

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2012) OF THE TENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN*

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28<sup>TH</sup> Sitting

Thursday, 9<sup>TH</sup> August, 2012

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*The Assembly convened at 2.12 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **ANNOUNCEMENTS BY THE SPEAKER**

**Mr. Speaker:** Good afternoon Hon. Members and members of the public. There are several announcements to be made.

### **Guest at the Sitting**

I have a guest this afternoon. His name is Dr. Roy Narine of Leguan who is also a Regional Council for Region 3 and a medical practitioner for over 30 years.

### **Leave to Members**

Leave has been granted to the following Members for today's Sitting: Dr. Bheri Ramsarran, Ms. Bibi Shadick and Mrs. Catherine Hughes. Leave has also been granted up to the 5<sup>th</sup> September, 2012 to Mrs. Indranie Chandarpal and to Dr. Vindhya Persaud.

### **Death of Ms. Shadick's Brother**

I should report that Ms. Shadick's brother has passed and so on behalf of the entire membership of this National Assembly we wish to express our sincerest condolences to her.

## PRESENTATION OF PAPERS AND REPORTS

The following Report was laid:

- (1) Report on the Missing Hansard as directed by the National Assembly – Resolution No. 9 of 2012. [*The Speaker of the National Assembly*]

## ORAL QUESTIONS WITHOUT NOTICE

**Mr. Speaker:** Hon. Members, leave has been granted, by me, to the Hon. Member, Dr. Norton, to ask a question of the Hon. Minister of Public Service.

**Dr. Norton:** Thank you very much, Mr. Speaker. My question to the Minister of the Ministry of Public Service is whether it is the intention of the Ministry of Public Service to bring home any of the medical students from Cuba during this year for vacation or otherwise. If so, when do you intend to bring them home? If not, why not? What will be the criteria for the selection of those who will be brought home?

**Minister of Public Service [Dr. Westford]:** Thank you Mr. Speaker. The medical students who are going to be brought home are those persons who would have finished their fifth year and will be doing their final year in Guyana. The Government does not bring home any other medical student. All of the medical students will not be coming home. Sixty-nine (69) of those students will be coming home and there is a criteria that was arrived at between the Government of Guyana and the Government of Cuba where the Government of Cuba would have selected those 69 students and it is based on their academic performance and geographic locations. I say geographic location because there are seven faculties in Guyana where the students will be doing their final year and those faculties are located in Regions No. 2, 3, 4, 5 and 6 which are manned by the Cuban specialists. Those 69 doctors were selected by the Cuban authorities and those names have been sent to the Government of Guyana for acceptance and verification that the geographic locations were accurate. It has since been returned to Cuba and those persons will be returning here on the 14<sup>th</sup> August, 2012, which is next Tuesday. We have to bring them home by a chartered flight and we could not get one before then. They will be arriving here on the 14<sup>th</sup> August, 2012 to start their final year on the 27<sup>th</sup> August, 2012.

## QUESTIONS ON NOTICE

### For Written Replies

**Mrs. Hughes:** Can the Hon. Minister say how many Level Seven students have been provided by the government with individual textbooks in the four core subject areas?

**Minister of Education [Ms. Manickchand]:** The Hon. Minister has been advised that 48,629 text books for the core subject areas were purchased between the years 2007 and 2011 and that every child in grade seven ought to have access to said core text books.

**Mrs. Hughes:** Can the Hon. Minister say how much money was spent during the period January 1<sup>st</sup>, 2007 – December 31<sup>st</sup>, 2011 on acquiring Level Seven textbooks in the four core subject areas?

**Ms. Manickchand:** The Hon. Minister has been advised that \$70,134,400 has been spent on acquiring grade seven textbooks between the period of January 1<sup>st</sup>, 2007 – December 31<sup>st</sup>, 2011.

## PERSONAL EXPLANATIONS

**Mr. Speaker:** Hon. Members, a Member of the Assembly did approach me some minutes ago to say that he wishes to make a personal explanation on a matter that had aggrieved him. In the circumstances, I gave leave.

**Lt. Col. (Ret'd) Harmon:** Thank you very much, Mr. Speaker. I rise to make this statement under the matter of Personal Explanations. I was personally inconvenienced today, Thursday 9<sup>th</sup> August, 2012 by the placing of barriers by the police in the precinct of the Public Buildings from about 9.30 a.m. Apart from the inconvenience which I endured in navigating the heavy build-up of traffic in the vicinity of the Public Buildings, several members of the public within my hearing expressed bitter disgust at the action of the police in placing these barriers so early in the day and not manning them, in effect, closing off streets in Georgetown.

We have had previous explanations from the police about security considerations which determine their actions. However, I would submit that a blanket categorisation is not sufficient to warrant this serious inconvenience which I faced as a Member of Parliament and which citizens

who traverse the precincts of the Public Buildings face. I believe that we must call upon the police to exercise better judgement in the discharge of this function.

**Mr. Speaker:** Thank you. I, myself, as you know, have reported here that I have personally been inconvenienced and have written to the Commissioner of Police. The Parliament Office and Speaker as well as other members will continue to engage the Commissioner of Police on this matter. Thank you for that.

## **INTRODUCTION OF BILLS AND FIRST READING**

The following Bills were introduced and read the first time:

(1) **Public Utilities Commission (Amendment) Bill 2012 – Bill No. 17/2012**

A Bill intituled:

“An Act to amend the Public Utilities Commission Act.” *[Prime Minister and Minister of Parliamentary Affairs]*

(2) **Telecommunications Bill 2012 – Bill No. 18/2012**

A Bill intituled:

“An Act to provide for the establishment of the Telecommunications Agency and for a regular, coordinated, open and competitive telecommunications sector and for matters incidental thereto or connected therewith.” *[Prime Minister and Minister of Parliamentary Affairs]*

(3) **Municipal and District Councils (Amendment) Bill 2012 – Bill No. 19/2012**

A Bill intituled:

“An act to amend the Municipal and District Councils Act.” *[Minister of Local Government and Regional Development]*

(4) **Fiscal Transfers Bill 2012 – Bill No. 20/2012**

A Bill intituled:

“An Act to provide for the objective criteria for the allocation of resources to local authorities and for matters connected therewith.” *[Minister of Local Government and Regional Development]*

**Minister of Local Government and Regional Development [Mr. G. Persaud]:** Mr. Speaker, I wish to inform this Hon. House that this is the last of the four Bills in keeping with the reform for Local Government Elections and this is a commitment which was made by the Government based on discussions with the Leader of the Opposition that these Bills would be laid in this House.

## **PUBLIC BUSINESS**

### **GOVERNMENT BUSINESS**

**Mr. Speaker:** Hon. Members before we proceed, I believe for the benefit of the Hon. Member, Mr. Ramjattan, two Bills bearing the same title as those presented by the Prime Minister, the Public Utilities Commission (Amendment) Bill 2012 and the Telecommunications Bill 2012, were presented, I believe by Mr. Ramjattan to the Clerk and published on the Notice Paper. Under the Standing Orders, Mr. Ramjattan, as I have just examined, the Government has the right under Standing Order No. 53 to introduce for the first reading of Government Bills, any Bill with notice for the very day on which the Bill is brought. The Clerk advises that the Government brought, yesterday, a notice which I was advised of today of its intention to have its Bills read for the first time today. That procedure is permitted under Standing Order No. 53.

**Mr. Ramjattan:** If I may make the query, Your Honour, my Bills came first in time, does that mean now that my Bills will be excluded? I think my Bills are somewhat different from...

**Mr. Speaker:** As I said, the Government, by Standing Order No. 53, can lay a Bill this morning for first reading this afternoon. Private Member's Bill must be placed on the Notice Paper and it must have a curing period. You may recall, when I wore a different hat, when I had presented a Freedom of Information Bill and thereafter Government brought a Freedom of Information Bill and both Bills were on the Order Paper at the same time and then things were worked out. So your Bill will be brought and placed on the Order Paper in due course. That does not mean that that is the end of it.

**Ms. Teixeira:** Mr. Speaker, what we have before the House with Mr. Ramjattan is a motion to get permission to lay the Bills. The Bills themselves have not been circulated. Therefore, there is a distinction between a Government bringing a Bill and a Member trying to get permission of the House to lay a Bill.

**Mr. Speaker:** Private Member's Bill must have permission of the House for it to proceed to first reading and second reading. However, that is procedure that we have encountered before and have dealt with before. I believe that the Member, Mrs. Volda Lawrence, quite recently introduced a Bill which, in fact, permission had been granted for its first reading. Permission has been sought in the past by Mrs. Lawrence and was obtained so those bridges have been faced and crossed before, Mr. Ramjattan.

**Mr. Ramjattan:** When will my motion be given approval in this Parliament for me to know...

**Mr. Speaker:** The Clerk advises that it will be the first Sitting after the recess.

**Mr. Ramjattan:** Thank you very much, Sir.

## **MOTION**

### **CONSIDERATION OF FINANCIAL PAPER NO. 1/2012**

“BE IT RESOLVED:

Financial Paper No. 1/2012 – Statement of Excess (Current and Capital) Estimates totalling \$1,571,627,044 for the period ended 2012-12-31.” *[Minister of Finance]*

**Mr. Speaker:** The Assembly will resolve into Committee of Supply to consider Financial Paper No.1/2012.

*Assembly in Committee of Supply*

**Minister of Finance [Dr. Singh]:** Mr. Chairman, in accordance with Article 171 (2) of the Constitution, I signify that Cabinet has recommended for consideration by the Assembly the motion for the approval of the proposals set out in Financial Paper No. 1/2012 - Statement of Excess (Current and Capital) Estimates for the period ending 31<sup>st</sup> December, 2012, totalling \$1,571,627,044 and I now move the motion.

*Motion proposed*

## **CURRENT ESTIMATES**

### **Item 1 01-011 Office of the President – Administrative Services – \$211,569,998**

**Mr. Ramjattan:** Could the relevant Minister here indicate whether the Government is going to make public the recent Report into the enquiry as to what went on at the National Communications Network (NCN) and some moneys in connection with the Guyana Telecommunication and Telegraph Company Ltd. (GT&T), what is called the Harry Parmesar Report?

**Prime Minister and Minister of Parliamentary Affairs [Mr. Hinds]:** I am not aware of the particular Report and I do not think that the Government can respond to that question.

**Mr. Ramjattan:** It is the Report in relation to the matters that caused the resignation of Mohamed Sattaur and the suspension of Mr. Goolsarran. That was very public.

**Mr. Hinds:** Mr. Chairman, I must say that this question is a question that is not expected. In the course of what we are pursuing this afternoon, it is not a question that was expected and I have not been briefed on that Report.

**Mr. Ramjattan:** Well then we will vote a certain way, I suppose.

**Mr. Chairman:** Prime Minister, is there any Member on your side who would like to address the question or attempt to?

**Mr. Hinds:** I do not think so, Sir. I think in due course of time, the Government would say something on these matters, but I did not think that this was the time and place for it.

**Dr. Singh:** Mr. Chairman, I am not, myself, in possession of a copy of the Report. My understanding is that Mr. Parmesar was commissioned, I believe, by the Auditor General to do an investigation arising out of the issues reported in connection with the NCN. The matter of the Report, I believe, is a matter that resides with the Auditor General. I believe Mr. Parmesar prepared a report and submitted it to the Auditor General. My recollection, obviously subject to correction, is that Mr. Parmesar was invited by the Auditor General to do the investigation. Once

the Auditor General concludes his work and findings, we would have no problem sharing those findings.

**Mr. Ramjattan:** In view of that, we will decide now how we are going to vote on this line item. If we will not get any information from them, then we will do what we have to do.

**Ms. Teixeira:** Mr. Chairman, if no one on this side knows the contents of the Report, I can only say from today's newspaper that the Report is finished. No one has seen the content. Therefore, I think it is a rather unfair proposition that the Member is putting to this side of the House.

**Dr. Singh:** Mr. Chairman, lest I be misunderstood, let me make it clear that a report that is done by somebody, commissioned by the Auditor General to investigate a matter to report to him, I am in no position to commit to making that report available because in the event it is a report commissioned by the Auditor General and submitted to the Auditor General. The Minister of Finance would not be in a position to commit to making that report available.

I will say, however, that whatever was submitted to us or whatever the Auditor General concludes, I have no doubt would be made available through the usual channels, whether it is the Public Accounts Committee or otherwise. Let me make it clear that we have absolutely no difficulty making available to this House the results of the investigation into the NCN. I want to make that pellucidly clear. I would stop short of saying that I am in a position of committing to make available a report that was commissioned by and submitted to the Auditor General. I am in no position to speak for the Auditor General.

**Mr. Nagamootoo:** Mr. Chairman, I find this rather surprising. The line item that we are asked to approve a request for is from the Office of the President. One of the entities would be NCN. I am in possession of a letter dated 21<sup>st</sup> June, 2012 signed by Dr. Prem Misir, Chairman, NCN Board of Directors, saying that Parmesar Chartered Accountants, at the request of the Office of the President (Minister of Information), conducted a special investigation into allegations of financial irregularity at the NCN, et cetera. This is in relation to the allegations of financial irregularity occurring from September 2011 through February 2012 pertaining to the accounts for GT&T Jingle and Song Competition. This explanation by the Hon. Minister of Finance that the report was commissioned by the Auditor General seems to be passing the buck. It is not what we expect in this august Assembly. The Government has to hold up to responsibility. It is asking this



Parliament to vote supplementary sums of money for this thing called NCN and it does not want to report on financial irregularity? We will not permit the taxpayers' money to go down the drain! The vote is no!

**Dr. Singh:** Mr. Chairman, I will emphasise what I said. We have absolutely no difficulty making available the findings of the investigation into NCN. I made that point earlier and I will reiterate it.

**Mr. Chairman:** I believe that point was ably made indeed.

*Item 1 01-011 Office of the President – Administrative Services – \$211,569,998 was put and negatived.*

**Item 1 01-012 – Office of the President – Presidential Advisory (Cabinet and Other Services) - \$22,613,971**

**Mr. Lumumba:** Mr. Chairman, I will ask the Minister of Finance whether the lack of these funds can affect the administrative arm of the President and whether, maybe constitutionally, by denying those funds to the President it creates a problem constitutionally or administratively. I am asking the Minister if he can respond to that.

**Dr. Singh:** Mr. Chairman, the answer to that is most definitely. These resources are required to support the discharge of the presidential functions.

**Mr. Chairman:** Hon. Members, you have heard a question put and an answer given as to the consequences of this being approved or disapproved.

*Item 1 01-012 – Office of the President – Presidential Advisory (Cabinet and Other Services) - \$22,613,971 was put and negative.*

**Item 2 02-021 – Office of the Prime Minister – Prime Minister's Secretariat - \$1,000,000,000**

**Mr. Nagamootoo:** Mr. Chairman, I would like to ask the Hon. Prime Minister to say, with regards to the Guyana Power and Light Inc. (GPL), when, if he so decides to lay a report in this

National Assembly regarding the measures taken by GPL to cut its line losses and other losses for which these subsidies are being sought to mitigate.

*2.44 p.m.*

**Mr. Hinds:** Mr. Chairman, and Hon. Members, line losses or total losses in GPL have been reducing. GPL has been reducing those losses, but when the entity considered its budget for this year, it would have liked to have had some \$10 Billion which it did not have. GPL did some things that companies would do; they looked to defer some of the maintenance that they could and such like things and they ended up with a very hard deficit that could not be affected, some six and a half billion dollars. They sought and obtained from the Government a commitment of support of some \$6 billion. It was this which was presented in the budget originally and which was cut by \$1 billion. GPL does need this money so that it would not run too great a risk in deferring and postponing certain things. GPL do need this money. I must say also that in the usual calculation of the quantities of money that GPL should receive this year, the determination shows that there could be a tariff increase which the Government is doing its best to hold off. One has to exercise a judgment as on goes along as to the risks one runs and the monies that one needs to have. GPL would certainly not want to be in a position where there is the risk of failures and outages increase.

**Mr. Nagamootoo:** Supplementary question please, Mr. Chairman. On the last occasion the Parliament voted for \$5,130,000,000 of the amount sought as we considered it then a bail out for GPL. The question was asked then, and we ask again today, whether \$6.5 billion quoted by the Hon. Prime Minister as GPL's deficit is all the deficits we are asked to consider. Secondly, whether GPL has other indebtedness, and would the Prime Minister say the amount of that indebtedness. I may be totally out of cue. I have heard figures in excess of \$20 billion. Now we are hearing the Prime Minister intimating that even though we bailed GPL out with another billion dollars it is like throwing some water on ducks backs; we still will have tariff increases. We want to have the whole picture here before we now commit ourselves to vote another cent for GPL.

**Mr. Hinds:** Mr. Chairman, I think that maybe I need to say some things to the Hon. Member. GPL has been holding tariffs since 2008 at an average figure of \$64 per kilowatt hour. I was in Jamaica a few days ago to represent Guyana at their 50<sup>th</sup> anniversary, and it was interesting to learn along the way that some domestics, maybe the better-off domestics, are paying US \$0.60 per kilowatt hour, which is about GYD \$125.

**Mr. Chairman:** How much are they earning?

**Mr. Hinds:** I hear you Mr. Chairman and this is a question I faced over the last 20 years. The answer to that about how much people earn, is that it does not matter how much you earn. When GPL or anybody goes out there to buy fuel, they buy fuel at the prevailing price no matter how much you are earning. When they are buying copper conductors and insulators and transformers they are paying the same price. Indeed, in terms of our relatively small production here, peaks of 90 megawatts maybe versus, I believe 800 megawatts in Jamaica, when you think in those terms our unit prices are going to be even higher. I think we need to take away from our minds that the prices that we are asked to pay for electricity are somewhat high because of inefficiencies and such likes; rather I think that we have been very prudent and very efficient in managing our electricity operations to keep the tariffs at the levels that they are at. On the issue of losses again, we consider losses in two areas. One is in the area of technical losses. Here it is that we are in the midst of a programme to improve on the transmission side costing some US \$40 million, which is being spent there. There would be need for similar sorts of money to be spent on the distribution side. Our electricity utility has been to some extent undercapitalised, or should I say, we have had to run with the monies that we have. I think that we have been doing a good job when one looks at the prices. I had the same experience some time ago when we had the ESBI people in. Indeed there were two partners, and the two partners seemed to have been having a difference, where they were saying that in one another's Caribbean country they were running it very well but the price was higher than the price customers were begin charged in Guyana. I would like to differ, or I would like to put the position that we are getting good value for our money from our electric utility and we should have no hesitation in committing this additional billion dollars to GPL.

**Mr. Ramjattan:** Mr. Chairman, let me just preamble my question with the fact that I am very happy that indeed he had sent me the Verlin Class Report as to alternatives, that is, the final

report and a number of financial statements of GPL. One of the important things in this report had to do with the alternatives, that alternative being the Skeldon Bagasse Plant. Since he is saying that it is being prudently used and that a lot of money went into Skeldon, how much megawatts, since the Skeldon Plant, have we actually gotten into our national grid.

**Mr. Chairman:** Prime Minister, are you in a position to answer that today?

**Mr. Hinds:** I think that is question better answered by GuySuCo. GPL has received power from time to time from the Skeldon plant when there has been enough bagasse and so on. As we know and as it has been said, there have been issues with the supply of cane in the right quantities continuously. When the cane supply is short, then the bagasse supply to the steam boiler operation's high pressure boiler is less. I think that for Hon. Member Mr. Ramjattan, I will ask him a little bit more patients so that he holds his questions a bit until GuySuCo could get its cane production up and get a steady flow of cane into the Skeldon Plant.

**Mr. Chairman:** Did you want to say something?

**Mr. Ramjattan:** No, I just wanted to say that he is pretty candid there.

**Mr. Chairman:** Mr. Greenidge do you wish to speak to this?

**Mr. Greenidge:** If it pleases you Mr. Chairman, I would like to ask the Prime Minister if he could assist me in relation to indicating exactly how much was requested at the time of the budget. The figure of \$5.13 billion looks a little strange. What was the exact sum requested and is this amount of \$5.13 billion shown here correct as the amount approved?

**Mr. Hinds:** This here was the voted provision at the time of the budget, \$5.13 billion.

**Mr. Greenidge:** Mr. Prime Minister, what was the amount requested?

**Mr. Hinds:** The amount requested at the time of the budget here was \$6.13 billion.

**Mr. Chairman:** Hon. Members, I thank you for that. I wish to say that during the budget debates members said that they were removing \$1 billion, not deleting it, but holding it in abeyance, and when the Prime Minister is ready he is free to come to this House for approval for that \$1 billion to be granted. I believe he has done so today. All the questions may not have been answered but I

believe in, what we speak of in law, that is, a legitimate expectation. I think that this was the basis on which it was brought. So, on that basis I put the motion that the sum of \$1 billion for the provision of subsidy to Guyana Power and Light to assist in meeting the bill be approved by this Hon. House.

*Item 2 02-021 – Subsidies and Contributions to Local Organisations – \$1,000,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 3 03-031 – Ministry of Finance – Ministry Administration – \$224,418,997**

**Mr. Greenidge:** Mr. Chairman, would the Minister be gracious enough to tell us whether he is – first of all I notice that this matter appears once more under the head of the Ministry of Finance and they appear under “Subsidies and Contributions to Local Organisations” – aware of the recommendation made by the Auditor General on enumerable occasions regarding this particular item and its location.

**Mr. Chairman:** Hon. Minister I believe this is a matter that you need to elaborate on, in particular Customs Anti-Narcotics Unit (CANU).

**Dr. Singh:** Thank you very much Mr. Chairman. In fact, I am well aware of the recommendations made by the Auditor General in relation to two of the entities listed here, specifically CANU and the State Planning Secretariat. As I had explained at the time of the budget, and I am quite happy to repeat that explanation, we are in fact in the process of implementing the recommendation as it relates to these entities. In fact, it is for that reason that one already observes a transitioning of the CANU subvention from the Ministry of Finance to the Ministry of Home Affairs. It would be recalled that this Hon. House, at the time that the National Budget was considered, the proportion of the allocation of CANU that was placed under the Ministry of Home Affairs to reflect this transition was actually approved by this Hon. House. It was only that part that was placed under the Ministry of Finance that was not approved. The explanation that I had provided at the time was that given that in previous years the full amount had been budgeted under the Ministry of Finance, the interim releases that were granted prior to the passage of the budget could not have been granted under the Ministry of Home Affairs, but had to be granted under the Ministry of Finance until such time as appropriations were approved for the Ministry of Home Affairs. It was for that reason that an allocation

equivalent to roughly a quarter of the requirements was provided under the Ministry of Finance and the remainder was provided under the Ministry of Home Affairs with the expectation that upon the passage of the budget that transition would have been effected, laying the stage for, from the 2013 budget, for the transition to be fully effected. Thank you very much Mr. Chairman.

**Mr. Chairman:** Minister, are you saying that of 2013 there will be full transition and implementation of...

**Dr. Singh:** Indeed that is what I am saying Mr. Chairman.

**Mr. Chairman:** This figure is to take care of a shortfall?

**Dr. Singh:** It is to address those requirements prior to the passage of the Appropriation Bill. It will be recalled that the Budget came to Parliament in March and was approved in April. Prior to that, obviously these entities were still operating, so interim releases had to be granted. Those interim releases could not have been funded under the Ministry of Home Affairs because CANU was residing in the Ministry of Finance in the preceding year, which is why we provided essentially three-quarter of the budget allocation under Home Affairs to address post-budget approval period. We provided approximately quarter under the Ministry of Finance to provide for pre-budget approval allocations.

**Mr. Greenidge:** Am I right in thinking that the recommendation from CANU preceded the opening of the year 2010, and am I right in thinking that the State Planning Secretariat was closed long before 2012?

**Dr. Singh:** Mr. Chairman, indeed the recommendation predates the commencement of fiscal year 2012.

**Mr. Chairman:** One second Dr. Singh, are we speaking about CANU or are we speaking about both?

**Dr. Singh:** Mr. Chairman I am quite happy to answer both. I think Mr. Greenidge asked about both. I am not disputing the fact that the recommendation predated fiscal year 2012, but the implementation of the solution commenced from 2012 and as a result of which, interim releases

could only be granted with reference to where the budgets were located in 2011. The issue is really not when the recommendation was made. The recommendation was made a few years ago, but the solution is being implemented in 2012; that is all that I am saying.

**Ms. Teixeira:** Mr. Chairman, just for clarification, the September 2010 Auditor General Report was laid in this House in September 2011.

**Mr. Chairman:** Members if I understand correctly, a recommendation, and rightly so, was made by the Auditor General vis-à-vis CANU and the State Planning Secretariat. The Government sought to implement those recommendations albeit maybe a little late, but they were implemented. Monies had to be spent on these entities while that implementation process was taking place. Do we as a House approve those expenditures? The people have to get some salary or something for operational expenses. Do we approve those or just because it came late say no? I think that is what it comes down to.

**Mr. Greenidge:** Mr. Chairman, you are at liberty to put it to the vote. I think the point is made. The report with which I made reference was not the first time the Auditor General made the recommendation and we want the Government to operate in a manner consistent with the recommendations of the duly constituted power. You cannot wait five years after the recommendation was made.

**Dr. Singh:** Mr. Chairman, surely this House is capable of recognising. We may debate about whether the Government should have implemented it in 2011 or in 2010. The point is that the recommendation is being implemented; the solution is in the course of implementation and you had to have interim appropriations during the course of implementation. Surely this House is capable of recognising that a recommendation made by the Auditor General is being implemented. Surely this House is capable of recognising that fact.

**Mr. Chairman:** Dr. Singh, my question is this; if the recommendation had been implemented within a month of the recommendation and CANU was wholly under the Ministry of Home Affairs, would there have been a same or similar expenditure for which the House would have had to give approval.

**Dr. Singh:** Absolutely. Mr. Chairman, in fact you would have inevitably in any year that this transition was effected had this exact same situation arise.

**Mr. Chairman:** These sums are not extra-budgetary or unanticipated? Members you have heard the questions and the answers given to them. I will put the Motion for the approval of the sum of \$224,418,997, expenditures required for the Ministry of Finance – Ministry Administration.

*Question put*

**Division**

*Assembly divided: Noes 32, Ayes 26 as follows:*

*Noes*

Mr. T. Williams

Ms. Marcello

Dr. Ramayya

Mrs. Garrido-Lowe

Mr. Nagamootoo

Mr. Ramjattan

Ms. Ferguson

Mr. Morian

Mr. Allen

Mr. Jones

Mr. Adams

Mrs. Baveghems

Mr. Sharma

*Ayes*

Mr. Jaffarally

Mr. Damon

Rev. Dr. Gilbert

Dr. Mahadeo

Mr. Seeraj

Mr. Neendkumar

Mr. Lumumba

Mr. Chand

Mr. Nadir

Ms. Teixeira

Mr. Whittaker

Mr. Baksh

Mrs. Campbell-Sukhai



Mr. Bulkan

Ms. Webster

Mr. Bond

Mr. G. Persaud

Ms. Kissoon

Ms. Manickchand

Mr. Trotman

Mr. Benn

Ms. Selman

Dr. Anthony

Mr. Allicock

Mr. Ali

Ms. Wade

Dr. Westford

Mr. Felix

Dr. Singh

Ms. Hastings

Mrs. Rodrigues-Birkett

Mr. Scott

Mr. Nandlall

Lt. Col. (Ret'd) Harmon

Dr. Ramsammy

Mr. Greenidge

Mr. Rohee

Mrs. Backer

Mr. Hinds

Dr. Norton

Mrs. Lawrence

Mr. B. Williams

Ms. Ally

Dr. Roopnarine

Brigadier (ret'd) Granger

*Item 3 03-031 – Ministry of Finance – Ministry Administration – \$224,418,997 was put and negative.*

## CAPITAL ESTIMATES

### Item 1 01-011 – Office of the President, Head Office Administration – \$101,630,870

**Mr. Chairman:** Does any member wish to speak?

**Mr. Nadir:** Mr. Chairman, could I ask the Minister what has been done in terms of minor works in Agency Code 01-011, Chart of Account 1700100? Also, in terms of Chart of Account 3400700, Government Information Agency, what was the equipment purchased?

**Mr. Hinds:** Mr. Chairman and Hon. Members, a number of things are listed here under the category “minor works” expenditure of the President, they include provisions to a number of funerals, one of which we know about, and some other things here which seem to be of a security nature. It also includes some other things which one may expect the President to do, hand out some kites at Easter time. I think it has been the traditional way of handling these things on this account. It is the way we found it in 1992.

**Mr. Chairman:** Allow the Prime Minister to speak please; I cannot hear him. I put the question and no one asked any questions. The Prime Minister is asking a question put from, for the first time, backbenchers of Government side. Backbenchers asking questions is a good practice. I would like to hear the Prime Minister.

**Mr. Hinds:** There are a number of things listed here in which the President has made expenditures which a President would and as we would expect he should.

*3.14 p.m.*

In the case of Government Information Agency (GINA), expenditure was made on transformer, cameras and machines for preparing videos offline and such like, to keep GINA working. In the case of NCN there was purchase of production equipment and a vehicle. Mr. Chairman, these were expenditures made to keep GINA and NCN operational. The minor works expenditures were the usual sorts of things that the President would be called upon to do.

**Mr. Chairman:** Thank you Prime Minister.

**Mr. Ramjattan:** The Auditor General issued qualified opinions on NCN and GINA Accounts in the 2007 and 2008 reports. To quote from the report, he says:

“A fixed asset register was not maintained during the period under review. In addition it was noted that NCN Incorporated did not implement and maintain a master sectional inventory.”

Has any of these matters the Auditor General issued, in relation to NCN especially, been remedied since the 2008 Report?

**Mr. Hinds:** Mr. Chairman, I would like to ask for some time to present the answers to that question.

**Mr. Greenidge:** Mr. Chairman, can the Prime Minister inform us as to when the last items of capital expenditure he mentioned under GINA, for example, expended?

**Mr. Hinds:** This Paper here is on statements of excess. It was made during January to the end of June. I cannot now say exactly the date. I cannot give you a better date than that.

*Item 1 01-011 Office of the President – Head Office Administration– \$101,630,870 was put and negative.*

*Assembly resumed*

**Dr. Singh:** Mr. Speaker, I wish to report that the Committee of Supply has approved of certain proposals set out in Financial Paper No. 1 of 2012, specifically item 2 under Current Estimates, listed under Office of the Prime Minister, Subsidies and Contributions to Local Organisations, specifically the Guyana Power and Light Inc. I now move that the Assembly doth agree with the Committee in the said resolution.

*Question put and agreed to.*

*Motion carried*

## **CONSIDERATION OF FINANCIAL PAPER NO. 2/2012**

“Be it Resolved:

That the National Assembly approves of the proposals set out in Financial Paper No. 2/2/1012 – Schedule of Supplementary Estimates (Current and Capital) totalling \$12,168,106,477 for the period ended 31<sup>st</sup> December, 2012.” [Minister of Finance]

**Dr. Singh:** Mr. Chairman, if I may just to indicate that the Cabinet in accordance with Article 171(2) of the Constitution has recommended for consideration by the Assembly the approval of the proposals set out in Financial Paper No. 2/2012, Supplementary Estimates, Current and Capital for the period ended 31<sup>st</sup> December, 2012, totalling \$12,168,106,477. I now move the motion.

*Motion proposed*

*Assembly in Committee of Supply*

## **CURRENT ESTIMATES**

### **Item 1 01-012, Office of the President – Presidential Advisory (Cabinet and Other Services) - Contracted Employees - \$127,386,029**

**Mrs. Backer:** Mr. Chairman, through you could the Hon. Minister indicate to the House for Chart of Account 6116 - Contracted Employees - \$127,386,029, whether it includes payment for Mr. Kwame McCoy who was recently found guilty for offences in the criminal jurisdiction in the Magistrate’s Court.

**Mr. Chairman:** Just to point out before the Prime Minister answers, if Mr. McCoy has been convicted that would have been within the last few days. I think I read something about it yesterday or today. This Financial Paper would have been laid before.

**Mr. Hinds:** I was going to make very much the same observation. I did not peruse the documents I was given of the list of names, but I was going to make the same observation that the event referred to by Hon. Member Backer came about only recently, after these documents would have been prepared.

**Ms. Teixeira:** Mr. Chairman, just a comment. The Hon. Member raised the issue of the member being criminally charged and found guilty. The issue is though that there is a right to recourse, to appeal. Secondly and more fundamentally there are people’s human rights, the right of anybody

even when charged and found guilty of a crime they have a right to life, to work, to be reintegrated into society; they have a right to all the fundamental issues. Therefore, I believe that the question is improper in this House.

**Mr. Chairman:** Members, we are considering Financial Papers that have to do with the Presidency and his ability to administer the affairs of this Nation. The issues as to whether a particular employee has a conviction or does not have one or has charges pending are not relevant to the consideration of this issue. We all have our views on the individual or otherwise, but the point is at the end of the day are we approving or disapproving expenditure for the conduct and administration of the state of Guyana by His Excellency the President of Guyana. That is what it comes down to. Any other question on this item, please?

*Item 1 01-012 Office of the President – Presidential Advisory (Cabinet and Other Services) – Contracted Employees - \$127,386,029 was put and negative.*

**Item 1 01-012 Office of the President – Presidential Advisory (Cabinet and Other Services) – Other - \$68,606,792**

*Question put*

**Division**

*Assembly divided: Noes 32, Ayes 26 as follows:*

*Noes*

Mr. T. Williams

Ms. Marcello

Dr. Ramayya

Mrs. Garrido-Lowe

Mr. Nagamootoo

Mr. Ramjattan

*Ayes*

Mr. Jaffarally

Mr. Damon

Rev. Dr. Gilbert

Dr. Mahadeo

Mr. Seeraj

Mr. Neendkumar

Ms. Ferguson

Mr. Morian

Mr. Allen

Mr. Jones

Mr. Adams

Mrs. Baveghems

Mr. Sharma

Mr. Bulkan

Mr. Bond

Ms. Kissoon

Mr. Trotman

Ms. Selman

Mr. Allicock

Ms. Wade

Mr. Felix

Ms. Hastings

Mr. Scott

Lt. Col. (Ret'd) Harmon

Mr. Greenidge

Mrs. Backer

Dr. Norton

Mr. Lumumba

Mr. Chand

Mr. Nadir

Ms. Teixeira

Mr. Whittaker

Mr. Baksh

Mrs. Campbell-Sukhai

Ms. Webster

Mr. G. Persaud

Ms. Manickchand

Mr. Benn

Dr. Anthony

Mr. Ali

Dr. Westford

Dr. Singh

Mrs. Rodrigues-Birkett

Mr. Nandlall

Dr. Ramsammy

Mr. Rohee

Mr. Hinds

Mrs. Lawrence

Mr. B. Williams

Ms. Ally

Dr. Roopnarine

Brigadier (ret'd) Granger

*Item 1 01-012 Office of the President – Presidential Advisory (Cabinet and Other Services) – Other - \$68,606,792 was put and negative.*

**Item 2 11-112 Guyana Elections Commission - Elections Administration – Refreshment and Meals - \$27,000,000; Other - \$500,000,000**

**Mr. Greenidge:** Mr. Chairman, could the Minister explain to us the basis of these supplementary provisions being sought? I am particularly concerned over the magnitude of the increase over voted provisions. And for what period do these increases apply?

**Mr. Hinds:** Mr. Chairman, I would like to remind the Hon. Member that these were cuts imposed in the budget presented in April. And we would recall that when this session began the Hon. Minister for Local Government laid the two laws that I think would clear the way for Local Government Elections to be held this year. [Mr. B. Williams: He said next year.] Next year, but preparatory work may begin and these moneys here are to prepare for the Local Government Elections.

**Mr. Chairman:** Hon. Prime Minister maybe I could ask a question. How many employees, temporary and permanent, are to be taken care of here?

**Mr. Hinds:** Mr. Chairman, as I recall from the budget when the head of GECOM sat beside me some over 2,000 polling places would be expected and will all have to be manned for various points going forward to the election date set. A day being set for Local Government Elections, things start to go in place; places have to be leased and preparations are to be made at each of the over 2,000 places for voting.

**Ms. Teixeira:** Mr. Chairman, can I ask a question of the Prime Minister? These funds allocated at Chart of Account 6294, would they be used also for the continuous registration period which we had earlier in the year and for the second batch which is usually in a year?

**Mr. Hinds:** Yes. My recall was that they are also used for the continuous registration periods.

*Item 2 11-112 Guyana Elections Commission - Elections Administration – Refreshment and Meals - \$27,000,000; Other - \$500,000,000 was put and negative.*

**Item 3 48-482 Ministry of Labour, Human Services and Social Security – Social Services - \$635,000,000**

**Ms. Teixeira:** Mr. Chairman, can I ask the Hon. Minister whether the additional increase we agreed to in the budget is being paid out to pensioners now? And were this amount to be cut or opposed by the Opposition what would happen to the pensioners who are now receiving... *[Noisy Interruption]* Mr. Chairman I seek your protection. If this heading does not to have the approval of the House what would happen to the pensioners? Would their moneys be cut?

**Minister of Labour, Human Services and Social Security [Ms. Webster]:** Mr. Chairman, the increase is currently being paid to the pensioners. If the moneys were to be cut we will be unable to pay the \$10,000.

**Mr. Greenidge:** Mr. Chairman, in the light of the question just so kindly put by the Whip on the other side may I remind the House that the increase to \$10,000 arose as a result of a number of exchanges. The question is when will the balance, in other words when will the Government seek funds to fund the \$15,000 increase recommended by the Opposition?

**Ms. Webster:** Mr. Chairman, the sum being requested here is to meet the difference in the \$10,000. In the budget the sum provided was only \$8,100 per month, so the sum being requested here now is to meet that increase which we have already started to pay.

**Mr. Greenidge:** Mr. Chairman, when will the sum required to pay the difference between \$10,000 and \$15,000 be requested of this House? That is the question.



**Mr. Chairman:** Is there a \$15,000 approved by this House? [Shouts of No] [*Interruption*] With respect, are we talking about a gap between \$10,000 and \$15,000? Has \$15,000 been approved? I thought it was \$10,000. [**Member:** It is \$10,000.]

