of this House, during the regime of the People's National Congress in Government, Guyana ratified more conventions than any other territory in the Caribbean during its 28 years in Office. The fact is Mr Speaker, that out of 44 conventions ratified by the end of 1998, 41 were ratified during the regime of the PNC. Forty are in force. Some of these conventions I referred to are, Labour Inspection Convention No. 81, Freedom of Association and Protection of a Right to Organize, Convention No. 87 Daily Education Needs Convention, No. 140 and Labour Relations Public Service, Convention No. 151.

Mr Speaker, it is undeniable, however, that even though conventions and recommendations are ratified we have been witnessing, recently, a

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deplorable trend toward curtailing of the basic trade union rights. Further, we've observed that violations of these rights have increased considerably over the last few years. These violations have become, Mr Speaker, a regular occurrence. Violations against individuals have ranged indeed not only from murder, torture and other forms of physical abuse, but also took to denial of individual trade union rights and freedoms. For example, the right to freedom of association.

However, Mr Speaker, because of our history, the PNC's history, concerning ILO conventions and recommendations, and because of our committed support of the workers of this country, we of the People's National Congress support this Motion.

I thank you. *[Applause]*

The Speaker: The Honourable Minister of Health.

Hon Dr Henry Jeffrey: Thank you very much, Mr Speaker.

Mr Speaker, I really do not want to get into a discourse about the history of the PNC and labour rights. After all it was the PNC who came here and changed the constitution to seize wages. *[Interruption]* But Mr Speaker, there's no doubt that in our time, as in no other time, have so many pieces of important legislation been passed: the Trade Union Recognition Bill, the Severance Pay Bill, the Termination of Employment Bill, the Occupational Health and Safety Bill. These are just a few. *[Interruption]*

Mr Speaker, I must say that the PNC did pass a lot of these conventions and when the Honourable Member spoke, she spoke from experience that they were passing these, or ratifying these conventions, but trade unions were still being abused in Guyana. But I would like the Honourable Member, not simply just to say that there have been lots of murders, to say that workers have been brutalised, but to provide me with the evidence and let us investigate. *[Interruption]* The Honourable Member is a member of a tripartite committee at the Ministry of Health

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and Labour and if she knows... *[Interruption]* The Honourable Member was sent here by GTUC and if she knows of those kinds of abuses she should bring them to our attention. *[Interruption]* If she brings such to our attention and we do nothing... *[Interruption]*

The Speaker: Honourable Members, we've had a very good afternoon, and we were agreeing on the future of Guyana. The changes have been made.

Hon Dr Henry Jeffrey: Mr Speaker, I must say however, that it is also true that the PNC did ratify many conventions and this led Guyana to being the country that has ratified the most conventions in the Caribbean. And that position remains so. Indeed, we've gone perhaps even further, because the opportunity was afforded us to ratify all those conventions that deal with the fundamental rights of workers. But then the opportunity presented itself to us, so I must thank the Honourable Member for bringing that to my attention. Mr Speaker, with that I ask that the Honourable House support this Bill. *[Applause]*

The Speaker: Honourable Members, I now put the Motion. Those in favour please say Aye, those against No.

Members of Parliament: Aye.

The Speaker: The Ayes have it. The Motion is carried.

The Hon Minister, Mr Kowlessar.

4. Conformation of the Consumption Tax (Amendment) (No. 3) Order 2000

Hon Saisnarine Kowlessar: Mr Speaker, I rise to move the Motion

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standing in my name which seeks to conform the Tax Amendment No. 3, Order 2000. Essentially Mr Speaker, this order seeks to bring relief to the productive sector of the economy, businessmen, farmers, fishermen and other persons who have been affected by the high and escalating prices for diesel fuel experienced during the last year.

