

# National Assembly Debates

**PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE SECOND SESSION (2002-2005) OF THE EIGHTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN**

**Part I**

66TH SITTING

2.00 PM

Thursday 14 July 2005

## *MEMBERS OF THE NATIONAL ASSEMBLY (68)*

### *Speaker (1)*

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

### **Members of the Government - People's Progressive Party/Civic (34)**

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

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- \*The Hon. Doodnauth Singh, S.C., M.P. - *Attorney General and Minister of Legal Affairs*
- The Hon. Dr. Jennifer R.A. Westford, M.P. - *Minister of the Public Service*
- The Hon. C. Anthony Xavier, M.P. - *Minister of Transport and Hydraulics*
- The Hon. Bibi S. Shadick, M.P. - *Minister in the Ministry of Labour, Human Services and Social Security (Region No. 3 - Essequibo Islands/ West Demerara)*
- \*\*The Hon. Manzoor Nadir, M.P. - *Minister of Tourism, Industry and Commerce*
- The Hon. Carolyn Rodrigues, M.P. - *Minister of Amerindian Affairs*
- The Hon. Dr. Leslie S. Ramsammy, M.P. - *Minister of Health*
- Mr S. Feroze Mohamed, M.P. - *Chief Whip*
- Mr Cyril C. Belgrave, C.C.H., J.P., M.P. - *(Region No. 4 - Demerara/Mahaica)*
- Mr. Donald R. Ramotar, M.P.
- Mr. J. Ronald Gajraj, M.P.
- Mr Husman Alli, M.P. - *(Region No. 7 - Guyana/Mazaruni)*
- Mr. Komal Chand, C.C.H., J.P., M.P.
- Mrs Indrani Chandarpal, M.P.
- Mr Bernard C. DeSantos, S.C., M.P. - *(Region No. 4 - Demerara/Mahaica)(AOL)*
- Mrs Shirley V. Edwards, J.P. M.P.
- Mr Odinga N. Lumumba, M.P.
- Mr Heeralall Mohan, J.P., M.P. - *(Region No. 2 - Upper Demerara)*
- Mr Ramesh C. Rajkumar, M.P. - *(Region No. 6 - East Berbice/Corentyne)*
- Dr Bheri S. Ramsaran, M.D., M.P.
- Mrs Philomena Sahoye-Shury, C.C.H., J.P., M.P. - *Parliamentary Secretary, Ministry of Housing and Water (Region No. 1 - Barima/Waini)*
- Mrs Pauline R. Sukhai, M.P.
- Mr Zulfikar Mustapha, M.P.
- Mr Neendkumar, M.P. - *(Region No. 4 - Demerara/Mahaica)*
- Mr Khemraj Ramjattan, M.P. - *(Region No. 6 - East Berbice/Corentyne)(Absent)*

\* Non-Elected Minister

\*\* Elected Member from the Opposition

**Members of the Opposition (30)**

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

Mr. Robert H. O. Corbin, M.P.	- <i>Leader of the Opposition</i>
Mr. Winston S. Murray, C.C.H., M.P.	
Mrs Clarissa S. Riehl, M.P.	- <i>Deputy Speaker of the N.A</i>
Mr. E. Lance Carberry, M.P.	- <i>Chief Whip</i>
Mr. Ivor Allen, M.P.	- <i>(Region No.2-Pomeroon/Supenaam) (AOL)</i>
Mrs. Deborah J. Backer, M.P.	
Mr. Deryck M.A. Bernard, M.P.	
Mr. C. Stanley Ming, M.P.	- <i>(AOL)</i>
Mr. Vincent L. Alexander, M.P.	- <i>(Region No.4-Demerara/Mahaica)</i>
Mr. Raphael G.C. Trotman, M. P.	- <i>(AOL)</i>
Mr. Basil Williams, M.P.	
Mrs. Volda A. Lawrence, M.P.	
Dr Dalgleish Joseph, M.D., M.P.	
Miss Amna Ally, M.P.	- <i>(Region No.5-Mahaica/Berbice)</i>
Miss Sandra M. Adams, M.P.	- <i>(Region No.10-Upper Demerara Berbice)</i>
Mr. Jerome Khan, M.P.	- <i>(AOL)</i>
Dr George A. Norton, M.P.	
Miss Myrna E. N. Peterkin, M.P.	- <i>(Region No.4-Demerara/Mahaica) (AOL)</i>
Mr. James K. McAllister, M.P.	- <i>(Region No.3-Essequibo Islands West Demerara)</i>
Dr Carl Max Hanoman, M.P.	- <i>(AOL)</i>
Miss Lurlene A. Nestor, M. P.	- <i>(Region No.4-Demerara/Mahaica) (AOL)</i>
Mr Abdul Kadir, J.P., M.P.	- <i>(Region No.10-Upper Demerara/Berbice)</i>
Mr Ricky Khan, M.P.	- <i>(Region No.1-Barima/Waini)</i>
Mrs. Rajcoomarie Bancroft, M.P.	- <i>(Region No.8- Potaro/Siparuni)</i>
Mr Nasir Ally, J.P., M.P.	- <i>(Region No.6-East Berbice/Corentyne)</i>
Miss Judith David, M.P.	- <i>(Region No.7-Cuyuni/Mazaruni)</i>
Miss Genevieve Allen, M.P.	- <i>(Region No.4-Demerara/Mahaica)</i>

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

Mrs Sheila V.A. Holder, M.P.	
Mrs Shirley J. Melville, M.P.	- <i>(Upper Takutu/Upper Essequibo) (AOL)</i>

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

Mr Ravindra Dev, M.P.

**OFFICERS**

Mr Sherlock Isaacs, *Clerk of the National Assembly*

Mrs Lilawtie Coonjah, *Deputy Clerk of the National Assembly*

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## **PRAYERS**

**The Clerk reads prayers.**

### **ANNOUNCEMENTS BY THE SPEAKER**

#### **(i) Leadership as a Vital Tool against HIV/AIDS**

##### **Guyanese Parliamentarians Fighting HIV/AIDS**

Honourable Members, by now you have no doubt received an invitation from the Sectoral Committee and Social Services and the United Nations Population Fund for a two-day workshop of Guyanese Parliamentarians entitled LEADERSHIP AS A VITAL TOOL AGAINST HIV/AIDS from July 19 to 20 at the Embassy Courtyard Conference Room here in Georgetown. The purpose of the workshop is to encourage our commitment as Parliamentarians in the fight against HIV/AIDS in Guyana. It is envisaged that this meeting will serve as an impetus to continue dialogue and raise greater awareness of the subject among parliamentarians so that we are further enabled to mobilise the political will necessary to give top priority to advocating, proposing and reforming legislation to address HIV/AIDS in Guyana.

#### **(ii) The Beslan Appeal**

Honourable Members, I wrote to you some time ago and distributed such letters about the Beslan Appeal opposing violence to children which resulted from the terrorist act in Russia some time ago, when several hundred children were killed. It is an appeal worthy of support

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by Parliamentarians and while you are not obliged to support the appeal, I am asking you to do so. The document was first circulated, but only six members of Parliament signed it. We are re-circulating it at this sitting and I am asking all members to please sign the document if you agree with the appeal and I can see no reason why you should not.

### **(iii) Leave**

Honourable Members, leave has been granted to the Hon Saisnarine Kowlessar and Honourable Members, Mr Ivor Allen, Mr Jerome Khan, Dr Carl Hanoman, Miss Lurlene Nestor, Mrs Shirley Melville for today's sitting, Mr Bernard De Santos up to the 28th July, 2005 and Mr Stanley Ming up to the 12th August 2005.

### **(iv) Discontinuation of Announcement of Leave to Members**

Honourable Members, this item on our agenda has been a permanent feature for as long as anyone can remember. However, this is the last time I will be announcing leave for members. I know it is a practice as I said, it is longstanding, but it is wholly unnecessary for me to do so at every sitting of the National Assembly. And there is no rule which requires me to do so. Instead, at every sitting, the Clerk will give to the two chief whips, lists of the names of members who have been granted leave.

## **PRESENTATION OF PAPERS AND REPORTS ETC:**

(1) *By the Speaker of the National Assembly:*

Annual Report of the Ethnic Relations Commission for the year 2004

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(2) By the *Minister of Education*:

The National Schools (Board of Governors) Order 23 of 2005

(3) By the *Minister of Housing and Water on behalf of the Minister of Finance*:

Report of the Special Select Committee on the Value-Added Tax Bill 2005 -Bill No. 3/2005

**Hon Shaik KZ Baksh:** Mr Speaker, I am happy to report that there was consensus by the Special Select Committee on the report of the Value-Added Tax Bill. The Committee met on twelve occasions and engaged in a consultation process and received both oral and written submissions including two appearances. *[Interruption]*

**The Speaker:** Honourable Member, do you also wish to present the Report on the Excise Tax Bill?

**Hon Shaik KZ Baksh:** Mr. Speaker, I beg to lay before the National Assembly the Report of the Special Select Committee on the Excise Tax Bill 2005 - Bill No.4/ 2005.

## QUESTIONS TO MINISTERS

The Speaker: Honourable Members, there is only one question on the Order Paper by Honourable Member, Mrs Sheila Holder. The question is for oral reply for the Minister of Foreign Trade in International Co-operation.

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## ECONOMIC PARTNERSHIP AGREEMENT

*By Mrs Sheila Holder:*

Will the Minister say what is the status is, with respect to negotiations between the European Union and the Government of Guyana on an economic partnership agreement?

**The Speaker:** Honourable Member, I regret, I did not notice that the Minister was not here. Is anybody... *[Interruption]*

**Hon Reepu Daman Persaud:** Mr Speaker, I wish to respectfully ask that the question be deferred to the next sitting. The Minister is out of the country.

14:12H

**The Speaker:** We will pause until the music stops. There are two sets of music. *[Pause]*

If it were not you, Mr Murray, the consequences would have been very, very serious. *[Laughter]* Had it not been you ... *[Interruption]*

**Hon Reepu Daman Persaud:** I told him that just now

**The Speaker:** Honourable Member, we will defer the answer until the Minister comes.

*[Question Deferred]*

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## PUBLIC BUSINESS

### MOTION

**Hon Reepu Daman Persaud:** Mr Speaker, I beg to crave your indulgence. By agreement, I wish to move that we deal with the Public Accounts Report of 1999. I have agreement on that. I am trying to negotiate agreements on the rest. I am waiting for Mr Murray to be in a better mood and then we will talk. *[Laughter]*

#### ITEM 1 - ADOPTION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE'S EXAMINATION OF THE PUBLIC ACCOUNTS FOR 1999

*BE IT RESOLVED:*

*This National Assembly adopts the Report of the Public Accounts Committee on its examination of the Public Accounts of Guyana for the year 1999 and refer the Report to the Government for consideration.*

**The Speaker:** Honourable Member Mr Murray (Chairman of the Public Accounts Committee)

**Mr Winston S Murray:** Mr Speaker, I rise to move the adoption of the Report of the Public Accounts Committee of the public accounts for 1999.

I would like to begin by letting the National Assembly know that it was the desire of the Public Accounts Committee to lay before the House the reports of the Public Accounts Committee for the years 1999, 2000 and 2001 together, because the review of the Public Accounts Committee for the accounts for the years 2000 and 2001 has been completed and



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we were awaiting the formal submission to the Parliament. Since it is not my desire, and I believe I am right to say that it is not the desire of the Public Accounts Committee, to have to lay a number of reports and on each occasion, a new debate or present new information which may, to a large extent, mean the same. But I understand that circumstances have caused the Government to want to have the report for the year 1999 dealt with at this time. In those circumstances, I propose to deal with it.

Sir, I would like to begin by expressing my profound appreciation to my colleague Members of the Public Accounts Committee, on whichever side of the House they belong to for the full co-operation which I received throughout the examination of these accounts. I was extremely pleased to find that there is at least one forum within the plethora of Parliamentary fora in which all sides of the National Assembly could work together in a very harmonious relationship and produce a common report. I believe that I need to publicly express my appreciation to all the other members of the Public Accounts Committee who worked with me in this exercise.

I believe that I also need to express appreciation to the Advisers of the Public Accounts Committee, who have been unstinting in their advice to the Committee whenever called upon to render them. In that regard, I will refer specifically to the Auditor General, the Secretary to the Treasury and the Accountant General.

Mr Speaker, in respect to the Auditor General, may I take this opportunity to place on record the Public Accounts Committee's deep and sincere appreciation to the former Auditor General, Mr Anand Goolsarran, who I think, took especial pride in the professionalism with which he did his work and who was always ready to give of his unbiased and frank advice whenever called upon to do so by the Committee and on behalf of the Committee, I wish him well in his new field of endeavour.

Sir, the Terms of Reference for the work of the Public Accounts Committee can be seen on Page 2 of the Report of that Committee,

which defines the mandate of the PAC as:

*to examine the accounts together with the Auditor General's report thereon.*

Mr Speaker, it is the respectful view of the Public Accounts Committee that the accountability cycle cannot be regarded as complete without there being some level of response to the recommendations of the Committee. Because having considered the report of the Auditor General and having made recommendations, we are without power to do more. And it would be helpful to the Committee if there was a mechanism in place that would allow the Committee to learn or to become aware of the Government's response to its recommendations. We believe if that were done that -

(a) it would enable the Committee, in considering future years reports to speak more definitively about what the situation is when we address accounting officers, because we know for example that the Government has adopted one or all the recommendations; or

(b) indeed to stay away from certain recommendations in the future, because they do not find favour, I assume for good reasons with the Government.

So, we submit that some formal response from the Government will be an extremely helpful thing. In that regard, we repeat our call for there to be the issue of a Treasury Memorandum within a certain timeframe after the report is tabled and debated.

My understanding is that the submission of such a memorandum has now in fact become a condition for one of the loans that the Government hopes to draw down on soon. I believe it is the second tranche. I believe, it is unfortunate that it has to come through the mechanism of a condition, because our call has been for many years now to have such a memorandum. Albeit belatedly, we welcome this development wholeheartedly and we look forward to the submission of the Treasury Memoranda for 1999 and for future years, which we believe will be extremely

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helpful to us in dealing with the Auditor General's Reports

Sir, I do not wish to detain the National Assembly for long so I will spare the Assembly going through in great details of the specific recommendations of the Public Accounts Committee in respect of the 1999 Auditor General's Report. But I believe that it will be apposite for me to highlight and where I find it useful, to refer to the main findings in our Report.

I would like to begin by saying that there continues to be a failure to reconcile the bank accounts across Government agencies. This is not something that is new so it is not a discovery in respect of 1999. It is something that existed on quite a large scale prior to 1999 and which continues to exist, because as I speak to you, the Public Accounts Committee is at this time, engaged in reviewing the Auditor General's Report for 2003 and the same issue turns up again. The Public Accounts Committee is of the clear view that the failure to reconcile bank accounts can have some very undesirable effects. When accounts are not reconciled, we do not know whether in fact the monies allocated to a particular agency for a specific purpose have been spent in accordance with those directions. So we need to have the reconciliation done. If we do not know whether they have been spent in accordance with the wishes of the Parliament, then there is the possibility, however remote, that there could have been improper use of these accounts. So we believe that reconciliation for all these accounts needs to be done on a timely basis.

Having said that, I believe it is fair that I should also point out that in almost every case where this has occurred, the agency has drawn to the attention of the Public Accounts Committee, its lack of accounts staff to carry out the function of reconciliation. And unfortunately, it appears that the reconciliation functions of the accounts staff even where there are accounts staff, is not a priority. Priority is given to dealing with requirements for current expenditure and ensuring that things that need to be done on a current basis are done and so reconciliation of accounts receives low priority. We would like to urge, and it is a specific recommendation, that the authorities that be, specifically the Public Service

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Ministry, really re-examine the requests that they have for accounting staff to beef-up the agencies where these recommendations are not done so that in the end we will have a more transparent and accountable system for the monies that are allocated in Parliament.

The other thing that we wish to draw attention to is that there is a provision under the Financial and Administration and Audit Act for the levy of surcharge against accounting officers who act outside of the requirements for the Financial Audit Regulations and we believe that there is a certain degree of timidity on the part of accounting officers to invoke this section of the law which allows them to surcharge and we believe that this recourse to surcharge, albeit as a last resort, should not be shied away from in circumstances where it is obviously necessary. Sir, so much for accounts.

The next thing I wish to draw attention to is the very sad situation of the non-payment into the Consolidated Fund of monies paid to the Government by the Guyana Lotteries Commission. This again, is not a new issue. It has been raised by the Public Accounts Committee in prior years' reports, nothing has been done about it, no response has been given to our recommendations, but the Auditor General continues to draw attention to it. As I speak to you at this time, where the year 2003 is being examined by the Public Accounts Committee, the situation remains unchanged. This is not only illegal in terms of our law, it is unconstitutional. Article 216 of the Constitution is extremely clear on the matter. These are public monies which ought to be paid into the Consolidated Fund and we urge that there be a positive response to our call for these monies to be paid into that account and not be held in a special bank account as is the current case to which a particular agency has access and disperses the money as it sees fit. In that way, Parliament has no control over the expenditure that takes place in that manner and we believe that that deprives Parliament of its oversight function in respect to monies. Sir, so much for the Lotteries Fund.

I will give an example of some of the offshoots of that approach, because I have discovered in treating with the year 1999 and in these

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subsequent years accounts that there are now a growing number of agencies that retain revenue, because they may be a revenue earning agency to spend as they see fit. Again, sir, that is wrong. It is illegal, it is unconstitutional and we have drawn that to the attention to the particular agencies involved, but maybe they are taking a leaf out of somebody's book and we will have to speak to them tongue in cheek if we were to admonish them when in fact there is, at the very highest level perhaps an abuse of the process. So I would like to say that we urge that agencies as well who are in the habit of retaining revenues, should not do so, but should ensure that those revenues are paid into the public coffers.

There are a number of cases in which there has been blatant disregard for the Tender Board Regulations and the Public Accounts Committee is of the very strong view that this needs to stop. The fact of the matter is that this is not a new issue either. This is an issue that has arisen prior to 1999 and which continues to arise and in fact, as we are looking at the 2003 accounts at this time, it continues to be a problem. While it is not in the nature of things for the Public Accounts Committee to name agencies, I believe that since our Report will be in the public domain when we are done with it. It may be useful and not irrelevant to quote in this particular regard what we have to say in our Report. For those who are interested, page 12 of our Report says:

*The Public Accounts Committee continues to express concern at the level of non-compliance in a number of agencies with the existing Tender Board Regulations...*

Of course that situation would have changed now that we have the National Tender Administration, but I believe that the regulations that they use are still the same until they make regulations of their own.

... relating to the procurement of goods and services and the undertaking of works both capital and current. In particular, there was continued evidence of contract splitting to avoid adjudication by the Ministerial and Central Tender Boards.

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So we believe that what is done to facilitate a particular contractor on a particular contract, they award for half the project or valued at half the project and then subsequently go back and get a variation or an amendment to the contract to include these works as though they were just discovered that they needed to be done, whereas right in the beginning, they ought to have formed part of a single contract.

So contract splitting is a very common thing we found among certain agencies and the Public Accounts Committee also noted the need to adopt procedures to ensure transparency in respect of the evaluation of tenders, because very often the Auditor General unable to tell the basis on which contracts are awarded and very often not to the lowest bidder. Sometimes, they say why they did not give it to the lowest bidder and there are justifiable reasons and we can accept that it ought to go to the second, third or fourth highest bidder, but very often there is no mention as to the basis on which the lowest bidder was not considered and why the highest bidder was awarded the contract. We believe that those are matters on which we would like to get their responses. It is our considered view and this is what we honestly see in our examination that in some cases the limit set at the various levels in the process of adjudication of awards are low. Of course that does not excuse the agency from complying with the regulations, but we believe that there is need for Central Government to re-look at the limits for the different levels of awards. I believe that will remove some of the problems. Because as we speak in 2005, the levels that appeared in 1999 or prior thereto may be inadequate given what has happened to the value of goods and services. So we wish that that could be taken onboard.

We would also like to report what we found in respect of 1999 that there was inadequate control over the use of government vehicles. We advised that Government vehicles should be marked so that they can be clearly identified as to the agency to which they belong, except where, for good and proper security reasons a vehicle(s) may need to remain unmarked.

We also believe that logbooks need to be kept updated and this is

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a weakness in many agencies. The logbooks are not up-to-date. And very often we get information from the accounting officer that at the time the audit was done, it was not possible to have the logbooks or even the not-updated logbooks submitted, because many of these vehicles were engaged at the time of the audit in fieldwork and therefore they had their logbooks with them and those logbooks could not have been made available.

We suggested, sir, and again, we can only recommend, we do not know what becomes to our recommendations, that logbooks should be closed every year. At the end of every year, the logbooks should be closed for each vehicle and brought into head office. In that way, for that year, whenever the audit is done, subsequent to December 31 of that year, those logbooks will be available and new logbooks should be issued from the beginning of the new year. We believe that that is one way to overcome the problem of non-availability of logbooks at the time when audits are done.

Sir, I think that those represent the major points I would like to make on behalf of the Public Accounts Committee. I believe that very soon, the 2000 and 2001 reports, in consolidated forms because we did those years together, will be before the National Assembly and on that occasion, I will have a further opportunity to speak about the recommendations of the Public Accounts Committee.