**Mr. Chairman:** Then the question does not arise.

**Dr. Singh:** Mr. Chairman you are quite right in pointing out that this House during the course of the budget debate agreed and approved an old age pension of \$10,000 per month. In fact, it would be recalled that this \$10,000 per month emerged from an engagement between the Opposition and the Government at which a delegation from the Opposition led by the Hon. Leader of the Opposition met with His Excellency the President and certain agreements and understandings emerged. These agreements and understandings included, and I will repeat for the purpose of reminding this House, an agreement between the Parties that the old age pension will be increased in Budget 2012 to \$10,000 per month. This was agreed with the Opposition. For the Hon. Member Mr. Greenidge to come to this House and to introduce a question about some imaginary \$15,000 when the Hon. Member is well aware that the Opposition agreed with Government on \$10,000 and we returned to this House – I had the honour myself to return to this House and read a statement announcing the agreement that was reached. To introduce \$15,000 is a very cheap attempt to score political mileage on an imaginary figure. Those of us on this side of the House have honoured our undertakings and the agreements we reached during those discussions, unlike my colleagues on that side of the House.

**Mr. Nagamootoo:** Mr. Chairman, just a small question. The Alliance For Change (AFC) having agitated for \$10,000 per month as an interim for old age pensioners welcome the approval which we had given but ask just for clarity whether this payment of the increase goes back to the 1<sup>st</sup> January, 2012.

**Mr. Chairman:** What was the arrangement? Minister.

**Ms. Webster:** Mr. Chairman, I think it was agreed we would pay from May and that is what we are doing.

**Mr. Chairman:** My understanding is that when there was an amendment to the Budget it was as of 1<sup>st</sup> May. That is what was declared as per agreement, 1<sup>st</sup> May, 2012, Mr. Nagamootoo.

**Mr. Nagamootoo:** I just ask the question. I thought the solicitude of magnanimity on the other side that the back bencher, the Hon. Member Gail Teixeira, had raised about consequences would have been flowing from the Government. The 1<sup>st</sup> January would have been better.

**Mr. Chairman:** This House including the Opposition did not approve a payment from the 1<sup>st</sup> January. So there would have been an illegal request magnanimous or otherwise because it was not based on an approved...

**Mr. Greenidge:** Mr. Chairman, it is my understanding that the Minister can request an amount whether or not the House had approved it before. There are many items here that have never been approved by the House. Please do not let us go in that direction.

**Mr. Chairman:** Mr. Greenidge, one second, let us keep it on an even level. I made a comment and I do not...

**Mr. Greenidge:** I withdraw the statement.

**Mr. Chairman:** Thank you very much.

*Item 3 48-482 Ministry of Labour, Human Services and Social Security – Social Services - \$635,000,000 agreed to and ordered to stand part of the Schedule.*

*Assembly resumed*

**Mr. Chairman:** Hon. Members I have received numerous requests from members for an early suspension. We will take the suspension now. There are many other matters on this Financial Paper to consider and I would ask that we resume at twenty minutes to 5.00 p.m.

*Sitting suspended at 3.43 p.m.*

*4.48 p.m.*

*Sitting Resumed*

**Mr. Speaker:** Thank you Hon. Members, please be seated. The session is resumed. Members when we took the suspension we had just completed, I believe, item three on Financial Paper No.

2, Section 'A' and I would like to turn our attention to Section 'B' of that paper. We will resume in Committee of Supply, thank you.

*In Committee of Supply*

## **CAPITAL ESTIMATES**

### **Item 1 01-011 Office of the President – Head Office Administration – Information Communication Technology - \$170,000,000**

**Mr. Chairman:** Item one of Section 'B' - Capital Estimates, Code No. 01-011 - Office of the President - Head Office Administration, information Communication Technology (ICT) - \$170 million, Provision for the development of information technology. Then there is a secondary sum for \$73,369,127, Provision for developmental, humanitarian and other activities. Are there any questions on this item?

**Mr. Nadir:** Thank you Mr. Chairman. Could the Hon. Minister tell us what exactly is this additional \$170 million for and if possibly, if it is to also assist with the grant of laptops, which we are getting from the Chinese?

**Mr. Hinds:** Mr. Chairman and Hon. Members, yes. This provision of \$170 million is to implement our Information Communication or ICT Project, which includes making good on the One Laptop Per Family Project and also making good on the optical cable that is coming in from Lethem - from Boa vista via Lethem - into Georgetown. So this \$170 million is to bring that into being.

It is important for us to have this second fibre optic cable come into operation, so that there is back up for connectivity to the international connectivity. Indeed, many of the IT companies, call centres and others that we are working to attract to Guyana, all of them want redundancy; they want back up. For some places they even want two backups. Things do come down and as one line goes down they want to be able to get on to another line.

I think that with much of the expenditure already made and with many of the laptops on hand, that we should all be inclined to approve this amount of money, so those things could come into place for the benefit of so many of our people.

**Mr. Chairman:** Thank you. Are there any other questions?

**Mr. Nadir:** Can I get a supplemental question? Mr. Chairman, could the Hon. Prime Minister say when this cable from Brazil should be operational? An additional question is, how many jobs he expects would accrue, because Guyana would have more redundancy and guarantee more connectivity to the call centres?

**Mr. Hinds:** I was, over the last couple of days, meeting with one of the larger call centres in Guyana and we talked through this matter. I think that with this approval we can look to bring this cable into operation in about three (3) months time. I know they are looking to move their employment up from maybe 1700 now to 5000 or 6000 persons in the business area. So I think I will like to call on all of our Members, here in this house, to support this expenditure.

**Mr. Chairman:** Thank you Prime Minister. Mr. Greenidge.

**Mr. Greenidge:** Thank you very much Mr. Chairman. Mr. Chairman would the Prime Minister be good enough to tell us that as regards this fibre optic cable and the additional capacity it is meant to bring to us; why is it that both GT&T and Digicel seem to be having a difficulty with the case that the Prime Minister is making in relation to this?

**Mr. Hinds:** I think there are perhaps maybe concerns about some aspects about it, maybe the issues of competition and whether it would be fair competition and so on. But I would expect that they would also be aware and conscious that additional backup, redundancy, is good for everybody, it attracts business into Guyana when there is redundancy. I would expect that the difficulties they may be seeing now are things that we could work out.

**Mr. Greenidge:** Mr. Chairman, I was trying to ascertain exactly what it is that the Government was proposing to do, to alleviate those concerns, because these are concerns which have been raised by both agencies and they have not to do with competition.

**Dr. Singh:** Mr. Chairman, if I may, they in fact have everything to do with competition. Because currently, if the Government wanted to distributed any content for E-Government purposes, the bandwidth required to distribute that content, would have to be purchased from a private provider that currently supplies bandwidth, say for instance, GT&T. When the Government has a

cable of its own, such as it will have when the Lethem to Georgetown cable is completed and such as it would even more so have, when the Coastal Fibre Optic Backbone would have been completed; then were the Government to be required to distribute E-Government content, such as for example, educational material to our schools; such as for example, other Government information to its citizens; such as for example, to establish a hot spot in a populated city centre area so that persons could access Government information through their WIFI devices; access Government portals - established for the purposes of distributing Government services, so for example passport forms etc and a good example of course ,is, educational content to our schools, that is really perhaps the best example.

Then with the existence of a Government infrastructure, that content could be distributed without having to buy it from another provider, because Government will have the infrastructure that would be required to distribute the content. And that really is the issue.

**Mr. Greenidge:** There is the issue of the opportunity cost. It means that it may be provided free by the Government, it does not mean that it is free to the country. **[Interruption]**  
**[Dr. Singh:** I never said that it would be.] I think that the term free is one that you used, that is why I am repeating it. **[Dr. Singh:** I never said so.] You just said free. You said free.

**Dr. Singh:** I never said free, Mr. Chairman. I said the Government would be able to distribute this content without having to purchase bandwidth from another supplier. The Government will be using the infrastructure that it would have constructed and using resources appropriated by this Parliament. The Government will not be required to purchase bandwidth from a third party supplier. That is what I said.

**Mr. Chairman:** Thank you.

**Mr. Greenidge:** Thank you very much Mr. Chairman. As far as I am concern, the point I was trying to make in any cases had to do with access. To the extent that the Government has funded or financed a facility in terms of the cable, the question that had given rise to the concerns by the other two companies has to do with respect to policy regarding access to that bandwidth. They may well want to restrict access, but the Government may have in mind the provision of access

on terms that are privileged. You are accustomed to the sweetheart deals for some of the companies already involved in this area and that is the issue. *[Interruption]*

**Mr. Chairman:** Prime Minister.

**Mr. Hinds:** Mr. Chairman, I have said on many occasions that we love GT&T as much as we love Digicel and we love none more than the other.

**Mrs. Lawrence:** Thank you Mr. Chairman. Mr. Chairman through you to the Hon. Prime Minister, Mr. Prime Minister, during the debate on the estimates, the specific line item 1212000, \$170 million, you indicated that this amount was the Government's subscription to the One Laptop Project, but today you are telling us that this \$170 million includes moneys for fibre optic cables. Which it is?

**Mr. Hinds:** This money is not to buy fibre optic cable. This money here is to do things, which will make the fibre optic cable, to bring it into operation. Things like providing standby power at various places and also testing kits and so on. But when this comes into operation it will provide the backbone for our One Laptop Per Family Programmes (OLPF) and so on; it will provide the connectivity for the One Laptop Per Family Programme.

**Mr. Greenidge:** Can the Prime Minister give us an indication of the type of contracts associated with these additional services; has any of them been signed or issued and to which companies?

**Mr. Hinds:** For this \$170 million there is no individual significant contract. There is an office building for the E-Government unit, there are some ATVs to support maintenance and checking of the fibre optic cable, there are test kits for some \$41 million, there is supervision which is not yet tendered - this is assistance that we would seek, particularly in the early years to supervise our E-Government projects. Many of these installations are very specialised so we would need some special skills.

There is, as I said earlier, power supplies for the locations at Annai, Kurupukari and Mabura; there are small power supply units there, they will be hybrid, solar and diesel generator sites. There is additional training of staff in the areas which have to do again with network operations

and so on, things that are relatively new to us. There is some money here also for repeater sites again at Annai, Kurupukari and Mabura.

This \$170 million, if we look at the original voted provision, which I think was the specific, the input coming in, it was like six and a half billion dollars. This \$170 million is a relatively small amount to make that larger amount effective.

**Mrs. Lawrence:** Thank you Mr. Chairman. Could the Hon. Prime Minister indicate whether they have received any of the moneys from China and that is the \$6.580 billion?

**Mr. Hinds:** I think this is largely a value put to a number of laptops that are being provided to us. I think over thirty thousand or some numbers like that - this figure. We bought some and we got some remainders as a grant.

**Mrs. Lawrence:** Follow-up Mr. Chairman. Could the Prime Minister kindly indicate to the House whether they have received any of these laptops and if they have, how many?

**Mr. Hinds:** Mr. Chairman, I could not answer that exactly very knowledgeably right now, but it seems that they have not arrived has yet.

**Mr. Greenidge:** Are any of the laptops intended for the Hinterland?

**Mr. Hinds:** For Linden yes, in fact...

**Members:** Hinterland?

**Mr. Hinds:** Intended for? The Hinterland...

**Mr. Greenidge:** The Hinterland.

**Mr. Hinds:** Yes indeed, have been giving much thought about how to implement the One Laptop Per Family Project in the 188 maybe villages we have in the Hinterland. I think present thinking and a number of villagers have said to us, even though they may not be in an area where they could connect to the internet at their home, they would still like to have their laptops so that they could work on it at home; just on the lap top. We are committed to have in each village

something like a hotspot, where people can go and connect to the internet. So we have been giving much thought to the households in the Hinterland.

**Mrs. Lawrence:** Mr. Chairman a follow up question to the Prime Minister. I am very happy to hear that they are giving consideration to our Hinterland brothers and sisters. Could the Prime Minister kindly tell us... *[Interruption]* I am not speaking to the person who breaks down sheds where little children dwell.

**Mr. Chairman:** Okay.

**Mrs. Lawrence:** I am speaking to the Hon. Prime Minister. Mr. Prime Minister, could you kindly tell the House what has hampered the residence from Katunarib and Tiger Pond from receiving laptops?

**Mr. Hinds:** Katunarib and Tiger Pond.

**Mr. Chairman:** Hon. Prime Minister, proceed please.

**Mr. Hinds:** Well we have not gotten everyone as yet, but I can assure you that we will get to everyone.

**Mrs. Lawrence:** Mr. Chairman, if you may allow me. Sir, you would have a list of the villages that would receive laptops from this batch. So to make a statement like that, the residents of both Katunarib and Tiger Pond, they want to know whether something is wrong with them that they are not getting laptops. So we want to know whether there is some discrimination taking place there.

**Mr. Hinds:** Mr. Chairman, I will like to assure this House and give my personal commitment that everyone - every household - will receive.

**Mr. Chairman:** Hon. Prime Minister, is not there a schedule of laptops – communities - when there will be ...like a work program or work plan that these... so that you can tell exactly which regions are going to receive when and how many and that would put an end to a lot of the speculations and the suspicions.



**Mr. Hinds:** I do not have that at hand, but...

**Mr. Chairman:** Maybe that is something that can be generated.

**Mr. Hinds:** I do not have that at hand, but it is something that we could provide. I know that on the other one that I am more closely involved with on the PV systems, I know that we have those schedules and I am pretty sure there is a schedule for the laptops too.

**Mr. Chairman:** Thanks. Mrs Baveghems, do you have a question?

**Mrs. Baveghems:** Cde. Chairman to the Prime Minister, could the Prime Minister tell this Hon. House if the One Laptop Per Family Programme is going village by village, ward by ward and in numerical order, so that everybody - the word everybody - every family would have a laptop or is it just going to their people?

**Mr. Hinds:** Mr. Chairman if I were aware that these questions would have come up this way, I would have been better prepared to answer them. But can I recall that we estimated that they may be two hundred and fifty thousand or more families in Guyana – households - and our estimate was that ninety thousands households would not be able or may not be able to provide themselves with some form of computer. We are focusing on these ninety thousands households. There are many households that already have computers, person with some more money, middle class, upper class, but we are focusing on the ninety thousand lower income households.

**Mrs. Baveghems:** A follow up on that Hon. Prime Minister. There are some homes that have four and five families living together, would every member of that family in that home receive a laptop or just one family in the home will receive one?

**Mr. Hinds:** Mr. Chairman, I would expect that some of these details would be considered in the programme itself, whether if there is a household with three families living together, how to would that be dealt with and how would it be differentiated. I think these are very detailed questions that are better addressed in the program itself. I am afraid I did not bring that sort of information here with me.

**Mr. Greenidge:** Mr. Chairman, can the Prime Minister give us some type of assurance or schedule in connection with the distribution of these thirty thousand laptops and I am speaking in

terms now of timing and geographical coverage. Because as you are aware the, the lap tops that have been already distributed have caused concern and the mode or manner of explaining why they have not distributed it have tended to be political and very much at variance as regards the explanation we get now. So the question is can he give us the assurance that within a certain period of time the laptops will be distributed and that the distribution will be evenly done geographically across the country? So how soon ... [*Interruption*]

**Mr. Chairman:** That is a very good question. The Hon. Prime Minister, just a few minutes ago did...Prime Minister, I thought I heard you a few minutes ago give a commitment?

**Mr. Hinds:** Yes.

**Mr. Chairman:** I think we need to have that commitment crystallised and defined in terms of a schedule and Members need to know the geographic spread and a schedule in terms of time, a kind of a work plan that you said exist for your other programme, but for this you would expect to find. Please define.

**Mr. Hinds:** Yes, Mr. Chairman, I will give that undertaking that we will have a description out. We can provide it may in be two weeks to the leaders of the other two parties or to the other two parties, on our projections for the One Laptop Per Family Programme.

**Mr. Greenidge:** Mr. Chairman, just to, if I might just be allowed a brief reaction, say that one is encouraged by the Prime Minister's reaction and I think that we would also like to see that plan distributed to the public as a whole since parliament is going to be in recess. It is important that we be given that assurance.

**Mr. Chairman:** Thank you Mr. Greenidge. It occurred to me that in some of these programmes there should be a national kind of buying and so Parliament should have some kind of involvement, either observer status or something, to just ensure that having voted these sums that there is some person on an oversight committee or something that ensures that it is going according plan, etc. That is something that could be discussed and worked out between the leaders. Mr. Allicock - I see they have something for Lethem road coming up too.

**Mr. Allicock:** Thank you very much Mr. Chairman. Could the Hon. Prime Minister say whether the internet link would be made available in this package so that the computers that would be given... I think that the intention is to meet out to the bigger world and if that is also in the package?

**Mr. Hinds:** Yes, Mr. Chairman, as I said earlier, the intention is to have in each village a point like an internet café which would have internet connection in our villages. There would be at least one location for internet connection in each village in the Hinterland.

**Mr. Chairman:** Thank you Prime Minister. Hon. Member, I like to put the question. Oh before I do, there is item 1700100 - Minor Works. Would you like to put them separately? I see.

*Item 1 01-011 Office of the President – Head Office Administration – Information Communication Technology - \$170,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 1 01-011 – Office of the President – Head Office Administration - Minor Works - \$73,369,127**

**Mr. Nadir:** Mr. Chairman, I rise on a similar question that as I had previously on the previous paper and I notice this is a supplementary paper for \$73,369,127. I am confident that the Prime Minister may have some significant minor works, for example, the completion of the basketball court in, in Albouys Street and Punch trench or Boulevard, which was started last year and left incomplete, is that included there?

**Mr. Hinds:** Mr. Chairman, this provision here is so that from time to time as our President tours the country and his people call on him, he does have some fund that he could respond immediately to the very obvious needs of the community or of the individual, for example, two or three weeks ago I had someone come to the office and said that they were from the Corentyne, but that they were out of money to get back to the Corentyne. They needed at least \$2,000, so we provided them with \$3,000. This is the humanitarian kind of thing, but you know from time to time you... *[Interruption]*

**Mr. Chairman:** Okay let us go.

**Mr. Hinds:** ... you visit a village or a community and you find they want a put a bridge across the canal so that the school children could make a direct route and not a endanger themselves fording the canal or something. You know these things come up and this, this provision is to enable our President, the President of the land, to be able to respond to these small calls on the President.

**Mr. Chairman:** I recognise Mr. Needkumar.

**Mr. Needkumar:** Mr. Chairman, I would like to know if the Prime Minister could tell us if, Whim ground will benefit from this, because the, my friend over there is asking me about the Whim ground and my other friend is asking me about the Phoenix Park area: if those two areas will benefit?

*5.18 p.m.*

**Mr. Hinds:** I could not say, Sir, because it is the President's judgement, but I am pretty sure that he would give fair and equitable consideration to all calls on this account.

**Mrs. Lawrence:** I am not too smart on these things, and I wonder whether the Hon. Prime Minister can help me, because on Financial Paper No.1, which we passed, there were requests for moneys for "humanitarian and other activities" and then, now, on Financial Paper No. 2 it is asking for aid for "humanitarian and other activities". Could the Prime Minister kindly enlighten me?

**Mr. Hinds:** Financial Paper No. 1, it was for excess and it covered the period to the end of...  
[**Mrs. Lawrence:** It is this year, 2012.] Yes, but it was for expenditure made to the end of June. Financial Paper No. 2 seeks to restore the funding for this account for the remainder of the year.

**Mrs. Lawrence:** Is the Hon. Prime Minister indicating that there is a misrepresentation here in terms of the period, on Financial Paper No. 1, because it states here the "Statement of Excess for the Period ending 2012-12-31"?

**Mr. Hinds:** My understanding is that what is put there is for the calendar year 2012, but in Financial Paper No. 1 it is for expenditures that would have been made to the end of June and in

Financial Paper No. 2 we are seeking supplemental to restore some cuts which the Members might have had time to reflect upon and want to restore, and here is an opportunity to restore this capability to the President.

**Mrs. Lawrence:** I do not want to be petty, but at the same time I do not wish that our records should reflect any inaccuracy because the document that was presented to me, as a parliamentarian, has nothing about June of this year. Both of them speak for an entire fiscal year. Could we kindly get it right?

**Mr. Hinds:** I do not think that there is a contradiction necessarily in this. I think that if we focus on the issue of the excess, and this one is a supplementary provision, that tends to give the indication that we are speaking to two different things here.

*Item 1 01-011 – Office of the President – Head Office Administration - Minor Works - \$73,369,127 was put and negatived.*

**Item 2 20-021 Office of the Prime Minister - Prime Minister’s Secretariat – \$5,330,000,000**

**Mr. Nadir:** I note that the \$5.330 billion is under “specific”, suggesting that it is coming in from sources other than local. First, could the Prime Minister tell us what that source is? Secondly, why do we need, at this time, to provide an additional twenty-six megawatts of power and who will benefit?

**Mr. Hinds:** Mr. Chairman and Hon. Members, you would know that we have the PetroCaribe agreement with the Bolivarian Republic of Venezuela and, on that, one is not required to pay all of the moneys at the time of purchase of certain quantities of fuel, so there is a financing arrangement but we have been insisting that the moneys be provided at the time of each shipment. There is an account and we put that money into it, so that it is available and we do not run into the situation of not having money to make the annual payments as we go forward, but, as was intended, that account is there to support and finance worthwhile programmes. This is coming from our own Guyana PetroCaribe account. That is where this money is coming from.

The reason why we are doing it at this time is, as I can imagine, that we may be asked - I think we might have been asked before - why did we not include it at the beginning of the year in the budget. It is part of the situation in Guyana where we are generally short on capital. If I speak to

generation, a usual rule of thumb is that if there is five units needed to provide power at any time there should also be two other units. There should be seven when there is need for five. It is more or less, forty per cent more, because one unit would be down from time to time for maintenance and there is need to make an allowance that a unit may also be down for emergency reasons.

**Mr. Chairman:** When you were in Jamaica, were you there for that blackout that occurred?

**Mr. Hinds:** It was having trip out while I was there, for three days. It was a fair number of trip out in the hotel I was in. There is backup which could be as much as forty per cent. In one of the recent Caribbean Electric Utility Services Corporation (CARILEC) magazines it was reported, in Suriname, that there was the building of a two-hundred megawatt power station but with three hundred megawatts installed – fifty per cent backup. We have been aware of it, but with capital short we have been trying to see how much we can get away with, but as we have gone through the year, and as opportunity came along, we have decided that it is a good time now to commit to this power station.

Some people may know that with the growth of the West Bank and West Coast of Demerara there have been many trip out in those areas, largely because the feeder supplying those areas has been overloaded and to give some temporary relief in a temporary way a station was put at Leonora. Some generators were put together there at Leonora. We see a need for having generation over on the West Coast and as we are in the process of putting in a substation at Vreed-en-Hoop we will put next to it this new power station so that, in terms of management, they can be in one location.

Timing has been good, in that the conversion rate from euros to US dollars has been good and favourable, so we think that this is a good time to put this station in.

**Mr. Greenidge:** Section 41 of the Fiscal Management and Accountability Act requires, as the Minister anticipated, that these expenditures be both urgent, unavoidable and unforeseen. When the Prime Minister brought to the House a request for subsidy of \$6.13 billion we provided the subsidy on the condition that the Government provided us with a plan, in which plan would take into account anticipated changes and whatever backup would be required during the course of the year. That plan, to which reference was made earlier, as given to us by our colleagues from the AFC, has not been three months with us and we have what is a major expansion before us

that was not anticipated in there. I find it inconceivable that at the end of April the engineers and policy makers for Guyana Power & Light Inc (GPL) would not have known that they have money in PetroCaribe; that is impossible. They must have known that they have money there and they would have found it useful to have the additional capacity. We are, I think, being toyed with here. The Government gives us information and feeds us with it when it is convenient. The fact is that for such a major expansion it could not and ought not to have been the product of the Prime Minister and a colleague deciding that this is a good time because the exchange rate between the euro and the US dollar was favourable. The question is: Why was this not foreseen and why was it not brought before? The answers he has essayed are not satisfactory.

**Mr. Hinds:** I am not sure that this forum allows for me to satisfy the Hon. Member readily that this question has been before us. I can refer to the annual development and expansion plans of GPL in which a shortfall for generation has been seen and recognised. We can go to the annual development and expansion plans and we would see that it is there. As I said, if we followed fairly reasonable rules for generation for countries and peoples who are not constrained by money we should easily have had a one hundred and twenty megawatts of reliable generation in the Demerara system when we know that there is ninety megawatts and some of that ninety is not so good.

We have been aware that there is a gap to fill and this is made worst by the need to convert some units from fifty-cycle to sixty-cycle, some four units, twenty-two megawatts. They are to be converted in two batches of eleven megawatts each and each one would take three months, so there will be a period there that is going to be even tighter. Eleven megawatts would be removed out of the ninety that there is, when, for safety, there should be, maybe, one hundred and twenty megawatts.

There are many reasons, which come together, that require that we look around and be prudent and put in this additional generation.

**Mr. Greenidge:** All that the Prime Minister has told us suggests that this need was not unforeseen. This is in essence what he is saying: that earlier plans anticipated a shortfall. The question that is relevant here, as per section 41 of Fiscal Management and Accountability Act is why this would not have been taken into account and reflected in the budget and it leads us to the

fear that in another two weeks or two months time the Prime Minister and his team may come along with another generator because the exchange rate happens to be favourable. The idea of planning is that you anticipate what is down the line and put in place the relevant accommodation to be made to ensure that the shortfall can be met. It is not unreasonable. He is saying on the hand it is not unforeseen.

**Mr. Ramjattan:** In view of the fact that we are hearing that some money is now in the PetroCaribe account, I would like to know how much moneys are in there. That is question number one. Question number two to the Minister, was there any public tendering given to interested bidders for this plant so that we can have the submission of offers, so that we could probably know what might be best for the country if it is going to go out to tender or is it a Wartsila deal that is done already?

**Dr. Singh:** If I may first of all respond to Mr. Greenidge's observation and question and then to Mr. Ramjattan's question, I would like to draw to Mr. Greenidge's attention, and indeed my other colleagues in the House, that the reference to an urgent and unforeseen requirement that he made is in fact a reference, which he cited from the Fiscal Management and Accountability Act, to expenditure that would have been met out of the Contingencies Fund. This is not expenditure that has been met from the Contingencies Fund. It is in fact a need that has arisen and for which supplementary provisions are now being sought as distinct from expenditure from the Contingencies Fund, to which the said section would apply. Having said that, the need is indeed urgent and, if I were to be permitted to elaborate on the answer already provided by the Hon. Prime Minister, at the time that the national budget was presented the provisions that we sought approvals for, including certain capital investments - it would be recalled that we sought approvals for capital investments for the transmission and distribution network of the GPL and it would also be recalled that we sought approval for an operating subsidy - and operating subsidies, were projected to be sufficient to meet the requirements of GPL in order for that company to subsist through the year and to discharge its obligations. Having said so, it is of course no secret that GPL is a company that does require very significant investments in its generating capability, in its transmission and distribution network and in other aspects of its operations. At the time of the budget the projections suggested that GPL would be able to complete 2012 and, indeed, traverse into 2013 without the incurrence of a generation shortfall



based on information available at that time. But with the passage of time, given updated information on the state of the generators, including updated information on the maintenance status, the overhaul status and the updated maintenance schedule, it was ascertained that were an investment not to be made in GPL's generating capacity that there would arise a generating shortfall in 2013. Obviously, we cannot wait until 2013 to address that generation shortfall.

In order to prepare now to be able to meet that generation shortfall that could potentially arise in 2013, were an additional investment not be made, we are now returning to the House for approval for the said investment to be made in order that the plants can be shipped and installed and be in operation in time for 2013 when this anticipated generation shortfall could potentially arise given, as I said, updated and the most current information on the fitness – for want of a better word – and given updated and more current information on the maintenance and overall schedule of the current generating engines.

I would, in all earnestness, urge this House to support this investment, because I do not believe that anybody could quarrel with the need for GPL to have more modern, new and more efficient generating capacity. I do not believe that anybody in this House, and I do not believe that anybody in this country, would quarrel with an investment in GPL to increase GPL's generating capacity, particularly where it concerns new and more efficient engines. I believe that it is well-known that some of GPL's generating capacity is still reasonable dated although we have been progressively, over the years, investing in additional and new generating capacity as is evidenced of course by the Kingston power plant.

In relation to Mr. Ramjattan's question, as he asked about the PetroCaribe disbursements and, secondly, about the tendering, I will say that the engine is being purchased from the regional representative of Wartsila, the manufacturers of the plant. My understanding is, and I am sure that the Prime Minister would be better positioned to elaborate on this, that GPL has in effect been consolidating its operations around this manufacturer, given that we have already invested in so many Wartsila operations, given that Wartsila now has a regional and domestic presence and so it is better able to support and be more responsive in a more timely way, in terms of maintenance contracts, basically ongoing support - post purchase support. The machine is being purchased from Wartsila, through the regional representatives of Wartsila.

In relation to PetroCaribe, I will say that there are subsidiary tables in the Estimates that have been providing over the course of time details on the disbursement made under the PetroCaribe account. I do not currently have at my disposal what the current balance on the PetroCaribe disbursements is, but I would be very happy to make that information available to Mr. Ramjattan.

**Mr. Greenidge:** Mr. Chairman, when I listened to the distinguished Minister it is a very persuasive presentation, but it does, of course, conflict with what the Prime Minister told us. The Prime Minister is saying that this shortfall had always been foreseen. The Minister is telling us that the shortfall was foreseen only for 2013. The point is that between them they need to agree and we are not persuaded by anything that has been said, that them not knowing this at the time when the budget was presented. That is really the issue.

May I go on to say that the Minister was kind enough to draw to our attention the fact that section 41, to which I made reference, pertains to the Contingencies Fund. I agree with that. He is therefore contending, and correctly so, that this paper pertains to supplementary provisions. I think that we have agreed there that it is in the Supplementary Provision Act. In that case, may I just cite you the requirements of the Act as regards an item such as this?

Article 24, Supplementary appropriation Acts:

“Any variation of an appropriation, other than those variations referred to in section 22, shall be authorised by a supplementary appropriation Act prior to the incurring of any expenditure thereunder.”

Section 24 (4) reads as follows:

“The Minister, when introducing a supplementary appropriation Bill, shall present to the National Assembly the reasons for the proposed variations and provide a supplementary document describing the impact that the variations, if approved, will have on the financial plan outlined in the annual budget.”

It goes on to the other section. We have had this argument before, if you would remember, asking the Minister in particular at the time when amounts are being requested that we be given proper written documentation and then we would not run into the problem of one Minister telling

us one thing and the other telling us something else. If they are properly supported by written documentation it makes it a lot easier for us. This amount is not small. It is equivalent to the capital subvention that we approved only months ago for the agency and I do not think that it is too much for the Minister to recognise and to accept that he should act in conformity with the laws under which we operate.

**Dr. Singh:** I will repeat what I have already said in this honourable House. The information, as it relates to the reasons for this requirement, is contained in the financial paper. That is why I did not bring only a Supplementary Appropriation Bill but I brought, accompanying that Supplementary Appropriation Bill, a financial paper and that financial paper contains the reasons for this sum and the sum required, which is the impact on the expenditure. An additional expenditure, totalling \$5.3 billion, will be incurred and for the reason that is included in the paper.

**Mr. Greenidge:** Mr. Chairman, I crave your indulgence. I have before me Financial Paper No. 2 of 2012; it has a set of tables. That is it. I am not aware of any other document and, more specifically, we will ask that the House be provided with an additional paper. That is what the section of the law states. Where is that paper?

**Dr. Singh:** As I have repeated said, the financial paper provides the additional information that is required, but I will go further, and I really did not want to venture down this road. I will say that it is most regrettable that the Hon. Member would take this position because he and I spoke on this financial paper and I supply the Hon. Member with additional, in advance of this sitting, ...

**Mr. Greenidge:** Mr. Chairman, on a Point of Order. The Minister was good enough to share with me some information. I do not deny that, but as I said to the Minister at the time, "This is not a matter for Greenidge and Singh." He has to provide that information to the House. It is not personal information I am seeking. It is responsibility of the Minister to bring it to the House. The law clearly requires a supplementary document, an additional document.

**Dr. Singh:** Mr. Chairman, I find it most regrettable, if I am engaging with the Opposition's lead spokesperson on finance, who I called before I tabled these financial papers, with whom I shared

these financial papers in advance of tabling them in the National Assembly, of whom I sought on what additional information he required as the Opposition's lead spokesperson on finance.

*5.48 p.m.*

Before I tabled these financial papers, last week Thursday, I spoke with the Opposition's lead spokesperson on finance. I consulted him and I indicated that I would like to table these financial papers. I asked him what additional information he would require. He indicated what additional information he would require. I indicated that I would undertake to provide that information before the sitting. I sent that information to the Hon. Member yesterday, ensuring that I got it to him before the sitting. I find it extremely concerning that, at the very least, that cannot be acknowledged. If the House asks for additional information we will be quite happy to provide it.

**Mr. Speaker:** It is for my own clarification. We have established that Mr. Greenidge has accepted that, yes, you did speak. The question is, Mr. Greenidge, that the additional information that you said the Prime Minister ought to have brought, was that provided by the Minister of Finance to you before today? If it is that it is to be shared with all of the Members, well then it could be arranged. I do not even mind taking a ten-minute recess to ensure that it be shared. The question is: Is the information available or has it been made available by the Government and is it sufficient or is it a case that we now need it to be shared to everyone? I am a bit confused.

**Mr. Greenidge:** I am not sure why the question is being directed to me. As far as I am concerned it is the obligation of the Minister to disseminate, to the House, information he feels is relevant to the House. It is not my job to disseminate it on his behalf and what is more is that the legislation is clear. It states that an additional document must be provided as part of the submission. I received from the Minister last evening and responded to him this morning that I have seen the information and I do not know, as far as I am concerned, that that means he does not have to provide information to the House. It is a matter for him to provide the information to the House.

**Mr. Speaker:** One second Dr. Singh. There is a lot of talk about us meeting and spending \$1.7 million and wasting the House's time. I am prepared to adjourn for ten or fifteen minutes, if it is that this information must pass, but pass to one person and not pass to everyone, then every Member of the House is entitled to see it. I am not prepared for us to have to adjourn until

October, when in fact I can take half of an hour now, because we just do not have that kind of money or the time to keep coming back. I did receive, yesterday afternoon - both Members who are addressing us, the Minister and the shadow Minister, did engage me in this discussion - a copy of the correspondence sent to Mr. Greenidge. It is cc'd. The question is that if the information is available within the precinct of this Parliament Office I have no difficulty to ask the Clerk to ensure that it is circulated so that every Member is informed.

**Dr. Singh:** May I simply clarify that what was submitted and circulated to the National Assembly was in conformity with the law and was what was required. I will go further and say that in the interest of ensuring that the Opposition's lead spokesperson on finance was fully informed, even beyond the strictures of the legal requirement I shared what information I had at my disposal. We have always said that we are at the disposal of the House to answer any additional questions. This is why these papers come to the National Assembly and we are at the disposal of the House. Were the House to acquire additional information, we will be happy to provide that additional information by way of oral responses in the course of the considerations of the item or indeed by way of documentation copied, circulated and tabled as the circumstances might require. We have always said that. We will provide information during the course of the discussion, questions asked, answers provided, and in some instances where information is not available or where the information is more effectively disseminated, by way of a document, we will make that document available. That has always been the Government's position.

**Mr. Speaker:** My question then to Members is: Would Members like to have copies of the documentation?

**Hon. Members (Opposition):** Yes.

**Mr. Speaker:** If that is the case...because personally I would hate for us to vote against something or to vote for it without having all the documentation, so I am going to adjourn. It would be a travesty for us to make a vote without the documentation and I am asking that the documentation be circulated. Mr. Clerk, I know it is a strain on your office, and Ms. West does an excellent job, but I think that in the interest of all, the national interest, that it be shared immediately. We will recess and reconvene.

*Sitting suspended at 5.53 p.m.*

*Sitting resumed at 6.31 p.m.*

*In Committee of Supply*

**Mr. Speaker:** Members, I take it that you have received copies of the document. We may proceed. Thank you for the indulgence of allowing us to get these copied. Are there any questions?

**Mr. Neendkumar:** Could the Hon. Prime Minister tell us what the consequences would be, in respect to blackouts, should the Opposition vote against this supplementary provision?

**Mr. Hinds:** We are back, I guess, at considering the application of some US\$26 million for the twenty-six megawatt power plant to be stationed at Vreed-en-Hoop, next to the substation that is being installed there, as part of the improvement of our transmission. I think we all have before us this presentation, which speaks to some of these capital projects, and there is a presentation on this particular request for the twenty-six megawatt electricity generation plant. As I said earlier, one usually has to have installed more generation capacity than one's peak and that in the business it has generally evolved that one, if one can afford it, gets up to about forty per cent more generation than one's peak, because one's units would have to come off from time to time for scheduled maintenance and also there would be emergency situations. GPL, all along, has been short on capital and running with very little elbow room, with respect to generation, so that if we do not have this generation and the unit installed there will be times when generation will be short and there will have to be scheduled outages. That is the answer. There would be a larger number of times and maybe longer periods when there would not be sufficient generation to meet demand.

*Item 2 02-021 Office of the Prime Minister – Prime Minister's Secretariat - \$5,330,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 3 03-031 Ministry of Finance – Ministry Administration - \$1,974,999,999**

**Mr. Nadir:** During the budget presentation, I think the sum that was initially tendered was way in excess of this. I want to ask the Hon. Minister if this \$1.9 billion has already flowed into our accounts, so we will have to bring it into the books. Secondly, what are some of the projects that have been approved and who are going to be the beneficiaries?

**Dr. Singh:** The amount for which approval is now sought under this item relates, as the Hon. Member indicated, and as the item states, to projects under the Low Carbon Development Strategy (LCDS) being processed through The Guyana REDD+ Investment Trust Fund. It would be recalled that during the course of the budget debate I indicated that two disbursements, totalling US\$70 million, were already made by the Norwegian authorities and were, in fact, already situated within the trust fund account designated the Guyana REDD+ Investment Fund (GRIF). Those amounts remain there under the administrative arrangements that have been agreed between us and our Norwegian counterparts. The amounts sought do not represent actual flows that have already been executed, but they reflect our latest estimates of flows that will occur during the course of the remainder of this year under specified projects, given the advanced stage of preparation of the said projects. The projects included under the \$1.75 billion, for which approval is now sought, are as follows:

- First, the Amerindian Land Titling Project;
- Secondly, the Amerindian Development Fund for Village Economy Development Project;
- Thirdly, the Small and Micro Enterprise Development Project;
- Fourthly, the Cunha Canal Project and
- Fifthly, the Institutional Strengthening of Climate Offices and Institutions Project.