Mr Speaker, in January 2000 the retail price for diesel was \$330 per gallon and then during the year it goes to the high level of \$390 per gallon, the latter part of the year. And because of the impact it has on the economy, and the productive sector of the economy, as a whole, we decided to reduce the consumption tax from 35% to 20%, effective November 9, 2000, [Applause] up to January 31, 2001. We recognise Mr Speaker, that this deduction brings a substantial loss in our revenue but because of our concerns for the productive sector and its role in the economy we have decided to reduce it by 15%.

Mr Winston Murray: Thank you, Mr Speaker.

Mr Speaker, I rise to unequivocally support the measure proposed by the Honourable Minister in the Office of the President with responsibility for Finance. Having said so I do not intend to be contentious. I do, however, want to say a few things about this development

First of all Sir, I accept the Minister's statements that this measure is intended to bring relief to the productive sector of the economy. That relief I believe ought to manifest itself ultimately in increased effectiveness of the sector. Increased effectiveness of the productive sector, fishing and all those mentioned should result, Sir, in a more competitive price from those sources to the consumer. Because, ultimately, while the Government is foregoing revenue, I would hope it is not going to be simply a case of the revenue going into the pockets of the intermediaries between the Government and the consumer. The end result must be or ought to be to the consumers' benefit. [Applause]

Therefore, with that in mind Sir, and against the background of an earlier reduction in another area - namely consumption tax on building

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materials, passed some time ago in this very House with the intention that local building materials would have become cheaper, which to date no one has seen, I emphasize, no one has seen - in the light of that background and that experience, I want to ask the Honourable Minister what measures has he put in place, or does he intend to put in place to ensure that the loss of revenue we talked about in the Government does, in fact, lead to a direct benefit to the consumers of the products so that they are the ones to benefit from this significant reduction.

Sir, that is my humble intervention today. And I trust that I can be provided with meaningful and serious answers to those questions.

Thank you. *[Applause]*

The Speaker: The Hon Member Mr Nadir.

Mr Manzoor Nadir: Mr Speaker, this is I think, the third time that the Government has cut down the consumption tax on fuel. It was at the beginning of the year, I think, that 50% of the consumption tax on both diesel and gasoline was cut and the Government has progressively reduced it on gasoline. I think it stands at 35% now, for diesel, 20%, which this order tries to make.

But Mr Speaker, there is more to this issue of rising fuel prices than just cutting the consumption tax on diesel, or cutting the consumption tax on gasoline. Mr Speaker, what is required in this situation is a policy decision on how this Government would deal with the ever escalating price of fuel. There seems to be, in the next eighteen months, no relief that will come from high fuel prices. The prognosis over the next eighteen months is that fuel prices will be well above \$30 per barrel.

On November 9, when the Government made this order it was in response to the October 25 price of \$40 per barrel as the acquisition price, loading in Curacao. That price was going to put diesel over \$400 per gallon. But what the Government has demonstrated, despite the fact that we know that there is constant volatility in the fuel prices, it continues to tinker only with the consumption tax when it requires a more

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comprehensive approach to how we're going to provide for reasonably priced fuel to be found. Somebody asked what we could do?

Mr Speaker, at the beginning of the year when the Government is making up the budget it normally estimates a certain figure on the consumption tax for fuel, I think this year it was about \$4B. As the fuel prices increase Government gathers a super-normal amount of tax than when the price remains at the budget level. I tell you, Mr Speaker, I have been tracking it on my lap top computer for the period from September 5, and we are dealing with diesel alone. The Government at one stage reached up to \$85 per gallon Government tax, when diesel was 42.67cents per barrel loading in Curacao.

While we've argued that we need consumption tax coming down what is required now is a flat per-barrel tax on fuel. And we know that the Government at this current rate of consumption tax on diesel would garner about \$46 per gallon in consumption tax. But what we should do now is to, say, set a ceiling at G\$50 and multiply it by the imperial gallons the barrel would hold and that would be the per barrel tax. And in fact it will protect Government revenue because if the price happens by any chance to fall, then the Government revenue base will be protected. I think now is the time when we need to move to a flat tax, a per-barrel tax on fuel. And that is very simple, at G\$50, it will work out to just about US\$3 per barrel.