Before I close, I would like to say, since 1999, I know that we are dealing with the year 1999, but this would have been the first Report of the Committee that I chaired, there has been an improvement, and in some cases significant improvement in the way some accounting officers have managed their financial affairs and I want to publicly commend those public officers who have been able to achieve that. They know who they are because when they come to Public Accounts Committee, I am never shy in expressing to them that we have noted that fact and in the same manner we are not shy in drawing to their attention, their shortcomings. I would like to encourage those who have commenced on this course to keep working at it and for those who have not commenced to

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see the wisdom of embarking upon that course.

However, one of the problems that is faced in the process is the rapid turnover of the people, even those who are at the very top such as the accounting officers. As a result, by the time you come to examine the particular year's accounts which are usually a couple of years in arrears. That has been shortened tremendously with Mr Goolsarran. In fact, we got 2003 audited report towards at the end of 2004. So it was not that far behind, but prior to that the lag was long and very often we are faced with new accounting officers who understandably, while they would have had a handover which is very often inadequate and secondly they may have had no handover at all, they come and express the view that they really could not tell us anything. So we believe too, that for new accounting officers who are assigned to these positions of responsibility, there needs to be some workshop, some kind of seminar from time to time, especially for the newer ones, to acquaint them with the Financial Audit Regulations and with other financial regulations, which they will be expected to administer and that they should not be too coy to point out where, for very practical reasons in some cases like the clearing cheque orders in sixteen days or something like that which we found in the far-flung regions of Guyana to be wholly unrealistic. I think, they should not be shy and we have so advised them to make recommendations through their Central Ministry. In lots of cases this would have been the regions and it should have come through the regional ministry making recommendations for adjustments in those particular parts of the act that governs their operations so that the acts could be more practically oriented.

Sir, we in the Public Accounts Committee, always look forward to giving of our best in the new dispensation to enhance transparency and accountability and we hope that with the necessary cooperation from all concerned that we could make a positive contribution in that regard. Thank you very much. [Applause]

**The Speaker:** Thank you Honourable Member

The Honourable Member Mr Ramotar



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**Mr Donald R Ramotar:** Mr Speaker, I wish to support most of what the Honourable Member Mr Murray has said and to also agree with him that our Committee has been working in a truly bi-partisan way to try to ensure that the financial transactions of the public are really over-the-board and they are improving. Our people are getting value for money.

Mr Murray said at the end of his presentation that he had noticed an improvement in the finances and how things are done by the financial officers. I want to support that too. That the value of openness and transparency is bringing life of our society and we can see that there has been improvement in the public accounts of the country every year.

But there are some inherent and difficult problems. First of all, I think that we have to appreciate the distance we have travelled as far as the relationship where these public accounts are concerned. The fact is from 1993, every year, the Auditor General's Report is presented to this House and the accounting officers are subject to discussion with the Public Accounts Committee has made no small contribution to improving. I think this is one of the very core of the democratic life of our society.

There are some inherent problems from time to time. While there is great improvement in how things are being done, there are some recurring factors which the Honourable Member Mr Murray pointed out. Some of them have to do with the length of time they are being involved. Some of the bank accounts which we still look at are reflected in the Public Accounts Committee and in the Auditor General's Report dated back to the 1970s and the 1980s. Many of them are still there and they keep coming forward. Our Committee has been making recommendations to get those accounts closed and we have also been making recommendations to the Accounting General's Office to get them closed. But I think that the difficulty with them is that many of those records cannot be found and these are some of the problems encountered. I must also say, there are difficulties with some of the new accounts which were opened in 1996. Some of them still have those types of problems that we do not expect them to have at this point in time.

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Mr Speaker, there is another factor that ought to be taken into consideration about the need for these things to move faster. We have found some cases which are in the hands of the police. These transactions are questionable. They have been with the police for a long time and are still there without any type of resolution. Because they are there and they are not resolved, they keep reflecting and coming up in the Public Accounts Committee at this point in time. We were also told that a lot of the problems which we were faced with on a yearly basis and which kept re-occurring, a lot of those issues will be resolved with the advent of the new IFMAS System. Hopefully, when we look at the accounts for 2005, we would see a marked improvement in many of the issues, because I believe, it is in this year the IFMAS System was introduced. As far as the Treasury Memorandum is concerned, I think that the Honourable Member Mr Murray knows that in the budget presentation of the Minister of Finance, he did express very frankly and openly the intention of the Government to start responding and presenting the Treasury Memorandum to the Public Accounts Committee and to make them public. Sir, I do not want to repeat some of the problems that the Honourable Member Mr Murray mentioned. I just want to add, for the period of time that I have been on the Public Accounts Committee from 2001 to now, every year I have been seeing improvements. I think that this resounds very well to the health of the country and to one of the democratic benefits that we are witnessing in our country today. Thank you very much. *[Applause]*

**The Speaker:** Mr Murray, is there anything else you wish to respond to?

**Mr Winston S Murray:** Sir, since I have this opportunity, I just want to thank Mr Ramotar who has been one of the Members of this Committee and who has made valuable contributions and inputs into the work of the Committee. He knows, as well as I do, that accounts starting from a number of years, prior to 1992 and since 1992, have not been reconciled. I sought to make no distinction, but I think that I should clarify it, if only for the information of the National Assembly. Sir, I omitted to say something. In my winding up, I wish to take the opportunity to refer to

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it. I said as I closed that we look forward always to giving our best and hope that with the necessary cooperation from all concerned we could make a positive contribution. But I want to refer to a letter here under the hand of no less a person than the Head of the Presidential Secretariat, which left our Committee completely depressed after it was written. *[Interruption]*

**The Speaker:** Mr Ramotar

**Mr Winston S Murray:** Sir, he is very good at concealing that kind of emotion. *[Laughter]* Let me say it does not contradict my comments. A certain region had paid to a Regional Chairman, monies in respect of travelling, while that Regional Chairman also had the use of an official State car and in those circumstances it is illegal for him to also be paid a travelling allowance. The Auditor General made reference to that particular matter in his report and we sought to support the position of the Auditor General by saying to the public officer who came that we would recommend that he observes the recommendations of the Auditor General so he could comply with legal requirements. The goodly Head of the Presidential Secretariat saw it fit to write in these terms to the Permanent Secretary of the Ministry of Local Government and Regional Development. The Public Accounts Committee of Parliament has no authority to issue directives to public officers. Now, we did not issue any directives. We simply recommended that a certain course of action be followed in compliance with the law. *I suggest you cease forthwith the inclusion of such a statement in official correspondence and to cease referring to any such authority for action being pursued by the Ministry. I further instruct you to withdraw all such correspondence sent out by your Ministry and proffer my instructions to do so.*

First of all, if the Public Accounts Committee did not have the authority to issue directives which we accept and which we did not do, neither has the Head of the Presidential Secretariat got any authority to write giving directions in relation to public finances. The agency that should have done that is the Ministry of Finance if they had a problem with the recommendations of the Public Accounts Committee.

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Sir, this is what I mean by cooperation and I am extremely disappointed in this approach. Thank you very much. *[Applause]*

**The Speaker:** Honourable Members, I will now put the Motion which is that the National Assembly adopts the Report of the Public Accounts Committee on its examination of the public accounts of Guyana for the year 1999 and I refer the report to the Government for consideration.

*Question put and agreed to.*

*Motion carried.*

Are we ready now with the National Registration Bill?

**Hon Reepu Daman Persaud:** I was asking my Honourable friend, Mr Winston Murray, that we take the reports from the Special Select Committee. I made that recommendation based on the Standing Order. It is a formality and I cite Standing Order No. 56:1.

On the third reading of a Bill, no amendment may be proposed to the question that the Bill be now read a Third time and passed and the question shall be put without debate. Based on that I thought we should get it off the Order Paper.

**Mr Winston S Murray:** Mr. Speaker, may I crave your indulgence. I do not necessarily want to engage the Honourable Member across the floor. But if we can kindly put this down so that we can proceed with the Bill that is before the House and hopefully have an agreed position which we can come back to you with in respect of this particular matter. I would be grateful. I do not want a contention here.

**Hon Reepu Daman Persaud:** I have no problem with that. I think the Parliament should work in a spirit of compromise and goodwill.

**The Speaker:** Thank you.

## **BILLS - Second Readings**

### **1. NATIONAL REGISTRATION (AMENDMENT) BILL 2005 - Bill no. 11/2005 published on 2005-07-06**

A Bill intituled, an Act to amend the National Registration Act

Honourable Members, we will now proceed with the Second reading of the National Registration Amendment Bill 2005.

Honourable Attorney General and Minister of Legal Affairs

**Hon Doodnauth Singh:** May it please you, Mr Speaker., the National Registration Act Chapter 19:08 was enacted on the 18 November 1967. By Act No. 7 of 1993, it was amended and by the Law Revision Order No. 3 of 1998, it was reviewed, revised and consolidated. Since then, by Act No. 12 of 1996, Act No. 6 of 1997 and Act No. 15 of 2000, it was further amended. Bill No. 11 of 2005 seeks to enact further amendments to the existing legislation primarily to Sections 2, 3, 4, 5, 6, 9, 10, 11, 13 and 14. A new Section 26 is intended to be inserted.

The *Explanatory Memorandum* sets out the rationale and explanation for the several amendments.

*Clause 2* of the Bill seeks to transfer the function of establishing a divisional register from the registrar to the registration officer and defines a registration area.

*Clause 3* creates a position of Assistant Commissioner of Registration.

*Clause 4* substitutes a new section in that it states that persons appointed as registrars, deputy registrars and divisional registrars shall function as provided for in Section 14 in the Act and onwards.

The Clause also provides for the appointment of registration officers,

assistant registration officers, registration clerks and other officers or employees.

*Clause 6* of the Bill amends Section 6 of the Act and provides for the commission by order to authorise the registration of all persons who are qualified to be electors and for all persons above the age of fourteen.

The intention is to provide a continuous registration on the directions of the Elections Commission suspended only for such periods as may be prescribed via the Commission. It also provides for the establishment of one or more registration offices in each registration district. Additionally, this clause provides for the Elections Commission to use the official list of the electors from the 2001 general and regional elections as the base from which to commence continuous registration.

*Clause 7* of the Bill amends Section 9 of the Act to provide that the central register which exists at the Elections Commission to consist of a computerised database and the originals of the registration records for all eligible persons registered under the continuous registration process. It also provides and empowers the Commission to determine procedures for the acquisition and processing of electronic data.

*Clauses 8, 9 and 10* affect minimal amendments.

*Clause 11* provides that the commissioner should prepare a preliminary list from the central register established under Section 9:1.

*Clause 12* inserts a new section in the Act which provides that notwithstanding anything in the Act, the Commission may authorise the release of such information as may be necessary to facilitate the verification of a registrant's accuracy.

It ought to be appreciated that during the registration process, the registrant provides information, some of which may be considered confidential. This Clause, however, which intends to insert a new section, must be construed in such a way that it does not conflict with the issue of confidentiality; neither should it be construed in any way as colliding with

the provisions of the Constitution.

There has been a hue and cry for the Elections Commission to be involved in the process of continuous registration. The Clauses of the Bill, which seeks to amend the National Registration Amendment Act, has been considered by the Elections Commission and technical assistance has been provided by the officers of the Elections Commission. I know as well that copies of the Bill have been provided to the Opposition parties. It is my expectation and hope that Members of the National Assembly will appreciate the necessity for continuous registration. No enactment can ever be considered to be perfect but whatever suggestions and or comments to be made by members of the National Assembly will be seriously considered and taken onboard.

I now move the Second reading of Bill No. 11 of 2005, the National Registration (Amendment) Bill in 2005. *[Applause]*

**The Speaker:** Thank you, Honourable Member.

The Honourable Member Mr Vincent Alexander

**Mr Vincent L Alexander:** Mr Speaker and Honourable Members of this National Assembly, I rise to state my party's position on the Bill which is before us.

This Bill essentially provides for continuous registration. continuous registration is an issue on which there had been consensus for some time. In fact, there had been consensus in this matter from the inception of the present life of the Elections Commission.

The question therefore would arise as to why, if there was consensus on the question of continuous registration that this Bill has taken this long to come before this august body. In that regard, I wish to make it clear that in the context of continuous registration there were two issues which were on the table. The issue of the verification of the list of the database which is to be used as the basis for continuous registration as well as the inclusion of new elements of biometrics into the system in-

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cluding the registration system for continuous registration.

And so it is unfortunate that we have travelled thus far from 2001 to 2005 and we have come up with a Bill which represents what we had agreed to way back then, but having no way in that Bill, addressed the issues that has caused this long journey from 2001 to 2005. The Bill has not addressed the issue of a new element in terms of biometric features; it has not addressed the issue of verification of the list, the database upon which continuous registration will be built.

One may ask the question, why is there this concern about verification and a biometric feature? The answer is very simple: our electoral system up to 2001, threw up evidence of multiple registration on the basis of which there could have been multiple voting and therefore, the question of an additional feature of biometrics is intended to address that issue. If we have additional fingerprinting features which are now for cross referencing, we stand a very good chance of reducing multiple registrations significantly, if not completely eliminating it.

I will produce a plethora of evidence in this regard. Mr Speaker, as I stand here, there are still those who are vehemently resisting the implementation of an additional feature of biometrics that will seek to address a problem that has faced this country for some time.

On the question of verification of the list, there are those who would wish to contend that experts came and experts left and that those experts have said the list is flawless. The persons who say that is true have a total misunderstanding or are totally misrepresenting the issue at hand. The issue at hand is not the question of a comparison between the official voters' list which is lodged with UNDP and the data in the database which the experts said has not differed. That is not the issue. And so, to speak to that issue does not address the question at hand.

The question at hand is that we last had registration in 1996/1997. The fact of the matter is that since we last had registration, a large number of persons have migrated or died and the estimates based on official



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figures of births and deaths and migrations suggests that that list, having been compiled in 2006/2007 would have in the vicinity of 200,000 names of persons who have since died and/or migrated.

However, as the Bill proposed, the use of the Official List of Electors (OLE) will partly address the question, because in 2001, when this question was raised and it was addressed, it was found that 89,000 names came off of the preliminary list and hence the Official List of Electors, which is now proposed as the base will be 89,000 less, but the

estimate is 200,000 so we are still talking about an official list of electors that will have in the vicinity of 111,000 names ... [*Interruption: 'Whose estimate?'*]... you cannot do maths, so you would not know ... of persons who have migrated and/or died to be cleaned up. It is for that reason we are saying there is need for a verification of whichever base we use. A verification to ensure that whichever base we use is sanitized and does not have on it those names. There are those who would wish to claim that claims and objections will suffice. I will present evidence during the course of my presentation to show that claims and objections will not suffice and that there is need for verification, ideally there is need for a new registration.

Mr Speaker, it is argued and the facts are there to show that when a voters' list is being prepared for a national register of registrants, that routinely every seven to eight years a new registration is done. Our list was last prepared in 1996/1997 and that period is exhausted. But still there is resistance, not to a new list in the classical sense, but to a house to house verification of the old information. There is also information to show that wherever a country has introduced continuous registration that they have introduced it on the basis of a new registration. Here again, in Guyana, we have a resistance to that process for reasons best known to those who are resisting.

In 1990, the late Mr Hugh Desmond Hoyte and then President of the Co-operative Republic of Guyana, had reason to say the following which was published in the *Stabroek News* on October 14, 1990:

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An elections date will not be named until a satisfactory preliminary list is compiled.

He is contending that the Elections Commission has to make the next move.

Mr Speaker, this was in 1990 under a Government of the People's National Congress/ Reform. This was responsive in part to those who are now on the other side and who are now taking a dissimilar position to what they took in 1990.

I am not using the word flawed. We have shown repeatedly that the present list has names of persons who have died and names of persons who have migrated. No one can deny it and we are saying in 2005, what Mr Hoyte said in 1990 in response to those persons who are now speaking from the other side of their mouths.

In response to those who are talking about the date of elections, we are saying that no election date should be named until a satisfactory base for the continuous registration is done. In fact, we cannot proceed with elections unless we have a proper voters' list. This question of the dead and the migrated is not new. It is not our original argument. In 1990, in the said article, what did those who are now trying to shout me down unsuccessfully obviously said? However, the opposition is not buying this line. They pointed out that the list was fudged with the names of dead and migrated persons.

I have not used those words, but if I were to use an analogy to refer to the situation now and the situation then, in the words of the People's Progressive Party, the list is presently fudged and there is only one way to deal with a fudged list.

This problem which is before us is not beyond resolution. In 2002, the United Nations Development Programme circulated a brochure, which I have in my hand, entitled *A World of Development - Experience - August 2002*. In this pamphlet, under the heading *Democratic Governance* is said the following:

## **A success story - Lesotho**

Facing a disputed election, a majority of Lesotho's political parties turned to the international donors to explore alternative methods of voter registration. New fingerprint technology was proposed, but it was prohibitively expensive. The UNDP country staff called on our global network for expertise and found it in Jamaica which has used the technology. We brought Jamaica's Director of Elections to Lesotho to speak with Government officials, politicians and diplomats. Tensions eased as all stakeholders found themselves engaged in resolving the problem. With successful elections in 2002, Lesotho's culture of national dialogue and democracy has grown stronger and the newborn of South South Partnership has been forged.

Mr Speaker, Lesotho and for those who do not know, it is bordering South Africa and is some thirteen odd hours by flight from here, found a solution in the Caribbean in Jamaica and here are we are talking loftily about Caribbean integration and cooperation and at the same time, denying ourselves the opportunity to access the technology under the UNDP, because obviously that was where the financial matter was dealt with and as a consequence, they were able to resolve their problems.

It is not for the want of an effort that we have refused to move in that direction. The Elections Commission sent one of its officers, one Mr Keith Lowenfield, at much expense to an attachment in Jamaica from May 5 to 17 in 2003. What did Mr Lowenfield's Report reveal? Unfortunately, his document is not paginated properly.

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Further arguments revealed that over the years in the Jamaican electoral landscape, the voters' list has been a subject of great controversy and allegations of fraud in its preparation. It came with each election. The Electoral Advisory Committee became aware of the under-mentioned problem. Electors listed more than once...

They are talking about double registration.

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... unqualified persons listed as electors

They are talking about the dead and migrated.

*... electors wrongly listed in a polling division or constituency in which he or she does not reside...*

Dislocation of 2001 elections in Guyana and a number of other bases he gave and then came to this conclusion:

*Investigations carried out by the committee revealed that fingerprints provide the most accurate and convenient method of identification for the preparation of a clean voters' list...*

It is not the PNC/R saying this.

The committee therefore decided that legislation be implemented to ensure inter alia:

- (1) That the system to be implemented should have fingerprints as the critical item to be used for identifying the applicant's registration and for the preparation of a clean voters' list.

The PNC/R is asking for no more. The PNC/R is not asking for the impossible. The PNC/R is not asking for the unachievable. We are asking for what has happened as close as Jamaica and more recently in Antigua and what is now being pursued in Haiti and what we have knowledge of

The People's National Congress did not introduce this discussion to Guyana. Here is the Elections Commission, through its own initiative, introducing the discourse with an aim; they could only have talked about this because they were talking about a clean list.

Mr Speaker, in that regard, the Elections Commission held a seminar on 23 and 24 October 2003. At that seminar, Mr Danville Walker, the said person who went to Lesotho came to Guyana and made a presentation

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at that seminar on continuous registration including the specific issue of the implementation of an additional biometric feature namely, fingerprinting for the purposes of cross-referencing to ensure that there is no multiple registration, a problem which Guyana is faced with. A problem reveals itself everyday. Only recently, a woman who registered for flood relief did so under the name Singh. When she went to collect her cheque, she presented an ID card with the name of Narine. Multiple registration is alive, the evidence is there. It is part of life today. So we are not making up things.

The Elections Commission, through its expert and then Information Technology Manager, Mr Griffith, has pronounced on this matter. I know that they are going to say all sorts of things about Griffith, but let me preempt them to say that it is true that Griffith is no longer in the commission. It would be interesting to find out the real reason why. I dare them to question Mr. Griffith's expertise in the matter because he is now with the Guyana Revenue Authority for more money so question Griffith and I will question what is happening at GRA, because there is where Mr Griffith is for more money. He had already produced his report. When you employ people, you must check their records. If his is not good, why would they take him at GRA? What does Griffith have to say?

Mr Griffith is a retiree, he cannot be promoted. In his report of 29 July, 2004 said the following:

Problems discovered in the printed ID cards

*4(ii) discrepancies between the information, for example name, date of birth on the card and that on the Official List of Electors ...*

We not talking about the National Registration of Registrants, we is talking about the official list which this Bill says that the base upon which we should do continuous registration.

Mr Griffith is saying that as he did his work, he discovered discrepancies between the information found on ID cards and on the OLE, but

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people are telling us that we must not verify the OLE, it is perfect. Well tell Mr Griffith how imperfect his is.

