

National Assembly Debates

**PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF
THE SECOND SESSION (2002-2006) 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

96TH SITTING

2.05 PM

Tuesday, 2 May 2006

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 (37)

People's Progressive Party/Civic (33)

Non-elected Ministers (3)

The United Force (1)

The Hon. Samuel A.A. Hinds, M.P.

*-Prime Minister and Minister
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
International Co-operation*

The Hon. Harripersaud Nokta, M.P.

*-Minister of Local Government
and Regional Development*

The Hon. Gail Teixeira, M.P.

-Minister of Home Affairs

The Hon. Dr. Henry B. Jeffrey, M.P.

-Minister of Education

The Hon. Saisnarine Kowlessar, M.P.

-Minister of Finance

The Hon. Shaik K.Z. Baksh, M.P.

-Minister of Housing and Water

The Hon. Rev. Dr. Ramnauth D.A. Bisnauth, M.P.

*-Minister of Labour, Human
Services and Social Security*

The Hon. Clinton C. Collymore, M.P.

*-Minister in the Ministry of Local
Government and Regional Development*

*The Hon. S. Rudolph Irsanally, O.R., C.C.H., M.P.

*-Minister in the Office of the President
with responsibility for Foreign Affairs*

*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

Tuesday, 2 May 2006

The Hon. C. Anthony Xavier, M.P.	- Minister of Culture, Youth and Sport
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. Harry Narine Nawbatt, M.P.	- Minister of Transport and Hydraulics
The Hon. Dr Leslie S. Ramsammy, M.P.	- Minister of Health
Mr S. Feroze Mohamed, M.P.	- Chief Whip
Mr Cyril C. Belgrave, C.C.H., J.P., M.P.	- (Region No. 4 - Demerara/Mahaica)
Mr. Donald R. Ramotar, M.P.	
Mr Husman Alli, J.P., M.P.	- (Region No. 7 - Cuyuni/Mazaruni)
Mr. Komal Chand, C.C.H., J.P., M.P.	
Mrs Indranie Chandarpal, M.P.	
Mr Bernard C. DeSantos, S.C., M.P.	- (Region No. 4 - Demerara/Mahaica) (Absent)
Mrs Shirley V. Edwards, J.P. M.P.	
Mr Odinga N. Lumumba, M.P.	
Mr Heeralall Mohan, J.P., M.P.	- (Region No. 2 - Pomeroon/Supenaam)
Mr Ramesh C. Rajkumar, M.P.	- (Region No. 6 - East Berbice/Corentyne)
Dr Bheri S. Ramsaran, M.D., M.P.	- (Absent on leave)
Mrs Philomena Sahoye-Shury, C.C.H, J.P, M.P.	- Parliamentary Secretary, Ministry of Housing and Water
Mrs Pauline R. Sukhai, M.P.	- (Region No. 1 - Barima/Waini) (Absent)
Dr. Moti Lall, C.C.H., M.P.	- (Region No. 3 - Essequibo Islands/ West Demerara)
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)

* Non-Elected Minister

** Elected Member from The United Force

96/2

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.	- <i>(Absent)</i>
Mrs Clarissa S. Riehl, M.P.	- <i>Deputy Speaker of the N.A (Absent)</i>
Mr. E. Lance Carberry, M.P.	- <i>Chief Whip</i>
Mr. Ivor Allen, M.P.	- <i>(Region No.2-Pomeroon/Supenaam) (Absent)</i>
Mrs. Deborah J. Backer, M.P.	- <i>(Absent)</i>
Mr. Deryck M. A. Bernard, M.P.	- <i>(Absent)</i>
Mr. C. Stanley Ming, M.P.	- <i>(Absent)</i>
Mr. Vincent L. Alexander, M.P.	- <i>(Region No.4-Demerara/Mahaica) (Absent)</i>
Mr. Basil Williams, M.P.	- <i>(Absent)</i>
Mrs. Volda A. Lawrence, M.P.	- <i>(Absent)</i>
Dr Dalgleish Joseph, M.D., M.P.	- <i>(Absent)</i>
Miss Amna Ally, M.P.	- <i>(Region No.5-Mahaica/Berbice) (Absent)</i>
Miss Sandra M. Adams, M.P.	- <i>(Region No.10-Upper Demerara Berbice) (Absent)</i>
Mr. Jerome Khan, M.P.	- <i>(Absent)</i>
Dr George A. Norton, M.P.	- <i>(Absent)</i>
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) (Absent)</i>
Dr Carl Max Hanoman, M.P.	- <i>(Absent)</i>
Mr Joseph Hamilton	- <i>(Absent)</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) (Absent)</i>
Mr Dave Danny, M.P.	- <i>(Region No.4-Demerara/Mahaica) (Absent)</i>
Mrs. Rajcoomarie Bancroft, M.P.	- <i>(Region No.8- Potaro/Siparuni) (Absent)</i>
Mr Nasir Ally, J.P., M.P.	- <i>(Region No.6-EastBerbice/Corentyne) (Absent)</i>
Miss Judith David, M.P.	- <i>(Region No.7-Cuyuni/Mazaruni) (Absent)</i>
Miss Genevieve Allen, M.P.	- <i>(Region No.4-Demerara/Mahaica) (Absent)</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>(Region No. 9 -Upper Takutu/Upper Essequibo)</i>

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

Mr Ravindra Dev, M.P.

OFFICERS

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

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

PRAYERS

The Clerk reads the **Prayer**

ANNOUNCEMENTS BY THE SPEAKER

Thanks to Members of the National Assembly and Staff of the Parliament Office

Honourable Members, I believe, today is likely to be the last day of the Sitting of this Parliament, there is tomorrow as well. I have had no indication that there will be any session tomorrow. The assumption there is that today is the last day.

I would like to express my thanks to the Members of the National Assembly for their support and their assistance to me during the course of the past five years and during the life of this Parliament.

I think that members will agree that over the latter half of this Parliament a great deal has been achieved in terms of the functioning abilities which have been established. Those achievements are the achievements of the Members of the National Assembly and without your support it would not have been possible.

I just want to say that there is a lot of criticisms about the functioning of the National Assembly, I do not think those criticisms were related to the administration, but I want to point out that during the past two years a large numbers of Bills have gone to Special Select Committees and

during this time the work of the Sectoral and other committees have picked up significantly. Now I do not think that those achievements would have been possible without the reforms which have been supported by both sides of the House. So I would like to thank you for those efforts and for me personally, I would like to thank all Members of the National Assembly who have participated and supported the work. But there are some who have done so more than most and without detracting from those who have made a great effort to lead the way, I just would like to mention Honourable Minister Mr Reepu Daman Persaud on the government side and Mr Lance Carberry on the opposition side for their unstinting support and their very hard work in promoting the reforms to the National Assembly. *[Applause]*

I would also like to thank Mrs Sheila Holder for leading the way in terms of how a MP should proceed, I think she has asked more questions than any other member of Parliament which is a significant advance. And I would also like to thank my colleague Mrs Clarissa Riehl, the Deputy Speaker for her support. Thank you very much. *[Applause]*

PRESENTATION OF PAPERS AND REPORTS, ETC.

- (1) *By the Speaker of the National Assembly (Chairman of the Standing Orders Committee):*

The Report of the Standing Orders Committee of the National Assembly on the Draft Standing Orders.

- (2) *By the Attorney General Minister of Legal Affairs*

The High Court (Amendment) Rules No. 1 of 2006.

Tuesday, 2 May 2006

Hon Doodnauth Singh: Mr Speaker, the rules of the High Court can be amended under the High Court Act and in the exercise of the powers conferred on the Rules Committee, which is comprised of:

- the Chancellor;
- Justice Claudette Singh;
- La Bennette;
- Sita Ramlall; and
- Ms Jagnandan of the Attorney General's Chambers;

together with Advisers:

- Nigel Hughes;
- and Rafiek Khan.

Rules have been enacted and those rules were signed on 29 April 2006. Mr Speaker those rules are substantial rules and basically they deal with the establishment of the Commercial Court with which I know you have a particular interest and I therefore present those rules as having been properly made by the Rules Committee.

The Speaker: Thank you Honourable Attorney General and Minister of Legal Affairs

MOTIONS RELATING TO THE SITTINGS OF THE NATIONAL ASSEMBLY AND MOVED BY A MINISTER.

(1) **SUSPENSION OF STANDING ORDER NO. 46(3)**

BE IT RESOLVED:

That Standing Order No. 46(3) be suspended to enable the Assembly to proceed at its sitting on Tuesday, 2 May 2006 with the second readings and the remaining stages of the Constitution (Amendment) Bill 2006 and the Justice Protection Bill 2006.

Mr Speaker: The Honourable Attorney General and Minister of Legal Affairs.

Hon Doodnauth Singh: May it please you Mr Speaker, the Constitution (Amendment) Bill-Bill No. 20/2006 seeks to amend Article 61 of the Constitution and in effect it seems to extend the period of time to the holding of an election after the dissolution of Parliament ... *[Interruption]*.

The Speaker: We are not there yet, Honourable Member. You are required at this point to move that Standing Order No. 46(3) be suspended before we can proceed with the Bill, just as stated in your Order Paper. Look at your Order Paper, if you have one. *[Interruption]*

Hon Reepu Daman Persaud: Mr Speaker, I wish to move that Standing Order No. 46(3) be suspended to enable the Assembly to proceed at its sitting on Tuesday, 2 May, 2006 with the second readings and the remaining stages of the Constitution (Amendment) Bill 2006 and the Justice Protection Bill 2006.

Question proposed

Mr Robert HO Corbin: Division.

AGAINST

Mr Carberry

Mr Corbin

FOR

Mr Dev

Mrs Melville

Mrs Holder

Mr Ramjattan

Mr Neendkumar

Mr Mustapha

Dr Lall

Mrs Sukhai

Mrs Sahoye- Shury

Mr Rajkumar

Mr Mohan

Mr Lumumba

Mrs Edward

Mrs Chandarpal

Mr Chand

Mr Alli

Mr Ramotar

Mr Belgrave
Mr Mohamed
Dr Ramsammy
Ms Rodrigues
Mr Nadir
Ms Shadick
Mr Xavier
Dr Westford
Mr Collymore
Dr Bisnauth
Mr Baksh
Mr Kowlessar
Dr Jeffrey
Ms Teixeira
Mr Rohee
Mr Nokta
Mr Persaud
Mr Hinds

Motion carried.

(2) SUSPENSION OF STANDING ORDER NO. 76(5)

BE IT RESOLVED:

That Standing Order No 76 (5) be suspended to enable the Assembly to proceed with the motion for the adoption of the Report of the Standing Orders Committee on the motion to approve the Draft Standing Orders.