We will see under the land titling project, Amerindian villages will be benefiting from an advancement of the demarcation and titling exercise. Under the Amerindian Development Fund for Village Economy Development Project, we will see community developmental plans that were defined by the Amerindian villages themselves. Those developmental plans would be supported, the implementation. Under the small and Micro Enterprise Development Project, small businesses throughout the length and breadth of Guyana will benefit. Under the Cunha Canal Project, the whole of the coastal plain will benefit from the work to be done on the Cunha Canal. Under the Institutional Strengthening of Climates Offices and Institutions Project, the country as a whole will benefit, given the strengthening of the institutions that are involved in the

work against climate change – the Office of the Climate Change, the Guyana Forestry Commission and the Environmental Protection Agency.

As I indicated, the amounts indicated represent amounts, which are anticipated, which will flow during the course of this year under the various projects, given the advanced state of preparation of these projects. I am happy to report that at least two of these projects have already been approved and agreements signed. I have the honour of informing this House, those Members who have not already been informed - I believe that news releases have already gone out - that just this morning the Amerindian Development Fund for Village Economy Development Project was signed – that is a US\$6 million project. I am pleased to say that it was signed on the occasion of the United Nations (UN) designated day for World Indigenous Peoples. I consider myself especially privileged to have been able to sign that agreement with United Nations Development Programmes (UNDP) in Guyana on that special day designated by the United Nations, by way of UN resolutions. Incidentally that signing also took place in the presence of the National Toshoas Council and in the presence of the executive of the National Toshoas Council and all of the Toshoas. In the brief remarks that I made I said that it was especially significant that we were signing this project of the elected leaders of the Amerindian communities in Guyana and of all the Amerindian villages, given that for centuries the Amerindian peoples of Guyana have been the guardians, custodians and protectors of our forest resources.

**Mrs. Garrido-Lowe:** Now the Hon. Minister Ashni Singh can kindly tell our Amerindian brothers and sisters that the Opposition really did not cut the Low Carbon Development Strategy moneys. The question is: How many Amerindian communities will benefit from the Amerindian Development Fund?

**Dr. Singh:** First of all, I do not believe that the Hon. Member needs me to say anything to the Amerindian communities about whether or not they will cut. There will be an opportunity which will be presented on the occasion of the vote and that vote will speak for itself to the Amerindian peoples of Guyana, just as the vote, which was taken in April, spoke very clearly to the Amerindian people when the Opposition initially cut these projects.



In relation to which communities will benefit, I am happy to report that every Amerindian community will benefit.

**Ms. Ally:** Mr. Chairman, we are very thankful for this document that is circulated. I do not have a question, I just want to posit something. We need some time in order to look at the details contain therein. I know that you did take a break a short while ago, but I want to propose that we have another break so that we can examine it before we make a decision.

**Mr. Speaker:** Ms. Ally, what is your proposal?

Hon. Members, as Speaker, I am prepared to give as many breaks in the national interest. However, we have just come out of a break and I am wondering whether, I am sure the Clerk will concur, we could, in a sense, suspend this process, but move to something else to allow us to consider the document during the break and, of course, for the two sides to speak and to meet, if necessary. In other words, we resume it later tonight. Perhaps Prime Minister may want to start the discussion on his motion and get that going and then we resume the consideration of the supplemental paper. That is a proposal, but I would have to get a motion to suspend the Standing Orders to allow us to hold this in abeyance for about an hour or a little more and we proceed to another item on the Order Paper and then come back to this. I sense that there may be some consensus emerging, and if it is emerging we should not snuff it out but try to seize it. That is my view and I am happy that Ms. Ally has asked for that intermission, as it were. If there is general agreement with the House we could hold this until after the break and we can use the time available to us to go until about 7.30 p.m. and have Prime Minister move completely into his motion. Prime Minister, is that agreeable with you?

**Mr. Hinds:** Yes.

**Mr. Speaker:** Members, are you in agreement with that?

**Hon. Members:** Yes.

**Mr. Speaker:** Ms. West received this document yesterday afternoon but I saw it this morning and I have to confess that I just did not have the time to read it, because I was finishing up the report on the Hansard and there is another matter that the Hon. Attorney General has been engaging me on with regard to Ms. Lawrence's Bill that I also have to address. There is the

general agreement for us to suspend and to move to the motion. Prime Minister, thank you. Thank you Members.

**Mr. Hinds:** You want me to speak to this, Mr. Chairman.

**Mr. Speaker:** If you want, yes.

**Mr. Hinds:** Or I could move...

**Dr. Singh:** Mr. Chairman, I will express my apologies. I am obviously happy to be guided by your decision either way, I will express, even if it is only for the record, that my preference would be to persevere with this item. As I said, we remain always available to answer any question that might be post to us. That would be my preference. I would say that we have commenced consideration of a particular item and that is the said item that we are discussing and I wonder whether you would wish, at least, to conclude that item.

**Mr. Speaker:** I hear your view but I do not share it and I believe, as I said, that I sense that there could be a consensus evolving and Members have a right to want to peruse it rather than make rash decisions.

**Dr. Singh:** As I said, Mr. Chairman, I am perfectly happy to be guided by you.

**Mr. Speaker:** I know that we all would like to have some closure, but we want to have the right closure, rather than a closure that is imposed on us. It is not being put to October. It is coming up in about an hour's time when Members have a chance to review it.

**Mr. Nagamootoo:** I just want to say that I have received this document based on a conversation between two Members of this honourable House a few minutes ago. [Mr. Nandlall: The issue has died.] The issue has not died. The law was flouted. These notes to different proposed appropriations had not been given when the budget was presented, hence the position that was taken against some of these provisions. Now a document is circulated and we are asking for a few minutes to look at these documents and the notes to the provisions...

**Mr. Speaker:** Mr. Nagamootoo, the Minister said he would have preferred us to persevere but that, to my understanding, even though it was his personal desire for us to persevere, he would yield to the greater good and to the wishes of the House. I see nothing wrong with that.

Secondly, let us keep national interest foremost ahead of us at all times. With that said we will, as the Opposition Chief Whip recommended, suspend the discussion and questions on this Financial Paper No. 2 and will resume after the break to give every Member an opportunity to decide for himself or herself. It is to say something: While the Minister may have written to Mr. Greenidge, I think Mr. Greenidge was right to say that every Member should have a copy and it is now before us. Let us move on.

*Suspension of the consideration of Financial Paper No. 2.*

*Assembly resumed.*

**GUYANA’S FOLLOW-UP TO COMMITMENTS MADE TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL WITH REGARD TO HOLDING CONSULTATIONS ON 3 MATTERS (THE ABOLITION OF CORPORAL PUNISHMENT IN THE SCHOOLS, THE ABOLITION OF THE DEATH PENALTY AND THE DECRIMINALIZATION OF CONSENSUAL ADULT SAME SEX RELATIONS AND DISCRIMINATION AGAINST LESBIANS, GAYS, BI-SEXUAL AND TRANSGENDER PERSONS)**

WHEREAS Guyana appeared before the United Nations Human Rights Council (UNHRC) during the first cycle of the Universal Periodic Review (UPR) in May, 2010 and again in September, 2010 where its report was adopted;

AND WHEREAS on October 18, 2010, the Government of Guyana tabled in this National Assembly a “Compendium of Documents on Guyana before the First Universal Periodic Review of the United Nations Human Rights Council, 8<sup>th</sup> Session, May 11, 2010, and the UNHRC 15<sup>th</sup> Session, September 23, 2010”, the contents of which are referred to in this motion;

AND WHEREAS at the conclusion of its review, Guyana received several recommendations and committed itself to consult on 3 main matters that may be considered controversial in Guyanese society, namely the abolition of corporal punishment (Recommendations 70.36 to 70.41), the

abolition of the death penalty (Recommendations 70.23 to 70.35), and the decriminalization of consensual adult same sex relations and discrimination against Lesbians, Gays, Bi-sexual and Transgender persons (Recommendations 70.47 to 70.53), with a view to garnering public sentiment which may lead to legislative changes;

AND WHEREAS public consultations with target groups and in geographic regions have commenced on these matters as well as public discussions in the media and amongst civil society organizations;

AND WHEREAS the Government is of the view that parliamentary consideration of these three matters would enhance the national examination procedurally by being the subject of a Special Select Committee which would organize the national consultations in a complimentary credible way,

“BE IT RESOLVED:

That this National Assembly approves of these matters being submitted to the House for consideration by a Special Select Committee established for that purpose;

BE IT FURTHER RESOLVED:

That this National Assembly adopts the following Terms of Reference to guide the work of this Special Select Committee in the determination of:

- (i) The attitude of Guyanese, especially parents and children, to corporal punishment and its possible abolition;
- (ii) The attitude of Guyanese, particularly the families of victims, criminologists, and professionals, on capital punishment and its possible abolition;
- (iii) The attitude of Guyanese of any changes in the legislative provisions and criminal code regarding consensual adult same sex relationships and discrimination, perceived or real, against Lesbians, Gays, Bi-sexual and Transgender persons;

BE IT FURTHER RESOLVED:

That the Parliamentary Special Select Committee presents to this House its work programme and time frame for adoption and implementation;

BE IT FURTHER RESOLVED:

That the Parliamentary Special Select Committee advises the National Assembly of the status of its work programme periodically and reports its findings and recommendations with regard to any or all of these aforementioned matters.” [Prime Minister and Minister of Parliamentary Affairs]

**Mr. Hinds:** I rise to speak to the motion standing in my name. I think it is quite self-explanatory. We note that societies evolve and sometimes things that were not accepted before may be accepted at a later time or *vice versa*. In our particular case here it is noted that the first WHEREAS clause, in our presentation to the Universal Periodic Review (UPR) in May 2010 and in September 2010...If I may say so, our colleague Hon. Member Gail Teixeira made very good presentations on those occasions and made reports. In the second WHEREAS clause the Government tabled, in this National Assembly, a compendium of documents on Guyana before the first UPR, submitted by our honourable colleague. In the third WHEREAS clause we note that certain recommendations were made to Guyana, or Guyana received several recommendations. We were urged to do certain things and we committed ourselves to consult on three main matters. These matters, while they may be now acceptable in certain so-called advanced, developed, sophisticated societies they are controversial here in Guyana and they are; the abolition of corporal punishment, the abolition of the death penalty and the decriminalisation of consensual adult same sex relations and discrimination against gays, lesbians, bisexual and transgender persons.

We know that public consultations have begun with target groups and across our country, particularly, I think, the Ministry of Education has been leading in questions about corporal punishment in schools. There have been discussions from time to time about the death penalty, and even fifteen minutes ago I was seeing on National Communications Network (NCN) members of various faiths calling for a resistance against decriminalising consensual adult same sex relations and discrimination against lesbians, gays, bisexual and transgender persons. We may recall too that there was some controversy coming out of this honourable House on the

question of rights, a Bill that had to do with individual rights sometime ago. Once this House had allowed it to pass there was, from the public, some outcry and our President at that time, held his hand back from assenting to that. In such a present circumstance we are recommending that the National Assembly approves that these matters be submitted to a Special Select Committee established for that purpose.

*6.55 p.m.*

We go forward to suggest some terms of reference to guide the work of this Special Select Committee. First, that we look to the attitude of Guyanese, especially parents and children, to corporal punishment and its possible abolition. The attitude of Guyanese, particularly the families of victims, criminologists and professionals, on capital punishment and its possible abolition and the attitude of Guyanese to any changes in the legislative provision and criminal code regarding consensual adult same sex relationships and discrimination perceived or real against gays, lesbian, bisexual and transgender persons.

We go on further to call for this Special Select Committee to present to this House its work programme and time frame for adoption and implementation and that it advises the National Assembly from time to time on its work programme and finally its recommendations with regards to any or all of these aforementioned matters.

This is the issue before us. There has been quite a lot of discussion already in the media on these matters. If I may be allowed to, maybe, give some comments on it, I would say that I have been born long enough and I am old-fashioned enough to be conservative on many of these matters, on the issue of corporal punishment in schools. Many of us in my age group were encouraged, some may say, along the way with very generous applications of tamarind rods. Some people said it might have been for good and some others looked to us and said that they can see features developed in us, which may have been bad and we have passed the exams anyhow. I know there is that discussion.

I was in Jamaica last week, as we know, and they told me there that it is not just an anecdote about parents bringing their children, paying the airline ticket and getting back to Jamaica so that they can spank them and then travel back to New York. They told me that it is not an anecdote, but it has happened. I was not sure. I did not have enough time to research the subject.

On the question of the death penalty, I would admit that maybe I have grown a bit more squeamish about the death penalty. Maybe, some aspects of my Christian indoctrination are coming through there. I am a bit uneasy about it. On the other matters, Sir, I would say that, again, maybe the indoctrination from sixty years ago still keeps me somewhat unhappy about any relationships that we would have said to have been unnatural in those days, at least sixty years ago or so. I would expect that there is quite a wide range of opinion in our country and maybe the younger people, who are the future, may feel somewhat differently. I recall one saying that people do not change their opinion, that is, individual people. The only thing that happens is that the people in the society change. The older people pass away and then the younger people have their say or do things their way.

We look forward to quite an open discussion. We do not see the need for any political positioning on these matters. We expect that each of us would reflect on these matters as a matter of our own conscience, our own experience and our own thinking. I therefore urge that this motion be adopted.

**Ms. Ally:** I rise to speak on the motion that is before us. Following the tabling of the United Nations Human Rights Council Reports of the 8<sup>th</sup> and 15<sup>th</sup> Sessions, respectively and following the recommendations thereon, Guyana committed to consult on these three main and controversial issues, one of which is the abolition of corporal punishment. I would like to focus on this aspect of the motion which speaks to corporal punishment.

Mr. Speaker, you will agree that the question of corporal punishment is one which engages the populace with mixed views. It brings to bear our very attitude of parents towards their children at home, teachers and pupils at school and sometimes ventures out even to the wider society. In June, 2007 the question of corporal punishment was extensively debated right here in this House, but we have come a long way in this modern and new world and we conclude that corporal punishment has a legacy of the days of slavery. It also illustrates it is an acceptable way to gain control over others. I am cognizant that the Ministry of Education, under the auspices of the Minister, has commenced consultations in various regions on this fragile issue and the responses have emanated mixed views. I would like to make the following points:

- (i) Dated back to April, 2006, in Japan, more than eight hundred religious groups, including Guyana, signed and adopted a declaration on violence against children.
- (ii) The Baha'i teachings prohibit corporal punishment.
- (iii) In 1991, Guyana signed on to the Rights of the Child Convention, hence we are legally bound by the provisions of the Convention of the Rights of the Child. This convention, Sir, sets out universal legal standards for the protection of our children against neglect, abuse and exploitation and guarantees children their basic human rights.
- (iv) In February, 2004, at the 25<sup>th</sup> Convention held in Geneva, the committee again admonished that Guyana should prohibit corporal punishment by law.
- (v) The continued use of corporal punishment in schools is a violation of article 19 of the United Nation's Convention on the Rights of the Child.
- (vi) On the 27<sup>th</sup> of November, 2000, no less a person than former President Bharrat Jagdeo publicly came out against corporal punishments in schools at a national forum.

I can go on to cite many more indices of supporting the abolition of corporal punishment, but I will now proceed to make the following recommendations:

- (i) While many of us might have been subjected to corporal punishment in our days, be it at home or at school, as I was in both cases, we have come of age when we must dispense of with such obsolete measure.
- (ii) We must recognise that beating drives fear in many boys and girls; hence there are many runways from homes, dropouts from schools, early childhood retaliation and an advanced form of child labour.
- (iii) We must advance mechanisms for teachers and parents to inculcate new methods of discipline such as a reward or punishment without brutal force for activities, activity-oriented rather than *laissez-faire* method, but at all times we must refrain



from employing brute force and ignorance on our children. We the adults must reform ourselves and equip our minds to deal with a modern day world.

The time has come when we must address this issue of corporal punishment for our children, and since this is a very important issue, which must to be brought to finality. I concur therefore that these matters be referred to a Special Select Committee which will organise national consultations in order to bring this matter to finality.

Finally, I want to posit, on behalf of APNU, to our parents, teachers and indeed the Guyanese population to take seriously the welfare of the nation's children, our tomorrow's future, the religious community, the world, through the Rights of the Child Convention, and respond adequately to this issue. Let us enjoin the world to treat our children with respect and develop a violent-free mind. We do not have to abdicate the responsibility to discipline our children, but we must develop new and acceptable methods to do so.

I thank you. [*Applause*]

**Mr. Nagamootoo:** [Mr. Ali: Moses, haul you so and so...] That is better than corporal punishment. If you had been my grandson I would have not spare the rod. Do you see how he is spoilt?

The Alliance For Change, first of all, wishes to state that because of the controversial nature of the subject matters of this motion that it sees it as a matter of conscience. I may not here speak for all Members of the Alliance For Change nor could I speak for all members of my constituency throughout Guyana, and even wider afield. Suffice to say here that, as my honourable colleague, and Member, Amna Ally, I suspect that bringing these three very important, very far-reaching, proposals in one motion that we may incur that response of evoking only one type of response to one proposal rather than all. I want to suggest, and make this proposal to the Hon. Prime Minister, mover of the motion, that the Prime Minister may well wish, rather than lumping these three subject matters in one motion and send to one Special Select Committee, that they should be sent to three Special Select Committees, one subject area for each Special Select Committee so that there could be the full and undivided ventilation of views on a particular matter. That is a proposal, and I believe...

**Mr. Speaker:** But you do have the power to move an amendment as a Member.

**Mr. Nagamootoo:** I am making a proposal at this point. Whether we move an amendment or not, it is a different issue, but it is an observation that I am making, and I will tell you why, Mr. Speaker. I recall that the same passion with which Members of the Government may wish to respond to a proposal that when I was the Chairman of the Parliamentary Standing Committee Constitutional Reform, oversight, we received very strong and very passionate representation on the issue of non-discrimination of persons because of their sexual orientation and at that time it came to this House as a proposal with strong recommendation only to find that when it was submitted for passage it was blocked. Selectively, there could be matters isolated and dealt with in a particular way if they are being brought all in one heap. There were one hundred and seventy-one recommendations for the amendment to the laws out of the constitutional reform process. Most of them, in fact, have been put into law; amendments have been made. I am sure that one or two that required simple majority, constitutional changes might have been made, but some of those, I think about fifty-five areas, are still outstanding and those are the problematic ones that required referendum.

We did go through a process, from 1996, of dealing with controversial issues. I am saying this out of experience, because there were members of the religious community. Some people said it was a subcultural group. The Rastafarian community, which came before us in this House, made very passionate appeal for the decriminalisation of the position of marijuana, *cannabis sativa*, and we felt, all the Members of the Committee felt, that it was a learned experience because we were getting people from another side who are involved in the use, as they said, of the “herb” for particular purposes to do with their religion. We had them to speak to us and yet when we came to the National Assembly to amend the law we had only allowed what was described loosely as the recreational use of marijuana, that if a person had five or less grams of the substance then it will not required custodial sentence or the person will have community service. It shows that one has to take very great care...

I had, myself, in pursuant of my interest in this area, been shown with one Michael Layne, we visited from Jamaica, an attorney, in the 1970s, *Ethiopia*. We wanted to see how the *Ethiopian* society was dealing with the use of herbs. We went to a particular community and we saw the wholesale use of it as I saw in *Madras*, the *Kali* temples, where people use something called

*sambrani*. They use it there to evoke smoke, incense, and so on. Different societies deal with controversial issues differently. My argument here is that people deal with different controversial issues differently. I did not feel that it will do justice to these matters if we lump them all together. That is the proposal I am making. [An Hon. Member: It is laziness.] I am not saying that I am open to derision as someone said I am lazy to put an amendment. It is not laziness. It is a proposal because this came from the Government and it has an interest, because the Government, on behalf of the State of Guyana, acceded to certain conventions and therefore it has an obligation to carry through with those conventions - the language, the intent, the letter of the convention - and it is in their interest that I am trying to make the proposal.

I recall, and I will share a small experience, that I was hardly the age of fourteen, I believe, when I was sitting the Pupil Teacher's Examination at the Auchiyne school I received a report of my younger sibling having been flogged by a teacher. I went down, and I remember putting the teacher to stand on a bench, and I took away the ruler with which he had injured my brother who was just about five or six years old. I took a very strong objection, even in my formative days, to corporal punishment, to the administration of punishment in school. One occasion, even before I met the Pupil Teacher's Examination level, when I was in the Third Standard of the primary school, my brother, who was older than me by two years, was about to be flogged by a teacher with a broad whip, with a leather, he got nought in an exam, Dictation, and I volunteered to take the lashes for him because he was the one rearing our parents cows in the back dam. I can tell that it was not the lashes that I received on my naked hands that I was revolting, but it was the venom with which that teacher brought that leather on my hands. I realise that though we have been tempted in different stages of our life, even I, as a teacher, to use the cane on occasion that it was a cruel punishment inflicted on children in school.

When I was over there I remember a Member of the AFC, Shantella Smith, then Hon. Member, had tabled a motion calling for the abolition of corporal punishment, I believe limited to the school. It was in the Eighth Parliament, I believe. [Mr. Ramjattan: It was the last Parliament.] It was the last Parliament. I did not think it was carried because then it was considered to be a very raw subject area, and I am not apologising for the decision taken. Maybe, it was part of our gestation that we allow these things to come into the domain of the National Assembly and not approve in one swoop. I recall also that the motion had stated that parents

should be left with the rights to administer reasonable chastisement of their children, to scold their children, which is different from corporal punishment or cruel punishment. This subject is too serious to be talking to some people who do not know parental responsibility or even responsibility of grandparents. I give those examples and wish them well on their sojourn to graduate to my stage, if ever they do, that I am not selecting corporal punishment as an area, but I still say there are mixed views on this and there are a lot of people who would like to be heard on this alone.

In regard to the right to life, Guyana is a death penalty country and we have had experience where, in the worst of moments, there had been clamour for the rope to spin or the rope to swing. People had called on the society in the days of *kick-down-the-door* banditry for the rope to swing. It was a debate that fluctuated with different episodes of criminal activities and the nature of criminal activities. I recall that during the presidency of Mr. Hoyte that some persons were sent to the gallows and it did act as a deterrent. The message was out there that if a person would have kicked down the doors and would have killed that person would have committed the felony of murder then that person would have faced the full blunt of the law, as it is in Guyana. It is the same with other criminal offences that there is public policies that are developed at different times of people calling for varying harsh penalties.

We had seen the pause in hanging because of the evolution of human rights convention and the debates that have taken place in other parts of the world. In fact, one of the reasons we are on record of not having had a full investigation or a proper investigation into the assassination of Walter Rodney was that we could not have had the French Government to extradite the alleged conspirator/assassin from *Cayenne*, Gregory Smith, unless Guyana could have given the assurance to the Government of France that if he was extradited he would not have faced death penalty if convicted. I believe that was one of the hurdles. I am not speaking here...I think one gives recognition where it is due, because I was confronted a few months ago in the United States of America with a question, during a lecture I was giving, why was no one brought to justice in relation to death of Rodney? I gave that as an explanation because I believe that some of the criticisms levied were unfair, that as if nothing had been done. Of course, there were other hurdles of translating documents into French.

7.25 p.m.

We have, because of treaty obligations, taken a different stance. As I said, the European Commission on Human Rights has also come out very strongly against death penalty. Sometimes assistance – nobody says this openly but assistance from some countries in some areas, particularly dealing with the security sector - is tied to what policy those countries have. And these donor countries would like the receiving country to adopt similar laws before they benefit from their taxpayers' money. That is why we are caught up... Even in Guyana, during the infamous or famous Yassin trial, I recall two of our own former Attorneys-General being involved in the defence and otherwise the prosecution of these matters and these cases were taken to the United Nations Human Rights Commission. The Commission had written - if I can recall... I am giving this extemporaneously, not on a prepared text, to show how we are influenced in Guyana to stay execution. In fact, since then two of those persons may have died in prison while on death row. But we have had to be influenced by what was taking place outside of Guyana. I am not taken by surprise that this debate on the abolition of the death penalty in Guyana has now come to Guyana with a full force.

There is, of course, now, the different views taken from different jurisdictions. Some jurisdictions have murder in the first degree and murder in the second degree and they are able to dispense with their cases in relation to the charges that have been laid. Some jurisdictions retain the death penalty in their books but they evolved systems that have jury hearing at the time of punishment - sentencing - so that the sentence fits the crime in a special trial like a *voir dire* into the nature of the crime. So we have to also temper our consideration in relation to what happens outside of Guyana because we cannot be an island by our self. "*No man is an island*", that is what John Donne said. Therefore, we have to bring this to bear - all the facets of the debate. That is why I am saying again that I would like to propose a separate and distinct select committee to take the evidence and the hearing in this matter because it will be a compartmentalised way of viewing it. The lawyers, the Bar Association, the Judiciary, the ordinary person in the street will like to have their views heard while focussing on the issue of the death penalty and, as you know Sir, there is an atmosphere roaming, maybe prejudicial. People still are now of the view to hang them high.

While there is this enlightening intrusion of right to life, because of the failure of our society to contain with our criminal episodes and because of the nature of the criminal acts, public policy is

once again coming around to a point where they want hanging to resume. [Mr. Nadir: That is what the people want.] But we have to hear them. These episodes have various phases. They are not unified. They come and go and that is what public policy is based on, the different nuances of the society at a particular time.

In relation to the decriminalisation of consensual, adult, same sex relations and discrimination against lesbians, gays, bisexuals and transgendered persons, I had alluded earlier to what came out of the constitutional reform process. There was a strong view that there should be non-discrimination against persons on the basis of their sexual orientation. This debate has now gone a step further where even I have seen in our own Alliance For Change, there are Members... I am a Christian and so I do not believe that my Christianity gives me a special morality. [An Hon. Member: Madras.] I am a Madras Christian if you want to say that. There is no contradiction – none at all! I embrace the belief of my parents who are Hindus and Madrases. I embrace their belief; I respect their belief and I feel energised sometimes. If they were alive, I would have told them how much their belief gave me strength. But I am a Christian by choice and I have faith and strength from my choice. That does not give me a right to pass judgement on every human being. It does not give me a special privilege to say that because I am different from someone else that I should pronounce on someone else's nature, someone else's character or a person's orientation. Suffice to say that as Mr. Ramjattan has said during the Elections campaign, in the Garden there are many flowers. Ho Chi Minh once said in Vietnam after the War a million flowers will bloom. So too we have to allow our civilisation to bloom from the basis of who we are. We are not all the same and we should not expect that we should be the same. We are different and, therefore, any informed approach to a debate on the issue of sexual orientation or the broadened version, as I see it here, must start from an enlightenment with an open mind that we do and view things differently.

In the United States, one of the biggest social forces had been what they considered to be the gay community. Just as before one of the biggest social forces in the United States that brought about catalytic change in the society during the War in Vietnam were the Hippies, various subcultures develop. I go back to the United States that when the concept of "*black is beautiful*" came about with the Black Panther Party and Angela Davis epitomised that in the 1970s, it had brought to the fore a new concept of activism and change - force. Black power became a game changer in

the United States and it pushed the agenda for reform and equality high up in the United States to the extent where today we have an Afro-American as the first Afro-American to be President of the United States.

These issues are not only going to be issues to decide whether in vulgar term we agree with the ones some of my friends would use. We are going to help to push the agenda for the transformation of Guyana forward if we take these issues seriously because the issues of gender rights, racial rights and economic rights are the issues that will make us a better country if we have the courage to deal with them passionately and honestly and not simply deal with them opportunistically and see how the wind is shifting - tilt to the pressure of countervailing influence because we want to suck up to some sections of the society, even backward sections, even regressive sections. We may suck up to these sections because we find either we have money coming from them, votes coming from them or some influence.

We, as legislators representing the nation, will have to forge an identity that is bigger than all the sectoral interest and the parochial interest and we have to be able to face these issues because they help to evolve our society and involve our society, and so I still close with the recommendation that we should have three distinct committees to take the evidence. I may say, Hon. Prime Minister – as I stand here I speak on a matter of conscience – that I support your motion, but I would ask that you consider an amendment that will create three instead of one committee.

Thank you very much. [*Applause*]

**Mr. Speaker:** The next speaker slated to speak is the Hon. Minister of Education, but I believe that now is a good time to take the suspension. Before I do, I do not know whether it is coincidental or otherwise, but the daughter of a Member, Minister of Culture, Youth and Sport, has gained 14 grade ones and two grade twos. I would like to congratulate him and I am sure that other Members, during the suspension, will do so as well.

The question is, Hon. Minister, whether the rod was spared or applied that brought that result. In any event, I am happy and I recall very vividly when she did well at the Secondary Schools Entrance Examination (SSEE) and so we are not surprised that she has gone on to excel at the high school level. [*Applause*]

I will be leaving to attend to a personal matter with my daughter for a few minutes. The Deputy Speaker will take the Chair and I am sure she will preside quite ably in my absence. I will return.

**Minister of Public Works [Mr. Benn]:** Mr. Speaker, I just wanted to correct a gross inaccuracy or misrepresentation made by the Hon...

**Mr. Speaker:** Minister, with respect, that is a matter for rebuttal by the speaker coming afterwards. There has been too much liberty. If it is that Mr. Nagamootoo said something, in a debate, the Speaker coming immediately after can rebut it. We are having too much of that. I will not allow it.

*Sitting suspended at 7.37 p.m.*

*Sitting resumed at 8.25 p.m.*

*[Mdm. Deputy Speaker in Chair]*

**Mdm. Deputy Speaker:** We will continue the debate on the motion standing in the name of the Hon. Prime Minister.

**Minister of Education [Ms. Manickchand]:** Thank you Mdm. Deputy Speaker. We seek here to speak to a motion that seeks to determine issues that are very sensitive, not only in Guyana but across the world. We have seen on television and in various newspapers and magazines how strongly people feel on these issues. Our own Guyanese people are no different. The motion that we bring here today is for consideration so that we could consider the three issues that we seek to determine one way or the other as a nation: corporal punishment, whether we are going to abolish it or retain it; whether we are going to give to all persons irrespective of sexual orientation the same rights or if we are going to say certain genders are entitled to more rights than some; and whether we are going to continue to hang persons who are convicted or if we are going to change our course of action. These are matters we have to determine.

I would caution from the beginning that we recognise the sensitivity of these issues and not determine, one way or the other, or judge people one way or the other. In my own home, we hold diametrically opposed views on some of these issues and we are all relatively good people in there. My mother has a view on corporal punishment; I do not share that view. My brother has a



view on gay rights or whether we are going to decriminalise homosexual activity; I do not share that view. And we are all good people. I would caution that we do not determine people who do not hold our views, whatever those views are in this Parliament, as backward or regressive. I heard that today and it is important that we do not because we are committing this motion to a select committee and it is we here who will sit at that select committee. I believe the intention is to invite all of Guyana, whether individuals belong to a formal organisation like a church or society or whether he or she is wearing a rubber slipper on the road, whether the individual is a coconut vender at Bourda Market or a teacher, to come in here and tell us how he or she feels. I believe it is our duty as lawmakers to hear those views and to consider those views irrespective of how we feel on the issue personally. We must listen to our people and it would be arrogant and conceited of us to determine that because people we are listening to, people we have invited to come and give their views, do not share our view that they are backward as I heard earlier or they must be hauled out of this cave that they are living in. We have to be careful with that because we are duty bound not only to listen to those views in an artificial way but to listen to those views and heed those views. It may well say to us, in listening to the views, that we have to do a lot more work amongst our people from the bottom up rather than, on these issues, lead from the top down.

The Ministry of Education has been engaged in national consultations over the last few months and has heard varying views on the issue of corporal punishment. We have heard from teachers. We have heard from parents. We have heard from students. We have heard from community members. We have heard from a wide variety of persons and the views are mixed. A good example of how our society is divided on this issue can be evidenced from a television programme that I hosted that had on it as members of the panel from the Red Thread, Karen De Souza; from the Alliance For Change, Dominic Gaskin; as a representative of teachers in this country, Jennifer Cumberbatch, a teacher of great repute; and Comrade Amna Ally was invited, but did not come so I am glad we heard from her tonight. On that programme alone, Karen De Souza from Red Thread was against any form of corporal punishment in the school and put forward cogent arguments about why we must not continue beating our children as a form of discipline in the school. Dominic Gaskin had views that had me dumbstruck for a little bit. He believed that we must distinguish corporal punishment, which is the infliction of licks, and we must not be guided on this issue by the abuse of children and the abuse of corporal punishment

that we have seen that become very sensational. He also held a very interesting view and that was that boys – and he gave examples of his own family and this is a very reasonable Guyanese, upstanding citizen – have to be disciplined differently from girls and that we could not possibly removing, without more, because of the call of various countries or groups, corporal punishment without discussing this further. And Jennifer Cumberbatch, the most reasonable and very dedicated teacher, one of the most dedicated teachers I have met, is a head teacher and she said, “I do not use this much, but this is a necessary tool to have at our disposal.” She too pled that we not mix up corporal punishment with abuse of children. This is just one panel and this is what we have got.

We have gone to Regions No. 2, 3, 4, 5, 6, 7, 8 and 10 thus far and we continue with these consultations, and these are the kinds of views we are hearing. I do not think it will be any different for us in this National Assembly. I think we are duty bound to not only commit this to the select committee but to ensure that the atmosphere at that committee is one that allows for persons, irrespective of how they are dressed or how they speak and irrespective of whether or not their views match ours. We have to make sure the atmosphere there allows everyone to come in and offer their view without feeling as though they are backward or without feeling as though their view is wrong. I am suspecting that as a select committee we are going to determine the way forward in more ways than one, not necessarily only whether we abolish corporal punishment or keep it, whether we decriminalise homosexual activity or we leave it on the books as a criminal activity, or whether we abolish the punishment of hanging or we keep it on the books. We may go further and we may decide as a nation how it is we are going to get to the next level where all our people can feel themselves to be listened to and heard. It is important too that we note that we are allowed this privilege.

I heard earlier also and I have seen letters written that say we have signed Conventions and because we have signed those Conventions we are now bound to do everything these Conventions prescribe. As you know, Mdm. Deputy Speaker, our supreme law in Guyana is the Constitution and Article 154A (1) of the Constitution provides:

“Subject to paragraphs 3 and 6, every person, as contemplated by the respective international treaties set out in the Fourth Schedule to which Guyana has acceded is entitled to the human rights enshrined in the said international treaties,...”

Those Conventions mentioned are the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention Against Torture and Other Inhuman or Degrading Treatment or Punishment, the Covenant on Economic, Social and Cultural Rights, the Covenant on Civil and Political Rights, and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.”

That same Article 154A goes on to specifically say that:

“...such rights [in these Conventions] shall be respected and upheld by the executive, legislature, judiciary and all organs and agencies of Government and, where applicable to them, by all natural and legal persons and shall be enforceable in the manner hereinafter prescribed.”

Subparagraph 3 specifically says:

“The State shall, having regard to the socio-cultural level of development of the society, take reasonable legislative and other measures within its available resources to achieve the progressive realisation of the rights provided for in paragraph (1).”

Our supreme law allows us and, in fact, mandates us to listen to our people and hear them when we, in this House, make laws. So while we should be guided by the international treaties that we have signed, and I would concede without reservation, our own law by which we are bound, the supreme law of this dear land, says that we must pay attention to the socio-cultural attitudes in our country and the only way we can do that is if we do what the Hon. Prime Minister, Leader of this House, proposes to do and that is to go to a select committee and invite persons to come to hearings where we will indeed hear them and heed them in the making of our decisions on these three important issues.

I commend the motion to a select committee. I support the Prime Minister’s motion as well as his proposition to send the motion to a special select committee.

I thank you Mdm. Deputy Speaker. [*Applause*]

**Mr. Nagamootoo:** Mdm. Deputy Speaker, may I rise on a Point of Clarification? The last speaker, on three separate occasions in her presentation, alluded to two words “backward” and “regressive” and said that no one should be excluded, no view should be excluded or avoided, because they are deemed backward or regressive. I have not said so.

**Mdm. Deputy Speaker:** Hon. Member, what Standing Order are you proceeding under?

**Mr. Nagamootoo:** Standing Order No. 41 that deals with making a clarification. I can cite the Standing Order. What I said is being misconstrued and the fact that it was said thrice. It is an explanation that I have been misrepresented.

**Mdm. Deputy Speaker:** Hon. Member, I was speaking to the Clerk for a short while, but I cannot recall Minister Manickchand mentioning you. [Ms. Teixeira: The name was never called.] The name was never called. I, myself, did not know who she was speaking about, so I do not know.

**Mr. Nagamootoo:** Mdm. Deputy Speaker, she said, “the last speaker”.

**Mdm. Deputy Speaker:** Okay. I did not hear that. Mr. Nagamootoo, in an effort to move us forward, because I was just thinking to myself how quiet and peaceful the Assembly was – I do not know if it is because of where I am sitting – I would allow you. Please be very, very brief so that we can move on.

**Mr. Nagamootoo:** Mdm. Deputy Speaker, I just want to say that I said that the Government should not pander, in this consultation that we are talking about, to views or sections for electoral and opportunistic reason. It should not pander to backward and regressive sections that may advocate certain points of view. I am saying that this should be an open debate and we should not pander to a particular view because of opportunistic and electoral advantages. That is what I said. I did not say that people should be excluded. No one should be excluded! And any attempt to try to stretch what I said is misleading this House.

**Mr. B. Williams:** Thank you Mdm. Chairperson. I trust I would not provoke such controversy. I seek your permission to speak to this motion with a special remit in the case of abolition of death penalty. This is a subject that engages the entire world.

In Guyana, the question is: what is the death penalty? The death penalty is not one of extrajudicial killing, but one that is sanctioned by the court. It is a sentence of death imposed by a court of law in relation to offences such as treason and murder and with specific reference to Guyana.