Mr Speaker, another issue that Mr Griffith spoke to, under (iv) was the poor quality of photographs and signatures on the cards. So the other issue before us is that the present master registration cards cannot be used for forensic purposes and this information has been available to us since 2001. Why is it available? Because in 2001, when persons were found with multiple registration and multiple ID cards ... this happened in 2001 ... the police were called in and they contended that they could not use the fingerprints that were available because they were smudged and therefore could not be used for forensic purposes. Therefore it means that the fingerprints present in the database have been deemed useless. They cannot serve the purpose for which they were intended and therefore it strengthens the argument that if you are going to have elections, you must have authentic records. Those fingerprints are not authentic records. So we are saying, let us have elections with fingerprints that cannot be matched and if someone is caught we cannot do a forensic analysis and have them brought before the court. That is what we are saying when we are calling for the use of the present Official List of Electors. The Official List of Electors is not something in isolation. It has to rely on the master registration cards. They have smudged fingerprints. They cannot be used. It has to rely on the identification cards in circulation. There are duplicate cards that can allow people to vote twice. What is the discussion about? The facts are so clear.

Mr Speaker, may I go on to what Mr Griffith had to say. I recommend this report by Mr Griffith as compulsory reading for those who have not read it.

On Page 4, Mr Griffith made the observation:

*There are those that stem from the fact ...*

*and he was talking about problems and categories,*

*... that information in the middle system*

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that is the system for the ID production

is different from that existing on the Official List of Electors.

I want to emphasise that.

Information in the middle system from which ID cards were produced, was captured from the revised voters list and so he goes on to explain the problems that existed. The document is available. I do not have to quote all that Mr Griffith said, except that I need to go to his conclusions. What were his conclusions? On Page 6:

The nature of these problems and the manner in which they are encountered dictate that the ITD can only adopt a case by case epistological approach to overcoming them. While this strategy may suffice for the limited scope of the current task of producing outstanding ID card ...

Incidentally that has not sufficed so they are giving out white paper for ID cards

*...and updating the MRDB with the addendum, it will not be operationally feasible for the much more substantial exercise of preparing for general and regional elections.*

He goes on to say:

*Even superficial examination of the database, both the MRDB and the NDST invariably reveals imperfect data which, though not significant in terms of the number of instances of the particular fault, raises doubts and questions as to the extent of the not yet discovered problems which may exist. What causes an even greater feeling of discomfiture is the fact that in nearly all cases, no reasonable explanation for the occurrence of the problem could be offered by any of those persons who participated in the 2001 exercise.*

He therefore concludes:

The ITD will endeavour to solve the problems that have surfaced and to complete the exercise of producing outstanding ID cards.

We know that has failed. We are now producing some white slips rather than ID cards.

The Commission, however, needs to carefully address the issue of the existing IT resources and the role that will be given to them in the upcoming general and regional elections scheduled for 2006. That errors exist in the database content is indisputable.

May I repeat that errors exist in the database content is indisputable

What is not known is their full nature and extent.

A very honest and factual report.

Options to be considered would include an exercise aimed at the total verification of the MRDB...

May I repeat that? An exercise aimed at the total verification of the data content of the MRDB

*... house to house registration and re-creation of the MRDB.*

Those are the conclusions of Mr Griffith, the man who is now in-charge of IT at the Guyana Revenue Authority, a very important institution in this country. *[Interruption]*

**The Speaker:** Your time is up Honourable Member.

**Mrs Deborah J Backer:** Mr Speaker, I rise to ask that the Honourable Member be given fifteen minutes to continue.

Question put and agreed to.



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**Mr Vincent L Alexander:** Mr Speaker, the Elections Commission, the body responsible for dealing with this problem, as recent as the 12 October, 2004, on its revised concept paper on the Implementation of Continuous Registration in Guyana proposed two things:

On one hand, they proposed on page 7 paragraph 5.1:

Consistent with what has been read on the subject and consistent observations made in countries where continuous registration has been introduced, the implementation of continuous registration in Guyana should be premised on a verified ...

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...NRR that is established by the conduct of a house-to-house field verification exercise.

But more than that, in 2005, approximately two months ago, in a meeting with the Elections Commission, the professional staff re-affirmed that position and indicated that the time frame for doing it was sufficient. In 2005, they re-affirmed this position and indicated that there was no problem with the timeframe for doing this. But we have those who are vehemently, for reasons best known to themselves, which cannot be in Guyana's interests, are saying that this should not be done.

Mr Speaker, in the said document, the Elections Commission in 2004 said, update the NRR through field verification at the commencement of continuous registration and it goes on to say, implement the use of biometrics in the form of fingerprinting for security against double registration and implement the use of registration forms, a methodology which accommodates fingerprints and which are computer friendly.

People go out there and try to tell the world that the PNC/R is causing confusion. Here is the Elections Commission, as recent as October, 2005, making the point. And they would not make this point if it is not workable; if it is not implementable. They did that in 2005 and they specified the technology.

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Now those who are asking about 2005, they have been delaying the process, because they do not want it to happen, so now they want to come and holler, not enough time. We expect that. That is why you are asking about 2005, not enough time, when you delayed it from 2002.

In November 2004, after that document from 2004, the PNC/R has indicated that we would acquiesce the proposals by the Elections Commission by letter to the Commissioners. We have indicated that we would acquiesce and on that basis we have thereafter been putting forward a position for both verification and biometrics.

Those who argue against this have sought, in one instance, to hang their hats on the Needs Assessment Report of Mr Hathaway, who unfortunately was not very well when he was here preparing the report and more unfortunately, who was ill for the extended period when he was to write the report. However, he wrote one that was belatedly received by the Elections Commission.

I want to quote to you what Mr Haslyn Parris had to say in relation to Mr Hathaway's Report and his comments about these issues. As I indicated, Mr Hathaway did not say, no biometrics; he did not say, no verification; he said, to do it a little later. He was caught in that issue of not enough time.

What does Mr Parris has to say? He said the following:

The first paragraph like the tables of Moses, contained no attempt at justification of any of its three recommendations.

He is talking here about verification and biometrics.

The second paragraph is based on the inaccuracy that the current voter's ID card includes a thumb print.

The man based his conclusions on inaccuracy. You could check it

Accordingly, recommendations to retain the practice for Elections

2006 are meaningless. What is required is a proposal to entrench a system designed to thwart:

- (1) double registration; and
- (2) double voting for the next elections. And this may involve the use of biometrics.

This is Mr Parris on February 7, 2005.

The Elections Commission did not drop this issue in 2004. In March/April, 2005, reported on Secretariat's workshop on continuous registration, what does it say? On page 18, in summary, the proposed systems are as follows:

- Permanent officers - that is in the legislation;
- establishment of new positions - that is in the legislation;
- establishment of registration areas - that is in the legislation;
- new registration law - this is this law;
- continuous registration instead of periodic- that is in the legislation;
- qualification age of seventeen - that is not in the legislation;
- new registration forms - we are told that is in progress;
- field investigation;
- biometrics and fingerprinting systems.

In April, 2005, at that time, the Elections Commission had still proceeded along this course.

- digital photographs and introduction of ledger transactions.

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The People's National Congress/Reform is not coming from thin air. We are asking for what has been supported by experts both local and overseas and what, in fact, the Elections Commission has pursued over the years. May we say that as we speak here today, the Elections Commission, in the person of its Chairman has intimated to us, by way of correspondence, that these two issues of verification by house-to-house method and additional biometrics are still unsettled issues?

And so, here we are with legislation, when in fact, the issues that were supposed to have caused the delay are still unsettled issues. In that context we have no option but, at the appropriate time, to propose amendments to this Bill or to support amendments, if proposed, to this Bill that will ensure that as the Elections Commission continues to grapple with this issue, that this Bill will not turn out to be the albatross that will ensure we do not have verification or biometrics. Because if we proceed in this manner to do continuous registration, then where would biometrics fall? Biometrics has to be introduced at the same time as one introduces continuous registration. Even if one is talking about 2011 as Hathaway proposed, this continuous registration is ongoing and so biometrics has to be now. And the same goes for verification. There has to be verification of the Official List of Electors, given all the evidence produced, to show that the OLE has names of persons who have died or migrated in the vicinity of 111,000 and as Mr. Griffith said, there is no way to deal with his confusion by tampering and tinkering and by claims and objections. The only way to deal with it is by a completely new process.

Therefore, Mr Speaker, I wish to close by repeating the words of one, Mr Afari Guien, where he concluded in his report of May 2005 that what is necessary is a register which is acceptable, a register which can be achieved in other ways. The real issue is what GECOM will do. In other words, to make it acceptable to opposition parties with their involvement. Mr Guien is saying, wherever we go, what is necessary is the involvement of the opposition parties to make the outcome acceptable. That is the bottom line, irrespective of that is biometrics, the bottom line is that we need to ensure that whatever is done, ensure that the stakeholders are involved and that the stakeholders accept.

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Mr Speaker, we are asking for nothing less - absolutely nothing less - than what was asked for in 1990 in preparation for the 2001 elections. In that regard, I return to the Stabroek News of October 14, 1990. What does it say? It quoted Mr Carter as saying:

If the voter registration list is not an honest and complete list, you cannot have an election that can be certified to be a true election.

What Carter pointed out in 1990 is equally relevant in 2005. There will be those who would want to say that the People's National Congress/Reform wants to cause confusion and all sorts of things. There will be those who want to say that, but if they want to pull the rug from under the feet of the mischievous People's National Congress/Reform, the fittest way to do it is to have a verified list and to have biometrics and let us see who will win and who will lose and who will be the next Government of this country. Thank you. *[Applause]*

**The Speaker:** The Honourable Minister of Tourism, Industry and Commerce.

**Hon Manzoor Nadir:** Mr Speaker, today we have before us what I consider to be a history breaking and history making piece of legislation. It is sad that the last speaker used ... *[Noisy Interruption]*

**The Speaker:** Honourable Members, please allow Mr Nadir to make his presentation

**Hon Manzoor Nadir:** It is sad that he painted a picture and a good story, but using and misusing a lot of supposed facts.

I want to deal with two particular issues. The last speaker spoke extensively about recommendations coming from Mr Griffith, a former staff of the IT Department in the Elections Commission and then he quoted the recommendations from a workshop which the Elections Commission conducted. There have been many workshops over the past few years which the Elections Commission has been conducting in order to sensi-

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tise, not only those who are going to be involved in the elections, but to also inform themselves with respect to good decisions that will lead to the same conditions set down that will have a good and clean list and results that are acceptable to all.

With respect to the two reports quoted, I was waiting to hear the last speaker mentioned what was the position of the Elections Commission with respect to the recommendations of Mr Griffith and also the workshop.

What did the Elections Commission say? That is why with respect to the amount of misrepresentation that has been happening. The Chairman of the Elections Commission may have been motivated to write that these are still unsettled issues. But we know that there is one piece of consensus legislation which has its genesis in the Elections Commission and I think that is before us today, dealing with the issue of continuous registration.

Mr Speaker, a lot is being made of this issue of biometrics and it could be right. It could be the way we have to go. But we are forgetting where we are coming from and all the initiatives which we have undertaken in the past to ensure that we have a clean list that will lead to acceptable results. I have no less than twenty-five years of experience in dealing with this issue.

Coming back to the Bollers Commission for the 1985 elections, under The United Force, I sat with the then leader Fielden Singh at the Bollers Commission in line for the 1985 elections. I was intensely involved in the preparations running up to the 1992 elections and because of bad lists and we knew at that time, how the People's National Congress regime had to be brought ticking and screaming to the table. The 1990 elections, after the meeting in front of the Elections Commission's Office on South Road, where the late Dr Jagan spoke, members of the Working People's Alliance spoke and members of The United Force, including myself spoke. Then Mr Hoyte aborted the elections and dispose of the list. Then we had the same issue in 1991 and we ended with

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a system that had some provisions in 1992 and we proceeded to the elections.

In 1997, the issue was, how are we going to validate; how will the opposition parties, in particular have confidence that the data being collected was accurate? And so we had long meetings between the Government and the Opposition together and we ended up with a system of paid party scrutineers that went out with the persons doing the registration so that we can be there and the staff of the National Registration Centre prepared the national roll from which we normally select the preliminary voters' list. I raised this because it exemplifies the search for a system, the search for means and methods that will produce an acceptable voters' list and acceptable elections results. And no one can deny, even all of us who participated in the system and we sat for hours with the Government and with ourselves in the opposition and this system produced a good list. Yes, the results were contested, but it produced a good list. Coming up to elections day - the day of casting votes - I can distinctly remember encountering very few examples of problems with the list. In those elections, we had introduced a system of a voter's ID card, out of a list that had paid party scrutineers. I have to raise them, because these exemplify the search and while sitting on the opposition, I continuously said that the PPP/C Government has to be given credit for its commitment to democracy. We may have debated differences on other issues, but in terms of its commitment to have free and fair elections and democratic systems in the country, we always gave them good marks. *[Applause]*

After the fiasco with the voters' ID card for 1997, we then introduced a new national ID card as another means to verify people when they go to vote. They can produce another document - a photographic ID - to the presiding officer and so hundreds of millions of dollars were spent on another new system to produce these ID cards.

The last speaker went on and said that multiple registrations are alive. When you listen to remarks such as these, you wonder if you are in the same discussion with these people. Because of the concerns of the

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opposition and the need to ensure that everyone who has a concern, the database was locked down. There was no access and what he called the PID -this little paper that he is referring to, was a means of accommodating those persons who needed some form of national identification. Because of all of the tests that the Government was committed to undertake - not the database, we said, let us not touch it. There was court action, so we said, lock it down and nothing was produced. What was being done? Regularly ... *[Noisy Interruption]*

**The Speaker:** Honourable Members, could you allow the Honourable Member to make his presentation without so many interruptions. You are just shouting continuously.

**Hon Manzoor Nadir:** Mr Speaker, thank you again.

Every month the GRO sends to all the parties and the Elections Commission a list of all the persons who are dead and who could come off. All of us have that primary database; all the parliamentary parties got copies. That database is not alive in the sense that is being used to produce any ID cards and so at this time, multiple registration a figment of the last speaker's imagination. He correctly makes an issue about the quality of the ID cards. I was waiting to hear him say that the quality of the data on the master registration card, I think, it is the MRC, an issue and I am sure that the one member that you had to caution, that picture on the master registration card may be better looking than on the ID card. I am sure of that because all of us have contentions on the way we look and sometimes the cameras do not lie.

The reason why I raised this again is that the picture painted by the last speaker was that the Government is so vehemently opposed to anything and they are using anything in the sense that biometrics alone will solve problems, anything that will produce a good voters' list, so they say that the Government is opposed to verification. Well, I have never heard the Government said, oppose verification. There might be issues with the type of verification that some people want to do. I understand that the Government is agreeing to the inclusion in the law words that will



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deal with verification. But you do not have to put it in the law. Those in the Elections Commission can make rules. If they feel confident that the list they will generate needs verifying as they did prior to the last elections, they did not need a law for that. They could do it. The commissioners can do it. You do not need a law for that. But the Government is not opposed to including it in the law today that there will be verification

When I first saw this piece of legislation laid in the National Assembly, it enlightened and lightened my heart. The very first set of speeches I made in the National Assembly I said that we must have a permanent Elections Commission that can be prepared for elections and I called for annual voters' lists to be published so that the country can be prepared for elections whatever they are and whenever they are for. So when I saw this piece of legislation to deal with continuous registration, it really pleased me, because we have taken a long time to reach to this point, but again, we must trace how we are coming.

At the last general elections, we said that we must look at the issue of a permanent Elections Commission. The start of preparing for elections, whatever they are, was the issue of institutionalising a permanent Elections Commission. That was done. I did not hear the last speaker commented on that. In the past, under their regime, it was the Minister of Home Affairs who had directions over the Commissioner of National Registration who had the authority under the law to prepare a national register of persons from which a preliminary voters' list would be extracted and for those elections and the Elections Commission put in place. But look how far we have advanced and who caused the permanent elections to be a reality. We have worked assiduously with the parties in the house and thankfully with the donor community who have really been patient with Guyana. I want to publicly recognise that and offer my party's appreciation to them. [*Interruption: 'Which one?'*] The United Force, the party that I represent in the National Assembly is also very thankful and pleased, because if we check what the donor support for the electoral process and the elections in particular in Guyana has been, over the last decade and a half, it has been considerable. I agree that in the search for a good voters' list, acceptable results and to entrench

democracy western style, no expense is too much.

We have before us the start of the process of continuous registration. That is not the end of the process. I said earlier that the Elections Commission has the capacity within the rules of operation to make decisions. But what goes on in the presentation especially from the other side. If it is not done the PNC/R's way then it is no way and apparently they have the monopoly on ideas and systems. Apparently that is the reservoir; there is where we must go to drink of enlightenment.

I was certainly taken aback because biometrics is now implemented in the minority of countries and one can contend that a simple thumb print on the MRC and on the national registration card can constitute *[Interruption]* I am not making that case. I do not want to go down that path. I have said previously that biometrics might be the way of the future, but it is not the only way and as the Chairman of the Elections Commission wrote to the People's National Congress/Reform, the matter is still not settled. *[Interruption: 'You read the letter?']* It was read out to the National Assembly for all to hear. Those of us who listened keenly to the contributions of other members, rather than trying to obstruct, would have heard exactly what was written by the Chairman of the Elections Commission.

So, Mr. Speaker, I join in supporting this piece of legislation that will seek continuous registration that will see us prepare for elections. It is sad to sit in the National Assembly and to see us come year after year and have to postpone even the local elections. Leaving out my two colleagues, one on this side and one on the other side who co-chaired that electoral reform at the local Government level, their problems was that with continuous registration, with a permanent Elections Commission, with the party sitting around a table and discussing the issues, there is a lot of hope and so I want to commend this legislation to the National Assembly and give it my unreserved support. Thank you very much. *[Applause]*

**The Speaker:** Honourable Members, this is a good time for us to take

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the suspension. We will suspend for half an hour.

Before I leave, may I remind members of the Management Sub-Committee of the meeting during the suspension; Mr Murray, Mr McAllister, Mrs Sukhai and Mr Ramotar.

## **16:00H - THE SITTING IS SUSPENDED**

## **16:53H - THE SITTING IS RESUMED.**

Honourable Members, I apologise for the delay, we were involved in Parliamentary business.

The Honourable Member Mr Dev.

**Mr Ravindra Dev:** Mr Speaker, I rise to make my comments on this Bill I have before the National Assembly the National Registration Act (NRA). It is not only in America the NRA is famous or infamous initials. We in Guyana, as our Attorney General reminded us that our NRA has a rather chequered history, but within that history, it is important for us to understand why the issue has always been in front of us. The National Registration Act is the beginning of a process which goes to a fundamental right to every citizen of this country, the right to vote, the right to choose a government that we would like to see in office.

Mr Speaker, when there are matters that go to the fundamental rights of citizens, it behoves lawmakers, it behoves those in government, it behoves all those who have a voice in the matter to tread very carefully, because fundamentals rights are exactly what they say fundamental to what we are and how we define ourselves as citizens. So the matter before us, the National Registration Act, which talks about introducing continuous registration, we are very pleased to see that we are all unanimously in favour of this innovation that we should introduce continuous registration in our country. I do not think we can lightly skip over this matter. The government and all the opposition parties agreed on this

matter. We know that this is something we are making progress on, this important matter of enshrining the right to vote and to give it reality. So we therefore have to examine this Act very carefully to ensure the stipulations within this Act do not place burden, do not place obstacles in the excise of our fundamental rights, but to look at the various sections to ensure they further this right, they enshrine this right, they give it life so that it becomes meaningful to our people.

Mr Speaker, in our history of being a colonial nation, the right to vote was not just given to us. There were struggles throughout our history. Many individuals have died for this right. So again, I make the observation which ought to be a truism that we cannot likely place burden on this right.

Again, I am pleased to see that the Government agreed with this, because I had concerns in the original draft of the Bill that was presented; that we were going to embark on this continuous registration without a methodology or without a commitment to the verification of the electoral list. I thought again that the Government showed maturity in its original draft to state that we will begin with the Official List of Electors, the OLE for those who like acronyms, would want to say that we should begin with the Official List of Electors. This is a move forward, because as has been explained by Mr Alexander, not to have done so would have meant bringing into the fore baggage that we all know should not be there. So this in itself was a step forward, but I felt that there was a flaw. The flaw was that whatever list we produced based on all norms across the world, there will have to be a procedure for verifying the accuracy, for verifying the data contained with such a list. There is no system in the world that they would say they would produce a list without some system, some methodology for ensuring that the list by its own rules is internally consistence. As I said, I was therefore gratified by the pronouncement and in this case a very particular one by the Minister of Tourism as a Member of the Cabinet who said, no expense is too much to ensure that we have such a list. Therefore, objections towards biometrics should not be a problem, because no

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expense should be too much and the Honourable Minister speaks as a Minister under the principle of Cabinet's responsibility and consensual decision making. So I am very pleased that in addition to the amendment moved under the name of our Honourable Attorney General said that the Commission may undertake such verification as necessary by means to be determined by the Commission. In addition to that, we now have a statement by a Minister of the Government that no expense is too much.