The Speaker: Honourable Minister of Parliamentary Affairs there is another Standing Order.

Hon Reepu Daman Persaud: Mr. Speaker, I wish to move that Standing Order No. 76(5) be suspended to enable the Assembly to proceed with the Motion for the adoption of the Report of the Standing Orders Committee on the motion to approve the Draft Standing Orders at this meeting in support of both sides of the House.

Question proposed, put and agreed to.

Motion carried

Tuesday, 2 May 2006

Honourable Members, we can now proceed with the next item on the Order Paper.

PUBLIC BUSINESS

BILLS - Second Readings

**CONSTITUTION (AMENDMENT) BILL 2006 – Bill No. 20/
2006**

published on 2006-04-26

A Bill intituled, an Act to alter Article 61 of the Constitution in accordance with Article 66 and 164

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

Hon Doodnauth Singh: Mr Speaker, Article 61 of the Constitution provides:

An election of members of the National Assembly, under Article 60 (2), shall be held on such day within three months, after every dissolution of Parliament as the President shall appoint by proclamation.

Mr Speaker, in view of the fact that the Elections Commission had indicated that they were not in a position to ensure that the elections could

Tuesday, 2 May 2006

be held before 30 August, the Government has taken the decision to seek an amendment of Article 61. That amendment is a rather brief amendment and it seeks to enlarge the time from three months to four months.

Mr Speaker, I have, a few minutes ago, seen the circulated proposed amendment to Bill No. 20/2006, which is to be moved by my learned colleague, the leader of the opposition. The amendment which has been circulated and I shall read the amendment, because I will seek to give an explanation with the position that we will take. The amendment says:

Renumber Article 61 by treating the existing Article 61 (as amended by the Government's proposed amendment) as paragraph (1) and insert as paragraph (2) the following :

(2) Paragraph (1) shall have no effect until Article 69 of the Constitution is altered to permit one month to elapse between the date of an election of members of the National Assembly and the first Sitting of the National Assembly.

Mr Speaker, Article 69 provides as follows:

Each session of Parliament shall be held at such place within Guyana and shall begin at such time (not being later than six months from the end of the preceding session if Parliament has been prorogued or four months from the end of that session if Parliament has been dissolved) as the President shall appoint by proclamation.

Mr Speaker, I anticipate that this amendment is seeking to give an extension whereby after the holding of the elections, within the four months, there is an additional period, but

Mr Speaker, I can assure you that we have considered all the relevant Articles of the Constitution, and we have been assured, especially recently in view of a decision which has emanated from the Privy Counsel, with respect to the situation in Trinidad and Tobago, when the results of an election was 18-18.

Mr Speaker, in addition to the judgement of the Privy Counsel, we will place great reliance on the first instance judgement of Justice Mark Mohamed, and the Court of Appeal of Trinidad. I can assure my learned colleagues of the opposition that we will not in anyway be hampered by restricting ourselves to the holding of elections within four months. I know that they may not find my statement a satisfactory explanation, but I can assure them at the appropriate stage the situation will be dealt with.

Mr Speaker, in addition, the amendment seeks the following:

Provided that this amendment shall not take effect without the consent of all political parties represented in the National Assembly expressed in writing, will be President

As you will appreciate, Mr Speaker, that is a political matter and it is outside the ambit of the constitutional issues with which this amendment seeks to deal.

Mr Speaker, in those circumstances, I move that the Second reading of the Constitutional Amendment Bill 2006-Bill No.20/2006, be proceeded with.

The Speaker: Thank You.

The Honourable Member Mr Corbin

Mr Robert HO Corbin: Mr Speaker, there is no doubt, dark clouds hover over Guyana. Today, we have confronted or rather affronted with an attempt by this administration to present unilaterally a Bill to amend the Constitution, under the guise that this amendment is a simple amendment. I noted how my learned colleague has been (I should say) noted with the brevity with which he presented his case to this Honourable House this afternoon. I do not want to venture into the reasons for his brevity, but I think it will be an act of deception to the people of Guyana, if we were to pass this Bill as though this Bill is an isolated occurrence without taking into account the circumstances which led to this situation.

This situation has not arrived upon us like a thief in the night. This situation was foreseen a long time ago, in adequate time for the relevant agencies in Guyana: the stakeholders, political parties and the constitutional body with responsibility for elections, to seek to arrive at some common accord to ensure that what we do in relation to the important area of General Elections in this country will receive full support of all the stakeholders.

At the outset, let me say I do not propose to enter into an argument with the learned Attorney General on the legal justifications which he has presented to this House, suggesting that all is well, but I believe that the learned Attorney General must also know that a Constitution cannot be interpreted in isolation, but has to be interpreted as a whole, within the context of other provisions. And to seek to amend a single provision, without recognising that there is a structure in the Constitution which could be affected, if an Article is amended it will have direct impact on other sections of the Constitution. I believe it is insufficient to suggest at this stage that there might be legal recourse if problems arise when with proper and objective assessment to any legal mind it is clear we are tampering with the structure of the Guyana Constitution as envisaged by its framers and as the newspapers (I think correctly) headlined, SEEKING TO USE LOOPHOLES (if it could be considered such) to avoid the reality of what the constitutional framework of Guyana demands.

This is no loophole, the framers of the Guyana Constitution, knew full

well that it was not necessary to make this an entrenched provision, because they recognised that to attempt to tamper with it, would bring those who attempted to do so in conflict with those provision which required two-thirds majority support in this Parliament. And so Article 61 cannot be read in isolation of Article 69. It is clear that the whole intent of Article 61 in relation to Article 69 was to provide an adequate framework as that at the end of an election, there is a month leeway to provide an opportunity for the new government to be established. Clearly, however, there are other provisions and I do not intend to deal at length with that today, I think this is a matter that will be attracting the attention of the Guyana High Court, and if possible the Caribbean Court of Appeal within a few days, so I do not want to use this forum to deal with the legal arguments. I will leave this for learned counsel from whom I have received, I believe, competent advice. So I do not speak here as a learned counsel. I speak as a politician today and not as a lawyer. I will leave the legal arguments for the legal luminaries in the court, but I believe that I have received sufficient advice to suggest to this Honourable Assembly that to proceed with this amendment of the Constitution without attempting to address other provision which deal with the structure of the Constitution would be unconstitutional. We on this side of the House, the People's National Congress/ Reform, will not be associated with any knowing attempt to undermine and violate the principles of the Constitution, hence our minimal presence in this House today to make this point.

In the hope that the Government having seen the amendment that we have proposed, in the hope that it would alter the legal minds to address those issues that they have brought to their attention and hopefully return to sanity, so that together, we can map out a course of action that can promote the development and harmony of our country. But the Honourable Attorney General, has outlined (what he I believe had said a few moments ago) the position of the Government that there is no need to worry, everything is fine and he quoted a few cases. As I have said, I do not intend to deal with that today but I have said sufficient, I believe, Mr Speaker, that Article 61 or the attempt to amend Article 61 without attempting to address those other provisions, such as Article 69 and a few others will be clearly a breach of the Constitution.

Tuesday, 2 May 2006

But more than that, Mr Speaker, the issues which confront the amendment of Article 61, even if it was not Constitutional, poses serious difficulties of logistics, which could be foreseen at this moment, because as I see it, even if it was unconstitutional, what in fact, this Amendment is attempting to do is to suggest that if assuming the Parliament is dissolved at midnight tomorrow night, I believe that might be the correct time and I stand guided by you, then time will begin to run and if we calculate that time, it run will to 3 September, a date which the Commission or rather three days before an alleged communication from the Elections Commission that they would be ready to have elections by that date. So all of this flows from this authoritative statement from the Elections Commission, but it also means, even if that deadline was to kept, you are faced with a situation where you are saying that this Parliament has to form within three days.

A few weeks ago, we have passed a legislation to provide up to fifteen days for the election results to be announced. Well, having regard for the track record of GECOM to date, I think,

we can foresee difficulties way ahead, but the Government, the Attorney General, the politicians in the party forming the government, who must be advising them, must know that there is little logic in relying on that sort of timeframe. So we are knowingly moving into a situation in which we know that there will be a constitutional infringement in the future, or some recourse will have to be taken to correct a foreseen constitutional problem. Again, I will leave it to the legal luminaries to know whether that can really be classified as an emergency or whether the doctrine of necessity will apply, I do not know. But here we have a situation where the consequences of one's action could be foreseen before this Parliament is dissolved. And rather than seriously addressed those issues, we have pushed it under the carpet, and face the electorate and the people of Guyana, as though this is a simple matter. But Mr Speaker, it is no secret that at this very moment, there are problems with the constitutional body - the Guyana Elections Commission, the constitutional body that is required to hold these elections by that given date. It is also no secret, based on information made public, in a press confer-

ence by three members of the Elections Commission, circulated correspondence from them that one of the reasons which caused the problems, which exist at the moment, is that those Commissioners were concerned about the timeframe and timetable for the fulfilment of certain electoral objectives that were forwarded to His Excellency the President.

In that correspondence which was made public and the reaction to which I am rather surprised that more concern has not been shown, those Commissioners have said that the timetable cannot be relied upon, because even as it was being forwarded to the President, certain tasks highlighted in that timetable in terms of timelines had already slipped. They were unprepared to expose their integrity and their reputation on a document, which they knew before it was sent was questionable in terms of the timeframe, and requested that it be examined properly. But instead, I was advised that by majority vote that the Elections Commission proceeded to send this unapproved document, I repeat, for the Hansard - unapproved document - according to what was sent to the President in terms of the timetable. So this National Assembly is not unaware of these facts. What is more Mr Speaker, those Commissioners have pointed out that one of the reasons for their dissatisfaction with respect to that timetable presented to the President, which suggests that elections will be held or could be held reasonably be the end of August, that timetable does not take into account verification, which is an essential element of a credible voters' list.

They have said that it would be wrong for them to associate themselves with a breach of faith, because they are aware of the commitment, which have been given by the Elections Commission, at least to the parliamentary opposition parties over the last two years. There has been a lot of public debate about the commitment to this issue and I am forced to tender for the records of this House, a letter dated 15 February 2006, to me, Robert Corbin, Leader of the People's National Congress Reform, and signed by Dr RS Surujbally, A. A, Chairman of GECOM. I will read this for the records, because there have been all kinds of variance of opinions and the question of verification has become more of a political

football rather than being examined within the context of a commitment made at the time when we agreed as a political party to forego a complete house-to-house registration in lieu of a verified OLE to ensure that there is satisfaction with the new records that will form the new National Register, that will not again have any opportunity to be verified. *[Interruption]*

The Speaker: Mr Corbin, I do not want to stop you unduly, but I do not believe that the issue of House-To-House Verification, which has been ventilated in this House for about four occasions over the past year or two is an issue connected or directly relevant to the Constitution Amendment Bill.