*8.43 p.m.*

In other countries like China robbery and other forms of offences could attract the death penalty. In Guyana it is treason, murder and felony murder, i.e. if you are committing the felony of robbery which results in death then that amounts to murder. That is what is sanctioned by our Constitution and sanctioned by our law, the death penalty.

There are lawful mechanisms to avoid the death penalty or the sentence of death. It includes appeals to higher Courts. If you are sentenced to death by hanging in Guyana you could appeal to the Court of Appeal of Guyana. If you fail there you could now appeal to our last Court or resort, the Caribbean Court of Justice. If those efforts fail you, one could petition the United Nations Human Right Committee invoking any clause in the International Covenant of Civil and Political Rights, which we have adopted in Guyana. You can also petition the Inter-American Commission for Human Rights. If they fail, we have in Guyana what is called the “Prerogative of Mercy”. The “Prerogative of Mercy” is a Constitutional Mechanism which has an advisory committee headed by a Minister. The Minister is appointed by the President in whom the prerogative of mercy vests.

There are all of these mechanisms, and as you know, in a country like Guyana an appeal could take years. As a result of that the question arises of delay. Delay, when persons are on death row, people believe could have deleterious effects on the mind. In fact, people believe that it could amount to cruel, degrading and inhuman punishment. In fact, in our Constitution under article 141 one could approach the Courts on a Constitutional motion that one’s right to protection from cruel, inhuman and degrading punishment has been infringed by being held incarcerated for long periods without trial or without being hung rather or executed. That is the state of the mechanisms to avoid a sentence of death by a lawful Court in Guyana.

Around 1993, a case from Jamaica which went to the Privy Council of Pratt and the Attorney General, two persons were on death row for almost 14 years and they utilised the appellate

mechanisms and they petitioned to the various human rights bodies. In fact the Prerogative of Mercy in Jamaica read the death warrant to them three times. In every occasion, they were saved by the bell just before they were executed. You could imagine that these men were living at all material times under the apprehension of death. It has been accepted to be one of the cruelest and degrading forms of treatment that could ever be meted out to a human being. There were there for in fact fourteen years, and finally when the matter was taken by a constitutional motion to the Court the Court held, and I would like to put this into the record just quickly, that the execution should follow as swiftly as practicable after sentence of death, subject to the allowance of a reasonable time for appeal and consideration of a reprieve. An appellate procedure that permitted prolonged delay for taking advantage of this, no fault could be attributed to a defendant which was compatible with capital punishment. That is very clear. You cannot have a systemic delay and blame it on the person who is on death row.

In Guyana, when all other countries in this region followed Pratt and the Attorney General, Barbados, St. Bradshaw and the like, we steadfastly refused in the early days to follow that. In Yassin and Thomas for example, they did everything almost akin to Pratt and still our Court of Appeal refused to give them any reprieve to commute their death sentence to life.

In Rampersuad and the Attorney General, the Director of Public Prosecutions, the delay was 6 ½ years and the Court referred to all those cases, Pratt Morgan, Yassin and Thomas and the like. They came down on the point very steadfast that it was not cruel and inhuman punishment to have someone on death row for 6 ½ years. We were behind the pale.

Internationally, the whole world was moving in a different direction. I am reading from this article, *Death Penalty Debate* and this is what it says, “Death penalty is just so last millennium”. In other words it is outdated. “More than two-thirds of countries around the world have abolished capital punishment. Most others use it rarely if ever and a clear majority have supported a United Nations resolution against it in each of last three years, 2010 to the present.

Most death penalty supporters believe that it is justified on one or more of the follow grounds: firstly, as a means of retribution, that is, they deserve it; secondly as a deterrent to others; thirdly, to prevent any danger of re-offending; fourthly, because it is cheaper than keeping people in prison. Opponents argue, that is one the other side of the coin, against the death penalty on one

or more of the following grounds: firstly, killing someone is always wrong and two wrongs could never make a right; secondly, whatever people might think, there is in fact no evidence of a deterrent effect; thirdly, life without payroll is just as effective a roll to prevent someone re-offending as executing them; fourthly, saving money can never be justification for taking someone's life; finally number five, mistakes are bound to happen and that means people being put to death for a crime they did not commit. Imagine if that were you or someone you love." The debate rages on and we cannot be left to wallow on the muddy banks; we must take the tides that carries one on to fortune and fame.

The present situation in Guyana is that there are 29 persons on death row, all men. There were four persons, including Noel Thomas from Thomas and Yassin who were recently released by our Courts on an application that their constitutional rights to protection from cruel and inhuman punishment had been breached. Noel Thomas was there since 1988. He was incarcerated since 1988 and Chief Justice Chang relieved him in June 2012. Muntaz Ali was on death row since 1987. He was released in June also. Lawrence Chan, in 1996 he was incarcerated. Vishwanauth Singh was since 1993 or 1994. What we have is our constitutional Court, presided over by none other Chief Justice Chang, within the last month granted applications made for persons sentence of death to either be commuted or set aside. The question is whether this is a reflection that Guyana is moving towards the position that we should not execute persons under sentence of death.

Two women were incarcerated for years. Sanchari Singh died in prison in 2009. Is that not cruel and inhuman? Shareen Khan died in 2010; she was incarcerated since 1987. We cannot escape the whole question of debating. I am not sure whether that is why at the review this issue was not really forced upon our representatives.

The mechanism of the "Prerogative of Mercy" also ought to be employed in a more meaningful way. In fact, the tract record for the "Prerogative of Mercy" is not very good for persons on death row. Before 1998, warrants were read for five persons. The last execution was in 1997. Those were the Michael Archer and the Clark. In the 1990s there was one other person granted a reprieve under the "Prerogative of Mercy". It should tell you that the "Prerogative of Mercy" has power to pardon any person, to commute a death sentence to life imprisonment, to substitute a less severe form of punishment and to grant respite indefinitely or for a specified period.

We have mechanisms in Guyana, which is in our Constitution, the Prerogative of Mercy, to really examine the status of persons on death row and make decisions in accordance with the powers given to them. The question is one that cannot escape us here in Guyana; it is an unshakable trend. In China also where thousands are believed to have been executed dissenting voices were heard. Peking University Law Professor, Zhang Qian Fang, argues for China to publish its figures on execution. He says only then can China's rational debate on abolition of the death penalty begin.

Into executions, there is cry in the Middle East and North Africa. The use of the death penalty was recorded in Lebanon, the Palestinian Authority and Tunisia. In Morocco, the new Constitution adopted in 2011 enshrines the right to life in Article 20. In other words, these countries are moving away, and those countries which know about execution are moving away to either not executing people or abolishing the death penalty altogether. It is a challenge, and as the motion tells us in the last Whereas clause, the Special Select Committee must conduct consultations with the relevant stakeholders in Guyana.

The first BE IT RESOLVE clause tells us what should be the questions to be answered by these consultations. We, in the A Partnership for National Unity (APNU), agree that these questions of abolitions or not should go to a Select Committee which would conduct the consultations. It should consult the Bar Associations, other categories of stakeholders and indeed the Guyanese people to come up with an answer of whether we should abolish or not.

Even in those countries that continue to use the death penalty, progress was made in 2011. In the United States, Illinois became the 16<sup>th</sup> State to abolish the death penalty. China removed the death penalty for 13 crimes. Could you imagine they removed the death penalty for 13 crimes and still have crimes where the sentence of death is the penalty? In fact, they did that while adding at least two new capital crimes. Decreases in the use of the death penalty were recorded in Lebanon, the Palestinian Authority and Tunisia. At least 18,750 people remain under sentence of death at the end of the year and at least 680 people were executed worldwide in 2011 and that is excluding China.

In March, Governor Pat Quinn announced his intention to seek an end to the death penalty in Illinois USA, and he said, "The Evidence presented to me by former prosecutors and judges with



decades of experience in the criminal justice system has convinced me that it is impossible to devise a system that is consistent, free of discrimination on the basis of race, geography or economic circumstance and that always gets it right.” Illinois became the 16<sup>th</sup> State to abolish the death penalty.

Mdm. Deputy Speaker, I will leave this Hon. House with these few observations. On the part of the APNU I will say that I support this question being remitted to a Special Select Committee which will then conduct consultations with the major stakeholders in Guyana. Thank you very much. [*Applause*]

**Ms. Teixeira:** Thank you Mdm. Deputy Speaker. I am very pleased that this motion has come to this House by the Prime Minister. I think there are issues which we need to talk about in our country and issues which we need to address. We need to find answers. To just explain to members of the House, we had distributed this compendium of our experience and the speeches and the recommendations of the Universal Periodic Review in October 2010. It will be an important document, I think, for all the new Members of Parliament (MPs) to also have in their possession.

The Universal Periodic Review in the first tranche, Minister Carolyn Rodrigues-Birkett led our delegation. I was honoured to be on it and also Ambassador P.I. Gomes. We were the only delegation in that session that had majority women in it. You may be pleased to have heard that. In fact, the majority of delegations was male dominated. We were the only delegation that had a female heading the delegation and on the floor. In the Universal Periodic Review it is different than when you go before a committee of CEDAW or the Rights of the Child or the Convention against Torture. You are questioned by the countries present and they make recommendations not a committee. The country then has to agree or not agree or say what they are going to do or what they are in progress of doing or what they disagree with or do not accept or what they are going to work towards. It is an interesting process that has started. The first review cycle has finished and in the second review cycle Guyana will be reviewed. I think it is around 2016.

It is a very interesting experience. It is intimidating in a way, but not as intimidating as some of the other committees you have to go before. It gave us an opportunity, I think as a country, to recognise that there were these issues that have strong differences within families, communities,

organisations and probably in the House on both sides. There is no clear line as Minister Priya Manickchand pointed out.

I wanted to add to the debate, and I think there are a couple of things. Mr. Nagamootoo pointed out about having three Committees and so forth. This is a 65 member House that has already about 14 Standing Committees within the last few Sittings. At this Sitting, we would have now reached 6 new Special Select Committees that will have to be appointed when we come back in October. This is quite a big stress for the Members of the House. To split this into three Committees further dissipates forces. As, I think one member pointed out, we can have sub-committees in the Parliamentary Select Committees to focus on one particular area. I think both administratively as well as in the Standing Order that concern of Mr. Nagamootoo could be handled.

I think this motion is an attempt to try to deal with what are controversial issues in a more sober environment. Maybe some people may find that ironical that we may be considered a more sober environment because some of our debates certainly do not give people that impression about the Parliament. I believe we need to look at the issue of corporal punishment. Shontelle Smith had brought a motion which was adopted with amendments in 2007 in this House. The Education Bill consultations went on, and because of the controversy and the very deep and strong views it did not come back as it was planned. I believe this is an opportunity where we can deal with it.

I thought that it might be useful, because when we talk about corporal punishment - if we look at the recommendations that Guyana has received – by the way, the countries that were in our session, the majority of them were given the same recommendations on corporal punishment, the death penalty and lesbian, gays, bisexuals and transgender as we were. A number of the countries chose the avenue that we did, that is to say that we are going to go back, because it is controversial, and consult and so on. When we talk about corporal punishment, look at the recommendations which have so much to do with abolishing it from school system, others from the home et cetera. I thought it might be useful to have a clear idea of what we mean by corporal punishment because there seems to be different definitions. The United Nations (UN) Committee on the Rights of a Child in its General Comment of No. 8 of 2006, paragraph 11 - because of the differences of what people thought corporal or physical punishment meant - they had a committee of experts put together a definition to guide counties on what is corporal punishment.

It goes as follows, and I quote, “Any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting, smacking, slapping or spanking children with the hand or with an implement, a whip, stick, belt shoe, wooden spoon et cetera. It can also involve for example kicking, shaking or throwing children, scratching, pinching, biting, pulling or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion” For example, one that was very popular in Guyana when I was growing up is washing ones mouth out with soap or sometimes giving you pepper sauce or something like that. In the view of the Committee corporal punishment is invariably degrading. In addition there are other non-physical forms of punishment that are also cruel and degrading and thus incompatible with the Convention. These include, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules the child. I think if we use that as a definition, because I hear many people saying that a smack on the bum is alright, but if you put pepper sauce or something like that or boxing a child’s ear that is corporal punishment. I think we need to get it clear what we mean by it. It is a range of punishments, physical and emotional that does harm to a child.

The Committee, I assume when we meet, will look at what are the international guidelines on some of these issues. Clearly there are very strong differences amongst our people and what we think. There is a resilience and resistance by people that the State must not get involved in how you run your family. We have brought in children’s legislation in this country that protects the child even from an abusive family, mother or child. Therefore, the State and the Constitution of our country protects the child. The child is the first and primary interest in decisions being made in relation to the child’s welfare.

We have come a long way in terms of a lot of our legislative instruments, and our social programmes, but we still have a time lag that we have to address as a country. Certainly I am looking forward, I would like to be a member of this Committee, because I think it is going to be a really interesting Committee, but I believe it is also going to challenge us in a variety of ways.

The other issue that we have to look at, the abolition of the death sentence, I think we have to, in addition to what the Hon. Member Mr. Williams spoke about, is that we brought the amendment to the Criminal Law Offences Act 2010, Section 100, where instead of just having the straight death penalty once murder was committed, we made a series of categories in which life

imprisonment with parole could be exercised by the Courts. I think that was the first initial important step for Guyana to be moving in that direction.

I will say this; in 2002-2008 crime-wave we had a lot of consultations with communities, religious organisations and businesses. Part of that time I was the Minister of Home Affairs. I remember people getting up at meetings and saying “hang them; you have people sitting on the capital row. Why are you not doing anything?” This was the backlash to crime; it is a tendency in any country where you have a upsurge in crime you also have an upsurge in the call for instituting the death penalty.

In 2010, I think we took our first step as a country to say that this Section 100 was so broad and sweeping that it did not leave any room for differentiations between different crimes in relation to homicide and manslaughter and so on. I think that was the first step. We have not as Mr. Williams said, executed anybody since 1997. There are, in the recommendations to Guyana, as in other countries, the whole spectrum of what you could do, i.e. a moratorium on the death penalty all the way through to the abolition of the death penalty. In fact, the Inter-American Commission on Human Rights Report that has recently come out talking about the abolition of the death penalty and showing countries that have taken some measures in the Americas, points out that it is not only about abolishing, that one could do a range of things in between such as a moratorium so and so forth. The issue that Mr. Williams raised about the length of time that someone is sitting on death row is an important issue and it is one that has been raised in the Convention against Torture.

Guyana, on the International Covenant on Civil and Political Right (ICCPR) is one of the countries that has a reservation on the issue of the abolition of the death penalty. This is something we need to also talk about. That is why the motion calls for the inclusion of, as with the inclusion of corporal punishment, for us to get children’s voices on this issue and not just adults and on the issue of the death penalty to include a range of specialists, victims, criminologists, including social scientists and stuff like that as well as people who are prisoners. We need to talk to them; they need to have a voice too.

The studies that have been done globally and in the Caribbean and in some cases the University of West Indies show that the death penalty is not a deterrent to crime and to major violent crime.

These are things I think the Committee will have to examine and in its best judgement come back to this House after having taken positions written and oral from Non-Governmental Organisations (NGOs), individuals, et cetera.

The issue of decriminalising, same-sex consent adult relations. No one has really spoken about it in the House although that is one of the issues. I listen sometimes to people speaking on the television and radio and it seems to be that people think it is a modern occurrence, that the decadence of modern society has brought about the emergence of lesbians and gays, bisexuals and transgenders. In fact it was only a couple years ago I learnt what a transgender was. I really did not know what a transgender was. I now know what it is. I am sure you do now too, i.e. talking about people who were born with one sex and who biologically go through surgical and other interventions to become another sex or have another gender. I used to get transgenders mixed up with transvestites which are two different things. If we go through history, the fact that sexuality and sexual relations that included not only heterosexual relations but same-sex relations and bisexual relations go back thousands of years. I was asking Dr. Rupert Roopnarine to remind me of my Roman history with Emperor Nero and others - they are written about – when there seemed to be a world that was much more open and tolerant of such activities and such relations between people, versus the more modern world in which many countries in some cases have been extremely intolerant in. In Guyana, we have an interesting way.

*9.13 p.m.*

We are not a violent country against those who are lesbians, gays, bisexuals and transgender persons; we are not openly violent. If you talk to people about it they will generally say I do not want to know what people do in their bedrooms. I do not want to know. They will put it in my face but I do not want to be asked to say anything about it. That is generally what a lot of Guyanese say about this matter if they are not being very derogatory. I have also heard people talking on this issue since we brought it out. These are issues we have to address as a country. I have heard different people say this is an attempt to have same sex marriages. This is not about that. This is about adult consensual same sex relations and decriminalising it. What do we mean by that? The Society Against Sexual Orientation Discrimination (SASOD) wrote a letter on 26<sup>th</sup> March, 2012 explaining their position and what were the issues raised in the UPR to Guyana. The letter talks about three sections of the Criminal Law Offences Act Chapter 8:01, Sections,

351, 352 and 353 which basically deals with male and male sexual relations; whether the relations are consensual or not the present law is not interested. There is nothing in our laws to do with lesbianism; there is nothing to do in our laws with bisexuality; there is nothing in our laws to do with transgenders. All of these laws are old; they go back to the 1860s. Nobody knew about transgender in the 1860s. **[Interruption]** Transgender is a biological change, if a woman becomes a man or a man becomes a woman. They could not do that in the 1860s. Come on Basil! But for the three parts of the law that have to be looked at are the laws that they are saying need to be decriminalised the removal or amendment of these three sections that make it a criminal offence for male and male sexual relations. That is fundamentally what it is. **[Interruption]** No, women are not included; bisexuals are not included unless they are found with another male – a male with a male. What we are talking about in this motion is looking at those three sections and deciding after hearing from people what we should do.

The other section of the criminal law that has to be looked at is the Summary Jurisdiction Offences Act Chapter 8:02, Section 153, which makes it an offence for a man to be dressed as a woman. It does not make it an offence for a woman to be dressed as a man, but it does make it an offence for a man to be dressed as a woman. Of course this is another old piece of legislation that has to be looked at. It is funny because this exists at the same time when some of our cultural practices have that transvestite arrangement. When we perform some of our cultural traditions in Guyana, people dress as the other sex. This goes back again hundreds of years and comes from other countries to Guyana. This is part of our cultural makeup but we do not see it as offensive. We do not see it as offensive when the masquerade bands come along and the men are dressed as “mother sally”. We do not see it when in certain dances with religious and cultural events a man is dressed as a woman. We do not find that offensive culturally. We, therefore, have to look at this and retain what I believe in our culture is a good thing, a tolerant thing, not a violent thing, and to recognise that we can in our society deal with these differences.

The other part is looking at the issue of discrimination against lesbian, gay, bisexual and transgender persons. Are they discriminated against in our society? Are there prejudices against them? If there are how can we rectify that? Many of the persons who have gone to the court claim that they are discriminated against by the police. They claim that to get a job in certain places they are discriminated against. We, on the Government side, do not believe that in our

labour laws or in the practices, at least in the Government, that there are discriminatory practices against persons who may have a sexual preference. However, there are prejudices in the society; that is very clear. Therefore we have to address those. Our society must address the prejudices that exist as best as we can.

Mdm. Deputy Speaker the motion before us does not preclude the Government, the NGOs, or the Opposition Parties from having their own consultations with people to get their views. It does not preclude that. It allows us, as we said, to enhance the dialogue, the conversation, on these issues. We want to be able to have people freely come to the Committee through the committee's work programme and address the concerns of SASOD. I assume Members of the House know what SASOD is. It is the organisation, I believe, one of the only ones in Guyana that deals specifically with sexual orientation. Today, before coming to the National Assembly, I got an email from a member of a religious organisation – I think most of us got that – violently opposed to this issue. We will encounter these very strong positions, but we have to be able to create an atmosphere where people will be invited to present their views.

I remember on the Age of Consent Bill when we had a Select Committee considering moving the age of consent from 12 to 16 years, we had many people come to us wanting to take it to 18 and 21 years. Out of the blue this man appeared, he was scheduled to come before us, and he came with a position to the Committee that the age should be reduced from twelve to eight years because he felt that a child is sexually mature enough at that age. We had to restrain ourselves in the Committee. Anyway, we listened to him politely and he left. That situation gives an idea of the spectrum of opinions we would be dealing with.

This issue is going to create a lot of discussions. I think the challenge for the Committee would be to make sure the environment of those coming before us is one in which people feel free to express their views, they can bring their research, their studies, their religious and other beliefs to us. We must be open to listen to the views that these issues generate in people who come from the wide spectrum in society.

In the first "Be It Further Resolved" clause No (iii), "the attitude of Guyanese to any changes in legislative provisions" et cetera. I was approached by SASOD asking specifically that I include after the words "attitude of Guyanese" "particularly lesbians, gays, bisexuals and transgender".

My response to them was that by saying the “attitude of Guyanese” we meant all Guyanese – heterosexuals, bisexuals, and homosexuals. But it would be remiss of me not to say that was their request here. We must assure the persons we are talking about that they have a voice and are included in the consultations.

Maybe it would be a good reprieve for us in this House to deal with these issues later. It is the last night of this session of the Tenth Parliament. Over the last six months it has been rough on all of us, stressful, a challenge, uncharted waters, et cetera -a new dispensation – whatever name you want to call it. Maybe it might be a good thing, after recess we will be able to come back a little more settled, a little more comfortable in our skins and be able to deal with an issue we have toyed with and tried to deal with in different times and ways and not succeeded.

In the 1970s there were three issues that came to this House and went to Select Committee. One was on divorce, changes to the reasons for divorce; the abortion issue, and the third issue I cannot remember right now what it was. These issues went before Select Committees. A number of old members who are not here anymore were part of that and the records show were unable to complete the work. That was in the 1970s.

In the 1990s we were able to bring back one of them, the Medical Termination of Pregnancy Bill. This was an issue that was fraught with controversy. That Committee was able to work. We were able to have all the different positions in the midst of many very graphic and horrible things sent to us. We came back with a Bill that was actually rewritten in Committee. There was agreement between the two sides of the House. There were similar issues like these when there was no clarity on either side; people had very strong views on either side and there had to be a vote of conscience. In fact, the first vote of conscience, I believe, in the history of this House was on the Medical Termination of Pregnancy Bill. It passed. I am using that as an example to show that we can as a Parliament, with differences, be able to find the best we know how. If we go into this with the idea we want to listen, we want to hear and we want to be able to do for our children what is the best, we want to be able to examine.

Some of us were laughing during the break. Mdm. Deputy Speaker said she had never been hit as a child. We were joking that maybe that is why she is the way she is; she was not disciplined. Some of us were saying the same thing that...



**Mdm. Deputy Speaker:** On a Point of Order. I did not say I was not disciplined. I was not beaten.

**Ms. Teixeira:** She was not beaten. Then I said I think I was beaten once. Someone else made the same comment that is why you are the way you are.

There are obviously very strong views on this matter and I believe this motion is a good way to go. We are going to try to do this in a very sober way to show that we are capable as leaders of this country, and that we will be able to come back to the House with a timeframe of what we are doing, because we also need to be able to assure people who are watching us that we are doing this in a fair and transparent way. We are not going in with an agenda that is going to ram-road this through. I do not think from the debates today we have that view from anybody. Although I know, in fairness to everybody here, people have very strong and different views.

Mdm. Deputy Speaker, I am very pleased that the motion has finally come to the House and I look forward and hope that all will support its going to a Select Committee so we are going to be able to work on this issue over the next few months.

Thank you very much. [*Applause*]

**Mdm. Deputy Speaker:** Thank you very much. And I must commend you on your timing. You took 29 minutes. I now invite Hon. Member Mrs. Lawrence to make her contribution.

**Mrs. Lawrence:** Thank you Mdm. Deputy Speaker. A Partnership for National Unity on whose behalf I rise, and also to represent the many individuals and groups within and without our beloved country Guyana who are concerned about the morality of our people and our sovereignty as a nation. These concerns arise out of the second resolve clause which calls for the establishment of a special select committee in the determination of paragraph 3:

“The attitude of Guyanese to any changes to the legislative provisions and criminal code regarding consensual adult same sex relationships and discrimination, perceived or real, against lesbians, gays, bisexual and transgender persons.

This motion moved by the Hon. Prime Minister Samuel Hinds, and moreso the paragraph I just quoted, speaks to the removal of values and structures established since creation. The motion

seeks to request the Guyanese people not only to change their attitudes but also to sanction the removal or repealing of sections of our laws in the Summary Jurisdiction Act, a paragraph under the title “Minor offences chiefly in tongue”, and the Criminal Law Offences Act under the title “Offences against morality”.

The question being posited is: Why has the Government brought such a motion? It is reported that the Hon. Member Carolyn Rodrigues-Birkette on the 13<sup>th</sup> May 2010, presented Guyana’s report to the AIDS Session of the General Assembly of the United Nations Human Rights Council and four days later our report was adopted by the working group. Further a list of questions prepared by 10 European countries was transmitted to Guyana by the rapporteur. In relation to the issue under discussion page 5, paragraph 17 of the Report reads as follows:

“With regard to the advance questions concerning discrimination against lesbian, gay, bisexual and transgender persons the delegation indicated that no cases involving the harassment of lesbian or gay persons had been received by the Government through any of its complaint mechanisms. Further, there had been only one case cited in which a person was charged with cross dressing and the matter was still before the court.”

Changes to laws require widespread consultations and a major change in attitude on the part of the populace.

“The Government’s attempt to include the phrase “sexual orientation” in the anti-discrimination clause of the Constitution has been met with widespread consternation and protest.”

It is to be noted that during the interactive dialogue session that of the 32 delegates which represented countries from the Caribbean, Latin America, Asia, Africa, the Americas and a large contingent from Europe only two countries, namely Sweden and Australia, made reference to our laws which criminalise sexual activities between people of the same sex.

However, it must be noted that during the interactive dialogue 112 recommendations were made of which Guyana accepted 26, endorsed 31 which were already or in the process of being implemented, and committed to provide responses to the remaining 55 recommendations in

September, 2010 at the 15<sup>th</sup> Session of the United Nations Human Rights Council (UNHRC). It was the Hon. Gail Teixeira this time around who in her presentation stated:

“Recommendations 70.47 to 70.53 refer to decriminalisation of consensual same sex relations and ending discrimination against gays, lesbians, bisexuals, and transgenders. Whilst the state does not discriminate against persons based on their sexual orientation Guyana does not deny that interpersonal prejudices exist based on cultural and religious beliefs. Guyana noted these recommendations and voluntarily commits to hold consultations over the next two years. Based on the outcome of this democratic process these will be reflected in its domestic laws.”

We are now some six weeks shy of two years since the Honourable Ms. Teixeira made this commitment to the UNHRC.

This motion brought by the Hon. Prime Minister to the National Assembly gives Members a basket and asks them to fetch water. Several important questions arise, namely: What was the Government doing all this time? Where is the data? Where are the studies? What percentage of our population is affected by these laws which we are told should be repealed? What is the percentage of gays, lesbians, bisexuals and transgenders in our society? These are just a few of the fundamental questions for which information needs to be forthcoming in order to facilitate the investigative perspective and process. [Interruption] You do not start from nowhere. You have to start from somewhere. Permit me Madam to ask how soon is the Government expected to return to the UNHRC? We heard the Hon. Gail Teixeira say in 2016. Am I correct? Is this motion to hoodwink this body into believing that the Government has begun a process of consultation? Was the Government afraid to deal with this issue prior to the regional and national elections? Why would the Government seek to place three waited issues into one motion? Unlike the death penalty and corporal punishment, for which evidence and statistics exist, it is our view that the discrimination of consensual adult same sex relations and discrimination of lesbian, gays, bisexual, and transgender persons ought to have been presented separately.

Mdm. Deputy Speaker, I would like to draw your attention to the fact that both of the Government representatives in the reports to the UNHRC in May and September, 2010 stated that Government does not discriminate against persons based on their sexual orientation despite

our laws which state that males who commit acts of gross indecency with another male, the attempt to commit or the committal of buggery, and that the wearing of female attire by a man is an offence. These laws merely act as a deterrent. Two known organisations in Guyana representing lesbians, gays, bisexuals and transgenders contend that this silent legislation is not enough. Rather SASOD and Lesbians, Gays, Bisexuals and Transgenders (LGBT) contend that unless these laws are repealed, in other words, removed, this group of persons would be denied the right to freedom of expression, would be discriminated against by the police and non-state actors, and would be criminalised for expressing their identity, that is men dressing as women or women dressing as men. They would be denied the freedom for men to have sex with men and also denied the removal of stigma and discrimination based on gender. However, persuading one fellow citizen in one thing but imposing one's view in absence of the democratic majority is something else. There is no doubt there are other views within our 83,000 sq miles which need to be entertained; the views of the 57 percent Christian and the 7 percent Muslims in our country are among those. While the Muslim community remains relatively quiet on this issue Islamic scholars have stated that based on the teachings of the Quran homosexuality is condemned on these grounds, merely that it clashes with the natural order in which God created human being. It brings destruction of the family and the institution of marriage, and it leads people to ignore God's guidance in other areas of life. The Christians have been more vocal in actively sharing their views which includes those expressed by the Quran. The tenets of Christian society can be found in the Holy Bible in the book of Numbers Chapters 4 through 6.

It is further argued that our national anthem closed with the prayer, and I quote:

“God guard you great mother, and make us to be more worthy our heritage, land of the free.”

Implicit in those words is our acknowledgement as a people that we are a nation under God. In order to secure our elusive rendezvous with divinely ordained destiny we have to ensure, as a nation, that creation structures that God has built into the very fabric of human society are protected, promoted and preserved. By the term creation structures the Christians refer to those fundamental elements which God has ordained and established for the health and well being of ourselves as individuals, as family units, as communities, and indeed as a national family of

Guyanese. These fundamental and functional threads of our social fabric are essential to our survival, strength and sustainability as a nation.

Creation structures include the following: human sexuality expressed in the distinctiveness of our being created male and female; marriage and family life based on that essential and inclusive distinctiveness; work and its just reward; law; discipline and order, including restraining measures strategically and selectively applied; freedom and fulfillment of worship; human intelligence and scope for its development and proper use; and health and wellness in their deepest sense.

This list is indicative rather than exhaustive but reminds us that in nature as established and sustained by God they are built into the mystery and marvel of the human personality, certain privileges and responsibilities. According to the Christians, creation structures are therefore safe zones that protect human beings from other tendencies toward self destruction through what is unnatural perverted and perverse.

9.43 p.m.

There are others who believe that homo-sexuality, lesbianism, transgenderism and bisexuality are psychosexual mental disorders and their ultimate and none negotiable goal is the destruction of core creation structures.

There exists, also, the view that Governments are instituted for safe guarding the rights of its people. In the article titled, *Homosexuality is not a civil right* by Garcia and Rigor. It is stated that when protecting one's inalienable and civil rights, the Government must discern between liberty and license. This requires that rights ought to be attached to persons because of the humanity, not because of their behaviours.

This motion addresses also the change in attitude of our people towards the repealing of our laws against same sex relationships and discrimination against lesbians, gays, bisexual and transgender persons. It must be noted that to effect such a change, our people must be exposed to the arguments and facts on both sides of the divide. This can and must be done in a structured and focused way, that is, encompassing all areas, namely the medical field where it is claimed that homosexuality, as I said, is psychosexual and a mental disorder that can be cured, while this

particular group to whom we are speaking, talks about an in balance hormones and gay genes. We must also look at the area of social mealy, destruction of family structures, ability of same sex relationships to raise families; an attack on man hood and woman hood and an attack on marriage.

The group to which we are speaking about describe it as freedom of expression for men to dress as women and women to dress as men. Giving up the right to decide on the moral calibre of the person who teaches your child is one which persons who we determine straight would say, but the group to whom we speaketh, speaks about the right to sexual orientation. The right of parents to decide whether they would allow their child to visit the other parent, who is in a same sex relationship, is described by the group to whom we are speaking of as discrimination.

The Government placing this motion at the feet of the Parliament does not remove them from their obligation to this nation. As I said before, this motion by the Hon. Prime Minister gives the Parliamentarians a basket to fetch water. My view is supported by the omission of any budgetary allocation to facilitate the special select committee, in achieving the forth “WHEREAS” clause. Further, no mention is made of providing the special select committee with skilled and technical personnel to assist the committee in its work. Perhaps, the Hon. Prime Minister will address this in his response.

In conclusion, allow me to pose a question, ask of me to the Hon. Prime Minister: What has happen to Guyana, the severance state and why do we have to repeal our laws because a few European delegations proposed that we do that? I hope the Prime minister will answer. Further, it is my firm believe that the decision, as outline in the third paragraph of the second Resolved clause of this motion, which reads:

“The attitude of Guyanese of any changes in the legislative provisions and criminal code regarding consensual adult same sex relationships and discrimination, perceived or real, against Lesbians, Gays, Bi-Sexual and Transgender persons;”

I want to reiterate that this decision is too contentious a matter and ought not to be made by any legislative body; rather it is the voters who must be given the opportunity to make such an important decision. Hence, I recommend that the people take this matter to a vote. Let us have a

referendum on these matters Hon. Prime Minister; let the people of Guyana decide whether they are straight, gay, lesbian, homosexual, transgender or whatever category they would like to place themselves in, let them make the choice. Thank you Mdm. Deputy Speaker. [*Applause*]

**Mdm. Deputy Speaker:** Thank you very much Hon. Member Lawrence. Hon. Prime Minister, before you begin your reply, could I invite you to move the necessary motion under Standing Order No.10?

**Mr. Hinds:** Yes, Mdm. Deputy Speaker. I would like to move the motion that we suspend Standing Order No. 10, so that we can conclude the business for this session. We can continue until we would have concluded the business of this session.

**Mdm. Deputy Speaker:** Thank you very much, please proceed. Sorry the motion is on the floor that we suspend the ten o'clock end of the sitting so that we can continue and conclude all matters on today's Order Paper.

*Question put, and agreed to*

*Standing Order suspended*

**Mdm. Deputy Speaker:** Hon. Prime Minister.

**Mr. Hinds (Replying):** Yes Mdm. Deputy Speaker. When I introduced this motion, I did not think that we would have taken so long a time on it. The thrust of this motion is that we send these questions to the select committee and in the select committee the various representations that we have heard could have been presented there in even much greater detail. But I accept that maybe we wanted to give some idea of what might be considered in the select committee.

I would not want to detain us any much longer, because we still have quite a bit of business to conclude on this evening.

I think maybe only one question I might want to refer to and that is what the Hon. Member Volda Lawrence asked about: Why should we be responding to these questions which are urged on us by various developed, maybe sophisticated, countries? I would say it is because we are a member of the United Nations and as was said by someone presenting, that in our membership of

various conventions and covenants, we do need to address these questions. And here is an opportunity for all our people to speak to these questions.

I like therefore, but before, let me also speak to the question about having three different select committees and I think that someone on my side might have spoken it too. Just to reiterate, we do not think that we need to have three separate select committees. I think we are seeing quite a load of work going into the future. I think that one select committee would be able to manage. Maybe, as we select people for the committee, we can bear that in mind and select individuals that might have a leading interest, as has been demonstrated on by the APNU, on the other side there. They had divided the work amongst three persons there.

With that Mdm. Deputy Speaker, I would like to propose that the question be put.

*Question put, and agreed to.*

*Motion carried*

*[Mr. Speaker in Chair]*

**Mr. Speaker:** Thank you very much Members. Do we proceed to the second motion or do we have the Financial Papers? ...we agree to go the motion, we were in the process of considering Financial Paper No. 2. I believe the acquisition of the gents set for... oh yes it was passed. We had gone on to the Low Carbon Development Strategy (LCDS). We would go into the Committee of Supply, thank you.

*Resumption of the consideration of Financial Paper No. 2.*

*Assembly in Committee of Supply*

**Mr. Chairman:** Members I trust that during the recess and even before, Members had started to acquaint themselves with the documents provided by the Hon. Minister of Finance. I do not know myself whether there are adequate or inadequate, because I am no financial expert, but certainly I believe that there is enough, at least for us to start a discourse and for questions to be asked. I invite Members to ask questions if they so desire.



## **CAPITAL EXPENDITURE**

### **Item 3 03-031 Ministry of Finance - Ministry Administration - \$1,974,999,999**

**Mr. Ramjattan:** Mr. Chairman.

**Mr. Chairman:** Yes, Mr. Ramjattan.

**Mr. Ramjattan:** I notice that the provision now sought comes under the heading Local, that is Low Carbon Development Strategy. We are on to the item 3401000: Is that not so?

**Mr. Chairman:** Yes, correct

**Mr. Ramjattan:** Yes. The supplementary here being sought comes under “Local”. Could the Hon. Minister indicate whether these moneys, \$1.9 billion, are coming out of our Treasury? Because, I know that when it is a foreign funded project or sets of projects, it is normally under the heading, “Specific”: Could I be enlightened on that?

**Dr. Singh:** Mr. Chairman, the Hon. Member is quite right in his observation, that when an item is funded out of official development assistance that item is classified as specific. So any item funded through a loan, a foreign loan, or a foreign overseas grant, any loan or grant from a development partner is reflected as specific. The Member is quite correct in that regard.

These projects are funded out of the Guyana Red Investment Fund, which is a fund currently supplied with resources from Norway under the Low Carbon Development Strategy. So in that regard the original source of the funding is Norway to start answer the question. However, Guyana has been at pains - not only the Government of Guyana, but the various oversight mechanism involved in Low Carbon Development Strategy, including the Multi Stakeholder Steering Committee - we have been at pains to emphasise at every stage of our discussion on the Low Carbon Development Strategy (LCDS) that payment for climate services are not a loan or a grant. They are not development assistance, but that they are payments for a climate service. The argument being that Guyana is not in receipt of a grant or a loan here. But Guyana has, by responsible actions over centuries and over generations, preserved forests, which are now providing a global climate service and that that climate service is now being remunerated by a payment for those services.

This has actually been a cardinal principle in our advocacy on the Low Carbon Development Strategy. That we are not asking for a loan or a grant, we are asking for the valuable service that we provide to be paid for. For that reason, the transaction is classified as “Local”. Because in the revenue tables - and I believe I answered a question asked by the Hon. Member in this regard - the inflows from the Guyana Red Investment Funds are reflected as revenues to the Treasury and a correspondingly equal amount is reflected on expenditure on projects. For precisely the reason to capture this principle, that we are providing a service to the world and that to the extent that disbursements are received from this fund, that it be reflected as revenue to the country and corresponding expenditure and corresponding expenditure and projects. That is the reason why it is treated as “Local”.