Mr Speaker, our Attorney General also said that no provision or Act can be perfect and I agree. Even in the amendment moved under his name I would have wished that the verification process or procedure to be followed would have been stated up front. In this way we would have been spared any wrangling at a future date, because if ahead of time, we accept there has to be a procedure for verification and if we were now to stipulate what that verification procedure would be, then again it makes the process going forward less contentious and certainly therefore it would lead to a feeling of goodwill in our country that the lawmakers are acting in a mature fashion, but as I said to echo the Attorney General no provision can be perfect. So again, I want to say, I see this amendment that is being moved as a positive step.

Mr Speaker, we spoke about:

- verification;
- house to house verification;
- other methods of verification; and

I do not believe that at this juncture we need to break a lance over what exactly is meant, but we have been quoting and we have been hearing individuals throw out various allegations of facts. My party is a small party which does not have access to the resources to say, no expense can be too much so we depend on what is given to us.

Mr Speaker, as Minister Nadir said, the Elections Commission sent

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to all the parties an update of the information they received from the Registrar of Deaths. They took that information and plugged it into the database of the OLE and then send the two sets of data to the parties. One set where those who have died were found on the register, but remarkably there is a second list which is inevitably almost as large as the first list with people who have died who could not be found on the OLE and I am forced to come to a conclusion that the OLE itself has severe defects, because if after every time the Commission goes into the OLE and tries to match it, because the people died and buried, some of them might be dug up from their graves and strange things done to them. That is another issue. They died, their data was then put into the OLE and matched, but they could not be found. As Minister Nadir said, all the parties have this data. It came to us.

The other one is: again the Commission has been very kind to give citizens who wanted temporary identifications to conduct their business and the record will show that the individuals who have gone for temporary identifications have all kinds of variation, some of them some of them have their slips from where they registered, they have their photographs taken and cannot find their names on the OLE.

Mr Speaker, I do not believe that anyone will then say, there are not problems with the OLE. The question of course is how large are these discrepancies and that is the crucial question, because to the extent that every discrepancy will deny or could deny some citizens their fundamental right to vote. We cannot very lightly and likely dismiss this and say these things happen. No! When we are about to infringe on the possible violation of a fundamental right, the State and this is a given law, a State has to be very, very, very careful, it has to take extreme caution and it is within the parameters of that convention and understanding that I caution that while at this juncture we are not debating the exact mechanism for the verification, whatever verification is to be chosen, we have to ensure that it satisfies the requirement that every citizen of this country must be given the right to vote.

Mr Speaker, with those remarks, I wish to touch on another point

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that Minister Nadir pointed out, which is: thumb print that we all ready have in the system, the finger print we have catered for rightfully can be called a biometric - a live measurement, a measurement of some living thing - it can be called biometric and that is not a frivolous statement. I commend Minister Nadir for pointing it out. It means that those who conceptualized the list initially sought to insert within the collection of data a biometric which would assist in the internal verification of that list. The question that is now before us is whether that biometric is seen in a state where it can fulfil its stipulated task and we have the Department of Police in Guyana pronounce on that. If we are also in a position to determine whether it is the best determination of checking the internal verification of the list. Again I come back with the issue that is before us, it is a fundamental one, it goes to the heart of what it is to be a citizen. One who has move from the jungle to be civilised. In the olden days, you had to be in the city. It means therefore that we have to ensure that the basic right ... a person is speaking here who cannot even pronounce the name of Hitler's Chief of propaganda. He called him Gobbles, I would not tell him how it is pronounced, but it is not Gobbles. Let him go and look it up. *[Laughter]* The point is that we must be able to understand that we cannot infringe upon the fundamental rights of our citizens as we embark on this crucial right to choose a government that will be able to run this State.

Mr Speaker, with those comments, I would like to say, I would commend the passage of this Bill with the insertion of the amendment moved by the Attorney General and Minister of Legal Affairs. I thank you. *[Applause]*

**The Speaker:** Thank you Honourable Member

The Honourable Member Mr Basil Williams

**Mr Basil Williams:** Mr Speaker, Article 162 of our Constitution speaks to this entire question of Registration. It provides:

- (1) *Elections Commission should have such functions con*

*nected with or relating to the registration of electors...*

inter alia and in addition it provides that -

*the Commission -*

(a) shall exercise general direction and supervision over the registration of electors and the administrative conduct of all election of members of the National Assembly; so that is our basic starting point.

Jurisdiction in the supervision of National Registration in this country inheres in the Guyana Elections Commission. It would be apposite in treating with such an epoch making event as continuous registration that I will give a short history of the evolution of national registration. Under the old system under Chapter 19:08 ... [*Interruption: 'How old?'*] ... since 1967 and as amended subsequently, the situation was that you had the Commissioner directed to establish a national register of registrants. At the relevant time, periodically of almost every five years proceeding elections, the Commissioner would be directed to attract the preliminary voters list from that national register. After a period of claims and objections which would not be more than two weeks under the legislation and which over the years had to be extended from time to time, you then get the revised voters' list. After some further checks were done to the revised voters' list, there was the final voters' list or the official list of electors. Even to that, within recent times, there were certain addenda. So that was the scenario.

Now the fundamental basis for registration was residence, coupled with nationality or descent. But it was found that this entire process was compressed in such a short space of time that the inevitable followed, obvious defects and I do not have to tell you about the aftermath of elections held because of those defects.

Now this problem has been properly recognized and identified by GECOM itself and in GECOM's revised concept paper on the Implementation of Continuous Registration in Guyana, if I might respectfully



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refer you to page 3 of that report it highlights some of the problems which attended this whole system of periodic registration or every other five-year registration and some of these problems included that the national registration and claims and objective exercises were very time consuming and carry a compressed workload, that the registration activities demanded a great amount of resources and is heavily laboured intensive. These two factors created steep cost spikes which are usually difficult to fund from the States' resources. The compressed workload magnifies a potential for error by the registration staff and lends to stakeholder claims, et cetera. There are other myriad problems that they have identified, so let that suffice.

Now, it was clear after the 2001 election that we had a problem in this country and GECOM seems to have finally come to grip with that problem and so around October 23 to 24 GECOM organized a Workshop on Continuous Registration. My friend and colleague had earlier alluded to this.

What was important about that workshop is was that all major stakeholders in this country were represented and without fear all stakeholders agreed that continuous registration ought to be implemented in Guyana together with biometrics. If I might respectfully refer you to the aforesaid revised concept paper on page 4, where GECOM recognized that continuous registration will allow eligible persons to register on a daily basis, thereby facilitating regular updates of the national register of registrants and of the associated electoral list? Basically this is really the fundamental benefit of continuous registration, where there is ongoing corrections and updating of the registration list and do not have to wait every five years and is tied into elections and so things go awry.

A Guyanese national according to GECOM can seek to be registered immediately on obtaining the age of fourteen years and registration is conducted at the more leisurely pace allowing more time for better screening of registrants, greater efficiency in the execution of registration activities and more effectiveness in the maintenance of these activities.

Mr Speaker in every revised concept paper, GECOM specifically approve of continuous registration. They did this at page 7 of this revised document and what is important about this when they did it, they recognized that the implementation of continuous registration was inextricably intertwined with the implementation of house-to-house field verification. They could not go one without the other and so on page 7 GECOM document says this under the caption of *Methodology*, paragraph 5.1: consistent with what has been read on the subject and consistent of observation made in countries where continuous registration has been introduced, the implementation of continuous registration in Guyana should be premised on a verified national register of registrants that is established by the conduct of a national house-to-house field verification exercise.

So it is very clear that one could envisage introducing continuous registration without it being predicated upon a house-to-house verification. What has happened is that because of the clamouring of the opposition parties and the People's National Congress/Reform. Out of that recognition, some ground was gained when GECOM said that they would begin with the official list of electors, because they recognized some ground. All the time, they have been saying that we were talking out of our heads, et cetera. But they recognized that the national register of registrants which was unrevised since 1996 was flawed. So they recognized that and they could not win any arguments on that and so they decided that since in 2001, the closest list ... [Interruption] ... but the official list of electors would have been the final list abstracted out of that national register of registrants for the 2001 elections and so they want to begin from there. So let us look to see what they said about biometrics and if I might respectfully refer you to the same revised draft - GECOM's revised draft of the Amended National Registration Act. GECOM had such a draft. GECOM has a revised draft of the Amended National Registration Act and the Residence Regulations, they have such documents and so I am surprised to see that they do not come to this august Parliament with such a document, the Bill together with its Regulations, but they have come with the Bill bereft of the regulations, because bio-

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metrics has been accepted in this revised draft by GECOM in Regulation 54(d) which says specifically on page 25:

*comply with such requirements of the Registration Officer as may be necessary for taking and recording of the impression in ink or digital capture of his left and right thumbs and fingers*

So that is very clear in his revised draft and this is dated May 17, 2005. This is a very recent document where GEOCOM is advising the introduction of the biometric feature in its Regulation. But they do not bring that Regulation before your Chambers Mr Speaker and so one must wonder why not? The question therefore is: has this Bill, before this Honourable House, been incorporated the prime commitment of all stakeholders to a system of continuous registration premise on a verified official list of electors achievable via a national house-to-house field verification exercise and/or the use of biometrics in form of finger printing for security against double or multiple registrations?. So let us see if this Bill does that.

Now, upon a proper perusal of the Bill one finds that Clause 6 speaks of continuous registration inter alia among other things. Clause 6(g) provides and permit me to read this. It purports to include a new section 6(A)

*The Elections Commission start to use the official list of Electors from the 2001 General and Regional Elections as the base to commence continuous registration*

Is there any provision in here for verification of whatever form? My respectful submission is no. There is no provision in this proposed clause that speaks to continuous registration, to have any element of verification by field exercise or anything else to that effect, nothing.

Moreover Mr Speaker, this Bill does not give biometrics any primary status since it makes no reference to it. I respectfully submit that GECOM has strayed from its prior position manifested in the aforemen-

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tioned revised draft of the Amended National Registration Act and Regulations by de-linking the Regulations thereto and not bringing them to this House together with this Bill. The question therefore is: has GECOM abandoned biometrics as therein stipulated? That is the question. Or is it like the Honourable Members Minister Nadir and Mr Dev is it that GEOCOM recognizes that provision for biometrics are already inheres in the existing Regulations under Chapter 19:08 of the present legislation, in particular, Regulation 6(2) (d) of the National Residence Regulations? If I might respectfully refer you to the relevant section:

The divisional registrars shall take and record on the original and duplicate registration cards the left thumb print of the registrant and if that is not practicable some other single finger print with a note indicating which of the registrants other finger is so printed and the registrant should comply with such requirements of the divisional registrar as it may be reasonably necessary for the purpose.

So it is very clear that the current legislation already makes provision for the biometrics feature involving finger print. But Mr Speaker, this is 2005, a new millennium and it is recognized that that thumb print which would have been for the purpose of identifying or verifying the particulars of a particular individual is inadequate in the present time. It is inadequate to deal with this bug bear of multiple registrations. That is why we need to have it updated and as it was earlier pointed out, the system of involving all ten finger prints with a digital feature that could be cross reference et cetera, have all been stated.

So simply what this means Mr Speaker, it is not nothing new. I think one of the previous speakers also mentioned that, but it is inadequate for the present situation and so I respectfully recommend that this Bill here that is before this House could simply have proposed an amendment to this relevant provision here that exists - an amendment which would seek to update this biometric feature and bring it in line with a more efficient and technologically updated biometrics that has been employed in Lesotho, Jamaica and soon to be employed in Haiti and which our friends here seem to be running from ... I do not know ... like

the plague.

So Mr Speaker, it appears to me that there is nothing preventing the inclusion of the provision for biometrics in this current Bill before this House. And as I am speaking, I am personally very worried as to why we have to come here and then defer this Bill to some period in the future before this issue of biometric ... *[Interruption]* ... well it could be done now. There is a saying that you do not put off for tomorrow what could be done today. So why do we want to do that? Why do we want to do that Mr. Speaker? It is not too late, for example if this Bill goes to a Special Select Committee it could be done. So let me respectfully suggest that we deal with this question of biometrics and verification in this one and the same Bill notwithstanding what others might think.

So Mr. Speaker it was Minister Nadir boasted that the government is not opposed to biometrics, well government include biometrics now. GECOM already have it in its draft legislation. So it is not a problem, include it now.

Now Mr. Speaker this Bill is bereft of material omissions, an invaluable adjunct to a successful implementation of a continuous registration system would be the question of scrutineers. In GECOM's revised draft Bill and Regulations, scrutineers are prominently provided for there, but are omitted in this Bill that has come before you. Again, the question is why? It was not in the Regulations it was in the Bill, the draft Bill Amendment to the National Registration Act. Why wasn't there any inclusion of this issue of scrutineers, when it had been agreed by all and sundry including the needs assessment people that scrutineers need to be paid so that they could be valuable in arriving at a proper register under the continuous registration system?

Also in the light of the proposed amendment by the Honourable Attorney General my good friend it is imperative that we have a timeframe for implementation of this verification and biometrics as promised.

Then Mr Speaker, this Bill does not speak to the question of the

Code of Conduct, because we need a code of conduct that must have teeth. It must have efficacy in the law so that if it is breached, legal consequences should follow. For example, if you have continuous domination of a State Media by the government, then that should be justiceable in the courts. Provision should have been made in this Bill for that purpose. This whole question of undue advantage and maintaining a level playing field, when elections are afoot, Ministers and party activist of this Government - a ruling party - must not be able to use State resources to campaign. Those things must be in the law, if they are breached, they must be justiceable in the courts. But you do not see these things there. We do not see them there.

Mr Speaker, the Hathoway's Report was very instructive, because Mr Hathoway acknowledged the arguments of the People's National Congress with respect to biometrics, multiple registrations and continuous registration. He recognized that the present situation is flawed what he deferred it to 2011. But Mr Speaker, I do not know what Mr Hathoway was thinking, had he thought about who was going to bear the strain from now to 2011? Who is going to bear the strain? *[Laughter]* Mr Speaker, who must bear the brunt of this flawed electoral system that we have? Is Mr Hathoway saying, man we know that the system is flawed, but let your horses go into the race even though you know they cannot win, because it is flawed? Is that what he is saying? So Mr Speaker, Mr Hathoway's recommendations are flawed, because Mr Hathoway cannot accept that the electoral system in Guyana is beset with problems, that it is unsatisfactory and tell us he is going to fix it in 2011, when there is supposed to be national elections in 2006.

Mr Speaker, the other aspects of this Bill as the learned Attorney General has recognised even in the Explanatory Memorandum are consequential amendments really. They are amendments which are intended to buttress continuous registration. For example, a district is now being divided into registration areas and registration divisions. There is an additional Assistant Commissioner of Registration and now there is a structure which includes Registration Officers and Assistant Registration Officers in addition to Registrars, Deputy Registrars and Divisional Reg-

istrars.

As I said before Mr Speaker, my friend and colleague the Honourable Member Mr Alexander has treated with the salient features of some of those proposed amendments and I do not wish to revisit them. I concur with my friend on those points.

It is safe to say Mr Speaker, this question with the addition of the new proposed Section 28, which purports to deal with the confidentiality aspect. There are several schools of thought on this. There is a school of thought that says confidentiality could not be abridged with any new registration pursuant to the continuous registration process. Prior registration under the old system might still attract the elements of confidentiality, but under the new provision the school of thought is that confidentiality will not be affected. It really ought not to be affected if we wish to have a clean list, because when you read the provision you will see that the information is only to be released to assist in verification and so we are happy to see the proposed Amendment by the Honourable Attorney General on this point.

Mr Speaker I do not propose to continue any further, but I wish to say in closing that verification and biometric features ought to be introduced into this Parliament very quickly. I dare say, with the passing of this Amendment, biometrics would not need to come back to you in your Chamber. Mr Speaker, let us understand, let GECOM understand, let all relevant stakeholders understand and the Government to understand that for us to have a proper and acceptable electoral result in this country, we must have verification of this OLE and also the introduction of the biometric feature as already proposed by GECOM, the People's National Congress/Reform and other opposition parties. Thank you very much. *[Applause]*

**The Speaker:** Thank you Honourable Member

Honourable Member Mrs Sheila Holder

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**Mrs Sheila VA Holder:** Mr Speaker, I submit that among the fundamentals needed for national and regional elections that are free, fair and free from fear in an independent electoral body, since electoral issues will be judged by the electorate based on their perception of how independent Guyana Elections Commission appears to be.

Regrettably, because of the dominant political nature of GECOM, such independence is perceived to be absent, that is the first problem we face, but not necessarily an insurmountable problem from my perspective. If the members of GECOM were to recognize that irrespective of which political party proposed their appointments, once appointed to GECOM, their duties ought to be non-partisan and independent. Members of GECOM should therefore understand that to do otherwise would be to betray the people and to quote *trouble*.

The second requirement from my prospective for the conduct to free and fair elections is the Electoral System. For the results of national and regional elections to be acceptable to all voters, electoral rules must fundamentally deliver a winning coalition rather than a zero sum outcome. If the rules force our people to be divided into winners and losers when they would have been otherwise willing to be together and in harmony, then the rules are constructed to destroy rather than to build a nation.

Mr Speaker, the ideal of majority rule is expounded by James Madison *Explore the Relationship Between Majority Rule and Democracy*. He cautioned about the need for safeguards to protect one part of the society against the injustice of the other part. Another essential requirement for a proper, continuous and convenient poll is a registration process that is comprehensive as possible. This Bill before the House this afternoon partially satisfies that requirement in introducing continuous registration, the use of the official list of electors from the 2001 general and regional elections as the basis for continuous registration, as it addresses other pertinent administrative matters for this particular exercise.



But Mr Speaker, there are other issues that needs to be addressed to provide confidence in the system. For this reason, I proposed an amendment to this Bill, but in view of the fact that the Honourable Member the Attorney General and Minister of Legal Affairs has adequately addressed my concerns I willingly withdraw my proposed amendment to the motion and accept his in its place.

Mr Speaker, not only do I give my wholehearted support to this Bill, but I believe it is important to express that I have expectations, that the other outstanding matters pertaining to the conduct of a proper poll will be forthcoming before the 2006 elections, namely the verification and perhaps the biometric system.

Mr Speaker, I was privileged sometime last year to be a part of an Expert Commonwealth Group to Cameroon that included the Chairperson of Lesotho's Elections Commission that included the Electoral Chairman of Shri Lanka as well as one of the largest States in India and a member of Parliament from Kenya. They all expressed a view that the basis for conducting a proper poll starts with the registration process. You either get it right or you do not.

I proposed to lay before this Honourable House that the legislation before us is important from the prospective that it seeks to introduce continuous registration as a minimum. However, it is imperative that if we serious about addressing the concerns of many in this country it is desirable that we go beyond this and satisfy those concerns. I thank you. *[Applause]*

**The Speaker:** Thank you Honourable Member.

The Honourable Minister of Health

**Hon Dr Leslie S Ramsammy:** Mr Speaker, I was hoping that I would not have to stand and speak, but I feel that I need to make a contribution this afternoon.

The Bill before us is a very important one and Minister Nadir described

it as history making and I think we all agree that it has fundamental implications for elections in Guyana and is in keeping with progressive incremental improvement of our system. Certainly this Bill advances the preparations for elections in Guyana. We on this side of the House are convinced that elections can again be conducted in a free and fair manner with further improvements in the system. Each election we are improving the system and I think from various sides that we accept we may not be able to come up with a perfect system, but the goal always must be that each time after we have a better system that we address some of the deficiencies that we reduce some of the problems that we had.

Our electoral systems and processes and the conducting of elections in Guyana, have improved, everyone knows that, although some of us still find it difficult to admit it, still I find it a legitimate process for us to engage in dialogue, to engage in negotiations for further advancement. So what we do in this House today and that we do outside of the House in discussing these issues are very important and are part and parcel of our participatory democracy.

The introduction of continuous registration is a concrete example of furthering the advancements we make to our electoral system. I therefore find this a worthy exercise and although so far it has been a relatively spirited debate, I think that we do have consensus about moving the process forward. This is the way it ought to be. It might be that by the time we get to elections in Guyana the system that we will have in place and the system that through which elections are conducted might not be one in which all of us have everything we want, but it must be a system that we agree is better than the one we came from and that there are incremental improvements. While this would be another innovation in our system like the Honourable Members on the other side, several of them, certainly the last speaker, it is not a new thing. Many countries in our own region Jamaica for example, many countries in CARICOM, many countries outside of our region in Africa and Asia have continuous registration. Debate on the merits of continuous registration is not even new for Guyana, we have been going for these discussions for a while and I am glad we have reached the stage where we now have legislation

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in the House to enable us to introduce continuous registration as part of our electoral system. Its time has come and we ought to embrace it with unanimous support. I am glad that the consensus we have built during our discussions is now being given life in this House through passing of this Bill. But during this debate, we have heard a lot of talk about elections of the past and we have heard some misrepresentations.

There is some talk about trying to compare our election 2001 and our voters' list 2001 with others, but there is no comparison. We know that there are good comparisons. We can go to the reports of the last elections. We can go to the Commonwealth's Report. The Commonwealth's Report clearly stated about elections prior to 1992 and 1997, the elections of 1968, 1973, 1981, 1985, 1992 and 1997, where it said, it is only the latter two that the International Community consider to have been credible. In terms of the 2001 elections we know what every one said. For example, in their conclusions, the Commonwealth Observer Group said so far as these elections are concerned our main conclusions are as follows:

- the people of Guyana embraced these elections with enthusiasm and commitment to the democratic process;
- the Elections Commission should be congratulated for its effort to ensure that the elections were held on the appointed day;
- the people were able to express their will but the short comings of the elections arrangements detracted from otherwise praise worthy arrangements.