Mr Robert HO Corbin: Mr Speaker, I have always abided by your ruling, but I trust that you will give me an opportunity to explain its relevance. Its relevance, Sir, has to do with the fact that one of the reasons advanced for the hiatus in the present Elections Commission at a time when they advised His Excellency, that elections could be held by August 30 was because three opposition Commissioners have said publicly that this timetable is in jeopardy and they cannot support it easily unless a commitment of verification is there. What I am trying to point out is that there are still outstanding issues that will have to be resolved, whether we like them or not. And I am quoting from a letter, because as I said, it has been bandied about in the media, that the People's national Congress/Reform and for that matter the parliamentary opposition parties, have somehow been the authors of this idea of verification, and that we presented these proposals to the Elections Commission. We never did, it is the Elections Commission that presented options to us which we chose, but this is the letter.

After some time the Chairman of the Elections Commission wrote us on February 15 and this is in response to a meeting which we had with him

Tuesday, 2 May 2006

on the 12 December 2005. We got this letter from him on 15 February 2006:

Dear Mr Corbin,

Attached you will find the various steps 1-6 that the Commission have agreed upon relative to the methodology associated with the purification of the 2001 Official List of Electors, as well as step 7 which is still under discussion by the Commission. Today at the GECOM debriefing, these various phases of our activity were shared with the journalists.

So it is not only us he was telling but he had already told the journalists

You may wish to peruse steps 1-6 and share with the Commission your thoughts on the step we proposed. You would notice that the document is still being considered a draft.

And attached to this document is a three page proposal which I do not intent to read. Steps 1-6, but step 7 which was being discussed, I must quote:

Step 7 draws an appropriate stratified random sample of the unverified on the OLE and conduct house-to-house visits to establish existence and residency, on the basis of this sample extrapolates the findings to the larger unverified group.

And this attached proposal is signed by:

Mr Gocool Boodhoo,

Chief Elections Officer

14 February 2006

I place this on record, Speaker, since again it might be misunderstood,

that perhaps the members nominated by the opposition to the Commission have perhaps been unreasonable, but here we have a document from the Commission, since this document has been received by us, at least the People's National Congress Reform, and I believe, I can speak for some Parliamentary Parties, have received absolutely no further information from the Elections Commission, not even a phone call from the Chairman to explain what has become of the discussion of this stratified sample, and what he says here, *conduct house-to-house visits*. All we have heard since then, Mr Speaker... that is why we should have had some proper presentation from the Commission, to important stakeholders as to what they were doing, because we are important stakeholders and if they are to participate fully in this process, then everything must be transparent. That is what the MOU which was approved in this House demanded, that the parties to the Memorandum of Understanding, which was signed by the donor community, the Government of Guyana, and GECOM - transparency, consultation and confidence building measures are all enshrined in them. One wonders, whether having regard to what I have just outlined to you, that since 15 February - we have no official communication after representation was made on the 12 December. We are a party serious about these elections, we have spent millions of dollars in the field and the PPP/C is only stifling their conscience. They are in the fields and they must know the PNCR is also in the field, so you can fool the public so you can dance that we are not ready for elections, you will get some surprises, if indeed verification becomes a reality. One would think that it is basically so simple to develop confidence in this process if one would be informed about what is happening. I do not want to talk about matters about confidence building, but I read in the papers that the leader of The United Force was complaining bitterly that he has not got a hard copy of the list. Well, according to the papers, he got the electronic copy before the PNCR, so I wonder which parties he was referring to in his release that he knew got electronic copies before him. I would like to know because at the time he made his release, we have got no hard copy of the voters' list, so he must know who got it, I would hope. If he is speaking today, he would tell us who he knew got hard copies of the list at that time. *[Interruption: 'You*

got it now.'] Yes, we got it now. It was released this morning from the Elections Commission. That is what my scrutineer told me. Where is this electronic copy that he is complaining about? The point I am making is that if an air of transparency was prevalent in the work of the preparation of these elections, many of the issues which have become burning issues may have never been present. But we are here in Parliament being oblivious to the fact that there are serious problems. As I said, this is not a secret that we have problems. The government was forewarned of these problems since September of last year. I have made three addresses to the nation having encountered the many problems in dealing with the issues surrounding these elections and sought to encourage stakeholders to pay attention to the jeopardies that were likely to confront us if certain issues were not addressed. Mr Speaker, on 2 September 2005, not 2006, Mr Speaker, on 2 September 2005, I made an address to the nation having had difficulties in communicating our message to the relevant authorities. [Interruption: 'President in waiting'] Of course! I will quote from what I said then:

The inescapable conclusion is that there are deliberate efforts being made to frustrate the call of the opposition parties for the use of life-scan finger printing biometrics and the conduct of house-to-house verification of the OLE by the creation extended delays to justify an argument that here is not enough time. [Interruption]

The Speaker: Mr Corbin, I regret to say that I am not going to allow you to proceed in this vein, please. What you are saying is important for the country, but it is not relevant to the debate. I understand you claim about the issues you spoke about, but you are going too far and wide beyond the scope of the Bill before the House.

Mr Robert HO Corbin: Mr Speaker, again I always stand by your ruling, but in terms of justifying that reference, I am trying to make it clear and for the records to point out that the government cannot rely on the doctrine or the thought that there is an emergency or that there is any doctrine of necessity, because this situation has just suddenly arise. I am

trying to point out that there were warning signals since November 2005. I can point out that in February, I drew attention again to certain urgent developments that were taking place at the level of the Elections Commission, which I believe, ought to have been taken into consideration by a responsible government that is concerned with elections. I have also had the opportunity to meet with the highest officials of this land, but since I do not want to be ruled out of order again that the President cannot be referred to, I am constrained into revealing the fact that there were efforts made to draw to the highest level of this administration the serious jeopardies which we face and express willingness to work for solutions to the problems. Mr Speaker, it is clear from the approach of this PPP/C administration that once their lawyers had advised them that there is a possibility of avoiding certain realities of dealing with the real issues, then they abandoned all intentions to have a consensus to ensure that we move forward together. As I said, I do not want to go into that, but it is know that since 1992, and this is relevant or should I say 1990, we set a precedent in this country after a long campaign by the People's Progressive Party and other forces in to have electoral reform. Prior to that we had a history of electoral problems, unrest, riots and disturbances, burning of cane, blocking of the streets and creating disturbance on election's day. A reflect of 1973, the blocking up of all the roads in Canals, Black Bush Polder, because people were dissatisfied. *[Interruption: 'You kill too. ']* That is why you celebrate the ballot box martyrs. How did they come about? Because there was a struggle by you while you were in opposition for what you consider to be free, fair and transparent elections and a proper voters' list. I remember a voters' list being burnt in Croal Street by political parties, not by the PNC, because the voters' list ... *[Interruption: 'Was a bogus list. ']* ... You helped to burn it. So, here we have a party with a history of struggling *for a good voters' list*. In 1990, the PNC Administration agreed to review the electoral system. *[Interruption]*

The Speaker: Your time is up, Honourable Member.

Mr Lance E Carberry: Mr Speaker, I am asking that the Honourable Member be given fifteen minutes to continue his presentation.

Put and agreed to.

The Speaker: You may proceed.

Hon Robert HO Corbin: Electoral reform was the order of the day and so the PNC administration, even though they claimed that it is under pressure or whatever have you, the reality is that the People's National Congress/Reform government agreed to sit around the table ... *[Interruption: 'You had no other choice.']* We had a lot of choices ... *[Interruption: 'You had none']* Well, let us hope that you have. ... to ensure that the elections were run without rancour and issues which were of concern were addressed. In order to have that settled the elections were rescheduled for almost two years and reforms were put in place. By that straight act of fortune the PPP assumed office. I would not deal today of how they squandered that opportunity to put into place all those great promises over the years that they have brought our country to the dogs today. I would not deal with that today. But the reality is that having achieved political office the electoral reforms went full cycle that we had to keep struggling and struggling for it unto to 2001; the Herdmanston Accord should have been implemented and so on. So, we are faced with a situation where we agreed to have in place a system that would eliminate for all times the controversy surrounding a voters' list. We agreed by consensus to have a new system that would be beyond controversy, a list that you do not have every election to run to prepare and revise, a list that you would be constantly revising. And so we said that to start something that is new or a new system (do not mix it up with anything that was controversial in the past) we should turn a new leaf, that was original position.

Therefore, one would have thought that having arrived at a very clear position by all parties concerned, we have come full circle to a renegeing on commitments made. You expect that a responsible party like the People's National Congress Reform would take such bad fate by fighting when we are seeking to promote an environment in which the people of this country could be assured of moving forward.

Mr Speaker, as far as I can recall since 1992, when we began to examine reforms and legislation as it relates to electoral matters (I believe, it can be called a convention, but I may be considered too expectant) we have developed almost a convention where we have tried to arrive at consensus before we proceed, because we all recognised that these are important issues upon which the stability of our nation rests; because if there is grave dissatisfaction on the very elemental principle of adequate representation you are bound to have dissatisfaction between the people of your country and the various stakeholders within. Here we have a glorious opportunity to work for a consensus, but what do we find, in the same manner that we have had some of the trade union bills rushed through this Parliament without serious consultation that took into account the views of the workers, in the same manner this important piece of legislation amending the fundamental law of the land is being rammed down our throats without any serious attempt to find consensus.

So I want to say to the Honourable Members of this House that Guyana is a land with great potential, we have resourceful people and we have an opportunity to harness those resources and to use that potential to really move forward. But there cannot be peace without justice because justice is the foundation for peace, Mr Nokta. That is why today, you are seeing thousands of people in the United States exercising what they consider their democratic rights. Are they criminals? So this assertion (I would like to use another word, but the Speaker would rule me out of order) about whenever people of Guyana exercise their democratic right to demonstrate and picket, which is a right guaranteed under the Constitution, they are branded as criminals, vandals, thugs and that is why we are criminalising the nation, because we are mixing up and confusing legitimate protests, legitimate expression of views guaranteed by the Constitution with criminality. That is why the Minister of Home Affairs will have a hard time.

Mr Speaker, the Honourable Member Mr Rohee must have looked at his television over the last two days. Right in the United States, the legislative body of that country is seeking to impose certain immigration reforms which affect the rights of many citizens and their relatives who

have contributed to the development of that country. What have the people of the United States done? They have exercised the right which the Constitution of that country gives them to assemble in hundreds of thousands with banners around the country to express disapproval, as they can only do outside of an election, so that there can be an assessment that their actions which they have taken are within the law and the Constitution.