Mr Speaker, the Hon Member, Mr Murray mentioned that he wants to see the price being reflected at the retail end, the last end of the fuel industry.

Mr Speaker, I hold a brief yes, for one particular group of fuel marketers, petrol dealers, and I have an interest in that. Mr Speaker, the Petrol Dealers Association have been lobbying the Government for more than a year for comprehensive marketing legislation to govern this monopolistic market that we have for fuel. Four importers of fuel exist and they don't have to sit in a room and fix prices but they understand what the other would do when one uses a certain direction.

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Mr Speaker, let me give you an example of what the importing companies do with fuel prices. At one stage, Mr Speaker, when the Government was making about \$60 per gallon, oil companies that retail to petrol dealers were making \$95 per barrel. What is being called for here, when you have a situation of oligopoly is some amount of regulations so that we can move to the market place closer to what would be if there's some amount of competition or if we're tending to go towards the issue of perfect competition.

In Barbados, for example, the Public Utilities monitor the wholesale price of fuel and this not only benefits transportation but it also benefits the productive sector as the Honourable Minister mentioned. And so petroleum marketing legislation is necessary because it will stop the few importing oil companies, who together have a monopoly, from manipulating prices. Mr Speaker, we warn that if this is not done the price war will develop in this country and it has started as late as, or we can say, as early as, the beginning of this year, a price war started. For the first few months it will benefit a few consumers but later on as market share is reallocated, the same consumers will suffer the consequences of governance in the market by a few importers.

Mr Speaker, there was a situation - a new station was opened at Mc Doom by Esso - and there was concern that with the oil companies now involved at the retail end of the industry that they will manipulate prices at that end. This all has relevance Sir, to consumption taxes because the consumption taxes allow two people to manipulate prices. One, a smuggler and the other, the legal importer. I will go to the smuggler shortly, Sir.

Mr Speaker, on December 1st the petrol dealers had cause to write Esso.

Diesel moved from \$395 per gallon to \$365. But, Mr Speaker, what the particular Consumption Tax reduction has also done is that it has to some extent, levelled the gap between the smuggled fuel - the fuel that comes in via the illegal means - and the fuel that comes in on which

Consumption Tax is paid.

Mr Speaker, where diesel is concerned this situation is very acute. Annually in Guyana we import 50,000 barrels of diesel less. When the economy should be growing, we are 50,000 barrels less and those fifty thousand barrels are coming in through all illegal means. If we multiply 50,000 by 25 and we put on \$50 consumption tax you will see the hundreds of millions of dollars in consumption tax the government loses. What is essential here is that if the government can spend some money to arrest two things, illegal fuel coming and the abuse of duty free fuel then the government would be able to lower the Consumption Tax even further and get a lesser rate on a higher volume equating to almost the same amount of revenue. Nothing is being done. And here we have the band-aid approach that we will respond every time at certain intervals by decreasing the just one measure, the consumption tax. Well this whole issue of righting fuel prices needs to be looked at in a macro way. We need to take control of the situation so that the consumers, the productive sector could obtain reasonably priced fuel.

Mr. Speaker, where the industry is concerned it requires as, I said earlier, petroleum marketing legislation, and a sound government strategy. Well, we know that the government has a very limited time in order to produce this kind of macro plan, but clearly there are certain institutions in place that from now can start the investigation into the abuse of vehicular fuel, into the illegal importation of diesel in particular, and perhaps even allow the government to bring that consumption tax not only on diesel but also on gasoline, down to the purse so that the lower consumption tax, and greater volume through the formal economy can give the government the revenue it requires.

I want to close by repeating, Sir, that it is time that the government look at a flat per barrel tax on fuel rather than the consumption tax which goes up and down as the price of fuel varies on the world market. Thank you. *(Applause)*

The Speaker: The Hon. Minister.