Mr Speaker, the fact is that the EAB, all of the Observers that were here, International Observers, Credible Observes, Local Observers, all agree that we had an election in which the people's will were expressed and so in this House we have elected members who sit through legitimate elections. All of us here were legitimately elected.

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Mr Speaker, GECOM itself in its own report said that the general and regional elections of March 2001, have come not only as a colossal achievement of GECOM, but as a catalyst for continued electoral reform as well as for the consolidation of democracy at the local level. That is precisely what we are doing, having accomplished a good election. Having had the expression of the people, we still recognize that it is a dynamic system and a system that must still undergo changes. Since 2001, many things have happened, many more things will happen. The Honourable Member Mr Williams spoke about regulations and presented it as a Bill that GECOM has. It is the regulation they are talking about and regulations are going to come as part of this process. Once we change the electoral system, regulations will have to be in place and we talked about things like memorandum of code of conduct and so on which are all addressed in different legislation. I know we do have an election law and that law too may have to undergo some amendments. We will address other issues in these things. So several changes have been made all for the better and today we are making yet another very, very fundamental and important change. None of these changes are going to guarantee us perfection, but the pursuit of perfection should not be our excuse to stall systems and not move forward. We have to accept the principle of incremental improvement. There has been a lot of talk today about biometrics, as if there is only one way of verification, as if the proposal made by the People's National Congress/Reform is the only way. We know there are different ways of doing this thing; we know that whatever the form of verification we use, must be one that has had a proven history, a proven record, in particular the specific proposal that has been before us for some time now and the People's National Congress/Reform have been proposing, have had very little history of success. We know that and all the people they talk about - Hathaway and it was a low blow. It was a low blow for one of the speakers to refer to the fact that when Mr. Hathaway was here that he was ill.

*continued in pt II*

# National Assembly Debates

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF  
THE SECOND SESSION (2002-2005) OF THE EIGHTH PARLIAMENT  
OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE  
REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER,  
PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

Part II

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66TH SITTING

2.00 PM

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*continued fr. pt I*

Yes, but that does not distract from the work he did? Mr Hathoway did his work professionally and he gave us a report and I hear the presentation being made that Mr Hathoway and others are saying to us that this biometric that is proposed is feasible and can be done now. Mr Speaker, those are not the facts, because, I am going to read from Mr Hathaway's Report:

Current arrangements include voter identification card which shows a photograph of the voter, a thumb print and information and an icon.

It is further recommended that this should be retained for the 2006 General and Regional Elections. For the longer term, however, investigations should be undertaken...

nobody is saying that what is there should be used, it should be undertaken

... for further investigation for the possible use of future elections of biometric technology.

No reference to particular technology, such matters as practicality and cost need to be investigated. It is not necessarily the case that biometrics methods will represent an improvement on present arrangements, but this should not be assumed, it needs to be established as a result of rigorous investigation into the advantages and disadvantages of

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possible biometrics schemes. So Mr Speaker much work still needs to be done, but we have an election that is constitutionally scheduled and we need to move on and not be delayed by investigations, when clearly the proposal made does have evidence out there that we have problems.

Mr Yard, another of the experts who was here, talked about this too. We know of the examples. I heard about Jamaica, but Jamaica itself having investigated it, having look at how it works and saw many, many problems and it is the Head of the Elections Commission itself in Jamaica who said that we have investigated and we are about to embark on such a system. The success we hear about Jamaica is one that is still a big question mark, in Antigua we are dealing with 40,000, in Guatemala the system did not work, in Kosovo it did not work, in Yemen it did work, in the Philippines it did not work. So we must not only throw one example if we are going to use it in our country we must ensure that it is a system than could easily work and could be quickly put in place.

Some people may be convinced and I do not have any arguments if some members on the other side feel that way? But even not speaking as part of the government or so, even speaking as an individual, I am not convinced and there are many others who are not convinced and indeed even though Mr Hathaway and others talked about looking into the possibility for sure they now that it is not possible now. Indeed Mr Yarde had this to say, even if we discount cost forget cost as the Honourable Member Mr Ravi Dev quoted Minister Nadir that cost is of no essence, but even forgetting all of that this is what Mr Yarde said the automated system is not an effective way to address these problems. To clarify the reason for this conclusion, he went on to a number of things, to show how impractical it is for our situation and even for the future he does not think this would work. In the case of Mr Hathaway, he is talking about maybe by then and the main reason for saying let us wait until 2011 is that maybe then better simpler technology will be available. And so that there is reason as to why they have referred to probably let us wait and utilise methods that will allow us to have an efficient system for 2006 elections, because the Government is

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determined that we will hold elections on time as constitutionally mandated.

Mr Speaker, the discussions this afternoon on biometrics is quiet clear that we have much more work to do before we change into some unchartered territory. But there were also a lot of discussions on database and I know that Mr Ramotar, when he speaks later, if he does will deal with the database issue. The fact is that we have had all kinds of audit done on voter electoral system, the conduct of elections and the electoral list. All kinds of forensic audits have been done in this regard. Soon after the elections an audit was done and I am making a point that people have questioned our electoral list and we have a good basis on which to move forward in this country. Having looked at all the complaints and all the systems, this is what the forensic audit concluded; we have investigated all the evidence that the PNC/R have provided us with from the security office and we have found no evidence to support the allegations that the security of the database was breached or that the system security at GECOM was at risk, none whatsoever. Constantly we hear this afternoon and all the time about the voters list and so on, but each time an allegation is made, each time an audit is done each time an investigation is done the evidence is quiet clear 2001 was a free and fair elections and the PPP/C won freely and fairly and that is how we are governing.

That is the kind of election that we will conduct. They can sit and scream and do all they want about what is the point. So the point is this: the PPP/C has a history in this country of advocating for, fighting for and ensuring that there is free and fair elections. *[Applause]* And the PPP/C has done everything in its history to ensure that when we have voters' list these voters' list are verifiable whether it was pre 1992 with bogus voters' list whether it was after 1992 and I guarantee that after 2006 and afterwards the PPP/C will do every thing in its power to ensure that every voters' list and elections in this country are legitimate. Mr Speaker, not only what systems GECOM put in place, because democracy is about participating, democracy is not only about photographs and computers, democracy is about what each one of us is ready to do and the PPP/C has always been out there. We guarantee you that any list that is

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prepared, our foot soldiers will be out there to make sure that the list has everyone on it. I am not hearing anything today about what we will do as political parties what we will do with our foot soldiers. I heard somebody said that is too much work for us to do, well that is the work of freedom and democracy, to be out there and do the arduous work. We must be prepared whether a small party or big parties to do it. The Honourable Member Mr Ravi Dev knows that. In 1991 and 1992, he and I used to be in the villages house-to-house making sure that people get their names on the list making sure that bogus names are removed from the list. I have not heard anything about that this afternoon, I am hearing all kinds of things, but in the end, it matters not what kind of system is put in place, it is you and I and all of us who must be out there and make sure that we have a feasible, viable and legitimate process. Thank you Mr Speaker. *[Applause]*

**The Speaker:** Thank you Honourable Member

The Honourable Member Mr Robert Corbin

**Mr Robert HO Corbin:** Mr Speaker, I was distracted a bit by looking for a doctor in the audience to see whether the Honourable Member needed a valium. *[Laughter]*

Mr Speaker, this afternoon we are discussing a very sensitive and an important piece of legislation and it is a pity that we have to deal with certain irrelevancies that indicates a clear lack of appreciation of the nature of the matter that we are dealing with.

However, let me first state that is it my considered view that whatever we say this afternoon about the change of the registration system to continuous registration or not, elections alone will not solve the problems of cohesion in this country. That we require very careful discussions and thought about the system of governance that removes alienation, that gives people a feeling of participation so that people can feel involved in the decision making process. So I do not want the remarks that we contribute this afternoon to this debate to be mistaken, to sug-



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gest that we believe that by settling a new system of registration, by tilting at windmills about the voters' list that we are going to remove the deep-seated problems that we still face in Guyana. I believe that unless we are prepared as serious political actors in this country to deal with the root causes of our problems, we will continue to see manifestation of those divisions as we deal with issues of elections.

The colleagues before me on this side of the House explained the reasons why the People's National Congress/Reform and indeed the entire Opposition Party supported the introduction of continuous registration, albeit being very concerned that in so doing we do not provide a platform or an excuse for either the Elections Commission or the actors on the political scene to suggest that agreeing to continuous registration this afternoon with the present legislation means that we are abandoning our concerns for the process that is to be employed in ensuring that there is accurate and efficient registration of those persons eligible to vote.

The key issues concerning any elections and the one which we should be examining in this Honourable House is what should be done to restore confidence in the electoral system in Guyana?

The speaker before me outlined a number of improvements suggesting that everything is fine, every thing is going well, there have been incremental changes and therefore we should be satisfied that things are moving forward. But I do not to leave that if he carefully examines what has happened in this country since 1992, he can seriously come to that conclusion that all is well. We will be like ostriches if we believe that all have been well since 1992. Even though in 1992, a point that has always been misrepresented in the march to re-write history in this country, is that the changes which was made, albeit some representation by the People's Progressive Party and other opposition parties were made by the Peoples' National Congress/Reform government under Hugh Desmond. So when we speak of all the improvements and changes in the electoral system, I can stand here very proudly to say, I am proud to have been associated with the party that was willing to listen to those

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demands and in the interest in this country agreed to electoral changes which permitted the Honourable Member who spoke a few moments ago to boast about return to democracy as if these laws were made by the PPP/C.

The issue that we face is: how do we restore or provide confidence in the Guyanese society for the electoral process so that we can insure that the electoral process in this country does not end in controversy, confusion and dissatisfaction? We must ask ourselves, what really have been the contentious issues?

Historically, the voters' list has always been a major contentious issue not only for the PNC or the PNC/R or other opposition parties. It has been a major concern for all political parties, because the voters' list or an accurate voters' list is the basis for any free fair and transparent elections and therefore it rightfully ought to be a matter of concern. The PPP waged the campaign for years, speaking about padding of the voters' list. I am not about to indulge in historical exercises, the point I am trying to make is that it has always been an important issue of concern. Therefore since the voters' list is the foundation of a free, fair and transparent election, the question which GECOM and those of us in this Honourable House should discuss, is how do we remove this area of controversy? During the last elections, they were concerns about the list and the excess names that were on that list. It took months of arguments, months of delay before we finally agree on a system of photography so that we could properly identify those persons who were eligible to vote. This process eliminated some of those concerns which were raised by participants in the electoral process.

It is not a matter to get emotive about, but it is a fact that despite those new systems that were put in place, there were person who were able to get around the system. The Elections Commission has the information of persons who despite the new system were able to have several photographs and several identification cards. The records of the Elections Commission are there and I was a member of the Elections Commission. I am speaking from first-hand information and therefore

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the point I am making is that whatever systems you put in place, there is going to be a possibility that people are going to continue to beat the system. Therefore it is necessary for us to keep under constant review the systems that they put in place to ensure that the voters list is beyond controversy. I believe that this is a matter that should be of equal concern of the present government as it should be of all political parties having regard to the history of this country.

In 2001 elections, we have to recognise that on to three days before the elections there were still supplemental list being prepared. One of the reasons is that we waited too late to start some of the exercises which were recommended and so because of the delay in decision making, we were at the last minute rushing through procedures which ought to have taken time to be implemented. And so Mr Speaker since 2001, I believe that everyone in Guyana all the actors in the political scene were convinced that we need to find a way of producing a voters' list that would avoid controversy, and so everyone agreed that continuous registration was the way to go. There has been no disagreement on this issue and so we must ask ourselves why since that consensus was arrived at some two years ago, at least by all parties, we are now two years later having before us this Act which will now legalise the process of continuous registration.

I want to suggest that the problem or the mischief is not in the continuous registration decision, but the process to be employed to ensure that the continuous registration process does not create the kind of controversy which the very old processes generated. So it is in that context that various methods were suggested to the Commission regarding the way in which we could proceed to make this exercise trouble free as possible. The truth is that every where in the world that I have checked and there are many, where the system of continuous registration was introduced ... [*Interruption: 'Like Taiwan'*] ... there too ... it was premised or it commenced with a complete national registration to form the basis for the beginning of continuous registration. I dare any member on that side of the House to produce any evidence to suggest where in the world that this system of continuous registration was intro-

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duced without having a complete national registration to form the basis for this national register. This is the first country that I know about that is attempting to set up the system of continuous registration without having as a base the complete registration of its citizens. It is the first time it is being attempted that I know about, because continuous registration is not something new, most developed countries have it.

In the United Kingdom well advanced and well experienced, the British Prime Minister can call elections in three weeks. He just calls his Chief Elections Officer and they can get the electoral list within a few hours, because the continuous registration system is not a stand-alone system, it is cross-referenced to a number of other data bases so that they can have cross checks on continuous registration, the tax base, the social security base and so on. So it is not easy for people to manipulate a system which is inter-linked with a number of other data bases within those societies.

In Trinidad and Tobago, they have had continuous registration for years, they have several registration centres in various parts of Trinidad, right in the Caribbean and so there are many societies near by from which we could have learnt a great deal as we prepare for this exercise. I am suggesting that despite all the available evidence, we proceeded to speak about continuous registration without wanting to take the real Herculean step, the basic foundation of having a complete registration.

However, notwithstanding that gap was being created, there was an attempt to create some compromised position of an acceptable base. That took a long time to be discussed, because despite the information was available, that no country has attempted continuous registration without starting with a complete registration process, we spent months debating whether we should start with a list that has been nearly eight years old with the NRR. We finally came down to accepting that the database we were going to use was the official list of electors for the 2001 elections.

Therefore, house-to-house verification is a substitute for what should

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have really been done in the first place and that is not to depend on any old list, but to go house-to-house, create a new database, set up a new system, because invariably when these new systems are set up, the forms change, methods of storing the data change and also new forms are required in order to set up that new database, but we are skipping that step and therefore house-to-house verification was seen as an important substitute for complete registration. So I want to start out by making this point, because when people speak of this house-to-house verification, the manner in which this issue has been presented is as though there is some concession being made to the opposition parties in this country. There is no concession being made, it is an obligation on the Elections Commission and on the government. If I am to believe the Honourable Member Dr Ramsammy, that the government is desirous of ensuring that the democratic culture is established and maintained, it is an obligation to ensure that the basis upon which we start that system is verifying.

The system of house-to-house verification is not an invention of the Peoples' National Congress/Reform or ROAR or GAP or any opposition party. More than two years ago, I believe Mr Alexander pointed out earlier today, we were sent documentation by the Guyana Elections Commission, inviting us to respond to proposals which the Commission intended to implement in this country. It is the Guyana Election Commission, which said to all political parties including the PPP/C could we have your reactions to some of these proposals that we proposed to consider for implementation. We did not come up with house-to-house verification in some hat, so when the Honourable Member Mr Nadir used this opportunity in this debate, to suggest as he did that the PNC/R wants to have its own way and believe that is the only way he obviously was not *au-fait*, perhaps he is too busy with his ministerial duties and not sufficiently active with TUF duties to understand that these matters were the subject matters of discussion between all political parties in this country. I do not know if the TUF was present, but these proposals were sent to us and the PNC/ R like any other political party responded. We thought that we would change our original position because the original position of the People's National Congress/Reform is that if there was to be

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continuous registration, there must be a complete registration exercise as has been practised in every other country of which it has been introduced. Therefore, we saw house-to-house verification as a substitute, but since we were interested in ensuring that elections were held within the Constitutional timeframe and they should be no excuse that the elections could not be held on time, we compromised two years ago and said, okay, we will avoid complete registration and settle for a house-to-house verification. It was a compromised position. So members must appreciate our grave concern when even at this late hour, we had to struggle to have the kind of amendment that would even leave some room should the Elections Commission finally decide on the method of verification that the law which we are passing today will enable them to implement it. I make this point so that it is pellucid that house-to-house verification must form a pre-requisite if we are interested in free, fair and transparent elections in this country.

It is not something imposed by the PNC/R as only way, it is an alternative which the Elections Commission suggested to us. I find it very disturbing to say the least. Having presented us with those options that I can see documents emanating from officials from the Elections Commission, which suggest that this is something maybe the PNC/R is championing, because it wants to delay the elections. I am not questioning the integrity or confidence in the Elections Commission at this stage, but I am saying that the Elections Commission presented us with options and we were not singular but collective as opposition party, sat down and discussed those proposals. We considered what was the best interest in Guyana, we considered what would be in the best interest of ensuring elections are held on time and responded positively to the Elections Commission. We have been to several meeting with the Elections Commission. We have asked them to complete their work within a certain timeframe, because more than a year ago, as a political party is pointed out that if decisions were not made on time then the possibility existed that we will be confronted with the argument that time was not on our side and not enough to do what was necessary to ensure that the elections were run without controversy. So we were not surprised at Mr Hathaway's Report, it was a prophesy fulfilled. We were not surprised

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at some of the arguments being raised at this point, but the question which we need to ask is: why has it taken the Commission so long? I suspect that my colleagues on the other side of the House may not be able to answer that question, but as a Guyanese and as the leader of a political party, I must publicly express my concern, because these are matters which should have been settled a long time ago. GECOM has an obligation to ensure that its Constitutional mandate is fulfilled and to ensure that the people of Guyana have confidence in the processes which has been put in place. As I said before, one of the ways of instilling that confidence is ensuring that the voters' list is not the subject of controversy.

As I understand it, the contentious issue or issues which delayed this Bill coming to the House have not yet been settled unto today, so we might be creating euphoria or creating a false impression in the minds of the Guyanese electorate. That all is well because this Bill is passed today and continuous registration has begun or will begin. According to my information it was intended to start on the 1<sup>st</sup> September, but this is meaningless unless the relevant regulations are also clarified. I am told that GECOM is providing these or preparing these regulations. I do not know. For example, I saw some proposals for the new continuous registration system. We were asked to discuss them as a political party. I do not know if Mr Nadir had an opportunity to see them, but in some of those guidelines for the new system of continuous registration, the proposals that I saw suggested that for the new registrants, who will be registered in the several registration places, those persons eligible will have to go to the registrations centre to be registered. They will comply with whatever regulation are there, filling up the forms, giving information and after that exercise, there is a provision to provide for verification of the new registrant on the document that I saw.. That process involves almost three visits to the home of the person who appeared before the registrar to have his particulars taken. Now I cannot say if this is the final document, it is in draft, but that seems to be the latest one. So for the new registrants who are appearing for the first time and who will be seen by a registrar in 2005, the regulations are providing that visits be made to verify that those persons come from the homes they said they have

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come from - at least three times. What about those persons who have been registered since 1996 and who were only last seen when their photographs were taken in 2000 that is prior to the 2000 elections? So if we are concerned about verifying somebody whom you saw in 2005, it seems to me that somebody is not thinking straight or have not seen the total picture that you want to visit three times somebody you saw in 2005, but you vigorously are opposed to double-checking of people whom you last saw five years ago. What is the logic of this reasoning? Therefore, when I say, this law does not really get to the root of the matter; the regulations which will tell us how this exercise will be carried out. Do not look so surprised, it is true, read the documents. Mr Ramotar knows about them, he would have seen them. Therefore, all we are suggesting that even within the present proposals, if you plan to make at least three visits to these new registrants, are these people not living at the same homes where the old registrants live? Invariably they come from the same communities so what is the difficulty in incorporating the exercise, a proper house-to-house verification for those persons whom you last saw five years ago or believe you saw five years ago.

I illustrate this point to strengthen the point I made earlier that the delay in decision making is worrying, because we will be told in the last minute that because of the time constraint, we cannot accomplish the mission of visiting every home. So we are raising this point very early, we have raised it more than a year ago. Had this decision been taken, this exercise could have been completed a long time ago and if you are concerned with removing the rug from under the alleged plot not to go to the elections then the easy way to do it is to let us together accomplish the task that will make both of us comfortable. You will have a chance to verify, we will have a chance to verify and the Elections Commission can report properly that they have done their job of ensuring that there is an accurate voters' list for the 2006 General Elections. What is the problem about it? *[Interruption]*

**The Speaker:** Your time is up Honourable Member.

**Mrs Clarissa S Riehl:** Mr Speaker, I rise to ask that the Honourable



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Leader of the Opposition be given fifteen minutes to continue his presentation.

*Question put and agreed to.*

**The Speaker:** You may proceed Honourable Member.

**Mr Robert HO Corbin:** Mr Speaker, I hope I have said sufficient and I think it is important that I speak at this forum, because I am not inexperienced in these matters and I do not think you are too. [*Interruption: 'You have experience'.*] Yes, I do not deny this. I have been involved perhaps longer than Mr Nadir in these matters. I think with some experience and knowledge in this matter on both sides of the spectrum, because the Honourable Speaker and I serve as Members of the Elections Commission at the same time. I was in distinguished company and he is aware that when I serve there I was very concerned about process and transparency. I would like to say to you my friends that I am seriously conscious of the way things work in Guyana and that is why I am using my opportunity this afternoon, even though I am really speaking with the hope that the Elections Commission will hear these issues and my colleagues on the other side here will understand the importance of these issues, so that the necessary influences can be brought to bear so that we can have sanity in this country. We are not asking for anything unreasonable.