I have looked around the world where there are environmental issues, where people are dissatisfied and the people of that country exercise their right to protest, but I do not see policemen shooting them down with bullets.

One of the problems we have had in this country is that we sometimes treat decent citizens as criminals when they attempt to exercise their constitutional rights to express their views. Of course, some of them are afraid to speak, because they could be victimised in their businesses, victimised in their jobs and victimised in opportunities which will deprive them. and we are becoming a Gestapo state. I make this point to suggest to the Minister of Home Affairs, that we evaluate very carefully how we deal with the situation in this country, so that we can distinguish between criminals and people who are seeking justice and bread in this land. I do not want to go about with the many teachers and many decent people who are in the prisons right now picked up without any reason. I mentioned this to say that heckling me and saying that we are going to have progress with peace, I am suggesting to you that we hold in our hands the tools which can create an environment where every citizen irrespective of race, colour, creed, religion or sex will feel that they have an equal opportunity to share in the benefits in this country and to exercise their democratic rights to participate in a free, fair and transparent election. So we cannot support this attempt to avoid the realities of our Constitution. We will not participate further in this violation of the Constitution. I hope that the Honourable Members of this House having been apprised of the fact that we are in fact seeking to circumvent our fundamental law will not treat it as we have done before, proceed to breach the law and then come back later to correct it.

Tuesday, 2 May 2006

I pray that the Attorney General will use his good legal knowledge and experience to let his guidance prevail in this administration so that we can move Guyana forward in peace again. Thank you.

The Speaker: Honourable Minister of Health, are you speaking next?

Hon Dr Leslie S Ramsammy: Yes.

The Speaker: You are permitted to reply to everything Mr Corbin has said including the rights of teachers, the rights to demonstrate and so on.

Hon Dr Leslie S Ramsammy: Mr Speaker, Mr Corbin tried to valiantly paint a picture that in moving this amendment to the Constitution, we have acted arbitrarily and out of the constitutional boundaries. He was wrong.

Mr Speaker, Mr Corbin was unable to show that we are breaching the Constitution and meandering in territories far outside of the business we have in this House today. But you know that this country is a different country from the country that Mr Corbin seems to remember, because he was an intimate part of that country. In fact he presided over some of those things that he talked about.

This is country where we have the freedom to speak our minds in and out of this House. This Government has guaranteed that. Every day on television, Mr Corbin and his members and people of diverse background are speaking their minds and nobody is being penalised for speaking their minds in this country. Because this is a free country and in this is the country we have been the architect of democracy. We took a country in which:

- there was no freedom;

- there were rigged elections;
- people were murdered and beaten for standing up for their rights.

I want Mr Corbin to know that when those two young men - the ballot box martyrs - were murdered, in this country, I was one of the young people who was there with bayonet on my head for standing up for our rights. We must never ever forget those. and we must never permit people to come into this House and misrepresent the facts.

We have a country today where we can discuss our electoral system, because we live in democracy and we live in freedom in this country. That is why we have a right to represent our cause and we have a right to lobby for what we see that are necessary.

Mr Speaker, in any democracy, we try for consensus and when we do not achieve consensus, we vote. That is the basic tenet of a democratic state. Sometimes we are force on a vote to go by majority decision. In every country, in CARICOM, in Europe, in North America, that is how it works. We try for consensus and when we do not have consensus we vote. We do that in this House every time we meet. We try for consensus and when we cannot have it, we vote.

The Bill before us, to amend Article 61 in order to provide GECOM with the extra time that they themselves have said that they needed to complete the arrangements for the elections which are due constitutionally by 3 August 2006 is a simple one and indeed it is within the ambit of this House to pass by a simple majority. Let me reiterate this fact. That in supporting this Bill to amend the Constitution and to delay it for a short period, we do this reluctantly. Mr Corbin is right. We should not be amending the Constitution without having compelling reasons. I can see the need for amending the Constitution, but we must always be reluctant to take that pathway or that direction. I am disappointed, Mr Speaker, and I believe that all of us are disappointed ... *[Interruption: 'Disappointed in you.']* Do not worry with Mr Carberry, there are many

persons who are disappointed in you.

Mr Speaker, after years of preparation for this election, GECOM finds itself in a position that it still needs some extra time leading to this situation. Mr Speaker, we have established an independent Commission and we on this side of the House will go according to the advice we get from GECOM, who is in charge of the elections and they have said that they require extra time to amend the Constitution under these circumstances, I believe that we have no alternative. But Guyana has fought long and hard for free and fair elections. We must not get into the habit of moving elections date around so that the Constitution deadlines are not met. The Constitution is very clear to hold elections every five years. It is a sacred principle as any other; it is just as important as having a legitimate voters' list. It must always be sacred by holding elections on time and we must always endeavour to put in all the efforts that are necessary so that we will always hold elections on time. The fact is we knew since 4 May 2001 when elections are due and we have been working towards these dates, we must focus on inspecting those dates.

The Government of Guyana would like to make it very, very clear that at no time did we by our actions contribute to any delay. At all times, our efforts, our intentions and our desires were very clear that elections must be held on time.

Mr Speaker, Mr Corbin went into dangerous territory. He talked about the commitment for free and fair elections. We, on this side of the House stand proud because we fought for free and fair elections and we have fought for to defend the rights of people to exercise their votes - one person one vote. We have fought for that right.

We have come from a sordid past and most for this we have never been doubtful.

Mr Corbin spoke about the burning of the voters' list. Yes, I knew, I was on Croal Street when the list was being burnt, but Mr Corbin knows about that list. It was the most bogus list you could ever craft. It

was crafted in Congress Place. [*Interruption: 'Why are you resisting cleaning this one?'*] I am coming to that.

Mr Speaker, we have worked assiduously on this side to build a democratic state and we will continue to do so. It is for that reason that the various articles of Guyana's Constitution that affect the timeline (in our Constitution there are many of those articles) some that can be changed by collaborative work that requires two-thirds majority, but at least Article 61 can be changed by simple majority. The only article that affects the timeline that could be changed by a simple majority is Article 61. But there is a subtle attempt to misrepresent what we are trying to do. This Article cannot extend the life of Parliament and cannot introduce a significant delay in the elections date. Indeed the framers of the Constitution ensured through Article 69 that a time limit for such a slight delay does not exceed one month. Article 61 establishes the deadline of three months. We seek to extend that to four months. The crafters of the Constitution have taken into fact that elections might have to be delayed for short periods. It is for that reason that they provided an avenue for a slight delay. As I said, Article 61 catered for such delays by allowing a short extension of the period from dissolution to election. The government only needs a simple majority in the Assembly to affect this amendment. Mr Corbin referred to the newspaper article that said that this is a loophole that the government has found. Mr Corbin, it is not a loophole. In fact, it was the intention of the framers of the Constitution that the government could use its majority to provide the elections body with the flexibility to cater for any kind of administrative slippages that may necessitate holding elections slightly beyond the constitutional deadline. It is a recognition that should administrative delays by an independent body was to cause a slight delay, the government could avoid an impasse and the country would not have to suffer through a situation where unreasonable demand could lead to paralysis and to crisis.

Guyana's Constitution can be amended, Article 164 establishes the various mechanisms by a simple majority, a two-thirds majority or a referendum.

I am glad that Mr Corbin concedes, Article 61 was deliberately left as an article that could be amended by a simple majority. It was the intention of the framers of the Constitution. It was not an oversight and I demonstrate that it is not an oversight like some of the people who claimed that it is a loophole, because if it was a loophole it would have been an oversight. The fact of the matter is that there was a process called the 1980 Constitution, where politicians, experts, lawyers, constitutional experts and so forth examined this and established Article 61 as something that could be dealt with by simple majority. But I will bring it closer to our time.

In 1994, we had a process of consultation for constitutional reform in which many of us in this Parliament participated.

After the 1997 elections and the Herdmanston Accord, a new intensified process of constitutional consultations occurred leading to the Oversight Committee. Several members of the opposition were on both the Constitutional Reform Commission and the Oversight Committee. Indeed, in the constitutional reform process one of the articles that specifically came up for discussion was Article 164, because some people wanted to examine all the articles to see whether the mechanism for amendment was appropriate. And so the discussion came to Article 61 and it was agreed by all the brilliant lawyers, by all the experts and by civil society that Article 61 should remain in the category of articles to be amendable by a simple majority. So it was not an oversight. We specifically addressed it because it should be noted that the decisions to leave the provisions in Article 61 to be amendable by a simple majority was taken at the Constitutional Reform Commission by a consensus vote. Everyone agreed and I can name some of the people who were on that Commission and who agreed that it should stay as amendable by a simple majority. Mr Speaker, we remember people like:

- Mr Haslyn Parris,
- Mr Vincent Alexander,

- Mr Bernard,
- Dr Roopnarine

people from civic society:

- Ms La Rose,
- Ms Trotman,
- Mr Fitzpatrick,
- Rev Haley,
- Mr Kirton,
- Mr Collins,
- Mr Bhookmohan,
- Mr Mahadeo

together with:

- Minister Reepu Daman Persaud,
- Mrs Sahoye-Shury,
- Mr DeSantos, and
- Mr Speaker was the Chairman. *[Interruption]*

The Speaker: I was not on the Oversight Committee, Honourable Member.

Hon Dr Leslie S Ramsammy: No, on the Constitutional Reform Commission. I was on the Oversight Committee.

- Mr Carberry participated.

Let us not try to misrepresent the fact that that this is an after thought, it is a loophole that we found, it was a very deliberate decision that we found on the part of the crafters of the Constitution. There were several reasons why this was left to a simple majority.

Mr Speaker, Articles 161, 161A, 162 ensured again that together we created a mechanism, where elections in this country are run by an independent body. National Registration is no longer in the hands of the Ministry of Home Affairs where they play games with the registration. Every aspect of elections in Guyana is under the jurisdiction of Guyana's Election Commission.

Therefore, the National Assembly - the Parliament - does not have control of the pace at which Guyana Elections Commission works. We hope that they would assume their constitutional mandate and take responsibility to continue their work and complete it on time. But we need to also ensure that should slippages occur in their work that we could facilitate some of those slippages.

Article 61 is not meant to be used in order to unnecessarily and unreasonably extend the life of government or the life of Parliament. It is meant to provide merely a flexibility to enable GECOM to conduct elections on a timely basis and only caters for brief delays.

The PPP/C government in bringing this amendment is not seeking to extend its life through some backdoor means that though we are aware that there are others who would like to use backdoor means to assume power. We are going to the people and we will seek a new term, not an extension of an old term. We are confident that we can go to the Guyanese people and make our case and we will have a new term. We already have an advantage and the advantage is the work that we have done in the last five years; a work that will ensure that the people of this country return this government to power. *[Interruption: 'Do not fool yourself, look at the mirror.']* I am, every day, Mr Corbin.