**Mr. Ramjattan:** This sum of \$1.9 billion, it is not a sum of money that we are going to take out of our Treasury and when we get the Red Funds, they are going to be replenished through that. Is that the case here?

**Dr. Singh:** No, Mr. Chairman. The Hon. Member is correct in his characterisation of the transaction. It is not an amount that we will take from the Treasury and then subsequently replenish from the Fund. It is the total disbursements on the specified projects that we anticipate to be made from the Fund. Those disbursements having been made, we have to record in the books of the country, the receipt and the corresponding expenditure on the projects. So is not an amount that would be being taken from the Treasury, it is the projected disbursements and you will have the two sides to the entry recorded.

**Mr. Chairman:** Hon. Prime Minister, could you move the necessary suspension motion please?

**Mr. Hinds:** I have done that already.

**Mr. Chairman:** Oh you did, my apologies, okay. Mr. Greenidge please proceed.

**Mr. Greenidge:** Thank you Mr. Chairman. Can I just follow up the answer provided by the Minister to this question by asking: Whether the money is being disbursed by the UNDP? The agreement with the United Nations Development Programme (UNDP) for disbursing these monies describes them as the sale of a service. I was not aware that the UNDP is involved in any such arrangement.

**Dr. Singh:** All of the partner entities - the UNDP in this instance is a partner entity - recognise the principle of payment for services. In fact, in my remarks this morning at the signing ceremony, I actually made explicit reference and the development and donor community were present. I actually made reference to the fact that we are currently in partnership with the development community in working towards the design and implementation of a Pure Payment for Services Model.

That is a model that is recognised as one that we are currently working on. But because the principle is so critical to us that this is not aid, that Guyana is not receiving aid here; that Guyana has preserved its forests for generations and those forests are making a valuable contribution to the global community in the fight against climate change. Because this principle is so important, notwithstanding that we are still working towards a Pure Payment for Services Model, we have taken the position that we in Guyana will advocate and will reflect at all times that we are being paid for a service.

This is not a novel concept of the development community. Like I said, I mentioned it in my remarks today and it was not the first time that it featured in our discussions. All of the development partners recognise that a Pure Payment for Services is an ideal model to which the international community is working. So it is not a novel concept at all, it is a concept that is recognised by everybody with whom we are working with on these projects.

**Mr. Greenidge:** Well I thank the Minister for the explanation. I do not have a difficulty with the novelty of concept. I think that is quite agreeable. I am wanting to know the nature of the agreement signed under which these terms are disbursed. Are they described in the way that he describes them?

**Dr. Singh:** Mr. Chairman like I said, the agreement really reflects a ...is a project agreement. It says that an amount of US\$6 million is available to fund the following activities - like all project agreements with which I know that the Hon. Member is very familiar – and it describes the activities to be funded under the project. To the best of my recollection it does not characterise the source of the funding one way or another, but like I said to the best of my knowledge I do not recall that it characterises the source as whether...

All that the UNDP knows and all that the agreement reflects is that this is a sum being administered. A sum of \$6 million is available and is being administered through UNDP processes for the purposes of implementing certain activities.

**Mr. Greenidge:** I do not want to prolong this beyond this point. I just want to say this that again I have no problem with the objective being sought here, but it would be unusual for an agreement which provides funds not to describe those funds. It is not the source that I am after it is how they describe it. Secondly, it is unusual, I think, for the recipient alone to define the funds and to describe them on the one hand as proceeds from the sale of a service, if in fact the agencies, Norway and the others, have not so describe them. I am just trying to ensure that we are not attempting something unilaterally here.

**Dr. Singh:** Well, Mr. Chairman, I really do not think there is any need for us to protract this discussion at all. Like I said, even if there is a partner entity or a member of development community that, for the time being, has not being persuaded of the view that this is not ODA and continues to labour under the belief that it is ODA, from a national interest stand point, it is in our interest to advocate that this is not some benevolent gift from outside of Guyana, but it is in fact a service we have provided.

Even if we had a development partner that wanted to argued that this was aid, I believe it would be in our interest to say, we are not asking for a hand out here, that the people of Guyana, all of the people of Guyana, not the Government of Guyana, have been responsible in preserving the forests of Guyana. Not the current generation, but generations before us, have been responsible in preserving these forests and in forgoing alternative development paths that indeed may have had us along an accelerated development trajectory a long time ago. But that that alternative development path was foregone for generations and that today the fact that those forests are serving as the lungs of the world, should be recognised and valued and remunerated.

Even if they are still members of the development community that wants to regard this as aid, I believe as a matter of principle, we in Guyana, should constantly say to the world this is not aid, we are not asking for aid, we are asking for the world to remunerate the services provided by our trees.

For the Hon. Member's benefit, I will say that the first paragraph of the agreement signed this morning does explicitly say:

“The Low Carbon Development Strategy of Guyana sets out the vision through which economic development and climate change mitigation will be enabled in the course of the generation of payments for standing forest and eco system services.”

That principle is captured in that first paragraph of the agreement that sets out the situation analysis.

**Mr. Greenidge:** Just one more observation Mr. Chairman, if in fact this is payment for a service, then I would have expected that we would have more control over the terms of disbursement; once the service is delivered it is obligation of the seller to deliver the price. Is that the case?

**Dr. Singh:** Mr. Chairman, it is precisely for the reason that we do not have a Pure Payment for Services Model, that I made the point a few minutes ago, that in my remarks today at the signing ceremony and in those remarks the media was present or while those remarks were being given, I made the point that we are still working towards the design and implementation of a Pure Payment for Services Model. Such a model does not exist right now and while that is indeed the model to which we aspire, in a Pure Payment for Services Model, the international community, recognising the value of the services that they receiving from our forest, will pay us. Those resources will go into our Consolidated Fund, will be budgeted out of the Consolidated Fund and utilised in accordance with national systems. That is how a Pure Payment for Services Model will work.

We are not and the “we” here is not Guyana, the international community is not at the point of having designed a Pure Payment for Services Model as yet, we are not at that point as yet. That is the point to which we aspire; that is the point that we continue to advocate as a country; that is the point that all of our development partners know and are working with us to achieve. But until such time as we work to achieve that point, that aspiration, it is imperative that all of us in Guyana advocate and do all that is necessary to achieve that model.

That is why the classification of this transaction is so important, that it be classified not as a benevolent transfer from a donor, but as a payment for service, so there is a principle here.

I agree with the Hon. Member, in a Pure Payment for Services Model the funds would be disbursed because you have provided a service, you have paid for it and having been paid for it you then utilise it in accordance with domestic systems.

In a Pure Payment for Services Model that is what would happen. So the Member is correct in describing what would happen in a Pure Payment for Services Model, but I think earlier in my remarks I did say that is a model to which we are still aspiring.

**Mr. Nagamootoo:** Mr. Chairman, in view of the fact that the Minister is asking this Parliament to approve the supplementary provision of \$1,974,999,999 and the bare-bone remarks for the supplementary provision are these words: “Provision for low carbon development initiatives.” Would the Minister, having made a disclosure prior to the suspension that he had circulated kind of a love letter to Mr. Carl Greenidge, the Hon. Member, be prepared to append the relevant portion of this document now circulated before the break - that is Amerindian land titling, Amerindian development fund for village economy development...

**Mr. Chairman:** Amelia Falls.

**Mr. Nagamootoo:** Small and micro-enterprise development, adaptation projects, Cunha Canal and institutional strengthen, where the various allocations have been set out in this, what was a private document, still is a private communication circulated subsequently. Would the... **[Interruption]** What was a private document between two individuals, Mr. Chairman...

**Mr. Chairman:** Alright, what we circulated tonight was my copy.

**Mr. Nagamootoo:** Your copy was circulated.

**Mr. Chairman:** The copy that came to the speaker was what went out. So it is not a private document.

**Mr. Nagamootoo:** Yes. And now we received a copy of this. **[Interruption]** Your copy was circulated; we did not see the one sent to Mr. Greenidge... I withdraw that.

However, what was hidden to essentially a private document, because it was not circulated nor addressed to Members of this August Assembly.

10.13 p.m.

My question is: Would the Minister be prepared to append the relevant section from this document as notes to the supplementary provision being sought?

**Dr. Singh:** My task is to provide the information. I have discharged my obligations.

**Mr. Ramjattan:** This one, in relation to institutional strengthening: The institutional strengthening, I notice, is a billion dollars and I really have no idea, notwithstanding seeing this now, the document recently circulated, effectively stating, where this billion dollars will be going for the institutional strengthening. Could I be provided with some information on that?

**Dr. Singh:** I should say that these projects are in fact projects that have their genesis in the Low Carbon Development Strategy itself, obviously, because they are budgeted under this strategy. The projects would have been identified going back to the successive versions of the Low Carbon Development Strategy and would have been described, in some measure, in that strategy as the strategy evolved. The Low Carbon Development Strategy itself would have been tabled in this National Assembly and would have been the subject of debate and, I believe, at least two motions in this House, most recently, before we attended the Copenhagen meeting of the United Nations Framework Convention on Climate Change (UNFCCC). There is reference in those documents to what the projects are that would be funded under the LCDS and what their broad objectives are. In addition to the tabling of it in this House, those documents are also available on the Low Carbon Development Strategy website – [www.lcds.gov.gy](http://www.lcds.gov.gy). I am sure to add that the detailed project description, if I am not mistaken, is also, as is customary, posted on the International Development Bank (IDB) which is our partner entity working on this project.

All of that notwithstanding, I would say in summary that this institutional strengthening project aims at supporting and strengthening the institutional capabilities of the agencies involved in climate related work. Those include the Guyana Forestry Commission, because it is doing a lot of work on monitoring and management of our forest resources, in particular the establishment of what is called a Monitoring Reporting and Verification (MRV) system, so it is the development of a system that will enable more efficient tracking of our forest resources, utilisation and evolution of our forest stock. The strengthening of the Guyana Forestry Commission, the strengthening of the Environmental Protection Agency (EPA) and there is also

strengthening of the Office of Climate Change. Those are the three principal entities that are benefiting from the institutional strengthening work, in a nutshell.

As I said, some of this documentation is already publicly available and I would be quite happy to make copies and share them with the Hon. Member.

**Mr. Allicock:** First of all, I would like to say that I am happy to see the concept note developed and has been given the green light for, at least these two items, the land titling and the Amerindian Development Fund for Village Economy Development. Could the Hon. Minister say whether the concept note is available and when it is completely developed if we could have that document for viewing? In addition to that, how many and which of the communities are to be titled? If I may continue, on the Amerindian Development Fund for Village Economy Development, could the Minister say whether there is a plan to involve the private sector? I am saying this because for too long we have left out the technical people who could help us to move our projects forward. I think that this is a good opportunity for us to work in collaboration with those who are available and who could help us in developing these things and to avoid spending of money wildly, if that is the right word to use.

**Dr. Singh:** The Hon. Member asked about the project concept note and we could certainly make that available. I have no difficulty making that available. The Member asked how many communities will be titled. I am sure that I have that information at hand but I am afraid that it does not leap out at me but, again, I would be happy to provide that information to the Hon. Member.

Was there another part of the question which I did not answer?

**Mr. Allicock:** Yes, Hon. Minister. It is the involvement of the private sector in the development of the economy of communities.

**Dr. Singh:** In fact the private sector is involved at every level. Indeed, at the Multi-Stakeholder Steering Committee (MSSC) level there is private sector representation and so at the highest level...

**Mr. Chairman:** Minister, I was trying to see if I could solicit the answer to the question about the number of land titles. I was just asking the Office Assistant to ask Minister...



**Minister of Amerindian Affairs [Mrs. Campbell-Sukhai]:** I am happy to give the figure. There are thirteen that are listed under the concept note and the Hon. Member Mr. Sydney Allicock has had many opportunities to sit on the MSSC. The Low Carbon Development Strategy document has every single community listed there. I have answered it and I am also reminding him.

**Mr. Chairman:** All right. Well, as the Speaker, I needed to know and I was not on any LCDS Committee and I have asked the question, but I am very grateful for the answer. A lot of this information, Members, is available in the public domain and if you were less suspicious of each other and go to the sources we would be further ahead than where we really are right now.

**Dr. Singh:** Could not agree with you more, Mr. Chairman.

Finally, as I was saying, in response to the Hon. Member Mr. Allicock's question about the private sector, there is, of course, private sector representation at the level of the Multi-Stakeholder Steering Committee, but I would go further and say that the strengthening of the village economy project, which will see the funding of community development plans, ( I am sure that the Hon. Member would know that community development plans were developed by every community and went through an approval process, was brought by the respective toshaos to the National Tshaos' Council and submitted through the Ministry of Amerindian Affairs, and so on.) will have each of those projects, to the extent that they will involve the establishment of an economic venture within the village, which venture will be owned and operated by the village to that extent, and, in fact, every village will have an economic venture funded or provided with financial support to be established, in that regard every single project will see private sector development at the small business level promoted within the village. If the village has said that it would like a piece of equipment to facilitate a particular type of agricultural activity that equipment will support the development of private enterprise within the village. If the village said that it wants livestock or it wants planting stock to support the development of some new crop or it wants support to develop apiculture activity, beekeeping and honey making activities – I am only giving some hypothetical examples here – to the extent that that equipment, or feedstock, or livestock, or whatever it is, is supplied to initiate that activity, or support the growth of that activity, that activity will be owned by and will reside within the village. That is

private, owned by the residents of the village. The project by its very design will see the promotion of small business and of a private enterprise culture within the villages.

**Dr. Norton:** Mr. Chairman, if you permit me, to the Hon. Minister, I have two questions. First, should the Norwegians not provide these funds, then there would be no the land titling. It would not be completed. The second part is: The land titling that has been done before, that is inaccurate in so many village, if it will be corrected and those villages that include mining concessions, it that situation will be correct.

**Dr. Singh:** In answer to the question regarding the funding, I would say that the funds are available. These funds have already been disbursed into the trust fund so they are there so the issue of the Norwegians not providing the funds is no longer an issue. The funds have been disbursed to the trust fund and the project is in an advanced stage of approval within the United Nations Development Programme (UNDP). That is not an issue.

With respect to the land titling, I must confess that I could not profess to be an authority on the accuracy of any previous land titling exercise and it is really not a question that I am in a position to respond to. I would suggest that that matter, whether there are issues with respect to the accuracy of boundaries that were previously demarcated, is really a matter that would have to be addressed by a much more competent authority on that matter than myself.

**Mrs. Garrido-Lowe:** Hon. Minister, with regard to the projects in the communities, have thorough consultations been done or are they still being done for the one hundred and eighty-eight villages?

**Dr. Singh:** Is that the question?

**Mrs. Garrido-Lowe:** For the projects, the indigenous projects, in the one hundred and eighty-eight villages, I am asking, have thorough consultations been done for the projects and if they have been approved by the various toshaos?

**Dr. Singh:** The answer to that is yes. The projects were in fact identified by the villages and were brought and submitted by the toshaos.

**Dr. Norton:** Just a follow-up to that. Mr. Minister, the question was about the consultation and if it was thorough in the villages. Are you saying that that is the situation? Why I am asking this question is that as a Member of the Multi-Stakeholders Steering Committee of the LCDS I remember the Chairman of the then National Toshias Council appealing for funds in order to carry out the process of consultation at the level of the village, which would mean that it is not complete.

**Dr. Singh:** My information is that the consultations, which were done, were thorough and adequate.

**Mrs. Garrido-Lowe:** Just a follow-up, Mr. Chairman. Could the Hon. Minister provide the specific amounts for each project in the communities at a later date?

**Dr. Singh:** I am sure that that information can be provided in due course.

**Mr. Greenidge:** May I ask the Minister, first of all, as I see a title here on the document that he sent us, “Amerindian Development Fund for Village Economy Development”, is this a separate or different entity from the Amerindian Development Fund? Is this the title of an entity or is it just a description? It is at the bottom of the page that deals with Low Carbon Development on the document that the Minister has given us.

**Dr. Singh:** It is the Amerindian Development Fund and it is a contribution to the Amerindian Development Fund for the purposes of village economy development.

**Mr. Greenidge:** Thank you very much. Is the control of the disbursements from the fund for the different projects to be supervised by the existing body or a specially convened body?

**Dr. Singh:** I said earlier that we are not at the point of a perfect payment for services model; we have an intermediate arrangement while we work towards the pure payment for services model. This intermediate arrangement sees and defines a role for the partner entities, which are the development partners, and one of the roles which the development partners will be playing is the discharge of fiduciary oversight. That is to say that the execution of the operations would be subject to their financial oversight, which, I suspect, would be the best way to describe it.

**Mr. Greenidge:** We are selling a service. We get revenue from the sale of the service and our use of the revenue is determined by an external agency.

**Dr. Singh:** The Hon. Member has hit the nail on the head and has described perfectly our objections to the existing intermediate solution, and I believe, and trust, he will be a more ardent advocate of the more pure payment for services model.

**Mr. Greenidge:** That is a very clever response. However, in spite of what we have been saying about the sale of a product and the issue of not dealing with grants, and so forth, the reality is that even internally the disbursement is to be done by an external agency.

The question is in relation to the land titles, if I may just come back to that for a second. Mr. Chairman, you are aware, of course, that land titling predated this particular exercise – I do not know what it has specifically to do with low carbon development – and in the previous incarnation of the demarcation of land title in Amerindian villages a number of difficulties were encountered. Part of the reason for the slow approval of the funds, I gather, by some of the partner entities, as the Minister described them, had to do with the need to deal with the previous weaknesses or difficulties that had been encountered with the land titling. I know that this, in a sense, has been raised earlier, but has the Ministry sought to ensure that that aspect is being addressed?

**Dr. Singh:** I will say this, that land titling of Amerindian lands has everything to do with the strategy because it would be recalled that the strategy very explicitly said that Amerindian communities would have exclusive right to determine their opt in, whether they wish their forests to be included in the stock of forests to be placed within the framework of the strategy, and for that to be done, obviously, a land title has to be granted to the respective villages so that the definition arising out of the demarcation of that particular village's forest over which they then exercise the right of opt in with respect to the LCDS would reside with them.

I will say that I am not aware that there was a delayed occasion by concerns in relation to a previous land titling exercise. I must confess that I am not aware of that. It may or may not be the case, but I do not have specific knowledge at the current time of that and I really, as I said earlier, do not consider myself sufficiently competent on the matter of whatever shortcomings, if

any, there were, with respect to the previous land titling exercise. I am sure that there are competent authorities in Government who will be better able to answer those questions.

**Mr. Greenidge:** May I just ask whether the approach to land titling or the demarcation of land titles here is likely to have implications for the availability of funds for those Amerindian communities that opt out of the LCDS.

**Dr. Singh:** I will emphasise that this Amerindian Development Fund Project will see every Amerindian village benefit, not just those that have opted in to the LCDS. This project will see every village benefit. The issue of opting in or not opting in arises only with respect to those villages that have titles, obviously. That is a matter that will be determined in the future, if a village opts in and it is making its forest available as part of the total forest stock which would then influence the total inflows and will be treated at that point in time. Under this project every village will receive support for its community development plans.

**Mr. Greenidge:** Strictly it was land titles I was referring to here. I have heard the Minister, as regards to the general beneficiaries, but for those that do not opt in, does it have implications for demarcation of the rest of the community?

**Dr. Singh:** A village can only opt into the LCDS if it has a land title already because it is only a village that has a title which can say, "We are adding our forest to the state forest for the purpose of the total hectareage that would be subject to the strategy." It is only those villages, which have titles, that would be able to opt in. What we are hoping to do is to give titles to more villages so that that option would be available. Ultimately, obviously, we would like every community to have title to its land and that is what we are working towards. What we are seeking to do here is to increase the number of villages that have titles and which would therefore have the option to opt in.

**Lt. Col. (Ret'd) Harmon:** Minister of Amerindian Affairs stated that there are thirteen villages to benefit from this land titling. Could the Hon. Minister give us the names of those villages? I have a follow-up question after she answers that.

**Mrs. Campbell-Sukhai:** The names could be supplied.

**Mrs. Lawrence:** Mr. Chairman, through you, to the Hon. Minister of Amerindian Affairs. Could the Hon. Minister kindly say whether Riversview will be issued with its land title? It has been well over ten years now.

**Mr. Chairman:** Where is this, Riversview?

**Mrs. Lawrence:** Yes, Sir.

**Mr. Chairman:** It is at Essequibo River.

**Mrs. Lawrence:** Yes, Sir.

**Mrs. Campbell-Sukhai:** I am sure that Riversview is a very happy community today. It received its land title this morning.

**Mr. Chairman:** Did the toshao not know this? Congratulations toshao. Mr. Harmon, I believe that the names of the thirteen villages are known and can be given tonight, but perhaps we can go to your supplemental. I believe they are available now but these are all part of documents... If you would like to repeat them, go ahead Minister.

**Mrs. Campbell-Sukhai:** The thirteen villages, which will be titled, are Eclipse Falls Top Parabarú...

**Mr. Chairman:** Give the regions, please.

**Mrs. Campbell-Sukhai:** Eclipse Falls Top, Kariako, Ruruwau, Riversview, Four Miles, Batavia, Kambaru, Tassawini, Kangaruma, Tuseneng, Karisparu, Parabarú and there is the titling to be fixed which will sort out the Sawariwau and the Katunarib issues.

I did mention thirteen villages. The way I answered the question, as I said in the concept note, thirteen villages were listed.

**Lt. Col. (Ret'd) Harmon:** My follow-up has to do with the question of the titled lands as it relates to the issue of miners who are actually mining in those communities. I have a letter from the Hon. Minister of Natural Resources and Environment, which was dated yesterday, which is in response to a question which I had asked him about a miner, which basically states that any

Amerindian community that expresses an interest in extending its boundaries and any mining activity which takes place in that area would have to be put on hold. Is that so?

**Ms. Teixeira:** I am not going to answer Mr. Harmon. On a Point of Order, we are discussing LCDS. Getting into mining policy is not the issue that is on the floor today. The Member is encouraged and can table as many questions as he wishes, but we are dealing with the Low Carbon Development Strategy now and a line item to do with the financial availability, and to do with land titling and the Amerindian Development Fund, and those issues listed under that head. The mining policy is not part of that at this point.

**Mr. Chairman:** Thank you. Hon. Members, you may want to call me all kinds of names and deem me incompetent. We are in an extraordinary sitting this evening and I am going to give latitude to Members to get their questions asked and answered. If at the end of it they feel satisfied with the moneys they are voting for, the vote is based on something that they feel confident and comfortable with. The days of sticking strictly to what is before you I think are over so if Members have concerns about mining and other things that are pertinent to or tangential to, to some extent, I am going to permit it. I think that it is a general question that could be answered. There must be a policy as to mining and in fact Mr. Harmon has referred to a statement by a Minister with responsibilities for mining. Ms. Teixeira, if it is voted against do not blame me.

**Ms. Teixeira:** I just want to say that I think it is a rather unfair statement.

**Mr. Chairman:** Which one is?

**Ms. Teixeira:** I just have that to say, Sir.

**Mr. Chairman:** Well, I thought it was unfair to label me as incompetent earlier in the week.

**Ms. Teixeira:** Excuse me, Sir. I never said that you are incompetent.

**Mr. Chairman:** I know, but I know who the authors of the statement were.

**Ms. Teixeira:** Why would I have to be punished for someone else's statement?

**Mr. Chairman:** I am not punishing you. I am just pointing out that, as the Speaker, at 11 o' clock I am trying to do my best to ensure that the nation is run with moneys and I am trying to give Members some latitude to ask some questions.

*10.43 p.m.*

You may not feel that some of these questions are important, but if the Member, in the front seat, feels that it is an important question I am going to allow it.

**Ms. Teixeira:** I appreciate your point, Mr. Speaker, but we are also on this item now for forty minutes and we have also, Sir, with due respect to you, started at 2.15 this afternoon...

**Mr. Speaker:** So, did I.

**Ms. Teixeira:** ...so we have all given everybody flexibility.

**Mr. Speaker:** I started at 2 o' clock too.

**Ms. Teixeira:** We all are trying to get the same thing.

**Mr. Speaker:** It is not only on that side of the House alone. We all started at 2 o'clock, the press, and the police were on the road since 9 o' clock.

**Mr. Allen:** I heard the Minister was saying Four Miles and I know that Eclipse Falls Top, which has been spoken of, is in Region 1. Four Miles, which the Minister spoke of, could she say if that is in Region 1?

**Mr. Speaker:** I think the Minister did say Region 1.

**Mrs. Campbell-Sukhai:** Yes. Four Miles is in Region 1.

**Mr. Allen:** Could the Hon. Minister say if this area in Four Miles, Kaituma, which she was speaking about, if there is consultation with the residents there and those residents actually knew that this area will be earmarked as an Amerindian community?

**Mrs. Campbell-Sukhai:** The process of land titling is very clear. It will be subjected to investigation, examination of the application for titling and also consultation with various stakeholders.



*Item 3 03-031 Ministry of Finance – Ministry Administration - \$1,974,999,999 agreed to and ordered to stand part of the Schedule.*

**Item 4 21-211 Ministry of Agriculture – Ministry Administration - \$ 116,935,000 & Item 4 21-212 Ministry of Agriculture - Crops & Livestock Support Service - \$132,500,000**

**Item 4 21-212 Ministry of Agriculture - Crops & Livestock Support Service - \$132,500,000**

**Dr. Roopnarine:** Could the Hon. Minister give us some more information in relation to the Agri-business that is being promoted?

**Minister of Agriculture [Dr. Ramsammy]:** This budget item has to do with the promotion of export diversification. At the beginning of this project three clusters were established - one for fruits and vegetables, one for livestock and one for aquaculture. Under this line item, in order to promote export of fruits and vegetables, livestock and fish, we need to strengthen the various agencies that will, for example, be able to prepare Guyana for the Sanitary Phytosanitary Standards (SPS) that European countries and other countries require. Agencies such as Food and Drug, Analyst Department, under the Ministry of Health, National Agricultural Research Institute (NARI) and the Pesticide Board and all of these agencies are to be strengthened. In addition to that, the bulk of the \$116 million, which is being asked under this line item, is to procure laboratory equipment for the artificial insemination lab which was due to be finished, on construction, at the end of the year, has been completed and handed over. The lab needs to be equipped which was originally meant to be done in 2013, so we are bringing forward the equipping of the lab.

Under the Agriculture Health and Food Safety Programme that is there, there are a number of laws and regulations that had to be developed. Some of which has already come to this House such as the Plant Health Bill and the Animal Health Bill that were passed already. In my budget speech I had talked and during the motion on the Environmental Protection Agency (EPA). I also mentioned the various things that are being done to strengthen the Sanitary and Phytosanitary Standards. There is a Food Safety Bill that has been drafted and will come to the House and a number of other regulations that will be coming here shortly after we resume after recess. This sum of money is being asked for those things. In the handout that you have states that \$76.6 million of this sum is to go for the equipping of the laboratory.

In terms of strengthening the Food and Drug, Pesticide Board, NARI, Guyana Livestock Development Association (GLDA), \$32.6 million will go towards that.

In terms of the Agriculture Health and Food Safety laws and regulations, \$23.3 million will go towards that. Those make up the sum of \$132 million.

**Dr. Roopnarine:** May I ask the Hon. Minister whether or not this promotion of Agri-business would extend into the Hinterland communities? I am thinking whether we are dealing with processing, packaging, and so on.

**Dr. Ramsammy:** The answer is yes. In terms of the export diversification and also in terms of reducing importation, for example, the spice project, which is being promoted in Region 1, 7 and 8, ginger turmeric, black pepper and so on, is focusing a lot on the Hinterland. Presently we are working with the private sector, in terms of the clusters. For example, one private sector is setting up freezing facilities in Lethem. This has to do with working with the movement of beef from Region 9 to the coast. In terms of agro-processing, which is being promoted across the country, so that the small farmers could do more than just producing raw materials, we are looking at establishing agro-processing packaging plants in various parts of the interior.

**Mr. Ramjattan:** Who is the consultant for this consultancy service?

**Dr. Ramsammy:** In terms of the Agriculture Health and Food Safety Services consult on its Agro-tech Spa – an American Company.

**Mr. Greenidge:** This is, I believe, an IDB funded project. Is that correct? And the total amount that has been budgeted by the Ministry as originating in the IDB would be something like \$4.2 billion or thereabout. Is that correct?

**Dr. Ramsammy:** It is thereabout. It is approximately four and a half billion dollars and it is an IDB project.

**Mr. Greenidge:** Why it is then that this additional inflow would not have been budgeted?

**Dr. Ramsammy:** I thought I did explain that the bulk of the \$132 million is because laboratory equipment, which the Ministry was going to budget for in 2013, was brought forward. In terms of the consultancy, that contract was to finish at the end of this year and the work, we had

anticipated an extension given where it was. That work has been accelerated and this is to cater for the payment of that contract.

**Mr. Greenidge:** I wish to thank the Minister for a very clear explanation. My understanding is that apparently because the lab was completed earlier than anticipated there is now related expenditure which can now be brought forward. Can I ask, since the explanation is so simple and clear, why is it that the Ministries find it impossible to put this in their notes? We actually not had needed to ask this question at all. Why could it not be put here in the explanation? There are two pages of documents. How long would that take to write?

**Dr. Ramsammy:** I am always open to providing these information and the Members could ask me at any time.

**Mr. Greenidge:** I think the comment, if I might be so bold, is a comment to the Minister of Finance who has overall responsibility for the document. It is clearly not an agricultural issue specifically. It applies to many of the others below. It is a question that is going to be asked again. I think it is unnecessary for us to be embroiled in these sorts of exchanges. It can easily be shown. Even the additional document, I am emphasising, states nothing about the source of financing; it states nothing about the reason for the amount being requested now and it states nothing about the impact which section 24 (4) requires.

*Item 4 21- 211 Ministry of Agriculture – Ministry Administration - \$ 116,935,000 & Item 4 21-211 Ministry of Agriculture – Crops & Livestock Support Service - \$132,500,000 agreed to and ordered to stand part of the Schedule.*

**Item 5 31–312 Ministry of Public Works – Public Works – Admin and Management - \$84,765,071 & Georgetown – Lethem Road - \$ 4, 844,459**

**Admin and Management - \$84,765,071**

**Mr. Ramjattan:** I notice, unless a page is missing, that there is no additional information provided. Is that so? I am going to ask the question: What are these additional operational expenses about?

**Mr. Benn:** The additional expenses relate to upgrading of salaries and certain expenses with respect to the Work Services Group. The Work Services Group which is the premier, the leading, engineering organisation for the execution of Government works has not had over a period of ten or eleven years, increases adjustments in salaries and wages. Following studies, which were required and mandated with respects to agreements with the European Union (EU), approvals were given for upgrades in respect of its salaries and consequent on that increases with respect to other charges for the Work Services Group in the Ministry. The cost for upgrading and reclassifying some ninety existing staffers is G\$26, 647, 672. In addition there is a requirement for the filling of forty-four key vacant positions in an amount of \$20, 867, 399, and there are other related charges in an amount of \$37,250,000, for a total of \$84,765,071.

**Mr. Greenidge:** I was having a bit of a difficulty. Can the Minister tell us what the amount budgeted, which he showed us here as \$354 million, was meant to fund.

**Mr. Benn:** It was meant to fund the normal operating expenses of the Work Services Group as originally constituted. I said that the reason for the changes relate to the upgrading and classifying of the staff of the Work Services Group and the filling of key vacancies. The other charges are related there too.

#### **Georgetown – Lethem Road - \$ 4, 844,459**

**Mrs. Garrido-Lowe:** Could the Hon. Minister say why this \$4.8 million is here for the...? Could it not go to another relevant Ministry, seeing that it has bio-diversity studies? Could not this money be referred to the Ministry of Tourism perhaps?

**Mr. Benn:** We had originally done a pre-feasibility study commissioned to Mott MacDonald and then we went into the feasibility study being done by SNC Lavalin. What was required, as part of the series of studies under the feasibility study, was an examination of issues relating to the bio-diversity. The work was actually done by Conservation International. It was additional work which was requested. Merely, the Ministry of Tourism itself could not have dealt with the issues of bio-diversity I submitted, but it was the expert agency, Conservation International.

**Lt. Col. (Ret'd) Harmon:** Could the Hon. Minister explain that in the Estimates of Expenditure for this year that this is listed as a new project, the Georgetown to Lethem road, and why is it that

only after a few months after the budget was approved that we are now coming back to this House to ask for money for a bio-diversity study?

**Mr. Benn:** Discussions with the IDB allowed for agreements and understanding particularly since the road will pass through the Iwokrama forest that a specific consideration and examination of the initial studies be done with respect to bio-diversity. It was thought that it was prudent that that should be done. It was not in the original scope of works.

*Item 5 31–312 Ministry of Public Works – Public Works – Admin and Management - \$84,765,071 & Georgetown – Lethem Road - \$4, 844,459 - agreed to and ordered to stand part of the Schedule.*

**Item 6 41–451 Ministry of Education –Education Delivery - \$ 856,000,000**

**Ms. Ally:** I have three areas of concern under this head. I will deal with them individually. The first being the Improvement Plan. I wonder if the Minister can indicate what constitute the areas of the Improvement Plan.

**Ms. Manickchand:** Do you mean the criteria for the Improvement Plan or is it area as in geographical areas?

**Ms. Ally:** Well I see here you have in the notes “Improvement Plan” alone so maybe it will be useful if you can give information on both, what they constitute.

**Ms. Manickchand:** Thank you for the question. Under this project one of the terms of the project was that the schools themselves, working with Parent Teachers Association (PTAs) administration and community, could provide how it is they can improve their school, they would have had to put up a plan then they would be given one million dollars each. This project actually assisted schools to prepare the plans. We had given forty schools before, being the schools that were finished with their plans, then seventy-eight schools came in after and they got their one million dollars each. What can be done under this plan? It is anything from capacity building to library and physical infrastructure. It is whatever that is determined by the administration, PTA and community around the school to be necessary to improve the school.

**Ms. Ally:** I am aware of what School Improvement Plan (SIP) is all about but it did not specify clearly here. It only states “Improvement Plan.” When I was a head teacher my school benefited from a SIP. The other area I am concerned with is Goods. I see Goods carry the heaviest weight in this allocation. Could the Hon. Minister explain what constitutes “Goods” in this area?

**Ms. Manickchand:** The goods that we are talking about are text books in the sum of \$368 million, eighty-eight laptops for Cyril Potter College of Education (CPCE) teachers, for the first year - \$20 million, primary tops, text books, all schools - \$91,430,000, the Jolly phonics books, another set of texts - \$5 million, child-friendly equipment - \$41, 000,820, reading books for all schools - \$138, 375,000, Learning Resources Centre Equipment - \$71,375,000, totalling \$368 million.

**Ms. Ally:** Supplementary, Mr. Chairman. Could the Minister say whether all the schools in the various regions, including the Hinterland regions, will be benefiting from this allocation and these areas?

**Ms. Manickchand:** Yes Sir.

**Ms. Ally:** My final area of concern - Remote Areas Incentives. What are some of the remote areas incentives in this allocation?

**Ms. Manickchand:** Nine hundred and thirteen teachers in Regions 1,7,8,9 and riverine 10 will receive incentives for teaching in remote areas.

**Ms. Ally:** Could the Hon. Minister say what amount will be paid individually for this?

**Ms. Manickchand:** The total that is being paid out is \$15 million. We are thinking that if that is divided by nine hundred and thirteen we should get the figure, but I cannot be absolutely certain on that.

**Mr. Trotman:** In the Estimates presented earlier in the year, sums of money were approved for school feeding and I notice here that a very large sum of \$242 million is being requested. Can the Minister say why this amount and where, specifically, will it be spent?

**Ms. Manickchand:** This is a foreign funded project. It was supposed to come to an end in September but we have managed, because of the good negotiations by our Minister of Finance,

to have an extension until December. This money will cater for the feeding of children until December. I could give a list of the schools but it is a long list?

**Mr. Chairman:** No please. Share it of course. I am sure Ms. Ally would like to have a copy of that list also.

**Mrs. Garrido-Lowe:** Could the Hon. Minister explain the “Works” for \$97million and what it constitutes and where?

*11.13 p.m.*

**Ms. Manickchand:** This \$97 million was to do work, upgrade utilities at schools, more than twelve schools on the coastland. In Region 2 - Better Hope Primary was upgraded, Riverstown Primary, Sparta Primary, Hampton Court Primary; Region 3 - Lower Bonasika Primary, Endeavour Primary, Nismes Primary, Stewartville Primary; Region 4 - Paradise Primary, Enmore Primary, St. Paul’s Primary, Kurukuru Primary.

**Ms. Hastings:** Could the Hon. Minister say to this House if the text books that she has made allocations for, or asking for additional funds, could be supplied or will be supplied to the schools especially in the Upper Mazaruni in time for September? Why I ask, Mr. Chairman, is because a lot of students have been referred to the primary tops and majority of the schools there do not have the Level 7 text books.

**Ms. Manickchand:** We have a plan in place. I am sure that the Hon. Member, being from the community, will know that or will become aware of it where we are trying very hard and we have successful for the last two terms to ensure exercise books, which are given to all our students all across Guyana, reach our children before the first day of school so that on the first day or at least by the first week of school the children get them. We are doing the same thing with text books. Of course, for us to distribute text books we will have to get a request, so once the request was made we will make sure the schools get the text books.

**Ms. Hasting:** Another question on school feeding. As we all know that the contract ends this year December for the hot meals in the Hinterland schools, could the Hon. Minister say what plans the Government has to continue the school feeding as from the first day of school in January? It is if there is any plan.

**Ms. Manickchand:** The Government of Guyana, prior to this project, decided and determined that to give our children meals so that they could learn better is an important initiative in its attempt to alleviate poverty, and so that began and that happened even on the coast without this project. There is money that will be taking the programme until December. It is still early in the year. I suspect strongly that the Minister of Finance will have discussions to determine how it can be continued in the Hinterland regions. As soon as we know that we will let you know, but we do not have any plans right now to stop the programme.