Another issue that has caused all kinds of confusion is this question of biometrics. I think Guyanese like to coin too many fancy phases. If my friends had just used a very simple word I do not think this thing would have caused any controversy. This word biometrics seems to have frightened everybody, but biometrics was introduced in the National Registration Act since 1967, it is there. When you take your photograph it is a biometric feature. When we speak of biometrics we are speaking of the updating of technology that is available.

My colleague Mr Basil Williams read from the section which I have highlighted, because I would not spend much time, because he made a

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point that in Regulation No. 9 (2) of the Regulations made under the National Registration Act Chapter 19:08, there is already provision here under Section 9 (2) of this registration that the Division Registrar shall take and record the original and duplicate registration cards the left thumb print of the registrant or if that is not practicable some other single finger print with a note indicating which of the registrant's other finger is so printed and the registrant will comply and so on. It is here and if you look at Form I of the schedule which is the registration form, you will see that there is a provision there for finger print. But at the time when this law was made and the Regulations were brought into force, the national list of electors was prepared by those old typewriters. I recall going to Cowan Street in the old days and there was a room full of typists with those old-time typewriters. Mr Speaker and if there was an error, they had to have this whiteout or paint and then they had to go back to typing this whole list over sometimes in order to get the final voters' list. I have been involved as long as that - plenty typewriters. That was the time when you had manual finger prints and paper, but this very legislation that we are passing if you look at Clause 7 of the Bill which seeks amend Section 9 of the Principal Act you will see that we are now inserting a Section 1A which states:

The Commission shall be empowered to determine from time to time procedures for the acquisition and electronic processing of data.

I do not know if my friends understand the significant difference between the old-time typewriters and the electronic processing of data. So part of the system has now been moved into the electronic age and all that we are seeking to do is to ensure that the processes are updated as well. Instead of taking the manual finger print on a piece of paper they are saying take it electronically now, because as my colleagues pointed out it can no longer serve the purpose it was intended.

The mischief cannot be tackled by the present system and there is evidence to suggest it. If you look at the record of the Elections Commission at the last election, there was a young man who reported to the Grove District Office to collect an ID card which he did one afternoon.

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The vigilance of the registrar caused her to observe the same young man turning up at the Grove District Office to collect an ID card in another name the next afternoon. I am not blaming parties here I am explaining to you the need to use technology my friend and because of her vigilance she refused to deliver the card and reported it to the Elections Commission. They made a check and within two days they found thirty-two such cases. You can check the records of Elections Commission - thirty two such cases within two days of persons, who had at least two registration cards during the 2001 photography exercise. They sought to get the master registration cards and it was clear that they were the same persons. They had all the evidences and the Commission took the decision to send the case, I think, to Commissioner Laurie Lewis. After consistent and persistent agitation the police CID finally responded that while it appeared prima facie that they could make a case, the truth is that it would not stand up in court, because what we thought were finger prints were smudges, they were not properly taken, they would not stand up if they were cross-referenced and it did not make sense to prosecute. Why do I make this point? I make this point my friend to explain that if we are speaking of modernising this country, we are moving to make the system very electronic, what is the resistance to even examining the system that is to be put in place. Mr Speaker, I would say that there has been a marked reluctance on the part of the Elections Commission and a complete resistance on the part of my friends over there to seriously examine this proposal for biometrics in this country. I will say why?

Proposals were made that we in the People's National Congress/ Reform are not un-realist people or unreasonable people; we are very reasonable people and that is why we agreed that instead of a complete registration, there should be house-to-house verification. Now do you want to deny that too? Think again. Anyway, I want to say, no serious effort was made to examine the possibility of the implementation of biometrics.

I have seen at least six reports, all of them from non-experts in that area. We have not called one firm that actually carries out this work to make a single proposal all we have is speculations from experts who are

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incompetent in that area. You can check all the reports and you can check the competence of the people who have pronounced in this matter. I am aware that proposals were made to the Commission, let us invite companies that are engaged in this business to submit some proposals to us to see whether or not it is possible and then you will have concrete information on which to base a decision, not speculations and view points. But to date, I challenge the Elections Commission or any official of the Government to show us a single proposal from a competent firm or agency that is responsible in this area that has made a proposal in this matter, absolutely none. I am not saying that it may not be expensive. I have read a report from the Jamaicans. When they started, it was almost prohibited, but the latest report that I saw, when they were considering making the technology available to Haiti this year. Incidentally, they are trying to make this technology available to millions of people who are holding elections this year, the same biometrics that was impossible. I do not know the cost, but what the report said was that the cost had been significantly reduced and we know that with all technology. If you buy a computer this year, in the next year the cost drops about 50 percent. I was told that the Jamaicans were trying to patent the product since they had marketed it and so on, but the point I am making is that there is no mystery in this biometrics.

I know many of you have gone to the United States recently, of course not all of you, but if go to the United States, as soon as you are entering, I think, you are required to submit the left and right index fingers. There is a little camera there taking you out. I get fed up because I have been there four times between last year and now and every time ... what are you doing with this, you should have the record, but obviously there is a system by which they can cross reference in a few seconds and the number of persons who pass through JFK alone within two days I believe surpass the voting population of Guyana. Now tell me, what is so complicated about the technology we are talking about? What is so complicated? We have a population of less than a million people and our electorate the last time was approximately 441,000 so we have less than half a million people. You mean to tell me, in this modern age, is it so impossible to have received a proposal ... not now

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a year ago, so that we will know whether we need to train people, what we need to do to make sure that the technology would be applicable in our circumstances. But I repeat, we can only have stability and confidence in a process if we demonstrate a willingness to do what is necessary to ensure that the people of Guyana are satisfied with the electoral process.

So Mr Speaker, we support this Bill this afternoon. We support it, because we believe that it is the way to go. We have supported it for years. What we are concerned about is that the necessary regulations which will enable the provisions in this Bill to become a reality and be expedited so that the people of Guyana will be satisfied that the process that is put in place will guarantee that we will have free, fair and transparent elections in this country.

I do not believe that the PNC/R has any desire to see any delay in the forthcoming elections. We would like to see Elections held within the constitutional timeframe and we would like to ensure that when we proceed in that direction, we collectively remove all the stumbling blocks. We can do that tomorrow, instruct your people, let us get these bottle necks out the way, let us clear the way, pull the rug, settle all these matters and collectively let us work together to ensure that there is harmony in this country and that we could advance in peace and prosperity. Thank you very much. *[Applause]*

Thank you Honourable Member

The Honourable Member Mr Donald Ramotar.

**Mr Donald R Ramotar:** Mr Speaker, it is heartening to hear the Leader of the Opposition announcing publicly this afternoon that he would like to have the elections on the constitutionally due date. *[Applause]* It is the first time I am hearing this from the Peoples' National Congress/Reform.

Mr Speaker, the Bill before us today seeks to introduce continuous registration. Of course, this is desirable and hopefully it will take us

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away from the confrontational past that afflicted this country at the time of every election. I say this, because elections are not just about the contest and confrontation. In our view:

- it is also a process in building our country;
- it is a nation building process;
- it is about putting the general good above special interest and free and fair elections is at the heart of our democracy in this country.

It is therefore necessary that we conduct our affairs and enhance and celebrate free and fair elections in Guyana. [*Applause*] [*Interruption: 'and verify'*] and verify free and fair elections in Guyana.

Mr Speaker, it is a pity and probably even a tragedy that every election time people instead of rejoicing and celebrating something that is good for the nation, we have fear. People are expressing fear, businessmen are afraid to invest because they are frightened they will be burned down. They are threatened very often. This is also happening even as we approach this election. The People's National Congress/Reform has been circulating this handbill, *blackmail and threats in Buxton, in Bartica and in other places*; threatening to prevent elections if necessary. We should not be afraid of elections, we should be happy to celebrate them.

I wish to turn a little to this question of biometrics that we have been hearing about all afternoon, because implicit in the PNC/R and the Opposition as a whole, their line about biometrics ... they are trying to say that the Elections Commission does not have biometrics, but what is the fact is that in the database at the Elections Commission, there are several biometric features:

- photographs;
- distinguishing marks;

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- colours of eyes;
- thumb prints;

I want to pause a little here to talk about the thumb prints, because we have been hearing here from the PNC/R that the thumb prints held at GECOM are smudged, implicit in that is a criticism against the people who did those thumb prints, but these are the same people we are asking to go and do thumb prints again. Do we have any guarantee that we will not have more smudges in new thumb print exercise in this country? It is you who criticised them. You said that all thumb prints that they have are smudged.

Mr Speaker, the type of line that the PNC/R carries is full of half-truths and downright misrepresentation of actually what is taking place in our society. In fact, I cannot believe that an intelligent person as my friend over on the other side, the Honourable Member Mr Alexander can stand up here and say to the National Assembly that 200,000 names on the present database that exist at GECOM should be taken off the list. What does it mean Sir? It means sir, according to you, if you do the calculation of our voters' list to the total population of this country, we should only have about 300,000 or 350,000 people living in this country. This is the kind calculation that we are having here which is totally false, but they stand here and make those points.

Mr Speaker, the Honourable Leader of the Opposition a few minutes ago criticized GECOM. I am not defending GECOM and I think it would be fair ... he stood here just now and criticized GECOM for commencing continuous registration at this point in time. He said it should have been started a long time ago. We all agreed that we should have had continuous registration a long time ago. All the observers in our country spoke about having continuous registration at the end of the 1997 or even at the end of the 2001 elections.

But Mr Speaker, we seem to be coming out of context from where we were. The People's National Congress/Reform in particular and

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some of the other opposition parties in general were the first to lay conditions that attacked GECOM by saying the database was not correct and the database was not proper.

They called for a forensic audit, but when they get the forensic audit, they did not want to accept the results. Mr Speaker, we have had some of these debates here before and I had the cause to go through some of the forensic audit reports in which they said precisely that the database is the best ... [*Interruption: 'in the world'*]... probably in the world. Yes, I will tell you why I say that. They said, the test conducted confirmed that the 440,185 votes printed on the OLE and the Addendum would be more than 99 percent accurate representation of the registered electorate - more than 99 percent accurate. Is not that a good enough base for us to begin? [*Interruption: 'Who said so?'*] That came from the IDEA Report.

Mr Speaker, we have also heard arguments today about the need for house-to-house registration, because they said that the last house-to-house registration was done in 1996/1997, that too Sir is not exactly accurate. Again, if you go to the forensic audit that was done, by the IDEA on the insistence of the PNC/R, particularly the present leader of the PNC/R when he was a Commissioner of GECOM, it was said explicitly that the total photographic exercise in 2001 was virtually and totally a new registration process that we had in our country - totally new registration process.

Mr Speaker, I am convinced that if we had electronic finger print, the demand would have been to scan your eyes, to have a DNA and to have some blood test done, because that is what is taking place every time. Let me point out to you sir, it is not only the PPP/C is beginning to see this and talk about this, but even now, some of the Observers of the Organization of American States - the report of the Observer Mission here in 2001 and this is what was said:

*The OAS team did not uncover fraudulent behaviour or practices by Election Administrators that would have de-*



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*nied the franchise nor did the mission see any effort to manipulate the results or to deny the will of the people. Other International and Domestic Observers made the same findings ...*

and then they went on to say by what they witnessed:

*...However, it is possible that the outcome of even a flawless election would have been questioned in Guyana.*

This is what the OAS was talking about the behaviour. Mr Corbin made the point just now what can we do to enhance the confidence in the electoral system? Change your ways man, change your ways. *[Applause]*

Mr Speaker, I can give them some reasons why it was a deliberate attempt to undermine the Elections Commission. There was a lack of confidence, because the PNC/R undermined it by agreeing to a voter's ID card and then calling it unconstitutional, coming to the Parliament, voting for it and then taking the matter to the court and calling it unconstitutional *[Interruption: 'Shame! Shame!']* You could do without that if you want to put the confidence by alleging that they were thousands of multiple voting and all of that, but not providing a single proof by alleging that they were multiple registrations when they were only actually even the forensic audit found sixty-two multiple registrations in the database - one in every 7000. Mr Speaker, they undermined the confidence of the Elections Commission by challenging 40,000 names of persons legitimately registered, 30,000 from the Corentyne and 10,000 from the Essequibo Coast. That is what they have been doing to undermine the confidence and now we hear what can we do to talk about the confidence in the Electoral System? Change those ways chief. By shouting fraud, by accusing every Elections of being fraudulent when every International Observer Team gave the Elections a very clean bill of health. That is why you should stop doing these things if you have the interest of this country at heart.

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Mr Speaker, the list can go on and on and we can talk about a lot of other machinations of the People's National Congress/Reform and the whole question of how? Now lets go back as to why we have these things not happening, Mr Speaker, it has been a big step forward that they have accepted to use the 2001 database to advance with the continuous registration. This is what we have been asking for, this is what the debate was about all the time for GECOM to accept 2001 as the means.

What is important in the elections? Let me raise it now. Another thing that the PNC/R has been raising and has been fighting for tooth and nail is the old database, they not only want the electoral roll, they want the old database to do what with? We are political parties here, we are all fighting to get votes outside, we want votes. I will accept and agree that if the PNC/R wants the database that includes all the electorate in this country. We want it too. You want the total database. The Elections Commission has people's passport information in their possession. Mr Speaker, this was their demand and if you look at the form at the Registration Office, it has information there about peoples' passport number and all kinds of other information that should be confidential. Why does the PNC want these things? Why people's age? We know that a lot of women do not like to give their age, but it is there. *[Interruption]*

**The Speaker:** Yes, Mr Corbin.

**Mr Robert HO Corbin:** I forgive Mr Ramotar on the first occasion. It is inaccurate that the PNC/R has requested from the Commission all those bits of information. All we have requested is a searchable database on the names and addresses of the people so that we can cross check and it is inaccurate for the member to be saying that we are requesting confidential information from the voter. We never did.

**Mr Donald R Ramotar:** Well Mr Speaker, my information was that that demand held up a lot of the activities at the level at the Elections Commission, because they demanded to have the total database and I

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believe if you examine the minutes of the meetings of the Elections Commission ... *[Interruption]*

**The Speaker:** Mr Corbin has denied it.

**Mr Donald R Ramotar:** Mr Speaker, we are accused of not wanting to have these different types of verification and mechanism of finger print. It is not that we do not want it, but we are moving from the basis of information that we have. They speak about Jamaica, but Jamaica has taken five years to reach that stage then have not even tested it as yet. They never had an election, they are now having these things, it took five years to build it up and they do not have it at this point in time.

Mr Speaker in February of this year .. *[Interruption]*

**The Speaker:** Mr Alexander, I admire your enthusiasm, but you are disrupting our business here.

**Mr Donald R Ramotar:** ... there was a workshop in India in which they had several election officials and they were saying that in countries like India and Jamaica, this thing takes a long time and gives you no guarantee of what is happening.

Mr Michael Yarde, a specialist in the IT Department and a man who has a lot of experience in elections work and who works with International Elections body (IFES) he pointed out very clearly that in Kosovo it did not work and there was a lot of problems with it and he concluded, why go to that when you have practically no benefits to get from it. But we are not even opposed to that, what we are saying, we have been seeing calculations that to go the route which is being suggested to go, without any problems it would take a minimum one year - sixty two weeks - to get these things straighten out and by that time we can have a lot of problems within our country.

Mr Speaker, I want to take up another point that the Honourable Leader that the Opposition made. Of course, he is now claiming for the Peoples' National Congress/Reform the glory of the 1992 return to de-

mocracy and the glory of the 1992 elections. The fact is that the people of this country including members of the People's Progressive Party/Civic and by the way on Saturday we will be commemorating the ballot-box martyrs in No. 64 village. They fought for the same thing, for counting the votes at the place of poll. They died for that; they struggled for that, that was not a gift from the People's National Congress, that came out of struggle in this country and it was never a gift from the PNC. The PNC would have never conceded without struggle that we carried out in this country.

Mr Speaker, the Honourable Member Mr Alexander quoted Mr Haslyn Parris extensively to back his arguments ... [*Interruption: 'I was not reading'*]: yes, you read half of a book, half of your speech was quoting Parris to promote the position of finger printing, but Mr Michael Yarde, the expert confounded every point that Mr Parris raised. I do not want to keep you here all night to read everything that Michael Yarde said, but he said he disagreed.

Further more, what is important for us as political parties is to have a clean voters' list. We must have the list before we can verify it. We do not have a list yet we are talking here about verification of something that we do not have. The process of continuous registration is to give us a voters' list. When we have a voters' list, then we need to verify it, but how can we verify what we do not have?

Mr Speaker, I do not know if the honourable gentlemen on the other side were listening to themselves. Very often when they were making their points, they mentioned things that went against many of the arguments that they were putting forward. The point is, as I said, to verify the voters' list, we need to have the list, but we were hearing just now about the people who were turning up at the Elections Commission and could not get a temporary ID cards. [*Interruption: 'Who said so?'*] You mentioned that, you talked about the white paper. Mr Speaker, the Elections Commission has been circulating list of people who were turning up there and cannot get even the white paper that Mr Alexander spoke about. They could not get it largely because of the

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photographic exercise that was carried out at the last elections disenfranchised thousands of people - some 89,000 people. Those were the people they were talking about, it disenfranchised them. Those are the people who did not get on the list. The list itself was accurate, but those are the people that got on to the list because of some of the new system that they wanted. We are not against taking people off of the list who have migrated, if it is done according to the law, but then you cannot turn up at a man's house and if he is not at home, on that basis you take his name off of the list. Of course, that will be a process of trying to disenfranchise people.

Mr Speaker, as I said, we have come along way and now we are moving in the direction of continuous registration, I hope and I am optimistic that it will remove a lot of the problems we face during elections time, because everybody in our society admit that our country can go forward much faster if we do not have these problems. We should not have these problems, we should go forward. The PPP/C Government has been extremely inclusive in this society. I do not know if the only inclusiveness that will be recognized on the part of the opposition is being within the Cabinet. The society in this country has been institutionalizing a lot of things. Take for example Parliament, Committees that have set up and a lot of work is involved. The Ethnic Relations Commission, all of those things we have been doing and unfortunately a few days ago, because of the actions of the Peoples' National Congress/ Reform, they blocked the passing of the Bill for the setting up of the Commission for Women in Society. We have had that body also established, we are creating all the conditions for inclusivity and guaranteeing human rights within this country, but it has been constantly sabotaged. Recently you voted against the question on women.

Mr Speaker, I think it has been a good thing that we have the unanimous support of this National Assembly to go towards continuous registration and I hope it would help the PNC/R to amend their ways and to recognise when they lost the elections, as they will do in 2006. I thank you very much. *[Applause]*

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**The Speaker:** The Honourable Attorney General and Minister of Legal Affairs

**Hon Doodnauth Singh:** Mr Speaker, the debate has centered around biometrics and verification of the 2001 voters' list. I do not wish to make any contribution with respect to biometrics, because we already have them there.

With respect to the verification, in an attempt to achieve consensus sir, I have had discussions with the political opposition parties as well as the Elections Commission and as a result of those discussions, amendments will be proposed at the relevant stage. The major amendment will seek to deal with question of the verification of the list. The Leader of the Opposition and my learned friend Mr Basil Williams referred to the regulations, at the appropriate stage I expect those regulations will be laid in Parliament.

In addition, the Honourable Member Mr Williams adverted to the fact that sanctions should be imposed on political parties if they do not abide by a code of conduct. I know that there is a code of conduct in existence. The difficulty you have in enforcing the code of conduct is that before a code can be enforced there must be someone against whom the act can be advantageously adverted too. I know that in some jurisdictions before political parties can take part in an election, those parties have to be registered and so I supposed that at an appropriate stage the Honourable Member Mr Basil Williams will move a motion to have political parties registered as such before they can take part in an electoral process.

Mr Speaker, I now move the Second reading of the National Registration (Amendment) Bill - Bill No. 11/2005.

**The Speaker:** Thank you Honourable Member.

*Question put, and agreed to.*

*Bill read a Second time.*

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## IN COMMITTEE

**Hon Doodnauth Singh:** Mr Chairman, amendments have been circulated and I would suggest that you deal with the Clauses that do not require amendments and then you deal with the ones that require amendments.

**The Chairman:** I have to deal with them in sequence Honourable Member.

Honourable Member, Mrs Holder, I notice that your amendment is covered by the amendment being proposed by the Attorney General, so I take it that you would not be proceeding with yours.

### **Clauses 1 to 5**

Honourable Members, if there are no amendments to Clauses 1 to 5, I will seek your consent to put them together.

Question, proposed, put and agreed to

Clauses 1 to 5, as printed, agreed to and ordered to stand part of the Bill

### **Clause 6**

*Amendment by the Attorney General and Minister of Legal Affairs:*

For the full stop at the end substitute a colon and insert the following proviso:

provided that at any stage the Commission may undertake such verification as necessary by a means determined by the Commission.

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I take it that the amendment has been circulated

Amendment proposed, put and agreed to.