We are prepared to ensure that every conceivable reasonable measure

possible to prevent anyone voting more than once and voting only for him or herself is adopted for elections day. We are prepared to engage experts, but we are not prepared to delay elections for a period that even the Constitution did not cater for. Moreover the Constitution ensures through the combination of Articles 61 and 69 that a lengthy delay would not be encouraged.

Mr Speaker, it is our position that elections must be held every five years. There is a need for all of us to work together. We accept that we must be diligent in our efforts that we can work together, but we must not say one thing and do something else. We must not urge all of us work together and then take to the streets and threaten people. We must not go about taking that unless we have our way, there will be no peace in the country, because you are giving notice to the ordinary citizens of this country. Mr Corbin is right, they are holding meetings and we know what they are saying on those public meetings and the threats that are being issued.

Mr Speaker, Mr Corbin spoke about verification. He said that there is no verification going on. Let us make it very clear. First of all, the new PLE is made of both names on the 2001 OLE and names of new registrants and people who sought transfers from the recently concluded continuous registration. I hope there is no dispute on the fact that all the new transactions that occurred during continuous registration have undergone verification, though there is a few, but as far as we know none of the unverified transactions appear on the new PLE and that is an agreement that was made within GECOM that unless they verified the transactions, those transactions will not be reflected on the new PLE.

Let us therefore come to the other part of the PLE, the names from the 2001 OLE. It is an absolute unequivocal misrepresentation to say that that is an unverified list. First of all, every name on that list represent a real person, because everyone of those persons whose names appeared on the 2001 PLE showed up and verified their particulars and took their photograph. You, Mr Speaker, showed up and verified your particulars and took your photograph; I did, the President of this country, Mr Corbin

did, Mr Carberry did, Mrs Holder did, all of us did verify our particulars, took our pictures and showed that we were real persons. So that is the first thing to bear in mind. So we are not talking about fictitious characters, we are not talking about horses in a barn. We know that story from our sordid past. Mr Corbin knows that story about the horses in a barn that appeared in a bogus voters' list. But the 2001 voters' list was a list that contained real persons who ought to show up and for those persons who did not show up on the 1997 registration, they have their names omitted from the 2001 list. Some of those persons have died. In the new PLE, the persons on the 2001 list that died have been expunged from the list. There has been insistence from some quarters - the PNC/R - that there have been multiple registrations in 2001 and yet at no point in 2001 pre-election, post-election, could they have demonstrated any of the multiple registrations. None of them they could not have done. Since then a number of other tests have been done on the list that they could not pick up the duplications. *[Interruption]*

Mr Robert HO Corbin: On a Point of Order, Mr Speaker, the member said that at no point there was any evidence. There was evidence and matters were sent by the Elections Commission to the then Commissioner of Police, Mr Laurie Lewis, who said that he could not prosecute because he had difficulty with the finger prints. There was clear evidence of double registrations which were brought to the attention to the Commissioner. At Grove there is evidence discovered by the Elections Commission of the same person with three photographs and different ID cards. So do not say that we did not bring evidence we brought evidence and there are many more.

Hon Dr Leslie S Ramsammy: Mr Speaker, there was no clear evidence in 2001, now that the list had multiple registration. The experts went through that list, they went into the communities and they could not find those, but in spite of that, I was one of them who never supported

this claim for biometrics. That was one of the Election Commission's decision that I may not have agreed with, but that is their decision and we all have to live by it.

There is a process going on right now of testing the 2001 list for duplication and also the new transactions through a comparison of the finger print. So when Mr Corbin and others come and say that the Elections Commission is not doing any verification, it is not true, it is a misrepresentation. There is verification. It may not be the verification that they want, because the whole idea of what they are asking for is that they do not have to face the people within a short period of time. They do not want elections. The fact is that even going back to two years, there have been efforts by some stakeholders to ensure that GECOM will not be able to hold elections on time. *[Interruption: 'Name them.']* The PNCR is one of those stakeholders, even though we had more than two years, they keep talking since then that there would be no elections on August 4. We have all heard this not in the last two or three months, we heard this for almost two years, because they knew what they were doing.

Mr Speaker, the fact is that the PPP/C has always had the interest of our people and our country at heart, no other political party in this country has the rich tradition of compromising on behalf of our people and our country at every stage. In fact in 1997, we gave up two years of our term in the interest of our people.

So, Mr Speaker, I want to take up the challenge that Mr Corbin threw; the challenge that we must work together, but let us match our rhetoric with our deeds. Let us not go on the streets and threaten people, let us sit around the table and talk about constitutional matters and then throw conditions, before you talk about it. Let us match rhetoric with deeds. There are many innocent people in this country that are being murdered by bands of criminals, who are being called freedom fighters and African resistance fighters. *[Interruption]*

The Speaker: Your time is up Honourable Member.

Hon Reepu Daman Persaud: Mr Speaker, I move that the Honourable Minister be given fifteen minutes to conclude his speech.

Question put and agreed to.

The Speaker: You may proceed Honourable Member.

Hon Dr Leslie S Ramsammy: Mr Speaker, I will not need fifteen minutes.

The Speaker: The fifteen minutes is just in case you get carried away.

Hon Dr Leslie S Ramsammy: I think that in the spirit of all of us working together, we should recognise that these are difficult times for our country. We should recognise that our people are faced with a dangerous situation and we should not add to the fear and anxiety that our people have. I believe that if we seriously believe in a democratic and free country, if we seriously have our people's interest at heart, we will desist from some of the behaviour that now characterise what we call our fight for free and fair elections. We will encourage people to take up their responsibility with some maturity.

We, in this House provided a mechanism for the independent conducting of our elections through GECOM and we gave seven people major responsibilities. When, some people cannot get their way walked out of the process, they abrogate their responsibilities and they let this country down. We urge, if good sense is to prevail that Mr Corbin and others will use their good offices to ensure that the Election Commissioners return to their work so that we can have a peaceful election in this country and the people can make their judgement. Thank you, Mr Speaker.
[Applause]

The Speaker: Thank you Honourable Member

Yes, Mr Corbin.

Mr Robert HO Corbin: Mr Speaker, it is quite clear that the government is

bent on proceeding with this legislation. Let me place on record that I refuse to be associated further with this matter, but the PNCR stands willing and ready to discuss any serious effort on dealing with the present problems with the country faces at the moment.

The Speaker: Thank you, Mr Corbin.

15:53H

[At this stage the two Members from the People's National Congress/Reform, Messrs Corbin and Carberry withdraw from the Chamber]

The Honourable Member Mr Ravindra Dev

Mr Ravindra Dev: Mr Speaker, I rise to make my contribution to the Constitution (Amendment) Bill - Bill No.20/2006. As with any matter in front of us, there is the text and also there is the context of what we will discuss.

In terms of the text, it is very clear that Article 61 does not need an entrenched majority. Therefore, the Government can proceed with altering that article and be able to pass it with a simple majority.

I therefore want to focus on the implications of the Government proceeding with that. We have been assured by our learned Attorney General and Minister of Legal Affairs that the Government has considered what will flow from this amendment and the Government believes that it has the wherewithal. I assume it is not only the legal wherewithal to deal with those eventualities.

I therefore, want to proceed on to the context of changing Article 61 and

to say in my last presentation to you, Mr Speaker, I made mention of what principle on the gird of institutions, even the Constitution, on which we rely to guide the affairs of this nation. And that this principle was, in a sense, a bifurcated one that some of us believe that the right precedes the good so therefore the right, that which is stated, in terms of the rules of the game ought to determine what is the right way of proceeding and one that takes a very strict interpretation of the rules of the game.

By the Government choosing to even entertain an amendment of the Constitution, and in fact that is what is in front of us - Article 61 is being amended, the Government, therefore, is signalling us that it has a notion of a good taking precedent over the right so one can amend the rules. We therefore should look at the good. What is the good at which the Government, hopefully, is trying to move the laws to take us towards? What is that good? I want to posit, as I did before, that the good that a government and all the institutions that work with the government, such as the Parliament - the good is the general welfare of the people of our country for peace, stability, progress, prosperity and so on. Therefore, when I talk about the context of altering Article 61, I hope that the government is cognisant or has taken cognisance of the implications for that general good. In my estimation, Mr Speaker, and you alluded to the fact that this is our last meeting for this Parliament, but in every presentation I have made, I have tried to make this point that we have been given a mandate by the people to try to constitute matters in our country so that their welfare can be better. So it comes back to me, that if we do not make the changes that will lead to greater stability, we have not performed or fulfilled our task.

In terms of governance, and this is what Article 61 and its change go directly towards, it talks about electing a new government. Mr Speaker, it is common place to state that a government needs legitimacy. A government needs legitimacy for it to govern, because the rules inevitably will not fall in an equal manner on everyone. Therefore, if a government has the legitimacy, the rules are accepted because the government has been given that mandate. I believe, to the extent that the Government can strive for a greater consensus in formulating the rules of the game, so

to speak. It will lead to an enlargement of that legitimacy and therefore, lead to an enlargement of an acceptance of the inevitable inequalities that will befall any country that is as poor as ours and the sacrifice we are making.

I therefore would not spend much more of this Honourable House's time but to again say that as we conclude the business of this House that we reflect upon this; that this might be the very last Act of this Parliament and the question therefore is: will it lead to a greater increase in our stability in terms of the general welfare, in terms of the increase of the general good or will it lead to instability, a feeling of alienation, a feeling of exclusion? And if it does then let us take pause and do whatever it takes to ensure that there is that greater acceptance of the rules of the game.

Mr Speaker, I wish to thank you, personally, for the guidance that you have provided at various times as I have tried to learn this craft, which is making contributions in Parliament and I do believe that I have benefited from many of your advices. I thank you and I thank this House also.

The Speaker: Thank you very much, Honourable Member.

Honourable Members, I think this is a convenient time where we can take the suspension for the usual half and hour.

15:59H

SUSPENSION OF SITTING

16:55H

RESUMPTION OF SITTING

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

Hon Manzoor Nadir: Mr Speaker, I rise to lend my Party's and my support for the Bill to extend the period from three to four months for the holding of elections.

However, while we do support the Bill, I think raised in the House this afternoon was the issue of confidence-building measures and I want to state in the House that the issue of running the elections has been solely in the hands of the Elections Commission and where we are today and not being able to meet our deadline has, in my strong view, very little to do with Government and all to do with the Elections Commission.