**Mr. T. Williams:** I would just like to ask the Hon. Minister, it is for the Improvement Plan, if the schools are selected on a first come first served basis or if the Ministry makes an effort to ensure that the opportunity are spread broad, across the country.

**Ms. Manickchand:** All the schools will be given this. It is determined by readiness. If a school's plan is ready and it is submitted then that school gets it. We do not have discretion as to which school gets; it is just that the school has to be ready with its plan.

**Mr. T. Williams:** Just a follow-up, Mr. Chairman. In the event that there are schools that are not submitting plan...?

**Mr. Chairman:** They do not get.

**Mr. T. Williams:** ...would the Ministry of Education make an effort to check on the schools and see...

**Ms. Manickchand:** I said earlier that the Ministry had actually incorporated into this project because we found that there are schools which are having difficulties, an element whereby we were helping the schools to prepare the plans. Of course, this fund comes to an end in December and so everything would have to come in before then.

*Item 6 41-415 Ministry of Education – Education Delivery - \$856,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 7 45-451 Ministry of Housing and Water – Housing and Water - \$500,000,000, \$331,500,000, \$207,200,000**

**1402500 Community Roads Improvement Project - 500,000,0000**



**Lt. Col. (Re't) Harmon:** The Hon. Minister asks for additional inflows in respect to progress made on the execution of contracts for road works in seven Neighbourhood Democratic Council (NDCs). My first question to the Hon. Minister is: How much money had been budgeted for work in the Bath/Woodley Park community and what is the amount now required also? Could he provide us with a list of the name of the contractor who is tasked with the construction of this road?

**Minister of Housing and Water [Mr. Ali]:** Thank you very much Mr. Chairman. Thank you very much Hon. Member for this question. This project is funded by the Caribbean Development Bank (CDB) and it is a loan to the sum of US\$18,775,000. The original duration of this programme was 2011 to 2014, which is a period of about forty-three months, and to date we are in 2012, two years away from the loan completion of the project and we have completed seventy per cent of the works in eighteen months. The project is advancing beyond what was projected. What this means for Guyana is that one per cent commitment fee is paid on the undisbursed amount of resources in the loan fund. In this case once this supplementary provision is approved, the undisbursed loan fund for this year will be reduced by \$500 million to \$1,325,287,000, thus saving the Government more than \$10 million in commitment fees. That is as a result of efficient project management and execution.

The Bath/Woodley Park NDC, that contract sum was \$187, 987,774. The supplementary provision we are asking for here, specifically for the Bath/Woodley Park NDC, is \$79,319,662 and the contractor is B&J Civil Works.

**Lt. Col. (Ret'd) Harmon:** Could the Hon. Minister provide the said answer for the Tushen/Uitvulgt road? As to make it easy, could the Hon. Minister provide the similar answer for all of the roads listed here?

**Mr. Ali:** The Tushen/Uitvulgt work, the contractor is Dipcon. The contract sum was \$162, 238,505 and the supplementary request is \$46,164,218. The Unity/Vereeniging, the contract some was \$121,850,820, the supplementary provision we are seeking is \$54,127,278 and the contractor is H. Nauth and Sons. The Mon Repos NDC, the contract sum was \$167,509,661.

**Lt. Col. (Ret'd) Harmon:** Sorry, we do not have Mon Repos on this list here.

**Mr. Ali:** I am giving you all of the NDCs.

**Lt. Col. (Ret'd) Harmon:** I am not asking you for that. I am asking you for the seven NDCs listed on this document here, Mr. Minister.

**Mr. Ali:** I will now disaggregate that seven for you.

**Lt. Col. (Ret'd) Harmon:** Thank you.

**Mr. Ali:** The Rosignol NDC, again the contractor is B&J Civil Works, the contract sum is \$130,665,392, the supplementary provision we are seeking is \$44,601,243. Stewartville/Cornelia Ida, the contractor there is Dipcon, the contract sum \$117,809,689 and the supplementary provision we are seeking is \$29,256,056. There is Enmore/Hope, the contractor is Courtney Benn Contracting Service Limited and it is divided into... Well, I have just given the one for Enmore/Hope, \$152,848,605 was the contract sum, the supplementary provision sought is \$85,242,145. Industry/Plaisance, there are two contractors here because there are two lots, Lot 'A' and Lot 'B' Courtney Benn Contracting Services Limited, the contract sum was \$133,789,383 and we are seeking \$10,955,618 and Dipcon, which is the Plaisance 'B', it is \$152,759,310 is the contract sum, the supplementary provision is \$61,290,398.

**Lt. Col. (Ret'd) Harmon:** Could the Hon. Minister say what the state of completeness of these roads is?

**Mr. Ali:** Do you want me to go through all of the contracts?

**Lt. Col. (Ret'd) Harmon:** It is just for these seven.

**Mr. Ali:** Let us take for example Stewartville/Cornelia Ida, there is here that the works are completed in this lot except for two bridges. What is there now is that because the project was earmarked to be completed in 2014 the retention fee, and so on, for the contractor would have been budgeted for that period but the contractor has advanced works and this project is going to be completed this year, with the two bridges, so the retention fees for these two bridges will become due also this year instead of 2013 and 2014.

Rosignol: The contract ends in 2013 but the contractors would have completed works and additional funds are required now for the repayment for the retention fee.

Unity: There is the extension of the Unity Middle Walk and which was approved by the CDB only this year and the contract will now be completed in 2012, although there is a completion date of 2013. Again it is the advancing of these works.

I heard a silent question about the quality, **[Hon. Members (Opposition):** Nobody asks you.] I just want to mention for the benefit of the House that every single community was given a copy of the contract and bills so that it would have been involved in the monitoring of these projects and that process was very effective and efficient. We are willing to share the un-priced copy of the bills to any Member of this House who would like to further monitor these projects.

Enmore/Hope: In the original list of roads that was submitted to the CDB the entire list of roads would have outstripped the funding that was available at that time based upon the Estimates, but after the award of the contracts there were savings derived from the loan amount and as a result the CDB has now approved the inclusion of some of the roads that would have been left out of the original list. This is to cater for those additional roads.

**Mr. Ali:** Which one is outstanding for you, Mr. Harmon?

**Lt. Col. (Ret'd) Harmon:** It is Industry/Plaisance.

**Mr. Ali:** Industry/Plaisance: It is the same explanation, where the total list of roads, at the time of the Estimates, would have exceeded the loan amount and now there is the saving, so it is brought into the framework of additional work.

**Lt. Col. (Ret'd) Harmon:** Could the Hon. Minister say whether he is satisfied with the quality of the work done on the roads at Rosignol/Zee Lust, Unity/Vereeiging and Enmore/Hope?

**Mr. Ali:** My training is not that in engineering field but what I have got from the engineers, who are supervising the projects and the consultants, is a report that states that the works were as per prescribed specifications. However, our own internal team, which is outside of the consultant, has identified in a number of roads some corrective measures that they required. For example, in some communities they are now asking for the establishments of speed humps because people are utilising the road in a very dangerous manner and in some communities there are some issues, for example, with drainage. The Hon. Member is right, even in Rosignol, because of the area we had to work with, drainage was a bit cumbersome and corrective works are being

undertaken in some of these areas. I can give the Hon. Member a copy of the areas that corrective works have been recommended by the Project Department and he can have that information.

**Lt. Col. (Ret'd) Harmon:** One follow-up please. The Hon. Minister asked for an additional sum of \$500 million. By my calculation of the moneys required, by him, I am coming up to about \$415 million. Could the Hon. Minister state what is responsible for the additional sums of money?

**Mr. Ali:** I am advised that on the other areas there are some small roads that were excluded from the original list and the balance goes towards those roads. Again, I am willing to share with the Hon. Member the total information that I have here on the \$500 millions. I have it here which adds up to \$500 million and I am willing to share it with the Hon. Member.

**Mr. Ramjattan:** Can I have a copy too?

**Mr. Ali:** I do not have a problem.

**Ms. Wade:** Could the Hon. Minister say to this House who determine the areas of the road works in the seven NDCs?

**Mr. Ali:** The identification of these roads was done since around 2006. The conceptualisation of this project began in 2006 with the Caribbean Development Bank and the Government and both agencies along with the consultant did comprehensive consultation throughout the country and they came up jointly with the list of roads that were funded under this project.

**Dr. Roopnarine:** Could the Hon. Minister say whether the Lima Dam road into Jones Town within Unity/Vereeniging has attracted his attention?

**Mr. Ali:** Hon. Member, you know that we had some discussion on this matter and we are trying to see how effective it will be in the completion of our programme, and we are hoping to complete our programme by October or November, and once there are savings that will be one of the priority areas we would look at. If I can advise the Hon. Member, having discussing the matter with him, we sent an engineering team and a project team into that area and they have already completed the design so once there is resource that will be a top priority.

**Dr. Ramayya:** I would like to ask the Hon. Minister - with this inclement weather I have seen where works, which have been done, are not satisfactory and I would really like to know - who is passing this work for payments to be made?

**Mr. Ali:** I am willing to address any issue that this Hon. Member would have on the crew project, but I will need some specificity on the areas and the roads he is talking about and definitely I will be in a position to respond very effectively.

**Mr. Chairman:** Members are encouraged to have discussions with each other about these matters.

**Mr. Greenidge:** I come back to an old question. What the Minister has described for us, do you think, Mr. Chairman, that it is adequately described as a provision for additional inflows? Is that what has been described?

**Mr. Chairman:** I am not a judge. Questions are to be put to the Minister; it is not to the Chairman.

**Mr. Greenidge:** Well, Mr. Chairman, I would ask the Minister the same question.

**Mr. Ali:** I have outlined the reasons and justifications for the additional inflows, which includes the performance level, and we are hoping to close this loan long before the loan date of 2014. I think I have tried my best to provide, effectively, the answers to justify the requirements for this additional inflow.

**Mr. Greenidge:** I think the Minister is seeking to answer a question I did not raise. I did not ask whether he has done his best to explain. I was asking whether he was not describing a number of expansions of the projects and the additional cost required of them. That seems to be an appropriate description of what... [*Interruption from Government Members.*]

**Mr. Chairman:** Okay. I cannot hear Mr. Greenidge Members. Members, I would like to say that in the same way I have given latitude to Members of the Opposition to ask question that have gone beyond what is traditional, so too, I will have to give some latitude to Ministers in their answers because, as I said, at the end of the day, this is to facilitate a process. I am going to flex to both sides to ensure that we get it to be done.

*Item 7 45-451 Ministry of Housing and Water - Housing and Water - Community Roads Improvement Project - 500,000,0000 agreed to and ordered to stand part of the Schedule.*

**2801700 Georgetown Sanitation Improvement Project - \$331,500,000**

**Lt. Col. (Ret'd) Harmon:** Could the Hon. Minister say how much money has been spent so far on this project and for what?

**Mr. Ali:** Again, I thank the Hon. Member for this question. At the time of the budget preparation the mobilisation advance was projected at ten per cent, and that is ten per cent of the budgeted sum which would have been \$117 million for the rehabilitation of the sewage system. However, the bank, having a look at the project, look at the capacity, and so on, approved an advance payment of thirty per cent of the final contract sum during the completion of the tender process. The lowest responsive bid was \$1.922 million and the advance was therefore \$390 million, which gave a difference of \$273 million from the original projection. The remainder of \$58.5 million, which takes the total to \$331.5 million, is for interim payments due to the contract sum being higher than the budgeted estimates which was based on the engineers' estimates.

**Lt.Col. (Ret'd) Harmon:** Could the Hon. Minister state the name of the contractor and what experience the contractor has in this field?

**Mr. Ali:** The contracting firm is a consortium of Jagmohan and Nabi & Sons and the consultants are Guytec Consultant and E&A Consultants.

**Lt. Col. (Ret'd) Harmon:** What is their experience in this area?

**Mr. Ali:** The experience would have been determined by the Evaluation Committee and the IDB which gave its no objection to the award of this contract. The experience was evaluated by that technical team and both of these contractors would have worked in the water sector and the transmission sector.

*Item 7 45-451 Ministry of Housing and Water - Housing and Water - Georgetown Sanitation Improvement Project - \$331,500,000 agreed to and ordered to stand part of the Schedule.*

**2801800 Water Supply Rehabilitation – Linden - \$207,200,000**

**Mr. Morian:** Given the nature of the programme, my question here is that if an environmental study was done and if that study can be made available to the leaders of Region 10. A follow-up to that question is that I want to know that if this programme is speaking to consolidation of the plants on the ground to produce one or two large plants or the programme will rehabilitate all of the plants on the ground.

**Mr. Ali:** Yes, a study was completed, an environmental study, and that was completed by the IDB consultants. There is a study and definitely it can be made available. The other question you raised was in relation to consolidation of the plants. As you are aware, Comrade, I know you have some experience in the water sector there too, some of the plants are operating at a very inefficient level right now and the cost of operation, because of the age of those plants, is somewhat high and a lot of the operation cost has to do with energy consumption and the cost of energy itself. These two new plants indeed would consolidate the entire area but it would also give us scope to some redundancy in the system which has always been a request of the people of that area to have some amount of redundancy in the systems. The completion of these two plants will be integrated into the entire network and there will one hundred per cent coverage in treated water for Linden Community.

**Mr. Morian:** A follow-up. First of all, could the Minister state how soon that Environmental Protection Agency (EPA) study could be released to us?

**Mr. Ali:** I would undertake to have that study delivered to the Office of the Clerk tomorrow.

*11.43 p.m.*

**Mr. Morian:** Mr. Chairman, I recognise here that much of the work is done on the ground in populated areas or contiguous to populated areas where one finds walkways would have to be dug up, roads will have to be dug up. I want to know what plans are there to rehabilitate these structures. I am speaking from experience because there are roads which were dug up since last year and have not been rehabilitated.

**Mr. Ali:** Mr. Chairman, yes there will be some amount of hindrances in terms of the laying of the new transmission main and in the contract it provides for the reinstatement of all these roads, walkways and parapets. Definitely we undertake too to give you an unpriced copy of the bill so

you can assist us with the monitoring, although I know you are critically involved with the contracting aspect.

**Mr. Morian:** Well the Hon. Member jumped the gun. I would have asked for a copy of the document so I am very happy that that document will be released.

**Mr. Ali:** Mr. Chairman, we are very open and transparent in the way we do business and I am more than happy to jump that gun.

**Mr. Morian:** My final question is if the Minister could just name the contractor or contractors involved.

**Mr. Ali:** The contract for the transmission main has been awarded and Jagmohan is the contractor. The contract for the treatment plant is with the National Procurement and Tender Administration Board (NPTAB) at the moment so very shortly that also would be awarded.

*2801800 Water Supply Rehabilitation – Linden - \$207,200,000 - \$207,200,000 agreed to and ordered to stand part of the Schedule.*

**Item 8 47-474 Ministry of Health – Regional and Clinical Services - \$134,000,000**

**Mr. Chairman:** In the absence of the Minister of Health, who will answer?

**Minister of Agriculture [Dr. Ramsammy]:** I am answering.

**Ms. Ferguson:** Thank you very much Mr. Chairman. Could the Hon. Minister say which buildings works are currently going on to? That is one. Two, what was the initial sum for the works on the warehouse, the additional works to be effected on the warehouse and the name of the contractor? Thank you.

**Dr. Ramsammy:** Mr. Chairman, it is not which buildings. It is one building; it is the warehouse. This warehouse is being constructed in Diamond. The contractor is Basso and Sons. The contract originally commenced in August 2009. There was some delay. The contract sum was \$375,729,429. This, by the way, is a project that was one of the first examples of a joint partnership among the Global Fund, the *President's Emergency Plan for AIDS Relief* (PEPFAR), World Bank the International Development Bank (IDB). It was the first time that they were



working together and the funds are not funds that were placed in the Government's funds so this was handled by the donors. It is a company called the Supply Chain Management System (SCMS) and all the resources were in the company's hand. The company executed the contract. The company is supervising this work.

The Government's obligation was to provide the land. There was an initial problem with the original site at Eccles where there was a dispute in terms of the ownership of the land. Instead of waiting for the court to determine the ownership, we reassigned land for this project to Diamond and that caused some additional cost. The additional cost had to come from the Government of Guyana, from local funding. So this money we are asking for is this fund outside of what the international partners were providing. We had to build a bridge that was not in the original contract and a bridge that must cater for heavy containers and so on crossing. The new land site was low and had three trenches that ran across it and so the land had to be built up. In addition to that, the electric system was not included in the original contract and so in order to complete this project the Government of Guyana had to come in since the international partners were not putting in any of the extra money for all of these additional works. The money being asked for here is the contribution of the Guyana Government to complete a project that is essentially right now almost completed, but there are no more resources on the original international partnership agreement of \$375 million for construction.

For added information, I would say that the equipping of this building is a separate contract under PEPFAR and that is being executed by Supplier and Contact Management Systems (SCMS).

*Item 8 47-474 Ministry of Health – Regional and Clinical Services - \$134,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 8 47-474 – Ministry of Health – Regional and Clinical Services - \$146,000,000**

**Ms. Ferguson:** Thank you very much Mr. Chairman. Could the Hon. Minister tell the National Assembly what were the initial sums approved for mobilising? And two, what aspect of work entails mobilisation for the construction of the speciality hospital for which the supplementary provision is being sought?

**Dr. Ramsammy:** Mr. Chairman, the specialty hospital project has been discussed in the House. We had expected, this year, to have a contract for the design, building and equipping of the hospital. There was a tender process. The Government of Guyana received five bids and those are being evaluated by the NPTAB at this moment. We had anticipated that all this would have happened and had budgeted \$672,540,000 for the mobilisation. Usually in the health projects, we cater for 20% mobilisation for the beginning of construction. Based on a \$20 million project – we do not know how much it will come out to be – when we looked at the five bids that were submitted and look at the lowest bid, the mobilisation would be somewhere around \$800 million. Given the fact that we had \$672,540,000 in the budget, we are now projecting that we would need \$146 million. Of course, the final sum will be dependent on the contract that is awarded. For now, we are projecting an additional amount, from what was budgeted, of \$146 million to meet the mobilisation resources. This would include the geotechnical study, the design of the hospital, certain equipment and plant, the material cost and mobilisation of the workforce.

**Mr. Greenidge:** I thank the Minister for his explanation, but I am a little puzzled on two aspects of this. One is that what he describes as mobilisation is rather wider than what I understand mobilisation to normally involve. Secondly, is he saying that this entire sum that he has budgeted for mobilisation - \$146 million – is to be met in there? It is a specific funding.

**Dr. Ramsammy:** The whole project is being funded out of India. I think that was explained so what was included in the budget was an inflow from that and this is additional inflow from that instrument.

**Mr. Greenidge:** The mobilisation and the activities to be covered by the inflow go beyond civil works. That is my understanding.

**Dr. Ramsammy:** Yes. This is a design, build and equip project so the firm that will be awarded a contract will have to do all of that work – design, build and equip.

**Mr. Chairman:** Before we proceed, Hon. Prime Minister, Standing Order No. 9 says:

“No sitting of this Assembly shall be held from the 10<sup>th</sup> August to the 10<sup>th</sup> October.”

I think we are about to find ourselves in the 10<sup>th</sup> August. I need a motion to allow us to go into the 10<sup>th</sup> August and complete our business.

*Assembly resumed*

**Mr. Hinds:** I would like to propose that Standing Order No. 9 be suspended so that we can continue our Sitting into the early morning hours of the 10<sup>th</sup> August.

*Question put, and agreed to.*

*Motion carried*

*Assembly in Committee of Supply*

**Mr. Nagamootoo:** Mr. Chairman, through you, would the Hon. Minister say whether the voted provision of \$672 million has been expended or what portion has been expended?

**Dr. Ramsammy:** Mr. Chairman, this was budgeted towards the design, building and equipping of this project and disbursement will occur once we award a contract. We are at the evaluation stage of the five bids. Once a contract is issued, we will then have to negotiate the mobilisation funds and usually it is approximately 20%. The \$600 million or so that we have in the budget will fall short of that and since we are ready, we hope before the end of September to sign this contract, we are now asking for the additional inflow to meet that 20%.

**Mr. Nagamootoo:** I did not fully understand your explanation, but I have a supplementary question on a different matter. The Hon. Minister, Bheri Ramsarran, had said to this House that a Bovell Construction Services had been contracted to do land preparation. My question is: has any money from the sum budgeted been spent towards land preparation, and how much?

**Dr. Ramsammy:** Mr. Chairman, there was a sum in the 2011 Budget that was used for the Bovell contract that came out of local funding. In addition, we had asked for a supplementary because that amount of money in the 2011 Budget was not enough and that was part of the supplementary that in January, I believe, was not approved by the House. But it was money that was already spent in the sense that that additional part of the contract was done. This is now moving outside of the preparation of that site that we were responsible for and moving into the design, building and equipping of the hospital itself. So this is part of the new contract.

**Mr. Nagamootoo:** Now that you have given that explanation, are you, Mr. Minister, satisfied that the land has been prepared? Has the land preparation been completed? What has been done, in fact?

**Dr. Ramsammy:** I cannot give all the details of that. I do know that land preparation was going on and I do know that some construction has been done on the fence. Obviously, Bovell Construction Services has not completed the work that it was contracted for.

**Mr. Greenidge:** Mr. Chairman, can the Minister cast his mind back to 2011? Am I correct in saying that this year design work is to be done? In 2011, \$150 million was voted for design. Is this additional work or was it not spent? What is the difference?

**Dr. Ramsammy:** The \$150 million was in the 2011 Budget which was going to be inflows. It never, in fact, came and the design was not done. In fact, one of the confusions last years was that people were looking at whether the money we have got for Bovell was in addition to the \$150 million, but it was a separate sum.

*Item 8 47-474 – Ministry of Health – Regional and Clinical Services - \$146,000,000 agreed to and ordered to stand part of the Schedule.*

**Item 9 51-511 Ministry of Home Affairs – Secretariat Services - \$429,000,000**

*Item 9 51-511 Ministry of Home Affairs – Secretariat Services - \$429,000,000 was put and negatived.*

**Item 10 52-521 Ministry of Legal Affairs – Main Office - \$319,000,000**

**Mr. Ramjattan:** Mr Chairman, I notice in the details given recently on this item that all the details have to do with the court houses, magistrates' courts, training of judges and all of that. But I notice something here. There is \$19 million for a GT&T fibre optic cable. What is that supposed to be about? I do not see how that is for justice improvement programme. The second to last page of that letter sent to Mr. Carl Greenidge, line 17, GT&T fibre optic cable, is this Ministry giving \$19 million to GT&T for justice improvement?

**Attorney General and Minister of Legal Affairs [Mr. Nandlall]:** Mr. Chairman, that relates to providing interconnectivity amongst the courts and the other institutions - the Ministry of Legal

Affairs, the Director of Public Prosecutions (DPP), etc. It has nothing to do with GT&T impression that is conveyed.

**Mr. Chairman:** I recall that you mentioned this during the Budget debates.

**Mr. Nandlall:** That is correct.

**Mr. Bond:** Mr. Chairman, if the Hon. Minister could inform the honourable House, who is the IT infrastructure consultant being paid?

**Mr. Nandlall:** I am not sure about the names but what I do know is that all these experts were approved by the IDB. As to their names, I am not in a position to say who they are.

**Mr. Bond:** Would this be the same answer for the international experts dealing with additional support to the Director of Public Prosecutions (DPP) for the upgrading of prosecutors?

**Mr. Nandlall:** No. You would appreciate that the nature of the work to be undertaken under this heading is different. I can say that some of the experts here under this heading include judges of the Caribbean Court of Justice (CCJ). At least three of them have already been here: Justice Wit, Justice Hayton and ex-Judge Duke. Justice Bernard has also been here. The works vary. It is not the same work and, obviously, the expertise which is required is different.

**Mr. Ramjattan:** The law reports and the index to the law reports, we had gotten a promise that we might get them around this time. Could you just indicate when they will be ready?

**Mr. Nandlall:** The law reports are currently at the printers. I have received the demo copy. We varied the contract to do a consolidated index, which members of the profession would find very, very useful, dating back to 1932. I have asked the IDB to fund an additional index going back to 1885 because our reports that we can put our hands on go back to 1885. All those modifications are to be done. I have not yet received a definitive response because we now have to renegotiate price and also provide to them the reports because we have to source the reports from various places going back to 1885.

**Mr. Ramjattan:** Would we get it by this year then?

**Mr. Nandlall:** We are definitely getting it by the time Parliament resumes.

**Mr. B. Williams:** If it pleases you Mr. Chairman, could the Hon. Attorney General say, what was the position with the online version of those reports which at the Budget presentation he had indicated to this honourable House would have been online within a month?

**Mr. Nandlall:** The online report is ready, but we had made a decision to launch both, the books as well as the soft copy of it. We will do a simultaneous launch.

**Mr. Bond:** Mr. Chairman, through you, Sir, the item backlog reduction, I see, requires the largest sum. The last reports we would have had on the backlog did not go too well. Could the Hon. Minister indicate whether it will take the same format of judges being rewarded for proceeding at a faster pace than usual? Or what other form is this going to take. It states “backlog reduction”. Could we have the *modus operandi* of reducing the backlog?

**Mr. Nandlall:** Sir, the backlog problem remains one of the most significant problems affecting the Judiciary. We will use the same mechanism of disposing of the backlog which is the current crop of judges. We have altered the terms of work this time to allocate a different sum for cases that can easily be discernable as abandon cases. That will be paid a different sum from cases that would require judges to do a trial.

**Mr. Chairman:** If a judge does a trial, is he paid extra money above his salary?

**Mr. Nandlall:** That is the incentive that has been there. It is not now. It has been there for the last three or four years.

**Mr. Chairman:** I know about the cases under consideration for dismissal but to actually hear a case... There is a moral hazard there. A judge may refuse to hear cases, wait and allow them to accumulate and when they come into a bundle get paid for a backlog.

**Mr. Nandlall:** I have raised that concern myself, but this is the suggestion which came with the project by the experts who were recruited with the project. I appreciate Your Honour’s concern and I have expressed my own views on that as well.

*August 10, 2012*

*12.13 a.m.*

**Mr. Bond:** Supplementary question. Could the Hon. Minister indicate, through you Mr. Chairman, what is the sum that will be awarded for each case?

**Mr. Nandlall:** I cannot remember the exact sum, but I believe it is about \$25,000. An abandoned one, I think, is \$10,000 and the one to which you go to trial I think is \$20,000.

**Mr. Williams:** Could I refer the Hon. Attorney General to the item dealing with the provision of resources to criminal and civil justice committees for meetings and consultations with local communities which is nearly \$15 million. What is contemplated by this item?

**Mr. Nandlall:** Under the justice improvement programme, one of the objectives of the programme is to involve the citizenry in the justice system. This is the initiative, for example, that has inspired the Lay Magistrate Bill and it has inspired the paralegal project which was launched in Region 9. It is in this mould that the persons who crafted the programme conceived these two committees that will comprise of outstanding citizens and community leaders. They will liaise with the judiciary to relay and convey the concerns of the man in the street and the problems the people are facing on the ground. It is recognised that the judiciary is an institution that is by and large insulated from any form of interaction. This committee, while it is intrinsic in the structure of the judiciary, or at least a semi-intrinsic; its constituent members will be persons drawn from extraneous sources. Hopefully, we will have some better form of accountability. That is the theme and the philosophy behind the establishment of this committee.

I would like to believe that we have enough information for me to put the question which is that the sum of \$319 million for the justice improvement programme be approved by this House.

*Item 10 52-521 Ministry of Legal Affairs – Main Office - \$319,000,000 agreed to and ordered to stand part of the Schedule.*

**Mr. Chairman:** Members, that completes the consideration of the items on Financial Paper No. 2. I would like to congratulate all members for what perhaps appeared in the beginning as an impossible task. Thank you for your endurance and patience. The Assembly will now resume.

*Assembly Resumed*

**Dr. Singh:** Mr. Speaker, I wish to report that the Committee of Supply has approved of several of the proposals set out in Financial Paper No. 2 of 2012 as would be reflected in the records of the proceedings of the Committee. I now move that the Assembly doth agree with the Committee in the said resolution.

*Question put, and agreed to.*

*Motion Carried*

**Mr. Hinds:** Mr. Speaker, with your leave I move that Standing Order 13(n) and 54 be suspended to enable the Supplementary Appropriation Bill No. 1 for 2012, Bill No. 14 of 2012 to be introduced at this stage.

**Mr. Speaker:** As amended of course.

**Mr. Hinds:** As amended.

*Question put, and agreed to.*

*Standing Orders suspended.*

**Dr. Singh:** Mr. Speaker, in accordance with paragraph two, article 171(2) of the Constitution, I signify that Cabinet has recommended the Supplementary Appropriation No. 1 for 2012, Bill No. 14 for 2012 for consideration by the National Assembly. I now present the Bill to the Assembly and move that it be read the first time. I am pre-empting what I suspect will be contributed by some of my colleagues of the House and at an appropriate time I will move that the Schedule to the Bill be amended to reflect the conclusion of the deliberations of the Committee of Supply.

## **INTRODUCTION OF BILL AND FIRST READING**

The following Bill was introduced and read for the first time:

### **SUPPLEMENTARY APPROPRIATION BILL (NO. 1 FOR 2012) - BILL NO. 14 OF 2012**

A Bill intituled:

“AN ACT to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of



Guyana for the fiscal year ending 31<sup>st</sup> December, 2012, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.” [Minister of Finance]

*Question put, and agreed to.*

*Bill read for the first time.*

**Dr. Singh:** Mr. Speaker, I now move that the Supplementary Appropriation No. 1 for 2012, Bill No. 14 of 2012 be read a second time incorporating the amendments that are necessary given the deliberations and conclusions of the Committee of Supply.

## **PUBLIC BUSINESS**

### **GOVERNMENT BUSINESS**

#### **BILL – SECOND AND THIRD READINGS**

A Bill intituled:

“AN ACT to provide for the issue from the Consolidated Fund of the sums necessary to meet the expenditure (not otherwise lawfully charged on the Consolidated Fund) of Guyana for the fiscal year ending 31<sup>st</sup> December, 2012, estimates whereof have been approved by the National Assembly, and for the appropriation of those sums for the specified purposes, in conformity with the Constitution.” [Minister of Finance]

*Question put, and agreed to.*

*Bill read a second time.*

**Dr. Singh:** Mr. Speaker, I now move that Supplementary Appropriation No. 1 for 2012, Bill No. 14 of 2012 be read the third time and be passed as amended.

*Question put, and agreed to.*

*Bill read the third time and passed as amended.*

## **PRIVATE MEMBERS’ BUSINESS**

## **MOTIONS**

### **STEPS TO BE UNDERTAKEN TO ESTABLISH THE INDEPENDENCE**

#### **AND AUTHORITY OF THE NATIONAL ASSEMBLY**

WHEREAS the Needs Assessment of the Guyana National Assembly as contained in the Report of the Commonwealth Senior Parliamentary Staff Advisor (Sir Michael Davies Report) to the Guyana National Assembly, February, 2005, recommended, *inter alia*, that

“The National Assembly should be given much greater independence in respect of its own budget. Systems should be established within the Parliament Office to undertake the estimating, monitoring, controlling and accounting for the Assembly’s expenditure; and

The Clerk of the National Assembly should become the employer of all staff of the Parliament Office. A larger Personnel Office should be established to carry out these additional responsibilities.”

AND WHEREAS the Guyana Fiduciary Oversight Project Final Framework and Guidelines Report, Volume 2, has recommended at component 6 of its recommendation that, ‘Parliament should employ its own staff, and the Speaker should appoint the Clerk of the House after consultation with all parties’;

AND WHEREAS the Government signaled its acceptance of these recommendations in the 2005 Draft Poverty Reduction Report released on the 21<sup>st</sup> June, 2005;

AND WHEREAS the basis of these recommendations is the need for Parliament to be fully independent of the Executive,

“BE IT RESOLVED:

- (1) That a Special Select Committee be appointed to examine these recommendations with a view to advising the National Assembly on the steps to be undertaken to establish the independence and authority of the National Assembly in respect of its own budget; and

- (2) That this Special Select Committee examines these recommendations with a view to advising the National Assembly on the steps to be undertaken to enable the Clerk to become the employing authority of the staff of the Parliament Office;

BE IT FURTHER RESOLVED:

That the Special Select Committee submit its final report one month after its appointment.”  
[*Mr. Ramjattan*]

*Motion was deferred*

### **RESTRICTION ON THE RIGHT TO ASSEMBLE**

WHEREAS there shall be a Parliament of Guyana which shall consist of the President and the National Assembly;

AND WHEREAS the Parliament of Guyana has determined that the National Assembly shall hold its sittings at the Public Buildings, Brickdam, Georgetown, Demerara;

AND WHEREAS the sessions of the National Assembly have always been accessible to the public and this right has become established by convention;

AND WHEREAS from the early beginnings of the National Assembly of Guyana there have been public gatherings outside of the Public Buildings; including demonstrations and protests;

AND WHEREAS the Constitution of Guyana in Article 147 enshrines the right of every citizen to enjoy, unhindered, his or her freedom of assemble, association and freedom to demonstrate peacefully, “that is to say, his or her right to assemble freely, to demonstrate peacefully and to associate with other persons...”

AND WHEREAS the Charter of Civil Society for the Caribbean Community states inter alia, at Article VI:

“The States shall take all appropriate measures to promote and maintain an effectively functioning representational system, including the holding of regular sessions of representatives of the people, and at Article VII

Every person shall have the right to assemble, demonstrate peacefully and to draw up and present petitions, subjects to such restrictions as may be imposed by national law in the public interest and which are reasonably justifiable in a free and democratic society”

AND WHEREAS the Recommended Benchmarks of the Commonwealth Parliamentary Association at 9.1.1 (Values of the Legislature) states that the “Legislature shall be accessible, and open to citizens and the Media, subject only to demonstrate public safety and work requirements;

AND WHEREAS it is expected that the Guyana Police Force will take steps to ensure the safety and security of Members of Parliament, the staff of the National assembly, and those who access the said National Assembly;

“BE IT RESOLVED THAT:

- (1) This National Assembly declares that the right of citizens to assemble and to demonstrate peacefully should not be hindered by the Guyana Police Force or any other agency or institution of state;
- (2) The Guyana Police Force should relocate its barricades so as to allow freedom of assemble within a closer proximity of the National Assembly, Public Buildings; and
- (3) The Parliament Office makes arrangements for the broadcast of National Assembly sittings in the environs of the National Assembly.” [*Mr. D. Trotman*]

**Mr. Trotman:** Thank you Mr. Speaker. Before commencing my presentation on this motion, I just want to say that the experience we have had in this Parliament over the last few months, in which a motion has taken at least four months to be heard, is a lesson for us. I think that it is important that we understand that the business of the people should not be delayed unduly. I will hope that at the resumption of the Parliamentary sessions that we will take a more businesslike approach to the business of Parliament.

Parliament is the House of the people. It is elected by the popular vote of the people. It therefore follows that the people must at all times have access to the deliberations of the House preferably

in a direct manner. The present practice of making it very difficult for the ordinary citizen to access Parliament while it is in session is itself a restriction of citizenship. It is a problem that needs correction. Democracy should not be confined to elected officials, but should be duly accorded to the rightful custodians of power - the people. It is in this spirit that I rise to move what I believe this non-contentious, long overdue and absolutely necessary motion that is before this Hon. House in my name.

The motion is necessary because it sets out first, to reverse what is construed by a large segment of the population as an unacceptable situation, that is - the restriction imposed on the rights of citizens to assemble freely, to demonstrate peacefully and to associate with other persons.

In addition, by virtue of the Resolve clause the motion entreats this National Assembly to declare that the rights of citizens to assembly and to demonstrate peacefully should not be hindered by the Guyana Police Force or any other agency or institution of state. Secondly, the Guyana Police Force should relocate its barricades so as to allow freedom of assembly within a closer proximity of the National Assembly's Public Buildings. Thirdly, the Parliament Office should make arrangements for the broadcast of the National Assembly sittings in the environs of the National Assembly.

I believe that the right of citizens to assemble freely and demonstrate peacefully has been compromised by the erection of steel barricades around the perimeter of the National Assembly. I also believe that the imposition of the barricades calls into question the Government's commitment and support for those regional and international treaties and conventions on individual freedoms it has agreed to.

The barricades have the additional effect of insulating the National Assembly and its Members from the people we were elected to represent. You only have to walk the streets as I do and canvas people's opinions on their perceptions of Parliament and Parliamentarians and you will be surprised by what they say. I did not have to wait for our parliamentary guests from abroad - who visited a few months ago - to develop an understanding of the negative perceptions people have of us. Walking has its advantages. It exposes you in a profound way to the vital opinions of the people. I wish to say that the people believe it suits our purpose to exclude them from our discussions thereby keeping them in a state of ignorance. I hold strongly to the view that we need

to act quickly to eliminate that impression from their minds, hence the motion we are now discussing.

Just over a week ago there was a real demonstration about how people feel about being excluded from the business of Parliament. As you are aware, people gathered outside of the gates and stayed around for the longest while in order to impress on Parliamentarians that they are concerned about what is taking place in here. They want to know. I believe that in relation to what took place we have to take on board the serious message that the people in this country have been sending to us and have sent to us on the day that I referred to.

Parliament in its various formations commencing from 1718 with the Dutch lawmaking body, The Court of Policy and up to the present day, has, over the years of its existence engendered a lot of interest in its operations and functioning. When the late Dr. Cheddi Jagan was first elected to the Legislative Council in 1947 that interest became more pronounced and even greater interest occurred, both at the level of the people and at the level of the colonial masters, after general elections in British Guyana was held for the first time under a first past the post electoral system and adult suffrage on April 27<sup>th</sup>, 1953. In that election 24 seats were at stake and the results saw the united mass movement, of the People's Progressive Party with 51% of the votes and winning resoundingly with 18 seats. Less we forget I wish to remind this Hon. House that the united mass movement was led by Cheddi Jagan and Forbes Burnham and counted among its leadership core as significant number of other distinguished Guianese. The results of those elections in 1953 advanced the hopes and aspirations of the broad Guyanese mass of people and it is therefore understandable why the increase interest in the business of Parliament ensued. Although the colonial powers removed the elected people's government after just 133 days in office, one of things that cannot be denied is that those 133 exiting days ushered in an unprecedented wave of interest by the people in developments within and without the Parliamentary Chambers. If nothing else, I do believe that it is in that short period of time when Parliament became firmly fixed in the minds of people as an institution where their political, economic and social future will be determined.