Clause 6, as amended, agreed to and ordered to stand part of the Bill

### **Clause 7**

**The Chairman:** Is there an Amendment to Clause 7 Honourable Member?

**Hon Doodnauth Singh:** No sir.

**Mr Winston S Murray:** I think there is an error there. Clause 7 has an amendment. Unfortunately it is not reproduced on what has been circulated to us, but it does have an amendment; that is why it is on this piece of paper.

**The Chairman:** What is the amendment?

**Hon Doodnauth Singh:** It is: the Commission shall be empowered to determine from time to time procedures for the acquisition and electronic processing of data.

Amendment to Section 9, paragraph (b)

- For the words *processing of electronic data* substitute the words *electronic processing of data*.

***Amendment put and agreed to.***



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Clause 7, as amended, agreed to and ordered to stand part of the Bill.

### **Clause 8**

Question proposed, put and agreed to.

Clause 8, as printed, agreed to and ordered to stand part of the Bill

### **Clause 9**

Is there an amendment to Clause 9? I see a note there.

**Mr Winston S Murray:** Clause 9 was amended in Clause 7. Clause 9 is the substantive Act amended in Clause 7.

Question proposed, put and agreed to.

Clause 9, as printed, agreed to and ordered to stand part of the Bill.

### **Clause 10**

Question proposed, put and agreed to.

Clause 10, as printed, agreed to and ordered to stand part of the Bill.

### **Clause 11**

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Question proposed, put and agreed to.

Clause 11, as printed, agreed to and ordered to stand part of the Bill.

## **Clause 12**

By the Attorney General and Minister of Legal Affairs:

Amendment -

The inserted section 28 in the opening part:

- (a) For the words as may be necessary substitute the words as the Commissioner may deem necessary.
- (b) For the colon substitute a full stop the proviso
- (c) Delete

Amendment proposed, put and agreed to.

Clause, 12 as amended, agreed to and ordered to stand part of the Bill

**Assembly resumed.**

**Bill reported with amendments, as amended; considered; read the Third time and passed as amended.**

**The Speaker:** Honourable Members, we have three lengthy items more on the Order Paper and we have taken liberty of ordering some refreshments. I wonder if this is an appropriate time when members can have

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a few minutes to relax? Thank you

**19:30H - THE SITTING IS SUSPENDED**

**20:00H - THE SITTING IS RESUMED**

**ITEM 3 - GUYANA ENERGY AGENCY (AMENDMENT) BILL  
2005 - Bill No. 6/2005 published on 2005-06-07**

A Bill intituled, an Act to amend the Guyana Energy Agency Act 1997 to further support the institution and success of prosecutions under the Act and regulations made thereunder.

The Honourable Prime Minister and Minister of Public Works and Communications

**Hon Samuel AA Hinds:** Mr Speaker, Honourable Members, I rise to move the Second reading of the Guyana Energy Agency (Amendment) Bill 2005 - Bill No. 6 2005. You may remember that for some number of years, persons in the trade of fuel, both the oil companies and the petrol dealers were complaining about extensive smuggling of fuel and indeed they were providing estimates of smuggled fuel as much as twenty-five percent or so.

In response, the Government looked around and I think, the oil companies also brought to our attention the response of implementing a fuel marking system so that when fuel comes to Guyana legally, it would be marked at the same time. We began testing a programme towards the end of 2003 and when we saw that there was evidence that it would be effective, we introduced in March 2004, some amendments which we thought were sufficient to effectively put in place the fuel marking programme.

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In our experiences since then, we have seen the need for some refinements. Indeed, many of these refinements come out of discussions with the Director of Public Prosecution as we discussed a number of cases which we hoped to proceed on, but where the DPP thought there were some inadequacies.

*Clauses 2 and 3* of this Bill, basically make some refinements.

In *Clause 2*, there is the introduction of the word or there is an improvement in the definition of illegal petroleum saying that it does not contain the markers or that it does not contain them in the required proportion.

In *Subclause 2 (b)*, there is an identification of the markers, chemical substances under certain patent numbers.

In *Subclause 2(c)*, there is a typographical error. I think the term was intended as *steamroller*, but it had come out in the original Act as *streamroller*. We are correcting that at this time.

*Subclause 3 (a)* has another typographical correction.

In *subclause 3(b)*, we are stating that these markers would be in a certain concentration in the fuel products as would be determined by the minister by notice in the Official Gazette.

The important addition to this amendment comes here under clause four and it introduces a new PART V in the principal Act. Here we seek empower or to give to the Fuel Marking Unit of the Guyana Energy Agency, the same powers as the Police and Customs, but limited to matters concerning fuel.

In *Clause 4*, we introduce PART V and this introduces new Clauses 34 to 39 in the principal Act. In these Clauses, the Chief Executive Officer and the Deputy Chief Executive Officer are identified to be competent to initiate and conduct their own prosecutions in matters of suspicions of illegal fuel.

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*Clause 36* deals with powers to enter into places to take samples and pictures and generally set about establishing whether fuel that may be illegal is present and to do all that is necessary to do to establish such a fact.

*PART V and the clauses listed here* come more or less directly from the comparable sections in the Customs Act and I do not think that there will be much contest on them.

I think that briefly outlines what is intended in this Act and I think that all Members of this House may be able to find it desirable and possible for them to support the Second reading of this Bill and I do propose that this Bill be read a Second time. [*Applause*]

**The Speaker:** Honourable Member Mr Lance Carberry.

**Mr E Lance Carberry:** Mr Speaker, I rise to speak on this Bill with a very heavy heart and really with a feeling of great scepticism as to the whether or not this Bill is going to be very helpful to us.

This Bill comes at a time when we are facing yet another energy crisis and one would have expected that the priority of this Government would have been to address the issue of reducing our dependence on imported petroleum fuel and at the same time to expand the availability of energy so as to attract new investment and to create development and jobs. That should be the priority. Instead, what we have is the equivalent of fiddling while Rome burns. It is not surprising that the Prime Minister had difficulty introducing this Bill, because there is not much to introduce. It is really a pity that this Bill has to be brought at this time. The longer I stay in this House, the more I get the impression that this administration behaves like a stage manager for a stage play, creating a number of props. Now these props are not necessarily what you see. What you see is not necessarily what is there. What you see is an optical illusion of what is there. The problem is that most of the time, they come here with Bills under great pressure from the IFIs and then, you know Shakespeare has a cool player who struts and frets his hour upon the stage

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and then is heard no more. Well what happens to the Government is that they bring a bill, make a lot of noise about it and then all of a sudden, the bill relegated to that storeroom for props. If you take the Money Laundering Bill and all those other bills, of them have gone into the storeroom for props. They will come out again when the IFIs create a problem. The problem we have is implementation. When are they going to implement some of the things that they are supposed to implement?

Let us take the principal Bill. Here it is, we have the Guyana Energy Agency Act 1997. Now this Act confers on the agency and when I read this Act again, I get the impression that the minister is the agency. The agency only exists as a prop for the minister. Now that is basically what it is. Now this bill allows the Government to deal comprehensively with the issue of energy and energy distribution in this country, but instead of addressing what is fundamentally necessary for the development of this country, what does the Government do?

The first amendment that they brought, Act No. 3 of 2004, Guyana Energy Agency (Amendment) Act, let us hear what it says:

*An Act to amend the Guyana Energy Agency Act 1997 to increase the powers of the agency to grant petrol and petroleum products import wholesale, retail and other licenses, to empower the agency to mark petroleum and petroleum products and to apply, to approve standards, specifications and so on. That is what they brought in 2004. The Act was seven years old. Since this Act, we have not seen the laying of an energy policy or the implementation of a programme for the development of energy. But what we see is a fuel marking story.*

Then we have this other thing which I believe is the *crème de la crème*, because having made very basic mistakes in the first amendment, they have come now to correct them. But not only did they come to rectify them, I think what has really taken the cake is PART V, because what PART V is doing is creating a new police force. This time is the fuel police. *[Laughter]*

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We have a history in his country of when the police force is set up, the mischief that they were supposed to remove gets bigger.

Take for example CANU and what they were supposed to do. Do you remember CANU? Since CANU, we have now graduated to a narco-state. That is the Police Force.

Then we had BASS. Do you remember BASS? BASS has become BOSS. That is the thing, because really I do not understand what is happening here.

Because the problem here is something which the calypsonians sing. There is a nice little calypso which says *Who Watches the Watchers?* Because really and truly, these are units set up and in an atmosphere of endemic corruption they thrive on the powers vested on them. The membership of these units gets very well off as a consequence of the powers vested in them.

Now if you speak to any little child, in any of the border areas where this fuel passes, they would tell you which boats, who own the boats, when the boats are passing, how much fuel is passing and so on. The only people who do not know is the Guyana Energy Agency and the Police. *[Laughter]*

Again, taking account of the calypsonian, he said some body letting the fuel pass. The trouble is, I have a difficulty here, because I was about to talk about the Chief Executive Officer of the Guyana Energy Agency according to the Act, but I noticed in the Stabroek News it spoke of about the Chief Energy Co-ordinator, that is the new post, that is not in the Act at all, but I am assuming that the Chief Executive Officer is the designation. Now I heard the Chief Executive Officer said how much taxation the Government will get as a consequence of this marking. Now I am saying to myself, was this the whole purpose? Was the Energy Agency set up so that the government will get more tax or is it so that the government could act on the very precarious energy situation to be able to reduce our dependence on imported fuel? Here it is the

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gentleman said that the amount we spent on imported fuel was US\$160 million per year. Now if you save 50 percent on that, is how much? I would imagine that is what we should be working to do. We should worry about marking fuel so that we could allow corrupt officials to benefit from this little thing, the fuel police force. So Mr Speaker, you must forgive me if I sound very skeptical, because the fuel police will go the way of CANU, the way of BASS and all the other police forces that we have established.

Let us look at this thing and I really want to focus on the kinds of things that I expect, because unfortunately for the Prime Minister and Mr O'Lall know something about energy. *[Laughter]* I know something about what they are supposed to do, because the Guyana Energy Agency is the successor to the Guyana National Energy Authority, which fell under the umbrella of the Guyana Natural Resources Agency which had responsibility for all natural resources development. Now the functions of the Guyana Natural Resources Agency are not significantly different from those of the Guyana National Energy Authority. All that is happening is a new wine skin has been created to hold wine. That is all that has been happening, but the trouble about it, I do not mind that happening, because you expect to find that Mr O'Lall who used to be a member of the Hydropower Unit would at least try to move forward from his Tiperu Hydropower Station to this larger business here. In other words, the whole idea of impacting on our energy use by the use of under-development of renewable sources of energy is an area of great importance.

Mr Speaker, I suspect, if you were to visit the Energy Agency and ask them to show you all the studies done on the hydropower sites in this country, you could probably find that we could supply ourselves with one week of electricity using those reports for fuel. *[Laughter]* Really because all of the sites in this country have been studied in great detail. They are known and all that has been happening is that people are just fiddling around and wasting time, because if you want to develop any hydropower sites, you could actually pick up a book of the study done



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on that site. Let us face it, if you take for example the Upper Mazaruni which of course everybody seem to feel is not something we should talk about, the Upper Mazaruni is still one of the cheapest sites in this world. In fact the studies that were done on the Upper Mazaruni has shown that there are very few sites in this world that have the kind of topographic and other kind of characteristics that make the power from that site as cheap as it is. But of course, we know what has caused it not to be brought into being, but what I am saying, we have a lot of sites that can be developed. For example the Venezuelans developed Gouri as what they called a cascade scheme. They built one part of dam and then they gradually optimise the use of the river. Now we can do that to the Potaro basin. You would expect at this point in time 2005, what the government will be coming to us with, is a programme and proposal for the development of renewables that makes sense, because the law itself empowers them, it gives them the chance to give incentives, it tells them they could do pilot studies. All of these things they could do, but instead of that what happens whenever they are confronted with a crisis, all of a sudden you hear about all of the good things they are going to do. Only this morning I was listening to the radio and I heard that we are going to have the wind farm, the cogeneration, bagasse, something else and so on. The truth is, the use of bagasse and the studies on bagasse were done since the early 1980s, so you are not breaking any new ground. The study to utilise two or three estates in the GUYSSUCO chain, forgetting Skeldon, was already done and people knew what they were supposed to do. These things were well documented. What I am saying, why are we fiddling and we are not doing something positive?

Mr Speaker, we are talking about poverty alleviation, I believe the most sustainable way to reduce poverty is by the creation of jobs and incomes and you can do that by creating development and growth. Now the supply of energy is critical to all of that and one would have accepted that the government would accept its responsibility. It is not the responsibility of GPL, it is the responsibility of the government to ensure that the conditions are created which would ensure that the supply of energy is adequate in this country. This is the responsibility of the government.

Now the government may induce a private company or an entity to do it on its behalf, but for it to do that, it must have a programme that allows it to offer the right kind of incentives for it to be done, but instead of that what we have is a situation where GPL is allowed to pass on to the customer its inefficiencies, its incompetence and we have to pay for it and when the fuel price comes up, GPL says, well we have to pass it on. The problem is that 40 percent of GPL's generation is lost by theft or line losses. It is a shameful situation, because no other place in the Caribbean suffers that kind of situation and one would have expected that we would have done something about it, but that is not what the government is coming about. Just imagine at 8.30 on the night of the 14<sup>th</sup> July, the Prime Minister is coming to this Parliament to introduce a fuel police force. *[Laughter]* That is what it is.

Mr Speaker, there are a number of things that I would like to say, the trouble about it is that sometimes I get the impression, it is like throwing water on a duck back. You talk about these things and nothing happens. For example, the Energy Act itself provides for the establishment of an Energy Agency Board, now that board has not been established. This Act was in 1997 and there is no Energy Agency Board. As I said, if you read this thing, you get the impression that the agency is the minister. Everything is done by the minister, so it is not surprising that he does not want a board. I would like to know when they are going to establish a board. That is what I am interested in. I must confess to you sir, that I am not enamoured by this idea of this fuel police, because I do not believe that it is going to get us any place. It is not going to get us any place. Since this Bill is so shallow of what it has to offer us that I would like to ask some very simple questions:

*When would the Energy Agency Board be established? Not if, when?*

*When will we have submitted to this National Assembly, a notional energy policy? When are we going to have that?*

*When are we going to have the reports of the Guyana*

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*Energy Agency submitted as the law requires?*

*[Interruption: 'How many years have they submitted?']* They have not submitted any at all. Since 1997 they have not submitted anything.

Mr Speaker, I have tried to make this presentation as humorous as possible, because if I did not, I might start to cry so I do not want to do that. *[Laughter]* I do not want to cry so I decided to make it as humorous as possible, because the problem I have as a taxpayer is: has the Guyana Energy Agency delivered value for money for us as taxpayers. Has this Agency delivered value for money? I do not believe it has, but what more could I say to my colleagues on this side. Here is Mr O'Lall in the corner who was nurtured by the GNEA over the years and he knows me very well and I know him very well too. Here is the Prime Minister who used to be a colleague of mine in bauxite and who is an engineer by training and this is what they bring to us. Could you imagine Mr O'Lall is an electrical engineer, hydropower engineer and here is Mr Hinds who is a chemical engineer, this is what they are bringing to us energy police. *[Laughter]* Thank you Mr Speaker. *[Applause]*

**The Speaker:** The Honourable Prime Minister and Minister of Public Works and Communications.

**Hon Samuel AA Hinds:** Mr Speaker, Honourable Members, I think that presentation by my former colleague in bauxite has pulled the rug from under my feet. I was focussing on some other sorts of things to respond to, but let me say that the Honourable Member spoke about this time when prices of oil are high and we do think that it is with some foresight that we did implement this programme of fuel marking, because as the prices get higher, their pressures and their temptations to smuggle becomes even greater. So I think that it was very timely and with some foresight that we put this programme into place. Also, if you want to know how well it is received, please meet with the oil companies who were protesting in previous years about the smuggling of fuel; please meet with the petrol dealers who want to stay loafer. All of them were complaining about the rising levels of smuggling of fuel on to about 30

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percent in 2003. We have a number of audits and checks from that time and they showed that the incidence of unmarked and therefore I assume illegal fuel has fallen to less than ten percent. We want to keep pressing and move it even lower. *[Applause]*

The reason why we bring these set of amendments following the amendment of March 2004, as I said, is because in the course of attempting to prosecute, we have had advice from the DPP that we should do certain things to make the case tighter or to remove any areas from which it may be attacked and therefore you have the statements in this amendment now about identifying the markers and identifying the concentration. I have heard questions a little, but with the advice from legal people, I accept that it is necessary maybe to establish identity in court and remove any doubt that the markers should be named, that the concentration should be named or should be published and so on. So we are making those sorts of amendments.

We found also that in many areas and times that if a fuel marker wants to move on a suspected tanker or boat, if he had to find a policeman to come by and he had to find a customs officer to come by, the evidence and the situation may change, so we have put in here the new PART V which essentially gives the same rights as of Customs to the Fuel Marking Unit of the GEA.

I think, maybe because my Honourable Colleague on the other side could not find specific points of attack on this amendment that we proceeded to talk about other things and maybe we should appreciate the amusing approach he took after so many hours of serious debate, and maybe at times he was getting a bit acrimonious on that first most serious Bill that we spoke to.

I did not intend that this should be an opportunity to speak on energy and general energy policy, but I could say something on it in response to some of the things he said and to assure him that the government, myself, we remain vigilant and we remain concerned about the rising price of fuels. I would refer to the fact that we are committing now

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to the cogeneration programme at Skeldon and from that source Guyana should be getting about twenty percent of the energy that would be utilised.

I would also like to refer to the wind farm which we have had to nurture over some years and which before the end of the year should be breaking ground at Hope Beach. It would have an installation of about twelve megawatts, but to an average over a year, it would be supplying about four megawatts, about six percent of the needs of GPL.

Let me just show there, we talked about a wood-wind farm with about twelve megawatts installed and maybe averaging four megawatts over the year and this shows right away the issue of many alternative energy possibilities is that they tend to be costly particularly at first cost. In fact, in the case of the wind energy farm, we are looking at the developer and the situation is such that you are averaging four megawatts with about twelve megawatts installed. You have to pay the capacity for twelve megawatts and you averaged four megawatts. So that raises the capacity charge in getting electricity from that source. Nevertheless, with rising fuel prices, I do hope that the developer will find this a profitable venture. Let me say too, that one area of some delay in getting the developer off the ground is just that fact is that he was seeking assistance from governments in Europe, those countries in which their companies are producing the wind turbines and there were lots of discussions and arrangements which he was pursuing.

On the question of hydro, yes, we know that many studies were done way back in the 1970s and we know that in Guyana there is potential for hydro development of about 7,000 megawatts and Upper Mazaruni has a potential of about 3,000 megawatts by itself. But I think, we should also recall our history with the Upper Mazaruni, economic studies and economic feasibility must be the test. You will recall in the 1970s, the government of that day, I would say with all good intention proceed to develop Upper Mazaruni up to 3,000 megawatts and I think I saw something in the papers recently which referred to maybe US\$150 million in today's money at least being spent at that time. But

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what came out of it, very little. I say this not in a disparaging way, because I have been in the business of prospecting and so on where one has to start studies and one learns that on the average maybe only one in twenty of those studies come to fruition, not because you are not keen, but because you want to ensure that as you keep investing more and more and as you make the final investment in the plants and units that there is a good change of profitability. So that is the important thing.

I would like to say to the Honourable Member my former colleague and Members to this House and to the country that we have been encouraging and supporting about four hydro developments in Guyana. Amelia needs to be restudied with the new oil prices. Indeed some time ago, when one made the study in terms of capital repayments, the rates of capital repayments, the outflow was greater than the oil that would have been saved at that time. But certainly with the new higher oil prices, the investor - the developer of Amelia Fall needs to review and recalculate the economic attractiveness of such.

In the Upper Mazaruni, yes, it has the potential of producing energy at a very low rate, two cents per kilowatt hour, two and a half cents per kilowatt hour, but you need to have a demand or to utilise at least some 2,000 megawatts. *[Interruption: 'You can move to a next situation.']* Yes sir, if you can find the money, if you would support by putting in in the order of US\$ 2 or 3 billion on the chance that a market for 2,000 megawatts would come by ... Mr Speaker, I feel strongly and no doubt that is the kind of ceiling that urged in the 1970s as I said, the expenditure of US \$150 million on the development of Upper Mazaruni. As I said earlier, I am not saying it in a disparaging way, but I hope that all of us would weigh up the experiences we have had when we make representation. *[Applause]* We have to weigh up the experiences that we have had.

So Mr Speaker, I think that it would be fair for me to draw the conclusion that the particular subject in this amendment is not opposed at least and I take on board the concerns expressed by Members on the other side of the high prices for petroleum products at this time and the

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need for us to think carefully about what we should do about it.

So, Mr Speaker, I would like to look towards the support of all the Members of this House for this Amendment Bill which seeks to make the fuel marking programme more effective in curbing the smuggling of fuel. I look for your support and I move that the Bill be read a second time. *[Applause]*

**The Speaker:** Thank you Honourable Member

*Question put and agreed to.*

*Bill read a Second time.*

## IN COMMITTEE

*Clauses 1 to 4*

*Question put and agreed to.*

*Clauses 1 to 4, as printed, agreed to and ordered to stand part of the Bill.*

## PART V

*Question put and agreed to.*

PART V as printed, agreed to and ordered to stand part of the Bill.