Mr Speaker, in the last five years the Government's position has always been to give the Elections Commission what it wants in terms of resources, financial and other, along with the legal changes. The last time we met in the House, I had some reservations with respect to giving *carte blanche* to the Elections Commission, the powers to change the 23-odd forms. I, nevertheless, went along because we felt that the Elections Commission, in their best judgement, would be able to provide a system which will withstand the test of fairness. Only recently, I had to express some concern in the media about the manner in which the Elections Commission deals with parties that intend to contest the elections. And so, Sir, while the Elections Commission had given a revised timetable for holding of the General and Regional Elections, I still feel that within the Commission (and I am speaking both of the secretariat and the commissioners) all is not well. They have now a very limited time. It all rests now with the Elections Commission. How we proceed from here, all of that is in the hands of GECOM and my party will continue as you cautioned the Leader of the Opposition to let our concerns be known through other sources. So once again, on behalf of my party and myself we do give our fully support to the Bill. Thank you. *[Applause]*

The Speaker: Thank you Honourable Member.

The Honourable Member Mr Ramjattan

Mr Khemraj Ramjattan: Mr Speaker, what we should regard as the penultimate day prior to the automatic dissolution of Parliament, it is rather sad that we did not have the major opposition party here and that is primarily, I suspect, because I do not have the evidence that there might have been what is regarded as a deficiency of consensus between that party and the People's Progressive Party/Civic.

We have heard in the air and on the television that there is need in moments like these, only too recently realised for us, very traumatic events, that there is need for consensus. And a constitutional amendment that is dealing with an election ought to be in circumstances where there is this broad-based consensus between these two political movements that have been at war with each other for the longest while. We all know.

I want to believe that this aspect of this little disaster we had here this afternoon might do us harm. And this is not a call on the part of the major party that necessarily forgets the legalities. I could understand the position of the President and the People's Progressive Party/Civic Parliamentarians in taking the position it took here this afternoon, because if tomorrow would have passed, you would have created constitutional crisis to the extent that you might not have had us coming back here unless, of course, maximum conditionalities might have had to be drawn out from the governing party by the minority party.

I can understand that, but my call here on this penultimate day and realising the trauma that we could suffer is, please, if we can have magnanimity from both parties as from today going right on to the elections. Magnanimity in the sense that yes, the legalities are in the favour of the People's Progressive Party/Civic Administration. There is no doubt and I will come to that just now, but remember we are cutting some very tight timelines. My computation of whether an election can be called now in the context of an amendment like this is either 1, 2, 3 or 4 September. But we have had, in the context of what has happened with GECOM and the secretariat and the technical people, timelines not being met. But what happens when 4 September comes and there is not a readiness on the part of GECOM to call the elections? I want to believe that

will not be any application of that state of emergency article, but we must now look at how we can consensually work out things assuming that does not happen. But even prior to that, it is especially important that we work out prior to 4 September. You see we have to be gracious with legalities. Legalities yes, but we are going to be gracious with them. It is my opinion that the sorry state of probably the legal advice of the PNCR has gotten them where they are. They did not read Article 61, it would appear and they were emphasizing Article 69. But Article 69, as we now know, in my opinion and especially after that Privy Council decision, clearly is making it merely directory. But even if, because of the Privy Council, it is directory, I want to emphasize an Article which effectively makes it so, because we must learn to appreciate this Constitution that we wrote rather than the varying interpretations we put to it. This Constitution provides even for further extensions of time for the holding of an election assuming that 4 September comes and still we are not ready. Article 162 provides for that. I just want to read it simply for the purposes that it is saying that even if you have an election long after 4 September, Article 69 would in no way affect or unconstitutionalise that which Mr Corbin was talking about this afternoon. I would wish to make another point but let me just read Article 162 (2):

Notwithstanding anything to the contrary in this Constitution, if the Elections Commission is satisfied with the holding of an election pursuant to the provision of Paragraph (2) of Article 60 or Article 160(2) on the day appointed therefor would be attended, either generally in a particular area, by danger or serious hardship, it may, after consultant with the Prime Minister and the Leader of the Opposition, by notice published in the Gazette -

(a) postpone the holding of that election to a specified date in the notice.

So even if we do not, and I have noticed on some programmes lots of people are saying that even with this extension, we cannot have another extension without a two-thirds majority. I wish to say that people are not

paying attention to that Bible - the Constitution of the land. And the more we pay attention to it, the more we are going to find answers in it and then we are not going to be in the quagmire of having to now look discredited in the eyes of some because you did not read it and I think this is the problem. Article 162 (2) is even giving us a

further extension of time to hold the elections if, for any reason, because *serious hardship and danger* could be widely interpreted and the Elections Commission can, as a result, even extend it beyond 4 September. I wish to make that point.

But I also wish to make this point, that if indeed there is litigation as promised, it will take us nowhere because, as I would want to submit, Article 69 of the Constitution and I think the Attorney General may want to adopt this, because indeed it is something that comes out of the Privy Council's decision. I would like to quote a piece of passage from it on Page 9 of that very important decision:

Bob and Moses versus Patrick Manning.

Whenever you have these crisis situations you go and look as to whether the Government is purposely doing it:

The Board agrees with the appellants that irresponsible, unaccountable government is the antithesis of the democratic model on which the State of Trinidad is founded, but periods of such government are sometimes unavoidable as during general election periods and an extended period of such government was not reasonably and cannot, reasonably, be avoided.

Almost exactly, this looks like a God-sent.

It was not, however, an open-ended period ...

And that is why I really would have liked Mr Corbin to be here to tell him that these are some of the points the Privy Council brought up. Once

it is not an open-ended period, like you give yourself another year simply because you want to be in government ... and this is where I am saying the responsibility and the magnanimity must come from both sides. I will come to the magnanimity on the part that I think the PPP/C should proffer, but at this stage let me just continue the paragraph.

... since the Constitution did impose a limit

Our limit is four months. Their's was six months. Which if longer than desirable was not indefinite and the respondent's government was not immune from media scrutiny, public debate and a whole lot of other scrutiny, which was the argument there that look, Mr Manning was not getting any scrutiny. He was simply allowing Parliament to flow for a couple of months and the Privy Council had known and he had scrutiny from a variety of other places. And even if the extension is beyond 4 September, I want to believe that there is not going to be the unaccountable, irresponsible government. I am not, in any way, putting a PPP line on things here. I am simply saying that the necessitous circumstances so demand at this point and so we have to be magnanimous on both sides.

And for that reason, notwithstanding now that yes the legalities are with the Government on this matter we can even have an extension of Article 162 if we are not ready by 4 September. I am hoping and praying that this Government that we have today, is going to open up its arms and indicate to the opposition that look, we are not going to do some things, because it is a period of unorthodoxy as Mr Raphael Trotman, a former parliamentarian, has indicated. It is indeed a period of unorthodoxy after this period and what is now presently with us. We know yes, that Article 104 emphasizes that the Ministers, the President and the Prime Minister's life continue until the next elections. Article 104 is very emphatic about that. And so yes, we do have an executive government that will perpetuate itself until whenever the next election is held, but please let there be magnanimity to the extent that we are not going to deal with anything big contract, this or that and literally the conditionalities that Justice Claudette Singh has laid out after vitiating the last elections or something of the sort so that we can have the minority party here, not

necessarily in Parliament, but speaking so that we will not have that gushing of anger and that cascading violence that can come forth as a result. That is my prayer, because if we do have that and the anger, the demonstrations and all of that, we are going to have people leaving this country. People are leaving today. We are going to have people behaving very reckless. We are going to have people behaving very unreasonable and it is incumbent then on he who is, in a sense, more powerful at this moment, who must be gracious in victory, because of the legalities and offer some measure of atonement, reconciliation and healing so that we can have the PNC/R back with talks and dialogue and engagement. And even if we want someone to help facilitate the process, there are very many people, because Guyana is well liked not only by PPP/C and PNCR. There are lots of others around the place.

So I am hoping that, notwithstanding this amendment will have a safe passage because I do not see anything blocking it, nothing insurmountable in its path that will create an impedance or hindrance, that we must be big men and women to the extent that we share in that magnanimity in ensuring that they do not feel as if they are excluded and marginalised. That is my prayer in this very last meeting of this House. Thanks very much. *[Applause]*

The Speaker: Thank you Honourable Member. Is there anybody else to speak? *[Pause]*

The Honourable Attorney General and Minister of Legal Affairs

Hon Doodnauth Singh: Mr Speaker, I have heard Mr Ramjattan and Mr Dev speaking about unanimity and magnanimity and perhaps I ought to put on record with which you are familiar, Sir, that when the talks commenced with respect to the constitutional amendments that were required, we discussed several provisions of the Constitution, but at the end of those discussions it was made clear that no constitutional agree-

ments can be arrived at unless certain conditionalities had been met. I recall, Sir, that you had enumerated those conditionalities, because unlike you I do not write or make any notes whatsoever.

The first conditionality that was proposed was that verification had to be agreed upon and there were five or six other conditionalities. The discussions that took place, Sir, were reported to Cabinet and after discussions at the Cabinet level, it was clearly stated that no imposition could be made on the Elections Commission. That it was an independent body and that the Government could not, in any way whatsoever, seek to impose conditions for decisions which had been taken by that body, and as a result that was communicated and the discussions were brought to an end in effect.

Sir, I wish my legal colleagues to appreciate as well that in the amendment that was suggested by Mr Corbin ... I had read these amendments and notwithstanding the fact that Mr Corbin has suggested these amendments, it clear, that had the Government agreed to these amendments the opposition would have supported the passage of this Bill. But what were those amendments that were being proposed?

Remembering, et cetera.

Paragraph 1 shall have no effect until Article 69 of the Constitution is altered to, permit one month to elapse between the date of and election of members of the National Assembly and the first Sitting of the National Assembly.

How in the face of God's earth could you put such a provision in a constitutional document? Mr Speaker, it did not stop there. The preposterous and ridiculous situation was what it suggested as a proviso. And this is what the proviso stated:

Provided that this amendment shall not take effect without the consent of all political parties represented in the National Assembly expressed in writing to the President.

Tuesday, 2 May 2006

How could we put such a proviso in a Constitution? We would be the laughing stock instead of being the most progressive constitution of the English speaking Caribbean. I have adverted and have given the assurance and Mr Dev referred to the assurance that I had given. We have looked at this Constitution as carefully as we could and despite the threat by the leader of the opposition that we will, within a matter of days, and I think the Prime Minister was very worried that we might be in court within a matter of a few days and possibly in the Caribbean Court. Well, I have not been to the Caribbean Court even though we had a matter, but I will certainly attend the Caribbean Court if any action is instituted against this Government. Sir, we ought not to be threatened. You and I and others of our ilk, I think, the Prime Minister said we are a club and we do not like others to interpose in this club, but we are always there to serve and I have always said, Sir, that I never argue law outside of a courtroom. I never discuss legal matters outside of a courtroom. I am always paid to give legal advice. *[Laughter]* Mr Speaker, whatever litigation is threatened or is taken, this Government is prepared to defend, in the most forcible way. I now ask, Sir, that this Bill be read for the Second time. *[Applause]*

The Speaker: Honourable Member, thank you very much.