Hon Geoffrey Da Silva: Mr Speaker, I would like to address the positions put forward by the Minister of Finance and the support from Honourable Members, Murray and Nadir. Of course, we know that we operate within a world situation where the price of fuel has risen considerably over the last year that's gone and in any country in the world fuel taxes are a major revenue earner. Check it out!

Now our country has had a very unique situation in that we are one of the few governments in the world that have noted the situation and adjusted the consumption tax to take into consideration the legal price to consumers and to factories. Let me give you an example, the Tony Blair government in Great Britain refused to adjust the consumption tax there and there were huge demonstrations, there were truckers blocking highways the government of France also refused to adjust the consumption tax on gasoline and other fuels and again they faced tremendous demonstrations from farmers and other concerned people in their country.
[Interruption]

Not because the government on its own sat down and made that decision. Mr Nadir failed to inform the House that since last year, January 2000, our Ministry had been having meetings and consultations with the petrol dealers, including Mr Nadir, and with the oil companies
[Interruption: 'Shame!']

We have continuous consultations, check that out. We don't just think on our own and decide these things. Anytime we're looking at making any changes we have meetings. We have been having meetings with the oil companies.

Firstly, Mr Nadir failed to tell you that one of the meetings which took place last year 2000, was when the petrol dealers were brought together in a meeting with the representatives of the oil companies in this country at the Ministry of Trade to discuss that petrol dealers would be squeezed down to 1% profit and as government we said that we cannot

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sit by and have that happen, that the petrol dealers must be able to exist as business people, and that with the margin that the oil companies were setting they were squeezing the petrol dealers and therefore we must make the adjustment. And Mr Nadir did not tell you that as a result of that meeting the oil companies made adjustments to the effect that the profit margin now to petrol dealers has gone up to the region of 9 - 10%.
[*Interruption: 'He didn't go to any meeting ...?'*]

I'm not attacking Mr Nadir, I'm just saying that he didn't tell you all that the whole issue of the consumption tax, the whole issue of the supply of fuel in our economy, has been under constant discussion with the Ministry of Trade and with the President of this country.

Mr Nadir himself and representatives of petrol dealers met the President a number of times. So here is the situation we are faced with. Guyana is one of those countries where we have been able, by talking with the oil companies, first of all to adjust their market value downward and secondly making certain adjustment to the consumption tax to keep the retail price of diesel or gasoline below G\$400. And Mr Nadir and others predicted last year that it would go up to G\$420 [*Interruption*] That didn't happen [*Interruption*].

Right now the price of diesel is G\$320 (and it's going down to G\$310). It will be going down to G\$300. (*Applause*)

One of the concerns raised by a whole lot of people is that due negotiation should be given to the role that this government played in taking time to consider first of all the consumers' interest, the productive sector and also the small companies such as the petrol dealers. They have indicated that they are very happy for what we have done.

Finally, on the question of legislation that Mr Nadir indicated, we have also had discussion with the oil companies. Mr. Nadir was part of all of those discussions. We are reviewing legislation - Barbadian legislation, Jamaican legislation. One of the points that Mr Nadir raised with regard to legislation, Jamaica tried to implement it and it was not

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supported in the Jamaican Parliament. Barbados also tried to implement something similar and it was not supported.

Mr Nadir did not tell you that. We are examining the issue of legislation, and we want to make sure that competition will continue in the sector because it is a free market, that petrol dealers will not be squeezed out, and that the price will remain competitive and affordable to consumers and the productive sector of our country. That's what the government is all about.

Thank you. *[Applause]*

Hon. Saisnarine Kowlessar: Well, against the background of what the Hon Minister of Trade has presented, I wish to now move the motion.

The Speaker: I now put the motion. Those in favour say Aye, those against say No.

Members of Parliament: Aye

The Speaker: The Ayes have it. The motion is carried. The Hon Minister of Agriculture.

Hon Reepu Daman Persaud: I wish to move, Mr Speaker, that the National Assembly be adjourned to a date to be fixed.

Adjourned accordingly at 17:25H