Mr. Speaker, permit me to digress for a moment to speak to my impressions of that momentous occasion in 1953 when the people's government was removed. I was not quite eight years old and was attending Broad Street Government School. I vividly recall the horrors that

accompanied the removal of the people's government particularly the very audible tramp of the soldiers' boots as they marched through the street to assert their dominance over the people. Young as I was that period helped to form my subsequent attitude to acts of oppression and to oppressors and helped to strengthen my resolve to struggle against their existence wherever they are located. I am sure that I was not singular in that respect. I ask this Government to take note of that lesson.

The rising interest I have alluded to in the business of parliament has continued over the years. In the period between 1962 and 1992 the streets outside of Parliament were where people wanted most to be. It was exhilarating and exiting just to be in the same place where citizens, political parties and other organisations on days when the business of the country were being discussed took the opportunity to voice their agreements, disagreements, frustration, anger and however they felt about what was taking place. I therefore look back at the period of the sixties, seventies, eighties and early nineties as an important learning curve for me. It allowed not only me, but thousands of others, to develop and express not only to the Government but to whoever found the time to listen, our feelings about the issues that were dear to us.

That period was not only about marches and protests. It was also about an opportunity to be involved in the process as the debates took place within the Parliamentary Chambers. I recall the PNC Government facilitating our participation in the debates by causing to be hung speaker boxes outside of the building so we could follow the discussion as it took place. Many a day I stood out there listening to some of the great debaters of my time as they expounded on their views and matters of the state. That was also another tremendous learning curve which is being denied to today's younger generation. Let us therefore, today, resolve to remedy this situation by insisting that the Parliament Office make arrangements for the broadcast of National Assembly Sittings in the environs of the National Assembly. I believe once this step is implemented it will help to restore some measure of confidence in Parliament as an institution of people.

I would like to say two things here. Firstly, I believe that the point which you made and continue to make from time to time, that is, people really want to know what is taking place here is very important. I believe that the suggestion that you made that we should find the resources to mount some large screens somewhere outside there, so that the people should not only hear what is taking place but will see and hear who have been representing their interest; it is most important.

I believe it is a direction that we ought to be thinking of going also. Also I believe that when it is that we hark back at the discussions in the Committee of Supply when the last budget presentation was made that we have to note – here I would want to thank the Hon. Gail Teixeira when she made the very important point that people outside there also want to know, she said that they are listening and they want to know exactly what is happening in there – I believe that comment bolsters the point that we ought to be making the kind of efforts that will make people outside understand and be able to follow the debates that take place in Parliament. The request that Parliament Office move to establish those speakers outside as quickly as possible becomes even more important, bearing in mind that you have a lot of people outside who want to know and who want to be part of this process, but who are prevented from doing so simply because the facilities are not in place and of course the barricades prevent them from getting close to the National Assembly.

I would like to say that successive governments throughout that period felt the wrath of the people. In the 1960s the target was the People’s Progressive Party (PPP) and in the 1970s and 1980s it was the People’s National Congress (PNC) and we took every opportunity available to us to let them know exactly how we felt about their actions. One thing is clear to me, in those difficult times in which we, who were in Opposition to the PNC Government, referred to as an anti-doctoral period we were there on the streets of Brickdam and around Georgetown successfully marching and protesting what we believed were the excesses of that Government.

In post 5<sup>th</sup> October, 1997 an amazing thing happened with the advent of “democracy” and here I say democracy in uplifted comas, restraints have been imposed. The streets around Parliament on days when it was in session were off-limits to Guyanese. Barricades and confusion became the order of the day. There have been several issues of tremendous importance in this country, not least of which has been the “Ronald Gajraj affair”. As far as I can recall, we have not been able to assemble and or protest outside of Parliament on one of its business days to signal to the Government how we felt on these matters. I led the people’s movement for justice during the crisis that led to serious criminal activity from 2002. I can tell you that people were very concerned about developments then, and we wanted to address the Government and Parliament about our concerns. Not a single day during that period were we allowed to assemble there so that Government and parliamentarians could get a sense of exactly how we felt. There were



times when it was that marches did take place, but they had to take place outside of the environs of Parliament. I would like to say that if that is not an act against democracy, then what is?

I would like to assure members of this Hon. House that in recognising and upholding the fundamental rights of citizens to assemble and to demonstrate peacefully we have nothing to fear. I say this because I am heartened by the discipline of our young people and elderly persons also who, post November 28, 2011 elections, even as they voiced their disagreement with the elections results demonstrated their maturity by mobilising large numbers of people and engaging in a number of peaceful protest demonstration. Please note, I said peaceful picket demonstration, because no allegations can be levelled at those persons of having disrupted anybody's peace or right to life at that particular period. As I said, there is not a single incident of violation of the law by those persons, notwithstanding the senseless, unprovoked and I believe sanctioned shooting of those demonstrators by members of the Police Force led by recently promoted Assistant Superintendent Watts on 6<sup>th</sup> December, 2011. I believe that those marches would stand as examples to be emulated in future demonstrations.

On every occasion that I am forced to confront the monstrous presence of those barricades I think back to the anti-colonial struggles and I wonder what those great people who led the struggles against the brutalities of the rulers of the colonial empire would do if they were around today. On those occasions when I reflect on what was, I console myself with the thought that for them as it is for me the presence of the barricades would have represented an affront to their dignity as a people and they would have struggled to bring them down. For as long as they remain in place I will continue to equate their presence to the human suffering inflicted by oppressors on oppressed people. The barricades must go and I believe it is only fitting that those of us who occupy seats in this Parliament today, both on the Government side and on the Opposition benches must be the instruments of their removal. We must use the positive results of the November 28, elections to signal that enough is enough. If the people are to renew their faith and confidence in us and if we are to regain our dignity the barricades must go and they must go now.

Finally, I want to say that my sense of pride in presenting this motion today, tonight, this morning, is rooted in my belief that as we debate the merits of it and I am confident of our eventual passing of it in its entirety, we who are assembled here will unambiguously declare to

the world that in spite of our political differences, in spite of what at times appear to be unbridgeable divides, there is a common thread; a commonality of interest, which binds us inextricably together. I believe, Mr. Speaker and Hon. Members of this National Assembly that we will demonstrate this morning that this common thread and this commonality of interest is founded in our collective belief and I hope, our collective determination, to observe and uphold the fundamental rights of citizens of this country of whom we are but their servants and I daresay, subject to their will.

*12.43 p.m.*

It is in this context that I ask the Members of this Hon. House to join me in support of this motion and in doing so let us together send strong signals that one of the legacies of this Tenth Parliament is its recognition that freedom is a cornerstone of democracy.

Thank you Mr. Speaker. [*Applause*]

**Mr. Nadir:** Mr. Speaker, I had a good long look at this motion. I have been around a little and while all of us are concerned that no one in Guyana is hindered from their right to assemble, to associate, to speak, to get information, we are also proud to uphold the principle that says, “while you enjoy your rights in a democracy you do not have the right to prevent other people from enjoying their rights”.

This issue of access to decision making bodies of a state is nothing new. What we have seen has been an evolution, while in the former days persons would get information from soap boxes and loud speakers outside of the House things have changed for the better. I do not see that the overwhelming majority of the people of this country will be getting their information from Parliament by a loud speaker outside of the House. I do not see that. In fact, if I look at the penultimate “Whereas” clause of the motion it speaks to the practice of ensuring the “legislature shall be accessible and open to citizens and the media subject only to demonstrate public safety and work requirements”. I am quoting directly from the penultimate ‘Whereas’ clause of the motion.

The last ‘Whereas’ clause says:

“...it is expected that the Guyana Police Force will take steps to ensure the safety and security of Members of Parliament, the staff of the National Assembly, and those who access the said National Assembly.’

This is what the Guyana Police Force has been doing. I have not heard the Guyana Police Force stopping anyone from coming into the Gallery.

The evolution of Parliament has been one which has had limited capacity. I have been in a few of them. Some order system has been put in place for members of the public to access Parliament. This is not something which has escaped the Parliamentary Management Committee. It is right now on the agenda of the Parliamentary Management Committee to ensure there is a mechanism where there can be fair access to the gallery by the public. The issue of disseminating the proceeds of the sitting of Parliament have taken new electronic, novel means – internet, Skype, live radio streaming, media access, cameras, cell phones, live broad streaming where a person can sit in the comfort of their office or own home and hear every single word that is said. So this issue of a loud speaker outside Parliament that will make this Parliament educate the Nation, I think, is a red herring. For me there is a larger issue. For all of us here there is a larger issue.

Mr. Speaker, you just have to look at the headlines all around the world. I am seeing one here from one of the Iranian publications. It says:

“Iranian Opposition Leader Mr. Hossein Mousavi and Mehdi Karoubi condemned the latest attack by Ahmedinajad supporters on the Islamic Parliament.”

[Mrs. Lawrence: Bring us closer to home.] Yes, I will bring you closer to home; very close to home. In April, 2012, Foiled Plans - Terrorist Plan to Attack House of Parliament in Islamabad.

“Attack on the Indian Parliament... [Mr. Nagamootoo: You are paranoid.] I am coming to that. That word ‘paranoid’ is right here in the PowerPoint presentation. I am not paranoid. Are we going to call the whole Parliamentary Management Committee which wants to put two sets of scanners paranoid?

“Attack on the Indian Parliament 13<sup>th</sup> December, 2001”. That whole incident is on YouTube. “Taliban Attacks Afghan Parliament”, 15<sup>th</sup> April, 2012 [Mrs. Lawrence: Come home.]

Let us come home. Mr. Speaker, 28<sup>th</sup> July, 2012; the Editorial in the Trinidadian Guardian headlined “1990 Must Never Be Forgotten”. That was referring to the 27<sup>th</sup> July attack by the Jamaat Al Muslimeen on the Parliament of Trinidad and Tobago. After 22 years, only a few days ago the Trinidadian newspaper was saying ‘this must never be forgotten’. We are coming closer and closer to home.

Maurice Bishop - we cannot forget what happened in Grenada. We have our history in the Westminster system.

From my own experiences, my first long stay in the United Kingdom, I had just finished playing a cricket match on 5<sup>th</sup> November, 1989 on a cricket ground in Crowley and I was invited to view the fireworks that night. They said it was Guy Fawkes Night. I did not know who was Guy Fawkes. When I went back I was told why the British or the English – I do not know which part because I am always confused like everyone else about the geography of England. But Guy Fawkes Night, 5<sup>th</sup> November, 1605 where 30 persons who felt aggrieved by a decision decided to blow up both Houses of Parliament.

**Mr. Nagamootoo:** Mr. Speaker, I would like to raise a Point of Order.

**Mr. Nadir:** Mr. Speaker, I think the Standing Orders say I should not give ground until you declare.

**Mr. Speaker:** No, the Standing Orders say if there is a point of clarification the Member standing can decide whether to yield or not. If it is a point of order you must.

**Mr. Nadir:** He has to state what it is.

**Mr. Speaker:** He is about to.

**Mr. Nagamootoo:** The Member has gone out of the scope and relevance of this motion. I believe that the rules of this House should bring him within some reasonable ambit within this debate. He is indicting every citizen as a terrorist.

**Mr. Speaker:** Hon. Members on one side of the House there is going to be the proposition that things should be opened up and expanded. And on the other there is going to be opposition to that, the view being that things are as they are for good reason. The Member is tracing the history

of security breaches very infamous and not so infamous. In as much as it is tending towards 1 O'clock I find the argument relevant to the discussion.

**Mr. Nadir:** Thank you Mr. Speaker. No one from this side of the House mentioned anything when 1718 was mentioned by the mover of the motion when Parliament had no internet. He used a few centuries ago to reinforce his contention about speakers outside. But we have to have the same kind of respect for each other. While we can sit and listen to Members of the Opposition go back centuries – I want to thank you for that ruling, sir – we have a grounding in the Westminster system, and we have also a necessary concern for safety and security of this Parliament.

So these persons who are aggrieved, and this is the point, the aggrieved persons are not necessarily representing the overwhelming majority of the people, but are aggrieved persons. The Jamaat al Muslimeen in Trinidad and Tobago did not represent the overwhelming opposition when they stormed Parliament and killed a number of people.

Bernard Curd and his people when they attacked the state mechanism... In our case it is Parliament made up of the President and the National Assembly – when they attacked the head of the government then they did not represent the overwhelming majority of the people. So I want to agree most strongly with that Editorial of the newspaper the Trinidadian Guardian published a few days ago that says these things must not be forgotten. I raise that because the British celebrate this attack on Parliament every 5<sup>th</sup> November, from 1606 up to now.

[Mrs. Lawrence: Why?] Because they do not want any single group again... the British people should mature themselves and in a decent way deal with their differences. [Interruption] Yes, it is true; it is very, very true. One cannot get access so easily to most Parliaments; there is a mechanism. They are cordoned off.

We have to be concerned not only about us. Someone mentioned paranoia. I can say I am a coward, yes. I am as paranoid as anyone of us who sit on that Security Committee dealing with the issue of security in Parliament. When there has been a short history of the assassination of a Minister of Government, only a few years ago... [*Interruption*] Mr. Speaker, that is imputing motive. And look from who? A retired Lieutenant Colonel. We have had a very short history.

When Mrs. Jagan addressed the Eight Parliament, at the start, there were the crowds out there...

[Mrs. Lawrence: They did not have a big crowd out there] You were not here. Many

members were not here. I stood on the balcony and saw some of them even encouraging school children to throw rocks on the car. The videos are available. So while we may have a few here, we have work-study students, staff, the public in the gallery, media people, all of those are people who have to get the protection of the Guyana Police Force.

I have boldly written here the words “am I paranoid”. I have had the opportunity to study under a very famous criminologist, Sociology 325 at the University of Alberta in the year 1979-1980. It was a gentleman by the name of David Rappaport who had just been commissioned by the Canadian Broadcasting Corporation to do a series on assassination and terrorism. He was at that time the foremost expert. When I read the book I knew that being in politics is an occupational hazard one has to accept. So those who feel I am paranoid they will see in my transcript that, why? John F. Kennedy himself said, “if someone wants to assassinate you they will get you.” Idi Amin wore a gun – all of this is in that book – why? He said yes at least I might get a shot off too.

Mr. Speaker, you know the origin of the word assassin. It comes from the Arabic heritage. At that time the assassins will tell the victim I will kill you at 8 O'clock. And lo and behold, at 8 O'clock one of the king's guards themselves might turn back. Are we talking 'nancy story' for history, no.

When one looks at what happens to Rajiv Gandhi as he goes to Sri Lanka and inspects the guard of honour and one of the guards steps out and gun butts him... This is in my lifetime, what I saw live on television. So this issue of security in the National Assembly, and on the days of the sitting, has to take on serious significant and top priority for the Guyana Police Force. One of the things they tell you is to leave the experts to do their job. I know it is causing inconvenience to a lot of people because of a few barricades. All over where there are Parliaments and serious decision making is made one sees similar inconveniences. It is a very small price to pay. I cannot help if among us we may have people who are not well exposed. It is a small price to pay. Imagine what the Trinidadians had to pay when there was the attack on their Parliament. How long did it take to recover? I do not even want to raise the occurrence in Grenada. So this might seem very innocuous. It might seem we do not have anything to worry about, but it is a chance that this Nation should not take. This is not about the security of Parliament. This is about the disruption of the lives of every citizen should there be an attack on the State. We do not want to

treat lightly with that. No one, no responsible Police Commissioner would want to treat lightly with that.

At this early hour of 10<sup>th</sup> August I really want to urge the mover of this motion to see that there are much larger national security issues at stake here than the inconveniences of a few persons. We can work on many, many measures, as Mr. Speaker you have done with your school visits. Parliament's reputation, and what we do here, is not going to be reinforced by a few loudspeakers and a few persons standing in the sun. Parliament's reputation is going to be enhanced by some of the initiatives you are taking, like going to the school children, to let them feel and see and touch the decision makers, by having the technology and broadcasting to them. So we are not limitless in our ideas. But in terms of our security, in terms of the security of the State, we have to take it with all of the care and concern for this fledgling democracy called Guyana. Only 1992 is being rebuilt. So like in Trinidad and Tobago we have to be concerned and not let pass 'slow fire and more fire campaigns', the attack on the late President Janet Jagan, the assassination of Sash Sawh... e cannot take those lightly. In the interest of unity where the security of the Nation is concerned the mover of this motion should stand up and withdraw it.

Thank you very much. [*Applause*]

**Mrs. Baveghems:** Cde. Speaker, thank you for allowing me to speak on this motion. If it pleases you I rise to make my contribution and to lend support to my colleagues on this side of the House on the motion 'Restriction On The Right To Assembly.' Freedom of peaceful assemble is a fundamental human right which can be enjoyed and exercised by individuals and groups, unregistered associations, legal entities and co-op bodies. Assemblies may serve many purposes including the expression of diverse unpopular or minority opinions. It can be an important strand in the maintenance and development of culture and in the preservation of minority identities. The protection of the freedom to peaceful assembly is crucial to creating a tolerant and purist society in which group s with different beliefs, practices or policies can exist peacefully.

Article 147 (2) has four instances in which the right to freely assemble and associate may be circumsised. I can only see the first two as being reasons why the Government would want to prevent persons from assembling outside of Parliament. One, because it is reasonably required in

the interest of defence, public safety, public order, public morality, public health and/or because it is reasonably required for the purpose of protecting the rights or freedom of other persons.

Cde. Speaker, let me say that I am a born Guyanese; I married a Guyanese. I did not have to be married to somebody else to become a Guyanese so I could not gone out there to protest as the comrade on the other side was tell me, that I used to be out there. I had to be out there. It is my fundamental right. It is my democratic right to be out there. If need be I would do it all over again. [*Interruption*] The Honourable Cheddi married Janet for her to become a Guyanese.

Like the speaker before me the Hon. Nadir said that children could see. Children could see what? The other night I was watching television and it was after 11 0'clock when the last speaker Dr. Ashni Singh finished talking they cut off the broadcast. I did not see anyone else speak. Only their members. Channel 65, 11 and the others only showing their PPP/C people. They are not showing the other side. No one is seeing Mr. Khemraj or Mr. Nagamootoo.

The Member said also that things got better. What better things have gotten. Things have gotten worse. He talked about stopping people from accessing Parliament but that is a "lie". Excuse me, I do not think I could use the word "lie". That is untruth.

*1.13 a.m.*

Persons come and go and the police stop them. In President Burnham's time, that you all talk so bad of, we used to walk straight through; cars used to pass through, buses used to pass and no one ever stop anyone.[*Interruption*]Probably he was not in the country that time, he must have been somewhere studying. I could remember us being under that tree, if that tree could talk, thousands of persons used to be under that tree listening to the broadcast. President Burnham was a man of democracy. He had speakers out there because we had no television at that time, so we could have heard all that was going on. When you say that the children could see, the children cannot see anything. We have to tell the children. What they saw though, was when the former President threw the writ over her shoulder, they saw that. And you say that it was bad, it was not bad. If she did not take the position as President she might have been alive today.

**Mr. Speaker:** Okay, let us move on.



**Mrs. Baveghems:** The persons who are trying to assemble outside of Parliament are not doing so to infringe on the rights of others or to disrupt public safety and order. They are doing so to express their right to freely assemble for the purpose of peaceful demonstrations and protest. This freedom must be enjoyed by all equally and the Government must not discriminate on any basis. It must be remembered that Martin Goolsarran, Mohamed Sattaur and others were freely allowed to assemble and protest the budget cuts outside of Parliament Building. We submit that any restrictions on the right to assemble must be firmly grounded in law and be proportional and none discriminatory. What the Government can do is to require advance notification so that it can put measures in place to facilitate the peaceful assemble and to protect public safety, order and the rights of others.

I would recommend that the Government need the guidelines of *Freedom of Peaceful Assemble*, prepared by the panel of experts on Freedom of Assemble of the office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe, in consultation with the European Commission for democracy through law, the Venice Commission or the Council of Europe. Guidelines can be found on [www.venice.coe.int](http://www.venice.coe.int). I will leave with you two of the guidelines that I find very helpful:

“As a fundamental right, freedom of peaceful assemble should in so far as possible be enjoyed without regulation. Anything not expressly forbidden in law should be presumed to be permissible and those wishing to assemble should not be required to obtain permission to do so. A presumption in favour of the freedom should be clearly and explicitly established in law. The State’s positive objection facilitates the protest peaceful assemble.

It is the primary responsibility of the State put in place adequate mechanisms and procedures to ensure that the freedom of assembly enjoyed in practice and not subject to undue bureaucratic regulations. In particular, the State should always seek to facilitate and protect public assemblies at the organiser’s preferred location, and should also ensure that efforts to disseminate information to publicized forthcoming assemblies are not impeded.”

Over the years, opposition supporters, social groups, among others, have been denied interactive access to the Parliament Building during sittings, because of the present sighting of the barricades. It should be noted that these citizens have a story to tell and need an audience with us, thus they have choose their avenue to protest and we must listen and not denied them.

Today, we seek change, a change that can be beneficial to all Guyanese by allowing them to be more intricate in the workings of our Parliament. Hence, by removing the barricades, we are helping to bridge the gap with the MP's and the people they serve. According to the Commissioner of Guyana, Article 47 which states that:

“Except with his or her own consent, no person shall be hindered in the enjoyment of his or her freedom of assemble, association and freedom to demonstrate peacefully. That is to say, his or her right to assemble freely, to demonstrate peacefully and to associate with other persons and in particular, to form or belong to political parties, trade unions or other associations for the protection of his or her interest.”

Parliament is a focus for protest and nowhere is the question of how to balance competing rights more accurate than in the streets here under Parliament Building. For a Parliament to be opened means, most obviously, that its proceedings are physically open to the public. This is not always straight forward in an age when the security of people and public figures is a present concerns. Yet, many Parliaments have found it possible to strike a balance between openness and security in such a way that Parliament is manifestly seen in belonging to the people as a whole and not just to its Members.

Peaceful protest is a vital part of a democratic society. It can be a very powerful campaign tool and many of its rights and freedom we enjoy today were gained because people were prepared to go out on the streets and protest. I dare say that there is no better place to have your protest heard than at the seat of power, the Parliament. Why blockade them with barricades?

Further, we should give them a hearing. I have looked at a couple of countries and their laws as it relates to restriction of rights to assemble:

United States of America – “Congress shall make no law abridging the right of the people peacefully to assemble.”

The above-mentioned is oftentimes referred to as the Freedom of Association to us. It is part of the first Amendment to the Constitution of the United States of America (USA) and protects the right to assemble in peace to all Americans. This law has often been used in American history by groups that want to affect social change, such as, Civil Rights groups, women suffrage, the right to vote groups and labour unions. Using this right, people have been able to meet together to further the common goals. Furthering the goals might include such things as: organising the efforts, marching, picketing or gathering in public places.

It must be noted that the right to assemble is not an absolute right. There are some restrictions on this right as they are with other rights. The right to assemble is not as strongly protected by the Government as other rights such as, the Freedom of Speech. This is because groups that assemble often do so not with just speech, but with some type of conduct such as picketing, protesting, marching or gathering in a park, which may disrupt the peace. The courts have ruled that while it is the responsibility of the Government to protect the peoples' right to assemble, it is also the Government's responsibility to keep the peace. Because of this, the courts have allowed Governments to make reasonable restrictions on the time, place and manner of these assemblies. Hence, the Government may place restrictions on the right to assemble that will maintain law and order, facilitate traffic, protect private property and reduce noise congestion. Nevertheless, these must not be seen as creating a divide between those who are to be served and those who are elected to serve.

I remember as a child and I heard the former Speaker talked about seeing the white soldiers coming and marching up and down and shooting at people. When I saw those things happening in my country as a small girl, I decided that when I got big, I will not tolerate those types of things in my country and I grew up with that. That is why I am what I am, because I am fighting for the rights for me, you, my children, your children, the grandchildren and your grandchildren's children. Then when I came here and looked, I stood up and looked at Parliament Building: Who do I see? That great man Hubert Nathaniel Critchlow who had a lot to do with protest and street demonstration for the workers' rights. I take pictures and sometimes he tells me, "Joan, go for it. I am gone, but you continue." That is why I go.

I could remember too on the 6<sup>th</sup> of December, 2011 I was not going to protest, I was going to see my niece and as soon as the officer saw me he said, “Look at she, she old so-so, always deh pun protest. Shoot them man, shoot them.” I was not going anywhere to protest, because that day I was not feeling well to walk. I could remember too when this Parliament was sitting at the Ocean View International Hotel, the man who is now the highest ranking police officer in this country lift me up and threw me down.

**Mr. Speaker:** Okay.

**Ms. Baveghems:** When I went the hospital the doctor said that he heard I got a trashing. And when he gave me the medication I threw it away. Then when I came here the other day, outside there, there was a sitting of the National Assembly - that was before I was a Parliamentarian - a police officer, in his khaki clothes, a high ranked officer, collected me and nearly stripped me on the pave. [Members: What!] Yes, he nearly stripped me off right by the gate there.

**Mr. Speaker:** Mrs. Baveghems we do not need the details.

**Mrs. Baveghems:** Asking me what I was doing there.

**Mr. Speaker:** We do not need the details.

**Mrs. Baveghems:** You see that is protest. I am fighting for my rights and I am not getting the right treatment. According to the Peaceful Assemble Act 212 which was recently declared:

“It regulates public protest and allows citizens to organise and participate in assemblies, peaceable and without harms.”

The Government has stated that the law is subject... In concluding, I would like to say that I support the motion and hope that when we return, after the recess, we will see no barriers there.

[Applause]

**Mr. Nandlall:** Thank you very much Mr. Speaker. This motion raises the very important issue of the fundamental right to assemble; a right which is guaranteed by our Constitution as a fundamental right and finds expression in Article 147.

I have listened to the mover of the motion, as well as, to the Hon. Member who just spoke and emphasis is deliberately placed on only one aspect of the Constitutional provision, that is the one that essays the right. However, every right has limitations and so does Article 147. Article 147 says, when it declares what the right is, it continues to say that:

“Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provision -

- (a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health;
- (b) that is reasonably required for the purpose of protecting rights or freedoms of other persons;”

Like every other right, Article 147, the Constitution itself, imposes a restriction. And there is a rational for these restrictions and the rational is, it is important and it is important that I put on the record what the philosophical rational is, Justice S.Y. Mohamed in his text, “*Fundamental Rights and Freedoms of the Commonwealth Caribbean*” at page 7 and if you permit me Sir, I will read briefly from it, under the heading, “*Fundamental rights and freedoms are not absolute*” it says this:

“Fundamental rights and freedoms are not absolute or unqualified. Absolute or unrestricted rights and freedoms do not exist in a civilised society; they are the law of the uncivilised. If everyone is to have absolute and uncontrolled rights and freedoms there would certainly be chaos and disorder. There would always be a conflict of interest. There must be a limit to rights and freedoms, if the rights and freedoms of others and the interest of the community are not to be contravened. Man, by entering into society surrenders some of his natural liberty as a price for the benefit which he obtains as a member of society. A man’s fundamental rights and freedoms must therefore not violate the fundamental rights and freedoms of others”.

This was eloquently put in another way by Chief Justice of India, Teja Singh in *Jang Bahadur v The principal of Mahendra College*, when he said that the right to move freely throughout the

territory of the union of India did not confer the right to walk over other people's property. In England a man is free to develop his own personality to the full and the only duties which restrict his freedom are those which are necessary to enable everyone else to do the same.

I would like quickly also to refer to another dictum, again from India, the case of A.K. Gopalan Vs. The State of Madras, Patanjali Sastri says, "Liberty" says John Stewart Mill:

"...consist in doing what one desires, but the liberty of the individual must be thus far limited. He must not make himself a nuisance to others. Man as a rational being desires to do many things, but in a civilised society his desires have to be controlled, regulated and reconciled with the exercise of similar desires by other individuals. Liberty has therefore to be limited in order to be effectively possessed."

One last quotation and that is from the great Chief Justice of Trinidad and Tobago in the case of Collymore Vs. The Attorney General of Trinidad and Tobago. Sir Hugh Wooding was speaking about a case involving freedom of assembly and association and this is what he said:

"My observation is that individual freedom in any community is never absolute, no person in an ordered society can be free to be antisocial. For the protection of his own freedom, everyone must pay due regard to the conflicting rights and freedoms of others, if not, freedom will become lawless and ending anarchy. Consequently, it is and has been in every ordered society always being in the function of the law to regulate the conduct of human affairs as to balance the competing rights and freedoms of those who comprise the society."

It is against that philosophical back drop that we must approach this motion. That is the setting that we must look at; the limitations which Article 147 imposes on the right to assemble.

Applying all of that to the case at hand, we have the article saying that nothing done on the authority of any law shall be held to be inconsistent with or in contravention of this article to the extent that the law in question makes provision that is reasonable for public safety, public order et cetera.

The police acts under the authority of a law. The law which the police act under is the Police Act Chapter 16:01, Laws of Guyana. Subsection 2 of the Act says:

“The force shall be employed for the prevention and detection of crime, the preservation of law and order, the preservation of peace, the repression of internal disturbances, the protection of property the apprehension of offenders...” et cetera

Those are the relevant parts. Then specifically, section 27 says this:

“Notwithstanding any other act, any officer, inspector or subordinate officer may, if he considers it necessary so to do for the maintenance and preservation of law and order or for the prevention or detection of crime, erect or place or cause to be erected or placed, barriers in or across any road, street or any public place, within Guyana in such a manner as he thinks fit.”

And then:

“(2) any member of the force may take all reasonable steps to prevent any vehicles being driven pass such barriers and any driver of any vehicle who fails to complies with any reasonable signal of a member of a force in uniform requiring such person to stop such vehicle before reaching any such barrier, shall be liable on a summary conviction...” et cetera

And so, you have the statutory bases for the erection and the installation of those barriers. You have the right to assemble; the very constitution that gives you the right to assemble - limits that right - and tells you that once a person is acting under the authority of a law then that right can be restricted in the manner provided for in the Constitution and the Constitution says, for the purpose of maintenance for public order. And then you have, I have sighted the law and I have sighted the authority authorised under the law to erect the barrier. That is the situation that is out there.

The police are resided with the discretion at law to determine the situation there, whether a barrier should be there or whether a barrier should not be there. The police has made a decision that the barrier should be there. We in this Assembly must be careful how we interfere with the

statutory responsibilities of statutory agencies. If the police and they are the people who are tasked with the responsibility and they have made a determination exercising their technical judgment and discretion that those barriers are necessary. Why would this National Assembly interfere with that technical judgment?

As the Attorney General, I must be concerned because if injury is caused to the police out there and worst yet to any member of the public, the State remains responsible for all civil damages which may flow as a result of the neglect of the police to ensure that the precincts of this Parliament is safe. That is a statutory duty of care, which the police owes to the citizenry as well as to the Members of this Parliament, to the staff of this Parliament, to all the occupants of the public gallery and as well as to the press. That is a responsibility that they owe by law. When they breach that, the Attorney General will be called upon to defend that position in the court. We have to be careful and look at the situation; look at the facts and circumstances that would have informed the police decision to install and erect those barriers.

We have the incident of Father Dark who was stabbed a few yards away, on Brickdam, not very far from this Parliament, while the Parliament was in session. We have the situation where former President Janet Jagan, when she came here to address the Parliament, I believe it was the Seventh Parliament. In her company and in the midst of this Assembly was the then Chairman of Caricom, the then Prime Minister, I believe, of St. Vincent and several dignitaries of Caricom, when the President's car was stoned by what was described by all the press reports as an unruly mob. The PNC issued a statement, in which they disassociated themselves from the people out there. I make that point because when there is problem, the protesters lose ownership, nobody sponsors them anymore; they are left on their own. That is what happened on the day in question out there. The PNC issued a press statement disassociating itself from the violence - the PNC, check back the newspapers.

*1.43 a.m.*

We also had the funeral of the late President Desmond Hoyte. When the procession was here in the Public Buildings compound we had the most reprehensible and most deplorable and highly regrettable behaviour at the funeral of a late President. We cannot turn a blind eye to these things.



Recently, earlier this year, a bomb exploded somewhere in the vicinity of Stabroek Market, just a few feet away from here. A bomb exploded somewhere right over there. [Mrs. Lawrence: That had nothing to do with Parliament.] It had nothing to do with Parliament but I am explaining to you that the environment out there is not as safe as people think that it is. I am trying to explain the rationale for the barricades.

The Hon. Member Mr. Manzoor Nadir, alluded to the fact that the Parliamentary Management Committee is currently addressing the issues about security in the precinct of the National Assembly. There must be a reason why, because security is high on the agenda. Your Honour wrote a letter earlier this year in which you advised Members, Sir, of an emergency exit in the Parliament Office.

**Mr. Speaker:** Did I? A memo was issued.

**Mr. Nandlall:** A memo was issued.

**Mr. Speaker:** That was following the Guyana Fire Service's visit to the premises and the Clerk...

**Mr. Nandlall:** "The Clerk"... an emergency exit... but it brings into question, Sir...

**Mr. Speaker:** ...pointed out that it is a necessary requirement for all public buildings as this.

**Mr. Nandlall:** Security is high on the agenda of the Parliament Office. Even the authorities which are recited in the WHEREAS clauses of the motion... For example, the Charter of Civil Society for Caribbean Community, it states:

"Every person shall have a right to assemble, demonstrate peacefully and to draw up and present petitions subject to such restrictions as may be imposed by national law in the public interest and which are reasonably justifiable in a free and democratic society."

The police in this country have chosen to erect that barrier in pursuance to national law. Then there is the recommended benchmark of the Commonwealth Parliamentary Association which states:

“The legislature shall be accessible and open to citizens and media subject only to demonstrate public safety and work requirements”.

Every declaration of rights that you can cite, Sir, will carry a caveat that you need to regulate those rights so as to ensure that there is public safety and to ensure that people, as they seek to enjoy their rights, do not expose others to the undue risk of dangers.

Therefore I will not cite the instance in Trinidad’s Parliament where the Prime Minister of the country was shot... [Mr. B. Williams: That was a coup.] ...when there was the coup. Yes, it was a coup and Prime Minister Arthur Napoleon Raymond Robinson was shot that night when they took over the Parliament and several Members of Parliament were beaten with gun butts. That happened right there in Trinidad. I am averting your attention to an extant incident where Parliament and parliamentarians were put at risk because of the failure to have effective safety mechanism out there.

The bottom line is that those things are put there largely for the safety of parliamentarians. I agree that a balance must be struck. I heard my learned friend complained about the 9 o’clock erection of the barricade and I sympathise with that kind of complaint, but I ask that we do not rush to the other extreme and expose ourselves to the security risks that are going to be posed if Parliament of Guyana is left exposed.

Then we have to deal with the other issue of the Resolve clause that deals with the position of the loudspeakers being erected. That may have been a relevant option and an attractive concept and an effective medium of communication thirty to forty years ago, but I do not think that there is any part of the civilised world where there are loudspeakers erected around a Parliament Office, echoing what we say in here in a booming way. We live in a world that is very conscious of noise pollution. [Mrs. Baveghems: That is not noise pollution.] Yes. We have to keep balancing these interests. Two people may want to hear you but two hundred people do not want to hear you and we have to give effect to that in a democracy.

Then there is the issue of this area. Close nearby there is the court and it is a declared silent zone. Imagine there is loudspeaker, with the melodious voice of Hon. Member Ms. Amna Ally shrilling over the loudspeaker. We have to be wary that we do not create a nuisance to others. My colleague, the Hon. Member Mr. Manzoor Nadir, adverted to several mediums that are

affective and that are available. There is the Demerara Wave. There are the other internet radio stations. I am speaking to four cameras. There are cell phones. Mr. Bond is very effective with the cell phone, streaming onto his twitter and to his Facebook page when he speaks. He is reported live on the internet. He presses a button and he delivers his speech, and all his friends on Facebook listen to it. That is what happens in this National Assembly. There are far more sophisticated ways that we can disseminate the information. I understand the general thrust that we need to make our work accessible; I understand that, but we have to find more civilised way and more sophisticated way of doing it. Imagine hearing the Attorney General booming at ten minutes to 2 o'clock in the morning. We would have got an injunction.

We have to be wary of all of the factors and we must not rush to make decisions about these things. These barricades are not there because it is a Government policy to put a barricade there or that is something that the PPP came up with just like that. Those barricades are there for the safety of us in this National Assembly, for the safety of the other people who wish to come to it. I do not know that there is a policy that excludes people from coming to this Parliament of Guyana. There is a public gallery. Look, at 2 o'clock, there are still members of the public there. Every day, almost, when I come here, it is packed to capacity. If the motion was intended to convey the impression that Parliament of Guyana is inaccessible I would like to reject that notion. If this motion was intended to create the impression that there is any form of interference by the State with people's freedom of assembly, I wish to reject that notion. I say that we give effect to the spirit and the letter of the Constitution and we keep those barricades, regulate them if there needs to be regulation, if people feel that they are too expansive I suppose that we can draw them closer, but I believe that the barricades are necessary, they are important and they are there for the benefit, safety and security of all of us and for the people of this country.

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

**Mr. Nagamootoo:** Usually when I get up to make a presentation in the National Assembly I probably would feel a sense of thrill, but when I listened to the contributions of the Hon. Attorney General and his colleague, backbencher Mr. Manzoor Nadir, the Hon. Member, I feel a sense of chill. Really I had wanted to stand up and say that the Alliance For Change endorses the motion. I really had wanted to say that and no more, because the Hon. Member Mr. Desmond Trotman has made the case convincingly that the barricades should be brought down and that

people should have the right to their freedoms to assemble, and to picket, and to protest, and to demonstrate within the precinct of Parliament of Guyana and outside of Public Buildings, but what I heard really disturbed me profoundly, deeply.