Question -

That the Bill be read a Second time.

Hon Reepu Daman Persaud: Mr Speaker, we would like to have a division on this matter

ABSTENTION

Mr Dev

Mrs Melville

FOR

Mrs Holder

Mr Ramjattan

Mr. Neendkumar

Mr Mustapha

Dr Lall

Mrs Sukhai

Mr Rajkumar

Mrs Sahoye-Shury

Mr Mohan

Mr Lumumba

Mrs Edward

Mrs Chandarpal

Mr Chand

Mr Ali

Mr Ramotar

Mr Belgrave

Mr Mohamed

Dr Ramsammy

Ms Rodrigues

Tuesday, 2 May 2006

Mr Nadir

Ms Shadick

Mr Xavier

Dr Westford

Mr Collymore

Dr Bisnauth

Mr Baksh

Mr Kowlessar

Dr Jeffrey

Ms Teixeira

Mr Rohee

Mr Nokta

Mr Persaud

Mr Hinds

2

32

Motion Carried

Bill read a Second time

IN COMMITTEE

Clause 1

Clause 1, as printed, agreed to and ordered to stand part of the Bill.

Clause 2

Clause 2, 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.

The Speaker: Honourable Members, we will now proceed to the next item on the Order Paper.

2. JUSTICE PROTECTION BILL 2006 - Bill No. 21/2006

published 27-04-06

A Bill intituled, an Act to provide for the establishment of a programme for the protection of certain witnesses and other persons; and to provide for matters incidental thereto.

The Honourable Attorney General and Minister of Legal Affairs

Hon Doodnauth Singh: Mr Speaker, the Justice Protection Bill is a Bill which is an enactment that is required to be CSME ready. The

Explanatory Memorandum, Sir, sets out in detail the various provisions of the Bill. The Bill seeks to introduce legislation for the establishment of a programme for the protection of certain witnesses and other persons.

PART II of the Bill provides for the establishment of the Justice Protection Programme and three agencies:

- (a) an Administrative Centre;
- (b) an Investigative Agency; and
- (c) a Protective Agency

to administer the programme. It lays out the functions of three agencies and their independence on each other for the effective and proper administration of the programme. It requires the disclosure of certain information to the Administrative centre by the prospective participant. The prospective participant's application to be in the prescribed form and the participant understands the implications of being included in the programme and that he understands and signs the Memorandum of Understanding.

In relation to criminal matters, the Director of Public Prosecutions where satisfied to the circumstances so warrant, shall prepare and submit the application in the prescribed form.

PART III identifies the Agency that will prepare the Memorandum of Understanding, the persons who will be eligible to sign the prospective participant or where the circumstances so require. The person referred to in Clause 8(c) and countersigns the person authorised by the President for the purpose and how the Memorandum of Understanding may be varied.

PART IV provides for the register of participants which shall contain detailed information in respect of each participant. It makes mandatory that all ancillary documents:

- the original of each Memorandum of Understanding;
- new identities issued under the programme;
- the original of each approval granted by the Centre;
- identified documents returned to the Centre; and
- the register shall be kept by the Centre.

This part further gives access to these documents and the Register only in the Centre. However, with the interest of the due Administration of Justice the Centre may allow another approved authority defined in Clause 3 to have access to the ancillary documents and the Register. Where the Centre allows another approved access, the Centre shall notify the approved authorities of such access.

PART V provides the protection of the participant and in circumstances where the participant has been provided with new identity. He must obtain written approval from the administrative centre before he discloses his former identity.

Further protection and assistance under the programme may be terminated by the participant or the Centre and where the Centre considers it appropriate, it may restore the participant's former identity.

It also provides that the participant has twenty-eight days after receiving notification from the Centre in regard to either termination or protection or assistance or both or where there is a decision to restore the participant's former identity, to apply to the President for a review of the decision and the President shall allow him a reasonable opportunity to state his case.

PART VI makes it an offence for a person without lawful authority, a person who has been a participant or a person who has been undergone assessment for inclusion in the programme to disclose any information about the programme.

It also makes it an offence for a person to offer a bribe to a person employed in the Administration of the Act or being a person employed in the Administration of this Act to accept a bribe.

The *FIRST SCHEDULE* lists the offences which may give rise to protection under the Justice Protection Programme.

The *SECOND SCHEDULE* sets out the contents of Memorandum of Understanding.

Mr Speaker, I now ask that this Bill be read for the Second time.

Question proposed.

The Speaker: Are there any speakers on this Bill today?

The Honourable Member Mr Rajkumar

Mr Ramesh C Rajkumar: Mr Speaker, I rise to support the Justice Protection Bill 2006 - Bill No 21/2006 as presented by the Honourable Attorney General and Minister of Legal Affairs.

Mr Speaker, the Bill sets out a programme for the witness protection and it also requires to bring it in line with the CSME.

However, this programme is most important within the context of which we live today, taking into consideration the new dimensions of crime albeit organised crimes.

The *FIRST SCHEDULE* sets out the offences under which a witness may be entitled to protection. It is not that these crimes did not exist before, but the extent to which persons involved will go, so as to escape being caught in their quest of commission of crimes and to prevent themselves from being identified or convicted. They will terminate any indi-

vidual who has knowledge of their devious deeds. It is therefore the duty of the State that in an effort to protect its citizens must implement such provisions in its legislation to give effect to the good of the State.

Mr Speaker, twenty-five years ago, such a programme of protection was not thought of in Guyana, because although there was crime then within the schedule, there was an absence of the viciousness, the absence of collateral consequences, persons were not threatened if they give evidence against criminals or the perpetrators thereto. However, there exist programmes in other countries at that time, some twenty-five and more years ago, particularly in the United States of America, where we could do of the history of the witness protection programme and we do see in the 1960s in the United States of America, when there was the rise of organised crimes we saw a witness protection programme coming on stream whereby known criminals were brought into protection and given that protection to testify against organised crimes and those witnesses were people like Joseph Aleachy, Joseph Babwa and Larry Gallo.

Society here has changed and therefore we have to invoke some of our own constitutional provisions namely Article 65 which provides that this Parliament may make provisions for the peace, order and good governance of Guyana.

On a perusal of our Constitution, we will see that over the past forty years, many articles embodied the protection of persons who have committed crimes. This was obviously to ensure the fairness and civilised conduct of their trials.

Further it enhances democracy and prevents anarchy. We have moved away from the raw justice of lynching, to embody the right to life save in the execution of a sentence of the court, his freedom by giving him liberty even if charged with an offence in almost all cases except murder and treason, his right to be placed before a court within seventy-two hours of arrest or be released and prevention from torture or inhuman treatment. These were the manner of rights which we gave to those who

committed crimes.

However, the changing face of society and of crimes today, in its methods particularly in crimes used by the perpetrators have shown utter disrespect for the rights which we as law abiding citizens are compelled to give them particularly by the terror which they unleashed. We have therefore found ourselves between a rock and a hard place. It is therefore incumbent upon ourselves to find a method of protecting our witnesses and by extension ourselves. We may ask ourselves, why not remove these rights which we have given to the offenders, but the answer lies in the fact that we may affect even more innocent persons and the end product may be anarchy, a step backwards in a democratic country as ours.

So therefore, we look at our Constitution and we find within it Articles 146 (1) and (2) which assist us in bringing forth this legislation and which gives the right to the freedom of expression and thus the right to be protected. Also Articles 144 (10) (a) and (b), it is therefore, to my mind, the context in which we find the legality of this Bill. These provisions in this Bill bear similarities to those in many other countries, the Caribbean and also in the developed world.

Mr Speaker, this Bill in my opinion, contains all the necessary provisions to effect protection of persons who are to participate in the programme, vital witnesses. I therefore ask that we all join in supporting this Bill as presented by the Honourable Attorney General. I thank you. *[Applause]*

The Speaker: If there are no other speakers, the Honourable Attorney General.

Hon Doodnauth Singh: Mr Speaker, I move that the Bill be read a Second time, please.

Question put, and agreed to.

Bill read a Second time.

IN COMMITTEE

Clauses 1- 27

Clauses 1-27 as printed, agreed to and ordered to stand part of the Bill.

Hon Doodnauth Singh: Mr Chairman could you please put the FIRST SCHEDULE first? There is a slight amendment there.

FIRST SCHEDULE

Amendment -

Insert the addition of these words *Any trafficking in persons offences* at the end of the Schedule.

Put and agreed to.

Amendment carried

FIRST SCHEDULE, as amended, agreed to and ordered to stand part of the Bill

SECOND SCHEDULE

SECOND SCHEDULE, as printed, agreed to and ordered to stand part of the Bill.

Assembly resumed

Bill reported with an amendment, as amended, considered, read the Third time and passed as amended.

MOTIONS

3. DECLARATION BY THE MEMBERS OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF GUYANA ON THE HIV/AIDS EPIDEMIC

BE IT RESOLVED:

That the Declaration by the Members of the National Assembly of the Republic of Guyana on HIV/AIDS Epidemic emanating out of the Workshop on HIV/AIDS for Parliamentarians, and presented to the National Assembly on 6 April 2006 be adopted

The Speaker: We have this Motion listed in the name of Mrs Volda Lawrence. She is not here. *[Pause]* No one is moving on her behalf.

Motion not proceeded with.

4. ADOPTION OF THE REPORT OF THE STANDING ORDERS COMMITTEE

BE IT RESOLVED:

That the Report of the Standing Orders Committee on the motion to approve the Draft Standing Orders be adopted.

The Honourable Minister of Health

Hon Dr Leslie S Ramsammy: Mr Speaker, there are two motions. I will reserve my comments when I present the second one.

Mr Speaker, I have the pleasure of presenting the Report of the Standing Order Committee and ask that the Report of the Standing Order Committee be adopted.

Question put and agreed to.

Motion carried.

5. APPROVAL OF THE DRAFT STANDING ORDERS IN THE REPORT OF THE SPECIAL SELECT COMMITTEE ON THE NEDS ASSESSMENT OF THE GUYANA NATIONAL ASSEMBLY

BE IT RESOLVED:

That the National Assembly approves the Draft Standing Orders which are included as APPENDIX II in the Report of the Special Select Committee on the Needs Assessment of the Guyana National Assembly.