Assembly resumed

Bill reported without amendment, read the Third time and passed as printed.

**ITEM 4 - CARICOM REGIONAL ORGANISATION FOR STANDARDS AND QUALITY BILL 2005 - Bill No. 7/2005 published on 2005-06-13**

*A Bill intituled, an Act to give effect to the Agreement establishing the CARICOM Regional Organisation for Standards and Quality and for matters connected therewith.*

**The Speaker:** The Honourable Minister of Tourism, Industry and Commerce

**Hon Manzoor Nadir:** Mr Speaker, this is a Bill that may look simple, but brings into the laws of Guyana a very important organisation the CARICOM Regional Organisation for Standards and Quality CROSQ as it is called.

Mr Speaker, Guyana has been part of the regional standards system for more than twenty-three years. The predecessor of CROSQ was the CARICOM Common Market Standards Council and 2001, noting the challenges post to international trade as tariff barriers come down, CARICOM looked a examining this Common Market Standards Council and moved in 2001 for a new organisation that can meet the demands for standardisation for quality and for integration into global trade that this new organisation CROSQ be brought into being. So on the April 1, 2003 and while that is a famous day for fools, a serious organisation was born the CARICOM Regional Organisation for Standards and Quality.

Mr Speaker, Guyana continues to play a very important role in the Regional Standards Industry and because of our involvement over the many years in the Region's Institution for standards and quality significant gains have been made for Guyaese exports in particular our rice to



Jamaica.

CROSQ will have its headquarters in Barbados and Guyana will have an obligation to meet some of the expenses of CROSQ. We are assessed seven percent of the budget as our part of the contribution to CROSQ. In return some of the services which a regional organisation can undertake, because of the size of that body, its contribution from many smaller units,, our National Bureau of Standards will be spared having to go into heavy expenses. So while we may have to contribute seven percent of the budget which is roughly about US\$21,000, if the Guyana National Bureau of Standards had to meet and to put into operation all the protocols and the systems to do our export certification and accreditation, it would have amounted to much more.

Mr Speaker, CROSQ is also one of the conditionalities under the new CARICOM Treaty. This is one of the organisations that will make the CARICOM Single Market and Economy operate efficiently. I think one of the other institutions recently brought into being that will assist in that regard is the Caribbean Court of Justice too. So the Single Market and Economy requires that this Regional Organisation for Standards and Quality be implemented. Our President signed on to the instrument - the agreement - establishing CROSQ in 2002, but it was in 2003 that we actually settled on the issue of the headquarters agreement and two other conditionalities that were necessary before the final document would have been introduced. All of the countries that contribute to CROSQ and all participating in the Single Market and Economy, we are all required to pass the CROSQ Agreement into our national laws.

And so this evening, it is my honour to move the Second reading of the CROSQ Bill and seek the support of all the Members of the House in its passage. Thank you. *[Applause]*

**The Speaker:** Thank you Honourable Member

The Honourable Member Mr McAllister

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**Mr James K McAllister:** Mr Speaker, I rise to put to this Honourable House the PNC/R's position on the CARICOM Regional Organisation for Standards and Quality Bill 2005.

Mr Speaker, the *Explanatory Memorandum* of this Bill states that the Bill seeks to give effect to the CARICOM Regional Organisation for Standard and Quality Agreement which was signed on behalf of Guyana on February 4, 2002.

This Bill is a simple Bill. It has five clauses.

*Clause 3* Provides for the CARICOM Agreement having the force of law in Guyana.

*Clause 4* Provides for the Minsiter to bring amendments to the Agreement to this Honourable House for affirmative resolution.

*Clause 5* Provides for the Minister to make regulations in respect to the matters necessary for implementating the Agreement and prescribing offences in repect of non-compliance and fines that may be imposed as a result.

Mr Speaker, for the benefit of the Honourable Member Mr Donald Ramotar, the PNC/R in principle has no problem with this Bill which gives effect to a CARICOM Agreement. Our support is not only because this Bill gives life to a CARICOM Agreement. The main reason for our support is because of our recognition of the importance of the Agreement in itself to the future of CARICOM States in general and Guyana in particular.

Mr Speaker, in the preamble to the Agreement, which is included in the *Schedule* of the Bill, it is stated that:

*Conscious also of the formulation and application of internationally accepted standards, technical regulations, conformity assessment procedures and metrology on a re-*

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*gional basis would be cost-effective and enhance the international competitiveness of goods and services produced or provided in the CARICOM Single Market and Economy.*

Article 4 States that:

*The primary objective ...*

After the Honourable Member Mr Nadir

*... CROSQ shall be the establishment and harmonisation of standards for the enhanced efficiency and improved quality in the production of goods and services in the Community, thereby facilitating consumer and environmental protection and improved trade within the Community and with third states.*

Some may contend that preference not competitiveness that aid not trade will deliver us from poverty and under-development. Mr Speaker, the PNC/R is firm in its position that the private sector, trade and competitiveness are the vehicles to move us out of poverty, to move us out of under-development.

However, having said this, I wish to draw the attention of this Honourable House to World Bank Report No. 31725 LAC for the benefit of the Honourable Member Mr Nadir. This Report is titled *A Time to Choose Caribbean Development in the 21<sup>st</sup> Century*. Paragraph 1 states:

*Caribbean countries face unique development challenges arising from their small size and vulnerability to natural disaster...*

I suppose like the great floods of January and February

*... as well as the resulting economic volatility. Also they*

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*continue to confront a changing international environment with a significant transformation in the production structure of most economies away from traditional agriculture.*

And if we move on to Paragraph 41 in this said Report, we will see here that the World Bank again on addressing this issue of trade states:

*In adjusting to the changing international trading environment is perhaps the most fundamental immediate challenge for the Caribbean. Trade preferences are being eroded, tariff's revenue are facing the prospect of decline and perhaps most daunting of all competitiveness is declining. Reversing the decline in competitiveness will not be easy.*

Mr Speaker, the PNC/R accepts that we will not turnaround our economic future by sitting on our hands. We have to adjust to the changes confronting us.. We know that at the moment there are a number of impediments to trade by developing countries. Agricultural subsidies to the tune of \$1 billion per day, tariff and non-tariff barriers by developed countries are some of the issues that we have to confront. One of the non-tariff barriers faced by developing countries is the failure to meet standards and quality for goods that are required to enter certain markets.

Therefore we believe, the establishment of the CARICOM Regional Organisation for Standards and Quality is an effort to adjust in the manner to allow the Caribbean to become more competitive. For this reason the PNC/R supports this Bill. We believe the Bill will deliver benefits for the entire prospects of the Caribbean and Guyana in particular.

Mr Speaker, we are also happy to note that CROSQ is part of the broader effort to establish the CARICOM Single Market and Economy.

The preamble to the Agreement ... (I seem to have disorganised myself. I am back on track, Sir.) ... states:

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*Acknowledging that the development and application of harmonised regional standards, technical regulations, conformity assessments, procedures and metrology are essential for the efficient operation of the CARICOM Single Market and Economy and in particular the international competitiveness of goods and services produced or provided in the Caribbean Community.*

Mr Speaker, the PNC/R is on record as stating that it is in support of the CARICOM Single Market and Economy. And for this reason, this Bill brings to this Honourable House arrangements that fit in the broader process of the CARICOM Single Market and Economy, it means that this is another reason why the PNC/R should give its support to the Bill.

Mr Speaker, the Rt Hon Owen Arthur, Prime Minister of Barbados addressed the CARICOM Single Market and Economy on the way forward on the 13<sup>th</sup> Anniversary. Mr Arthur, the distinguished lecturer of CARICOM, stated quite interestingly in his presentation on April 23, 2004. Those of us who are in any way involved in chartering the destiny of the people of the Caribbean must feel both chastened and challenged by the verdict of CLR James in the Birth of a Nation and he proceeded to quote CLR James who stated that nobody knows what the Caribbean population is capable of, nobody has ever attempted to find out. The Honourable Prime Minister went on to say in his own words that the creation of a Caribbean Single Market and Economy is an endeavour that will test to the full the validity of CLR James' judgement.

Here, in some respects, we can consider ourselves to be people who are involved in some way in chartering the destiny of the people in the Caribbean because, definitely, we are involved in chartering the destiny of the people of Guyana and this is something for us to note.

The Prime Minister went on to speak about the CSME and said that it is an initiative that will change in a very profound and fundamental way the structure of each of the economies involved, the trajectory of

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their development and their relationship with each other and with economic systems in the rest of the world.

Mr Speaker, one cannot speak about CARICOM Single Market and Economy without going to CARICOM itself. This is what CARICOM had to say, when the Caribbean Community conceived and agreed on the CARICOM Single Market and Economy, it was in recognition of the challenges posed by the increasingly globalised economy and the need to increase competitiveness of the goods and services of the region for regional and international markets.

We are getting the sense here that CARICOM Single Market and Economy is indeed something that all of us should lend our support to and anything that would give some kind of impetus to that process, we should support. As I said before, for this reason we support this Bill.

For instance, if we are to look again at the Honourable Prime Minister Owen Arthur, he spoke about some of the conditions for bringing the single market into being. He said that, to bring the Single Economy fully into operation, important future work must also be undertaken at the domestic and regional levels to implement the measures relating to the competition and regional policies in relation to subsidies and dumping. Trade and economic activities in the region must also be free and fair. I will go on to quote the Honourable Prime Minister, because it is important that we place on the records here that the PNC/R as a political party in the House, and as the alternative government, has a firm position on this issue and it will be known that after the elections of 2006 stakeholders will be guaranteed that the PNC/R has a position on this matter and we will be proceeding in the particular direction. But what is important the Prime Minister went on to say equal significance in the task force is to complete the programme for the establishment of regional institutions and institutional arrangements that will allow the single unified economic space to be occupied by fair and equal terms by all. Important in this respect will be the creation of a CARICOM Regional Organisation for Standards and Quality and the Regional Accreditation Unit.

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Mr Speaker, it is therefore clear that the CARICOM Regional Organisation for Standards and Quality is part and parcel of a wider process of preparing CARICOM to compete in international trade. For the benefit of the Honourable Member Mr Donald Ramotar, the PNC/R is passionately committed to the economic transformation of Guyana for the benefit of Guyanese. We believe that competitive international trade will have to be a major component of this effort. Recognising that this Bill puts in place arrangements to enhance competitiveness in international trade, the People's National Congress/Reform wish to signal that it can lend its support to the Bill that is before the Honourable House. Thank you. *[Applause]*

**The Speaker:** Thank you Honourable Member

The Honourable Member Mrs Sheila Holder

**Mrs Sheila VA Holder:** Mr Speaker, very briefly, as the product of the Regional Consumer Movement, I am pleased to give my full support to this Bill.

Not only did the Honourable Minister of Tourism, Industry and Commerce paid me the courtesy of sending me an advanced copy of this Bill several months ago, he also sent me a draft of the Competition and Fair Trading Bill which is as important as this piece of legislation now before the House, if not more important.

I agree that this Bill is important because of the importance being given regionally to the CARICOM Single Market and Economy for the liberalisation of trade and services, an essential element for protecting regional consumers resides in matters pertaining to quality, the adoption of regional standards and ensuring that regional consumers get value for the money that they spend.

Mr Speaker, despite impressions to the contrary, developing countries are specific in regional standards and establishing systems of standardisation is a specialised discipline. Before the development of this

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discipline, confusion and frustration reigned among buyers of consumer durables, because there was not synchronisation among manufacturers of similar and complimentary products. For example, if you buy a light fixture from a manufacturer and a bulb from another, there was no guarantee that the two would synchronise. Today, as consumers, we could in blissful confidence make such purchases in the knowledge that they would indeed be compatible.

Working quietly in the background to ensure that Guyanese enjoy such assurances of product compatibility that is satisfactory is the Guyana National Bureau of Standards. It would be a negligent of me if on occasions such as this if I did not take the opportunity to acknowledge the unsound work being done by the Guyana National Bureau of Standards. The Bureau provides a crucial service in circumstances that are far from ideal since they lacked the testing equipment and the facilities which are currently available in Barbados to execute the task before them.

Nevertheless, Mr Speaker, in closing I hope that in devising supporting legislation, the Minister will also collaborate with the local consumer movement. I thank you. *[Applause]*

**The Speaker:** Thank you Honourable Member

The Honourable Minister of Tourism, Industry and Commerce.

**Hon Manzoor Nadir:** Mr Speaker, firstly let me acknowledge the support from members of the opposition who spoke in support of the Bill before us.

Mr Speaker, The CARICOM Regional Organisation for Standards and Quality is going to be the regional body and I want to express my appreciation to the last speaker, who made mention of the work of the Guyana National Bureau of Standards and I want to add the National Standards Council, the Director and Staff of the GNBS, because they in their own right have started years ago, long before this Minister, in preparing Guyana for competitive regional and international trade by doing many of the things which are contained as part of the functions of the



## Standards Council Bill.

What the Regional Standards Organisation will do as mentioned by the other speakers, is to harmonise the legislation for standards, it will also offer facilities that individually national standards bodies cannot do and it will also act as the accreditation body. In the principle of certifying quality and standards, it is required that those setting the standards be separate from those testing the standards and those accrediting the test and accrediting those that meet the standards. This is what the GNBS and the National Standards Council locally have been able to achieve.

The Honourable Member Mr McAllister mentioned two very important words *conformity assessment* and *metrology*. In the world of international trade unless your products are accompanied by conformity assessments certificates, they are not going to get into international markets and into the international trading system. Our Guyana National Bureau of Standards has begun this process some years ago and there is an active committee within it that is meeting this requirement, and working with those facilities to ensure that we have the ability. It is not only the National Standards Council and GNBS, but some of the other facilities like the Food and Drug Department, the Ministry of Agriculture, those agencies that issue certificates for global trade, their standards emanate from organisations like GNBS and CROSQ.

Metrology is very important, because one needs to ensure that the masses, the volumes and the lengths that come from Guyana (let us say) simply the lengths for wood meet international standards. What we have been able to do in the last four years, is to provide primary standards for this country that were not done for the last four decades. Today, we are the recipient for primary standards that are traced to the world's standards and from them we use the standards to calibrate industry. So in the area of metrology the GNBS is as equipped as any country in the Caribbean and I dare say, the world in tracing its lengths, its masses and its volumes to the world's standards, because we have invested in the primary standards over the last few years.

*Thursday, 14 July 2005*

There are ten companies presently that are going through the International Standards Organisation 9001 Protocol for Quality Management and shortly, I think, six of them are ready for certification.

Mr Speaker, I just raise these because CROSQ in itself is not going to do miracles for Guyana, Guyana Consumers and Guyana exporters. We also have to do a lot of work for ourselves and CROSQ is only going to be one part of the regional system of national standards bodies, national bureau of standards so that we all can integrate into competitive global trade and as the tariff barriers come down, the non-tariff barriers will increase and standards compliance is going to be one of the NDTFs that will come in place.

I just want to bring a simple example, last month, the Guyana National Bureau of Standards certified eighty-six containers, 2,102.4 metric tonnes of rice to Jamaica. A few years ago, a large quantity of our rice exported to Jamaica were rejected. Today, with a protocol developed between the two National Standards Council and the Bureaus and the confidence that our CARICOM partners have with our ability to issue objective quality standards, our Bureau of Standards today issues those quality certificates for export of rice and last month 2,102.4 metric tonnes of our rice were exported. That is only last month alone this is testimony to what we have done in terms of preparing Guyana's export for competitiveness in the regional and local markets.

Mr Speaker, I would like to join with the Honourable Member Mrs Holder in expressing our compliments to the Chairman and Members of the Guyana National Standards Council and to the Director and Staff of the Guyana National Bureau of Standards. The passage of this Bill today will see Guyana doing even more in terms of our exports. Thank you very much and I now move that the Bill be read a Second time.

**The Speaker:** Thank you Honourable Member.

**Question put and agreed to.**

*Thursday, 14 July 2005*

**Bill read a Second time**

**INCOMMITTEE**

**Clauses 1, 2, 3, 4 and 5, as printed, agreed to and ordered to stand part of the Bill**

**The Chairman:** Out of abundance caution, I will now put the Schedule.

**Question put and agreed to**

**The Schedule, as printed, agreed to and ordered to stand part of the Bill.**

**Assembly resumed**

**Bill reported without amendment, considered, read the Third time and passed as printed.**

**BILLS - Report from Special Select Committee and Third Readings**

**ITEM 5 - VALUE-ADDED TAX BILL 2005 - Bill No. 3/2005 published on 2005-03-12**

**The Speaker:** There is a report to be presented in the name of the Honourable Minister of Finance. The Honourable Minister of Housing and Water will do so. It is the motion for the adoption of the Special Select Committee's Report on the Value-added Tax Bill 2005.

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**Hon Shaik KZ Baksh:** Thank you, Mr Speaker ... *[Interruption]*

**Mr Winston S Murray:** On a point of order, sir. I am very sorry to have to seek recourse in the Standing Orders for this matter, because the government insists on rail-roading this matter through the National Assembly this afternoon.

I was so upset, because I knew that our Standing Orders could not be silent, so I scoured it thoroughly and I would like to draw this Honourable House's attention to:

- Standing Order No. 55 which says, when a Bill has been reported from a Special Select Committee, the Assembly may proceed to consider the Bill as reported from the Special Select Committee upon a motion and it describes what the motion shall say, move under Paragraph 5 of Standing Order No. 76
- Paragraph 5 of Standing Order No 76 is extremely clear sir and this is where fairness comes in. The Standing Orders would not allow this rail-roading. It reads as follows;

*The Report of a Special Select Committee may be taken into consideration by the Assembly on a motion*

...

and I quote:

*That the Report of the Special Select Committee on (whatever the subject matter is) be adopted. Such a motion may be moved by any member after one day's notice.*

Sir, this matter before this Honourable House was introduced on a Supplementary Order Paper dated today. I sought by administrative mechanisms to try to get this matter not to be proceeded with, because

**ITEM 6      EXCISE TAX BILL 2005 - Bill No. 4/2005 published on 2005-04-11**

**[Report Deferred]**

**Mr Winston S Murray:** Thank you very much.

**The Speaker:** This brings us to the end of our business for today.

**Hon Reepu Daman Persaud:** I move that the National Assembly stands adjourn to Monday at 14:00h so that we can take this Report.

**The Speaker:** When?

**Hon Reepu Daman Persaud:** Monday at 14:00h [*Interruption: No, this is bad faith*] How this is bad faith?

**Mr Winston S Murray:** The Oder Paper was circulated to us for the meeting of the National Assembly for next Thursday and explain to me why it was a certain motion brought by the oppositoin could was not dealt with on Wednesday as we requested? Sir, this is an act of bad faith, to now try to railroad us into a new date, a date prior to Thursday.

**Hon Reepu Daman Persaud:** Mr Speaker, it is not question of railroading. These two Bills were sent to Special Select Committees and they were fully considered by the Special Select Committee. The Committee met and reported back. The reason why we are not meeting on Wednesday as requested , I am informed by the Clerk that there is a seminar here. I am willing to go on Wednesday, we have no problem.

Thursday, 14 July 2005

I knew it was inherently unfair. Thank God, sir for the Standing Order, it has come to our rescue. We must have at least one day's notice. We have not had such notice, I therefore submit that this Motion is improperly before the National Assembly.

**The Speaker:** The Honourable Member Mr Baksh

**Hon Reepu Daman Persaud:** Mr Speaker, it was submitted before today and definitely it was submitted ... [*Interruption: 'Where?' ... to the National Assembly. [Interruption: It is dated today Sir, 14 July']*]

The Special Select Committee is a body which examines the Bill in all its details. That opportunity was given to the Opposition. They had several meetings and at the end of the exercise, the Committee approved of the Report, so it is a Report of the Committee. What my honourable friend is doing is in bad faith. It is in bad faith. [*Interruption: "Bad Faith"*] It is. The Report is considered, but the Bill is not debated, so there can be no changes in the Bill now. That opportunity was provided to the opposition in the Committee. I therefore move that we proceed with the Bill.

**The Speaker:** Honourable Members, as far as I am aware, it is the notice that is contained in the Order Paper. The Order Paper is dated 14 July. Is this the first time the motion has been published?

**Mr Winston S Murray:** Yes, sir it was on our table today when we came in along with the Supplementary Order Paper.

**The Speaker:** The Order Paper is nowhere referred to in the Standing Orders as the notice contained in the Order Paper. The Order Paper is dated 14 July, I therefore uphold the point of order.

**[Report Deferred]**

*Thursday, 14 July 2005*

**The Speaker:** Honourable Member, if you are proposing that the Assembly be adjourned to Monday and I gather that there is opposition to that, it is a motion and I will have to put it to a vote. Is that your wish?

**Hon Reepu Daman Persaud:** Monday, to do this one matter.

Question -

That the Assembly shall stand adjourn to Monday, 18  
July at 14:00h

Question put and agreed to .

**The Assembly shall stand so adjourned.**

*Adjourned accordingly at 21:25H*