The Speaker: The Honourable Minister of Health.

Hon Dr Leslie S Ramsammy: Mr Speaker, I have pleasure of moving the Motion that the National Assembly approves the Draft Standing Orders, which were part of APPENDIX II in the Report of the Special Select Committee on the Needs Assessment of the Guyana National Assembly and there is an amendment to this as amended by the Standing Orders Committee.

Mr Speaker, the draft Standing Orders which have been revised by the Standing Orders Committee and which was presented to the House previously represent the most significant amendments of the Standing Orders for several decades. Upon the implementation of these Standing Orders, the National Assembly would see a very significant set of reforms in the way we function as an Assembly. There are several very important changes in the functioning of the Assembly and these I have discussed previously and I do not want to take our time up, but I would urge Members to look through the changes that we have included in the new Standing Orders together with these reforms and changes in the Standing Orders and with the tradition that we have established in the Assembly over the last five years together with the physical change of our National Assembly and the addition of technology. We, in this Eighth Parliament would now be handing over to the Ninth Parliament of Guyana a significantly improved oversight role of the National Assembly and to provide greater flexibility for Members to participate.

I want to specifically thank you, Mr Speaker, for your guidance and for spearheading some of the changes, but I also want to thank all of the Members for their participation in making this possible. I think, we all should feel a sense of pride that indeed, this is an appropriate time to bring this Motion, that perhaps on the last sitting of the National Assembly, we are really handing to those who are going to take over in the Ninth Parliament an improved oversight and governance role.

And so with this, Mr Speaker, I commend the draft Standing Orders for approval by this National Assembly. I thank you. *[Applause]*

Tuesday, 2 May 2006

The Speaker: Thank you very much Honourable Member.

The Honourable Member Mrs Holder

Mrs Sheila VA Holder: Mr Speaker, I am extremely pleased to be associated with the comprehensive redrafting of the Standing Orders. If there is any reason that I can pat myself on the back for resisting efforts to move me out of this National Assembly, it is my pleasure and the opportunity to be associated with this exercise.

Mr Speaker, I recalled when I first entered the National Assembly some five years ago, having occasioned to remark that there was need for the revision of the Standing Orders. Nevertheless, it took five years, but the exercise was comprehensively addressed and for that reason, I am exceedingly pleased to be part of the exercise and to be able to stand in the House today and to express my gratitude to you and to the other Members of the National Assembly.

I recalled at the last meeting, only a few days ago, that as the Chairman of the Committee, you indulged the Chief Whip of the major opposition party, who attended that meeting some one hour late, by opening up a number of issues that we had agreed upon before his arrival and it is in that context of that quality magnanimity that I believe, that we could quite happily end this Eighth Session of this National Assembly on a desirable note.

Mr Speaker, before taking my seat, I want to express my gratitude to you and to my other colleagues in this National Assembly for making my experience in this House quite a pleasurable one. I thank you.

[Applause]

continued in Pt II

National Assembly Debates

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF
THE SECOND SESSION (2002-2006) 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

96TH SITTING

2.05 PM

Tuesday, 2 May 2006

cont'd fr. Pt 1

The Speaker: Thank you Honourable Member

Dr Ramsammy, is there anything else? *[Pause]* There is an amendment
Dr Ramsammy.

Hon Dr Leslie S Ramsammy: Mr Speaker, at the end of the Motion,
I would like to add the words *as amended by the Standing Orders
Committee*.

The Speaker: Thank you Honourable Member.

This amendment is necessary in order to get the Motion through with the
amendments which took place in the Standing Orders Committee. I will
therefore put the amendment the amendment first.

Amendment put and agreed to.

Amendment carried.

Motion as amended put and agreed to.

Amended Motion carried.

Honourable Members, that concludes our business for today. How-
ever, before I conclude, I would just like to crave your indulgence for
two minutes to say a few words.

are sixty or more who worked in an extremely dedicated way to serve us and to serve the National Assembly and the people of Guyana. I cannot name sixty people, but I hope the members of the staff will forgive me for just naming a few of those who are visible and those who are in leadership positions, but I mean to praise them all for their very, very hard work that they have done.

We have:

- the Clerk and the Deputy Clerk who is here all the time;
- Miss Deslyn West, who is in the Parliament every day. She is here today. She takes notes for the Minutes and she is the Chief Registry Office;
- our Technicians. For the number of things that can go wrong with equipment and for the rare occasions, if at all, that we have problems with our equipment, you do not notice those things, but I can assure you that they work very hard to keep our equipment going and our Parliament functioning;
- Deryck, our Sergeant-at-Arms, who is standing before me and he is waiting patiently for me to finish;
- Ronald, our Deputy Sergeant-at-Arms, who sits and gives great assistance;
- our despatch staff, Eton, another Ronald and Trevor who is here today, I would like to thank them for their great efforts;
- the Committees Division, headed by Mr Maurice Henry, a very talented and experienced gentleman and I hope that he will remain with us for a long time more, because we are making use of his talent.

His Deputy Ms Cadogan, Mr Oscar Moore and many others in

that section;

- the Accounts Section, Ms Bibi Baldeo, you do not see her in the Parliament, but she and her team works very hard.
- the janitorial staff, many of whom you might see around from time to time who are also very helpful;
- the Attorney General Chambers and in particular the Parliamentary drafting staff headed by Mr Dhurjon who is here today - he and his hard working staff - Mr Dhurjon is a very harassed gentleman. I do not know how he has been able to perform these duties for so many years, having to up with us, various Attorney Generals and those of us who pretend that we know about drafting. So I would like to thank Mr Dhurjon;
- the Press, they are not a part of the Assembly, but the Press performs a very vital role in taking our deliberations to the public and that is very important in keeping not only interest but our democracy alive and well.
- Members it would be remiss of me if I do not mention those persons and organisations which have dedicated great resources and efforts to the improving to the standards, which we are not completed with. Unfortunately, we were unable to open our new-brand Committee room downstairs, right under this Chamber. We are waiting on furniture to do so, but as soon as we get that furniture, we will be able to open it. We have other areas planned for overhaul, renovation and renewal. Without the resources which the Government of Guyana has poured into the National Assembly and the support which the President of Guyana has given to the National Assembly, we would not have succeeded in this refurbishment. We would like to thank His Excellency the President and the Government for that support.
- I would like to thank the donor community in particular the Commonwealth, the Inter American Development Bank, the World

Bank and the USAID for the resources which they have generously contributed and continue to contribute to the work of the National Assembly.

- There are many more that cannot be mentioned, because time does not permit, who performed vital services and vital work to keep our business going. I wish them success in their lives, good luck and good fortune and I hope that they will continue doing the fantastic work and very productive work they have been doing in the past years. I wish them and their families good fortune as well.

Thank you very much Honourable Members.

Hon Reepu Daman Persaud: Mr Speaker, I think I will fail in my duty if I do not ... *[Interruption]*

The Speaker: Honourable Minister, it just slipped me. I have on my list Ms Shanta Sookram and the Hansard Staff, who have devotedly contributed to the work of the National Assembly for many years and I wish to apologise to Shanta for not remembering her and she is a very valued member of our team.

Hon Reepu Daman Persaud: Mr Speaker, I would be failing in my duties this evening if I do not convey the good wishes, gratitude and appreciation of the Government, of all Members of this National Assembly on this side of the House, the Assembly as a whole and to you for your efficient and competent discharge of duties. For me, it was a pleasure working with you, I think we enjoyed excellent relations and we are ending in equally good and strong relationship.

Mr Speaker, I want to say thank you to all those names you mentioned, because in one way or the other, they have been helpful to me, to the government and to the work of the National Assembly. Mr Dhurjon is among that crowd and several others.

For the greater part of the Government, the Clerk was Mr Frank Narain and when he was leaving, I said, I wonder what will happen to this

Tuesday, 2 May 2006

place. I want to say that the current Clerk took over and he has performed admirably. So let me say, thank you to Sherlock Isaacs, the Deputy, all members of the Staff of the Parliament for their support and cooperation.

For the fourteen years and thereabout this Parliament has been enriched - enriched in general terms. I can still stand up and say courageously without any fear of contradiction that it is equal to none. It holds a higher position than many of the parliaments in the Caribbean, if not all.

We have made constitutional changes and not very long ago, the Honourable Member Dr Ramsammy spoke about the revised and advanced Standing Orders. These are all credits, we have a proud record and we are leaving a legacy of democracy, a legacy of rule and order, a legacy of cohesion and a legacy which will go a far way to strengthen for the rest of the year the work and administration of the National Assembly and Parliament.

Mr Speaker, I want to say notwithstanding that the major opposition is not here that we all owe this country a duty, we owe ourselves a duty to work and to bring peace to this land, to bring harmony to this land. There is too much so suspicion, to much ill-will, to much of hate. We need to change this otherwise no matter what we do in the highest institution of the land we would not achieve our objectives. Though the Parliament may soon dissolve, I do not know when, I would like to say that those who have served as Parliamentarians, they can still make a contribution towards the unity and harmony of the people of this country and of Guyana as a whole. I have tremendous faith and confidence in Guyana, but I am very concerned like every citizen, like the ordinary citizens in this country of what is taking place. I would like to feel that all would take some time aside to work for this return of total stability, peace, orderliness and the rule of law. We cannot live in a country where these things do not exist and I think they can be achieved.

There is something which stands out for this Parliament, that is we have had some kind of heated discussions, but when you follow what is hap-

Tuesday, 2 May 2006

pening in Parliament outside of the world, we are in a great position. I have never seen any serious bitterness, rancour and acrimony. We have had our heated deliberations and debate, but we left here smiling and as a Guyanese. I hope that that will continue notwithstanding the fact that the Parliament would be soon dissolved.

Mr Speaker, I wish you and your family all the best. I wish the staff and their families all the best. I wish all Members on this side of the House and on the opposite side of the House what they want and what they seek for, they will be guided to achieve those things. That is a very broad wish and I hope that they can achieve it. I am sure that we are all leaving here with some degree of satisfaction. We have been a contributory factor to the changes, to the progress which have been made in this National Assembly. Once again, I thank you.

I do not want to exclude the Press. The Press is a significant component of democracy - parliamentary democracy in particular - because they have to say what is happening inside here goes to the people outside there and their contribution cannot be minimised. I therefore want to thank the Press for their contribution.

May we leave here with the hope and expectation that we can have a better Guyana, a prosperous Guyana, a happy Guyana and a blissful Guyana for all? Thank you very much. *[Applause]*

Mr Speaker, I move that the National Assembly stands adjourn.

The Speaker: Thank you very much. The National Assembly shall stand adjourn.

Adjourned Accordingly at 18:00h