I recall in the year of my birth reading the speech of Jawaharlal Nehru and I will paraphrase him by saying that when the clock strikes the midnight hour, when the world goes to sleep, India would be awoken to freedom. In this historic session of this unprecedented Parliament, in the wee hour of the morning, I am now getting the feeling that perhaps our people, if this motion is defeated and if those on that side have their way, Guyanese, will wake up to not freedom but a limitation of freedom or a denial of freedom. It bothers me that we are treating our Constitution so lightly that the Hon. Attorney General... [Mr. Nandlall: I read the Constitution.] It is not that you read it; it is whether you understood it, because the Constitution, as our supreme law, cannot give with one hand what it takes away with the other. It cannot give in Article 147 the right to freedom of assemble, to freedom of association and the entire part 1 of the Constitution that elaborates on those rights. These cannot be abridged except by a law that provides for public safety and so on. There is no law that bans protest outside of Public Buildings. No law! No law! To the extent that a law collides with the Constitution and to the extent to which it is inconsistent with the constitutional guarantee that law is void.

When my honourable friend tried to invoke a law – he is honourable and he is the Attorney General of Guyana – and referred to the Police Act, Chapter 16:01 and said that the police have a right to erect barriers, and using it in the context, and using it in a way that one would think that they have a right to erect a barrier outside of the Public Buildings. It has on the side “road barriers”. Let me read the section 27, which he read, and try to give it its context. One has to be very careful when one comes to invoke a law to take away a freedom guaranteed by the Constitution that one does so with care, utmost care, especially if I were the Attorney General.

“Notwithstanding any other Act, any officer, inspector or subordinate officer may if he considers it necessary so to do for the maintenance and preservation of law and order or for the prevention or detection of crime erect or place or cause to be erected or placed barriers in or across any road or street on in any public place within Guyana in such a manner as he may think fit.”

Then it goes onto section 27 (2), which is read in conjunction with section 27 (1):

“Any member of the force may take all reasonable steps to prevent any vehicle being driven pass such barrier and any driver of any vehicle who fails to comply with any reasonable signal of a member of the police force with uniform requiring such person to stop such vehicle before reaching any such barrier should be liable to a conviction...”

This has an application in a specific context of road barriers and not a barrier or barricade erected within the premises of Public Buildings. No vehicle is stopped and searched there. This is for barriers on the road. That is why it states “road barrier”. To try to create the impression that a law forbids people from access of the parliamentary precinct is, to me, a dangerous utterance coming from the mouth of the Attorney General.

What we see here is misleading, to say the most. This law that we are talking about, which abridges the freedom given by the Constitution, would be such law as a National Security Act, under which the police would be authorised to do certain things and we do not have a National Security Act here. We do not have a proclamation of a proclaimed area, under law, that could prohibit demonstration, marches or protests within a particular area as defined by law and authorised under a law. We do not have a state of emergency. What we hear here tonight is an assault, not only on the rights of the people but the integrity of every citizen of this country who, if I stretch the argument, is seen as a potential suicide bomber. Anyone who comes within the precinct of this Parliament of Guyana is considered to be a potential suicide bomber. This paranoia, which I spoke about, exists in the minds of those who must be reminded of the political axiom that fascism begins where freedom ends. The moment you begin to delimit the freedom of the citizen from doing things that the Constitution authorises him or her to do then you will be introducing notions of fascism - Nazism. You are trying to portrait this country as a national security State where people are restricted in what they can do where they even disappear if they do things that the rulers feel threatened by or even the notion of a threat. That is why I said that I feel this sense of chill because I had hardly expected this to come from a Government that was spawned by the People’s Progressive Party; a Government that was spawned by the party of Mr. Cheddi Jagan.

I felt deflated because I remember, long before Members here would remember, in 1965, I was outside of this Public Buildings with Mr. Wilson, they called him “Cocoa Wilson”, “E.M.G Wilson” and he, on one occasion, chained himself on the gates of Public Buildings. On another occasion he threw himself down and we had to put rocks on his stomach. On a third occasion, I was there when he slashed himself on his chest with a razor blade. Initially, we were there protesting for the release of political detainees who were held in City Hall in 1965. Then our next forays were for the National Security Act to be repealed because it had limited our freedom, but, yet, even though there was a National Security Act in 1965 we were out there, we built a tent and we were singing. There was a group called Workers’ Stage. I remember some of those people in 1965 and 1966. George Lee, Stella Datbang, Shirley Edwards and Cyril Belgrave and my late friend M.Z. Ali were some of the Members. I remember some of them; there may be others. This is the genesis of the type of freedom the people of this country fought for, to liberate the precinct of the Parliament of Guyana because it is composed of the representatives of the people and if they have no access in the vicinity of their own representatives, where else can they have access to?

I agree with what has been said that the people want to communicate the way they feel to the Members of the Parliament. I recall that for all the major protests that took place outside of the Public Buildings I was featured in almost all - almost all! It is not about me, but I was one of those who enjoyed the freedom to protest outside of the Public Buildings in the bad days of Burnham, and these who claimed that that period was a period of dictatorship and claimed political righteousness are the ones to ban protest outside of Public Buildings. They erected barriers and that is the contradiction that we have to face tonight and that is why we have to insist that they cannot get away with the shenanigan of coming to this House and saying that a law precludes it.

This idea of talking about Guy Fawkes, blowing up the gunpowder plot... I am surprised that the Hon. Member... I have read so much about these right wing fascist groups in Europe, the ones that said, *Sieg Heil*, “Hail Hitler”, who tried to bring back the past. I have seen so much, of the people in England, when I was there in 1968, of the Skinheads, beating coloured people because they felt that they were the only ones who had a right to occupy certain spaces such as buses

travelling in London. They were beating Pakis, beating anyone who did not look white and who was not a member of the Skinheads. I was there.

We have to defeat this notion that there is a security interest that precludes people from accessing the Parliament Office and if that was not done then someone will come and blow up the Parliament Office; suicide bombers will come here. Mujahideen will come here; there will be a jihad. He cited Abu Bakr attacking the Trinidadian Parliament and it will be that we will have Abu Bakrs in Guyana coming in to do something in the Parliament of Guyana. Surprisingly, he did not mention Charles I with the iron side, in 1641, that went and overthrew a government and beheaded the King. Those things have been mentioned and the imagery invoked by my friend on the other side, the right wing fascistic imagery, is that we have no right to do any protest and demonstration and enjoy our freedom because we are all potential suicide bombers. We are all incendiaries; we are all terrorists and suddenly we will need a Homeland Security Act so that we will do strip-searches for when we have to come in here, and x-rays, and so on. This is paranoia.

I believe that what this motion is asking for is reasonable. It is not asking that any law to be broken. It is asking for the right of the citizens to have access to the Parliament of Guyana, to have access to the precinct of the Parliament of Guyana, to demonstrate, if they wish, peacefully, to picket, if they wish, peacefully, to protest, if they wish, peacefully and if any breach happens the security forces should be held liable because it is their duty to ensure that there is law and order and that the peace is kept.

When the late President Janet Jagan was attacked here, outside of Public Buildings, I was at the Office of the President. I communicated information to very senior people in the Government that there was likely to be an attack. I told them where it was likely to come from and almost the person or persons... That day nobody listened to what I had said. When the event happened then they threw their hands up. There was a security failure. It was not that the President was attacked; it was that there was a failure of security for the President. That is a matter that must be addressed by the security forces. It is not for them to come here and talk about the assassination of a Minister, because today they must give account for who assassinated the Minister. It is not only to make allegations and let the innuendoes fall as if the people who advocate freedom are

the ones who have assassinated the Minister. Let them tell us their fills. Let them form an inquiry because they had said then that they knew who had assassinated the Minister.

These things cannot work. This is symptomatic of a very frightened régime. It is afraid of its own people. When it suites them they boss the crowd and bring them outside of Public Buildings. This is the first time in the history I have seen Members of the Government picketing outside of Public Buildings, protesting outside of Public Buildings. I have seen Ministers on the picket line. This is symptomatic of a new time.

I believe that the constitutional right cannot be abridged and this must not be a fortress. This should not be the fortress Parliament of Guyana. This should be, as I said, the free territory of Guyana. This should be a free part of Guyana so I feel that this barricade politics that is erected by the PPP/Civic Government flies in the face of history; it flies in the face of the struggle that was won by sweat, blood and tears when we fought for the right to liberate here. We had a little arm band.

*2.13 a.m.*

I can see some faces: Clement Rohee being hauled away, Hon. Member Gail Teixeira and I, and some others, were hauled away from Public Buildings; we were taken to the Criminal Investigation Department (CID); we were placed before Kendall, the bomb squad officer. He was the one who was giving us chats while we heard screams upstairs. Things were done. Security members did what they felt ought to have done. We did not think it was right but we did not see the barricades. They said we came closer to the fence and some of us did not have on armbands, so they picked us up. There was one occasion when we came demanding flour, the release of the ban on flour, not only was I picked up but my little three-year-old daughter, Adela, now a magistrate was too. We were both thrown into the Brickdam lockups. The police did what they thought they could have done. I did not agree with it, but they thought they did what was right. The question is that there is always police presence and the police will have to be the party to ensure that there is no infraction with the law, but the Member cannot come here and say that there is a law to erect barriers outside of Parliament of Guyana. There is no such law. Therefore once there is no such law, this National Assembly has a duty to uphold the Constitution that guarantees people their right.



Saying that I had not intended to speak as long as I did..., but this is one issue that I believe that we have to labour a bit more, we have to struggle a bit more because we see...[inaudible]

**Mr. Speaker:** I will not allow that word to be hurled at any Member by you Mr. Neendkumar.

**Mr. Nagamootoo:** ... the creeping walls of dictatorship. I warn tonight, just as how President Ronald Regan told President Mikhail Gorbachev, tear down this wall. We have to bring down the wall of dictatorship or else our nation will be imperiled and we are going to enter into a period of totalitarianism and fascism if the far right is allowed to take control and give guidance to the political process.

The Alliance For Change supports this motion in its entirety and we ask... I did not address the issue of the loudspeaker because I did not want to go there, because we all know the necessity for it, that there is bias coverage of parliamentary events. Therefore so long as there is this bias and selective and discriminatory reporting then the people out there have a right to at least have one form of access to what happens in the National Assembly that they can come and listen to what the parliamentarian says.

I support this motion in its entirety. [Applause]

**Mr. Felix:** I rise to support this motion standing in the name of my colleague, the Hon. Member Desmond Trotman. This motion, which we are debating, this morning, seeks two results. One is the removal of the barriers erected around the Public Buildings on the occasion that there is a sitting of this noble House and the second is to broadcast the proceedings of the National Assembly, to the public, when it is in session. I support my colleague to achieve both results. The people of Guyana have always enjoyed freedom to assemble outside the Public Buildings. I have personally, as a young man, experienced this freedom - right outside there. Many of us in this building, right now, in this precinct of the National Assembly and not far away from here, in my time as a policeman, protested. In some cases, I can recall, even assaulted senior police officers and had to be arrested. They did not see a crime then, they did not see a need to maintain barriers permanently around Public Buildings, but they are seeing it now.

I have listened to the Attorney General and I would like to put the existence of the barriers in context of article 147(1) subsection 4(a), that is reasonably required in the interest of defence to

public safety and public order. In 2004, it became expedient for the police to protect this Parliament Office, the people's representatives and the staff working in Parliament Office against attack by bandits who were doing anything, anytime, anyplace – shooting, killing and maiming people. It was essential then to consider the protection of the Parliament Office. What also reinforced this position was that in Trinidad and Tobago there were instances of forceful intrusion into Parliament as well as in Fiji in May 2000. In that context the barriers were established outside for the protection of the Parliament Office.

Using section 27 of the Police Act, Chapter 16: 01, those barriers were erected by the police and can be taken down by them if they want to do so tomorrow. Of course, things are different now. If the Commissioner wants, no Minister can tell him to do so. When I was the Commissioner I put them up and no Minister could have told me to put them up or not to put them up, or to take them down. That is the Commissioner's right to erect road barriers and if he can erect road barriers he can take them down. It is as simple as that. I did not ask my Minister to protect the Parliament of Guyana; I told my Minister I was protecting the Parliament of Guyana. The question now is if that the will of the authorities to remove the barriers. The barriers serve no purpose now. The armed criminals, who were around, have all gone.

Our position is that the erection of barriers to secure the Parliament Office needs to be driven by intelligence. Obviously, if there is a situation developing to threaten the Parliament Office I can assure the Members that the security forces ought to develop the intelligence and by working with the Speaker and the Clerk of the National Assembly the positions can be reinforced. I agree with the previous Speaker. Whatever happens around the Parliament Office has to be the result of a breakdown of intelligence. These things are not hidden. I know that persons know what to do now in relation to the security of the Parliament Office. Possibly, they might not be free to do so because of certain unnecessary fetters which exist around them.

This Parliament Office does not only need protection on the outside; that is irrelevant now. The protection it needs is to prevent Members of the public from sneaking into Parliament Office with harmful instruments or firearms which can be of danger to parliamentarians and the staff or even to other members of the public. That is what is needed to be protected. We do not need barricades when nothing is happening. Right now the barricades are so irrelevant that the policemen get tired just standing outside there doing nothing other than holding barriers. In a

police force that is short staffed, I think the policemen should be better employed. They should not be standing at empty barriers. The barrier at the time of the initial set up was done at a sacrifice to the public in order to achieve the necessary protection. A traffic flow had to be diverted to different streets. It takes, sometimes, five minutes from one block in Water Street to come through Hadfield Street. That is an unnecessary inconvenience at this time. Nothing is there to justify that diversion. All there is now are barriers, separation and inconvenience to the public. Better than that needs to be done at this time.

There is, what I heard, my friend on the other side, who is not here now, was talking about – yes Mr., Nadir is here - Guy Fawkes. There are a few parliaments in this world which separate the people from the operation of the Parliament of Guyana. All the time, in the consideration of establishing the barricades, there was a necessary consideration, a balance, being set, between security and the need to allow freedom of citizens to the Parliament of Guyana. The authorities now must move to right this situation.

There is another aspect which is our freedom to take the National Assembly's work to the public. When we speak of broadcast, we are not necessarily speaking of speaker boxes outside. We also refer to television broadcast, as is done on National Communications Network (NCN), but the operations of NCN is partisan. If I leave here now and I go home and turn on the television, I will see a Minister of Government. I will not see Hon. Member Mr. Nagamootoo. I would not hear Ms. Volda Lawrence. I most likely would see Ms. Gail Teixeira or the Hon. Minister of Finance. NCN is funded by taxpayers moneys and all of the parliamentarians need to have access to the NCN. [Ms. Kissoon: It is equal access.] It is equal access, as the Hon. Member said. It is not for some people to enjoy NCN and others to be denied. That is what has led to the Hon. Member placing in his motion the need to take the Parliament of Guyana to the people. We have restricted their movement in front of the Public Buildings which is an unnecessary fetter, because the parliamentarians need to hear and listen to the voices of the people out there because we are supposed to be serving their interest. We are supposed to be making their lives better and we cannot do so in isolation, we have to do so having listened to them, and this aspect has been removed from Guyana's politics. Apparently, there is a need now to talk down to people and not to listen to them - we say and they do. That is why so many things seems to be going wrong and we are only having protest upon protest because listening has been removed from our politics.

Article 147 of our Constitution has served us and continues to serve us. I am saying again that section 27 of the Police Act needs to be exercised. The powers given to the Commissioner ought to be exercised rightfully and in the interest of building this democracy, which we talk about so much, by allowing the freedom of the people. Recognising fully that in every right there goes a corresponding responsibility. We accept all of that. What we, as the Opposition, do not accept, at this point and time, is the public being separated from this Parliament of Guyana and that is what we want restored.

I support the Hon. Member in this motion, in its entirety. It is my wish that we would move to approve this motion so as to restore the rights of the people to move freely during our sittings in the National Assembly, in front – it is not at the court and in front of St. Stanislaus College - of here. Being a politician does not need timorous men. We need men of substance who can stand up to the crowd, who can communicate with the crowd and enter the Parliament Office and leave it.

With these few words, I recommend this motion to the Parliament of Guyana. Thank you.  
*[Applause]*

**Mr. Speaker:** I now invite Hon. Member Mr. Rohee.

**Hon. Members (Opposition):** No, No.

**Minister of Home Affairs [Mr. Rohee]:** I stand at this hour, at 2.30 in the morning, to say that I do not support this motion because it infringes on the right of the Guyana Police Force.

**Mr. Speaker:** Mr. Rohee, one second please.

**Mr. Rohee:** ...and I believe that in accordance with the laws of Guyana this motion is in the wrong place...

**Mr. Speaker:** Members, we have the proverbial dilemma. It is 2.30 o' clock, the Member is to speak. If there is noise we cannot conclude the debate and the motion will not pass.

**Mrs. Baveghems:** But we do not have a Minister of Home Affairs.

**Mr. Speaker:** I have never said anything about a Minister. I said the Member has to speak. If he is unable to speak and be heard, I cannot hear him, we have a dilemma, because the motion has to be concluded. I do not know what the plan is. I anticipated something else, but it is not this.

**Mr. Neendkumar:** Well, let us adjourn.

**Mr. Speaker:** We could adjourn until October. I do not think so. We have some other business that we have to conclude this evening.

**Ms. Teixeira:** Mr. Speaker, the Standing Orders are clear, in terms of your powers, in order in this House. While the Hon. Member has the right to express their views they cannot also turn this House into such a disorderly manner. I guess this is what they call peaceful protest. But, Mr. Speaker, this is a Member of this House and that Member has a right to speak. We are dealing with a motion that speaks about freedom and the rights of people, including the right to assemble.

**Mr. Speaker:** Okay. It is a good Point of Order.

**Ms. Teixeira:** I am appealing to you, Mr. Speaker, to please keep order in this Assembly.

**Mr. Speaker:** In the past I recall that Members used the paperweights and Mr. Ramkarran had them removed and then Members exited the Chamber whenever they did not want to hear from a particular Member. At no time did Mr. Ramkarran ever use powers of expulsion or anything of that nature. Whenever noise is made to disrupt a person from being heard he would rise, himself, and go into his own Chamber or, as I said, he removed the paperweights so that they could no longer be used. As I said, it is 2.30 o' clock and I recognise the right of the Member to speak.

**Mr. Rohee:** Thank you Mr. Speaker. I am not daunted or scared.

**Hon. Members (Opposition):** No.

*Opposition Members withdrew from Chambers.*

**Hon. Members (Government):** *Applause.*

**Mr. Rohee:** I recognise that it is 2.30 in the morning and I would not wish to burden the House with too lengthy a presentation. It is simply to say that a motion of this nature ought not to be

won by numbers but by the force of arguments. I have sat and I have listened to the arguments on both side of the House in respect to this motion and the division is clear. What is also obvious is that the motion is likely to be carried because of mere numbers. There is a reality out there that the numbers cannot hide and that reality is that people in the wider society, apart from those who take a rather liberal approach to matters of public safety security, out there who look to the police to maintain the peace and good order in our country. It is this situation that the police force, at all times, has to balance and exercises judgement - how to balance the right of all sides; those who have the right to assemble peacefully and those who do not wish to be a part of any assemble; who wish to go about their business in a way without let or hindrance. It is the police in the final analysis who make that judgement call.

We cannot have it both ways, where on the one hand we wish to direct the police in their operations, what they should do and what they should not do, and on the other formulate a policy that conflicts with what resides solely within the bosom of the Guyana Police Force. There is no way, with due respect to this House and the powers and the authority that this House has within the meaning of the Standing Orders, that this House could direct the Guyana Police Force as to whether it could put up barriers or not put up barriers. I think, with due respect, this is going beyond the bale. Even the Minister of Home Affairs does not have the authority to direct the police as to where a barrier should go, where a rank should stand, how many ranks there should be placed, what is the number of those ranks, and so forth. The Minister of Home Affairs has no authority on those matters, as some seek to impugn.

Only a few weeks ago there was a demonstration from the Square of the Revolution down to St. Stanislaus College. I saw the permission that was granted; I saw the application that was made. As a rule, the police would send those to the Minister of Home Affairs, so that he would be kept informed. I saw the application that was made, the time and the date for which the procession would march from Square of the Revolution to St. Stanislaus College. I also saw the permission that was granted in accordance with the request that was made. Not a single variation was made. The date applied for was granted; the hours applied for was granted. What happened, Mr. Speaker, was that as the procession wended its way along Brickdam there were no leaders leading that procession. When the procession arrived at the destination for which permission was granted the barriers were pushed down and we saw the spectacle in front of this Parliament

Office. That I heard this afternoon was condoned and described as within the law. This cannot be within the law. That is lawlessness being condoned as law. It cannot happen in any part of the world where laws are laid down. Permission is being granted on a particular day, to proceed at a particular time and yet for all they breached, looked at the police and laughed at them, make a mockery of law, and simply because it was believed they have the numbers.

I heard Mr. Felix spoke about intelligence and what we should be putting emphasis on is intelligence. This is rather surprising coming from a former Commissioner of Police because all intelligence can tell in a situation, which has to do with assembling, is based on the application that is made for the assembling to take place, the numbers that are gathered. There is no where intelligence can tell certain that things are being planned. The Attorney General was quite in order when he said that many times when the assembly breaks up into total disorder the experience tells us that no one takes responsibility for what happens. When persons are arrested we are told that it is the wrong persons who are arrested.

*2.43 a.m.*

We cannot take lawlessness and deem it acting within the law as we have seen it occurred not too long ago.

I heard some Members of this House spoke about paranoia and accusing us on this side of the House of being paranoid. Every State, every Government, big or small, developing or developed, industrialised or otherwise, has a responsibility to its citizens. If in the United Kingdom (UK) and if in New York City at every corner of every junction there is cameras, every subway every underground, watching the movement of people simply because they have the interest of the public at heart and to ensure that anyone who is engaged in activities that is against the law that they have the necessary electronic and other means to identify those persons. What do we call those States? Do we call the United Kingdom and Germany police States? Do we call them national security States? A country such as Guyana, which has had a history, contemporary history that is, with so much criminal activities, new forms of crime emerging, will obviously have to take steps to protect the larger public. Every single citizen has to be protected and those who are short-sighted in believing that in calling for the removal of barriers is in their interest

because they want to have their supporters outside the Parliament Office, they may very well one day regret it.

As was seen at the funeral of Mr. Hoyte - we have that file of what took place at Mr. Hoyte's funeral - this is what I will like to quote from the *Guyana Chronicle*, December 31, of 2002. The article reads:

“The smooth flow of yesterday State's funeral for former Executive President and Leader of the Opposition, Mr. *Hugh Desmond Hoyte*, was marred by several instance of unruly behaviour by some sections of the massive crowd...”

I heard reference was made to the assertion that there was a small crowd.

“...which turned out in their thousands to bid farewell to their fallen hero...”

We had the same thing for Dr. Cheddi Jagan.

“...mayhem and confusion reigned shortly after noon as the cortege, carrying the body of Mr. Hoyte, slowly made its way to the entrance of the Public Buildings in Georgetown where the formal ceremony of the State funeral was about to begin. As the cortege approached the entrance of Public Buildings, everyone lurched forward and converged around the open back vehicle carrying the wooden casket. They prevented the cortege from moving forward. This section of the crowd totally ignored the pleadings over the microphone for the restoration of some assemblage of some order. The gates were finally opened to allow the cortege to enter the courtyard of the Public Buildings. The unruly crowd then seized the opportunity to push the gates open and more than one hundred of them entered the compound despite the valid attempts by the police, other security personnel, officials of the Central Executive of the PNC to prevent this from happening.”

We sometimes have to be more futuristic in our thinking and this short-sighted view, open up the place, let the people come in,...There are times when our Members of Parliament approached this Parliament Office with big crowds outside there and they feel threatened. Why should they feel threatened? Why should our Members of Parliament feel threatened because the Opposition supporters are outside there? That is not a peaceful assemble. We have never brought our supporters in front here, we can do it, to threaten the PNC Members of Parliament and unless we



deal with matter in a manner that respects those who would not wish to be part of any demonstration, any protest, we will end up in a situation that proves to be extremely harmful to all.

The motion is misconceived. I do not wish to repeat many of the arguments, very skilfully and well articulated by the Attorney General in respect to the constitutional aspect of this matter, but I have canvassed the opinions of many learned attorneys on this matter. I have spoken to every single former Attorney General and they have all coincided with the view of the current Attorney General. Reference was made to another incident in front of this National Assembly. I think it is important for me to refer to this from a police perspective; it is not from a legal perspective. Mr. Nandlall has already done that very effectively. This is quoted from the *Stabroek News* newspaper, Friday, 27<sup>th</sup> of February, 1998, where it states:

“A police woman was rushed to the hospital after she was hit in the chest with a stone thrown from an unruly crowd in front of Parliament Building. This was confirmed by Police Commissioner Laurie Lewis.

The convening of the Seventh Parliament yesterday at 2 o'clock saw a small crowd of about fifty persons gathered in front of Parliament Building, this number swelled to about four hundred between 2.30 and 3.30. They stood on Brickdam shouting slogans, “Janet must go”, “We want Desmond”... At 2.00 p.m. the crowd was cautioned by the police to tone down their chanting but they become even more vociferous.

Then, eventually, they began taunting the police, provoking the police, as they are usually want to do thinking that because they have the numbers and that because the police has a smaller presence in these demonstrations they can overrun the police and tell the police what to do. This is disrespectful to our law and order - total disrespect.

One of the barriers was lifted up and thrown - someone lifted up one of those barriers; it is not a hard thing to lift up - towards...

“A police woman was struck with of the trestle that was used for the barriers as she wrestled with some aggressive member of the crowd...”

This is the news paper report. This is not Clement Rohee saying this.

“...and then the stone throwing on the President’s car began.”

The records speak for themselves.

I made a note here where the Hon. Member Mrs. Backer said that they already have the numbers. Well, then what sense it is if they already have the numbers and they are relying on the numbers to win a debate because this is what this House was established to do, to debate issues and by force of argument try to convince each other, but this no longer prevails. What prevails now is the numbers.

This question about these barriers putting up since 9 o’clock in the morning... That is a judgement call of the police force. Mr. Speaker, do you want the Minister of Home Affairs to call the police and ask them why they put up a barrier at 9 o’clock, put it up at 10 o’clock? Or why they put it up at 10 o’clock, put it up at 11 o’clock? On what basis am I instructing them to do so? Why, in the first instance, should I instruct the police to do something that is fundamentally operational in nature when it is the same thing I am being accused of interfering in operational activities of the Guyana Police Force. We simply cannot have it both ways.

I do not support the motion for a number of reasons. I believe that the police force must be left to do its job. I have no doubt that, as we say in local Guyanese parlance, “when push comes to shove” it knows what it has to do. This Guyana Police Force has successfully ensured that Caribbean Festival of Arts (CARIFESTA) was held in this country; Cricket World Cup was successfully held. Many other activities, at the Stadium, are held and there is never a complaint. Why there should be a complaint about barriers putting up in front of the Public Buildings for all of our protection? I shuddered when our Members of Parliament told me that there are fearful of protestors out there because they do not know what physical harm can come to them. I know if physical harm comes to them no one will take responsibility. We have a concern too, but they do not have a concern over there, because it is not our supporters who will come out there. I am sure that if it is our supporters who are out there they will probably have a similar concern and that is how we need to balance this issue.

Now in respect of loudspeakers, and so on, we cannot have loudspeakers here and there is the court over there. I know that there are many attorneys at law in this House. I have seen letter from the Chancellor complaining of noise nuisances in front the precinct of the court. There is a

school just behind here. Are we not to take that into consideration with the loudspeakers? This loudspeaker business is an old time thing. Gone are the days when people used to use loudspeakers to do things. Maybe, Mr. Trotman used to drive around with loudspeaker at the top of vehicles to... - PBB 3927, PBB 809, PN 115 or H 7980. Maybe those were the vehicles that were used in those days to drive around to distribute commodities or to announce meetings, or something or the other - whenever we pasteurised milk, or cornmeal. Those days are passed; that is water under the bridge.

Mr. Trotman, himself, has participated in many assemblies in the precinct of this National Assembly. [Mr Trotman: I will continue to do so.] You have been doing for years. On the 12<sup>th</sup> of November, 2009, Mr. Trotman participated in a picketing demonstration in the vicinity of Public Buildings together with Red Thread, Help and Shelter, Concerned Citizens Organisation and the Working People's Alliance (WPA). On the 2<sup>nd</sup> of November, 2009 he picketed in front the Guyana Police Force Headquarters on behalf of WPA, together with Karen *De Souza*, Collymore, Bacchus and Marcus. On the 20<sup>th</sup> of October, 2009 he participated in a picketing demonstration in the vicinity of Public Buildings on behalf of the Concern Citizens Organisation. On the 16<sup>th</sup> of October, 2009 police gave permission to hold a public meeting at 4.30 p.m. on the tarmac, on Brickdam, opposite the Parliament Office, just behind the southern fence of St. Andrews Kirk. The Hon. Member participated in that as well.

The Hon. Member has a very impressive track record as an oppositionist in rallies, marches and demonstrations. I do not want to burden the House with those historical data, but I have already spoken about the irrelevance of the loudspeaker and how it could disturb the school and the church. Let us not believe that the church is active only on Sunday. I know that people go in there during the week also. In any case, Mr. Speaker, you will have to get permission from the police to use a noisy instrument. You will have to go, in any case, back to the police; you cannot just do that on your own. You can assemble but once you are using a noisy instrument you have to get permission from the police to do - *you run from the zombie and you butt up to the coffin.*

I would like to conclude on this note. One, I do not support the motion because notwithstanding the authority of this Parliament, the authority of the Speaker, the House and the Members, it cannot impinge on the responsibilities of the Guyana Police Force. This Parliament cannot direct the Guyana Police Force on how to conduct its operational functions. The Speaker, as is want, as

is usually happened in the past and as is now, together with the Clerk, could call in a representative of the Guyana Police Force or 'A' Division and share with that representative their thoughts on this matter. That is done through a process of consultations and discussions. It may very well be that the police on their own could agree with the Speaker, but I do not think it could be done by edict, because the police, if they ignore that, they will be within their right to do so.

Even if this motion is sent to the Guyana Police Force Headquarters, to the Commissioner of Police, as the Attorney General pointed out, acting within his mandate does not necessarily have to take that into account. I believe the best way to deal with these matters is how it has been dealt with in the past, where the Speaker and the Clerk, or the Clerk, under the instructions of the Speaker, invite the Commander of 'A' Division, have a talk with the Commander, so that they can see eye to eye on this issue and if there is need be, try to strike a balance. To force a motion simply because there is the numbers and to direct that to the Commissioner to say do this, there will be problems. I believe the first option that I gave is the best way to go.

Then finally in respect to the loudhailers, and so forth, well, I do not want to repeat what I said but I believe that is not a modern option. That is not the way to go. In respect of accessibility, I do not agree with those arguments, that this Parliament of Guyana is not accessible to members of the public. This Parliament of Guyana has always been accessible to members of the public. I remember myself and the current President would have come and sat in the public gallery for hours...

**Mr. Speaker:** Your time is up Hon. Member.

**Dr. Ramsammy:** I move that five minutes be given for the Hon. Member to conclude.

*Question put, and agreed to.*

**Mr. Rohee:** I believe, as a person who had frequent this National Assembly for years, not necessarily as a parliamentarian, but as someone sitting in that gallery, that this National Assembly has always been in accessible, beginning with Mr. Ramkarran and then with yourself, you have taken initiative to even make it even more accessible.

The worst thing that I would like to see happen, Mr. Speaker, is when you invite, as you have been doing over the months, schoolchildren or some guests, who would come and sit in that

corner or delegations, who would come here, and when they approach this National Assembly they feel intimidated by a crowd that is shouting and keeping a lot of noise out there. They will leave with an impression that harms the country. I do not think any reasonable Guyanese would like that to happen. All those are factors that we have to take into consideration. It is not a question of my partisan political interest; it is not only what is good for my party; but it is what is good for the country. It is what is good for all Members of Parliament.

Thank you Mr. Speaker. [*Applause*]

*Members of the Opposition reentered Chamber.*

**Mr. Trotman (replying):** I wish, for the record, to state, for Mr. Rohee's benefit, that I have been in almost every civil protest demonstration that has taken place in this country since 1961 and I have done so because I believe in freedoms. Those protest demonstrations that I have been involved in have all got to do with seeking to enshrine people's freedoms in this country. I have done so unapologetically and will continue to do so whenever it becomes necessary.

I want to say thank you to the Hon. Members on this side of this House who stood up and supported this motion. I want to say thank you to them because I feel honoured that I am standing with a select group of persons who believe in freedoms, who believe in the fundamental freedoms of people and who are prepared to struggle for them.

I want to congratulate those persons who spoke so eloquently in support of this motion and to express my heartfelt thanks to them.

I would like to say that those who have never struggled for anything will never appreciate the value of the things that other persons struggled for and have won. When I listened to the Hon. Member Manzoor Nadir, I understood why it is he has been expressing the thought that he has expressed and it really has to do with the fact that, over the years that I have known him, Mr. Nadir has not been known to be a person who has ever struggled for anything and that is why it is that he can take these ridiculous positions that he has taken in relation to this motion.

**Ms. Teixeira:** Mr. Speaker, could I ask you about imputing improper motive to a Member and making these comments? The Member cannot say that a Member has not done this and done that. The Members is not even here.

**Mr. Speaker:** Mr. Trotman, the comment about ridiculous statements, I will ask you to withdraw.

**Mr. Trotman:** On your advice, Mr. Speaker, I will withdraw the word “ridiculous”. I will say that the statements that Hon. Member Mr. Nadir has made were statements which are unworthy of a person who sits in this National Assembly and who believes and who wants to give the impression that he is a freedom loving person. He is not, based on my knowledge and my own experience of his behaviour in the past.

This motion, which we are engaged in discussing here, is not a motion which seeks to strike fear in anybody’s mind. I believe that when the Hon. Member Moses Nagamootoo spoke on this motion that he expressed in eloquent terms what this motion is intended to do. I believe that he has answered all of the questions which Hon. Members on the other side would have raised and continued to raise even though I believe that they do not believe in the value of the statements that they have been making.

I believe that this motion seeks to bring people close to this Parliament of Guyana in a way in which they have not been for a number of years and as persons who have been elected by the people, we have to be concerned that today we are so far removed from those people who elected us. I think that this motion seeks to remedy that fault.

I believe that as much as some persons on the other side who have expressed some misgivings about the motion that in actual fact they really believe that the motion is something which should be supported but they would perhaps withhold their support simply because of their party’s position which they believe they ought to uphold.

I believe that the Members of the House on this side will give their full support to the motion and I am deeply grateful for the fact that this motion will send a signal to the people out there, that at least there are people in this House who believe in certain freedoms - in freedom of expression, in freedom to assemble, freedom to protest - and that in support of the motion they have given real expression to that feeling.

Thank you Mr. Speaker. [*Applause*]

*Question put, and agreed to.*

*Motion carried.*

3.13 a.m.

**OFFICE OF THE CLERK OF THE NATIONAL ASSEMBLY BILL 2012 – No. 8/2012**

“BE IT RESOLVED:

That this National Assembly, in accordance with Standing Order No. 52(1), grant leave for the introduction and first reading of the Office of the Clerk of the National Assembly Bill 2012 – Bill No. 8/2012 –

A BILL intituled AN ACT to set out the responsibilities and authority of the Clerk and Deputy Clerk of the National Assembly of Guyana and to provide for the establishment and administration of an independent Office of the Clerk of the National Assembly.”

*[Mrs. Lawrence]*

**Mr. Speaker:** Hon. Members, we have a Bill in the name of the Hon. Member, Mrs. Volda Lawrence. It is for introduction only. I have received a letter from the Hon. Attorney General in June and another reminding me of his letter in June, deeming the Bill unconstitutional. A Bill could never be unconstitutional. An Act of Parliament could be considered unconstitutional. We cannot anticipate the outcome of a motion, a question or a Bill. As I said, I know it is just for introduction and first reading and at the second reading stage, I believe, we can entertain all the arguments about its due regularity, constitutionality, etc. I have responded to the Minister in writing on that issue. I will have that distributed when we return in October. It is just for introduction today and I would like to hear arguments from both sides on that issue.

**Mrs. Lawrence:** Thank you Mr. Speaker. I would just like to make a small explanatory statement on this Bill, if it pleases you. It is now seven years since the Parliament endorsed the Report of Sir Michael Davies and Bradford and Associates Ltd., and agreed to the recommendations made regarding the reforms which will enhance the services and functioning of our Parliament Office. It is also six years since these Reports were sent to the Special Select Committee established by Resolution 85 of 2005. What this Bill basically seeks to do is to awaken the Members on the Government side who were on that Committee and to push them

towards doing what they were mandated to do. That is the reason why this Bill is here. It is merely to push that process forward. I thank you. [*Applause*]

*Question put, and agreed to.*

*Motion carried*

*Bill read a first time.*

## **STATEMENT ON RECENT INCIDENTS AT LINDEN**

**Mr. Speaker:** Hon. Members, before we proceed, this is quite an extraordinary Sitting I have to say. I have just been advised by the Clerk that there is a situation in Linden that someone wishes to say something on. Is that so?

**Brig. (Ret'd) Granger:** Thank you Mr. Speaker. I have just received some information that the situation at Linden has, once again, deteriorated. I have received reports that there was an attempt to set a fire on the Bridge, that some wooden portion might have been destroyed, that there was the discharge of tear smoke by the police, that the camps which have been established by some of the protestors have been destroyed and that there have been some firing. We do not have information that anybody has been injured, but those are the four reports we have received and so I just wanted to bring this to the attention of the House since, as you know, negotiations were due to be continued today. We felt we were moving closer to a solution, but it seems that the action here might have put that solution in doubt. I just wanted to bring this to the attention of the House.

**Mr. Speaker:** There has to be a solution to every problem so we have to find it.

## **COMMITTEES BUSINESS**

### **MOTION**

### **ADOPTION OF THE REPORT OF THE STANDING ORDERS COMMITTEE**

“BE IT RESOLVED:

That the Report of the Standing Orders Committee be adopted.” [*Lt. Col. (Ret'd) Harmon*]



**Lt. Col. (Ret'd) Harmon:** Mr. Speaker, I have the honour and privilege to present to the First Session of the Tenth Parliament of Guyana the Report of the Standing Orders Committee for its adoption by the Assembly. In the eight-page Report which was circulated to Members of the House, the Committee deliberated on motions which were referred to it by the House that sought amendments to Standing Orders No. 80 (5), 88 (2) and 93 (2) that related to the right to vote in parliamentary committees, amendments to Standing Order 85 (2) which dealt with the composition of the Parliamentary Management Committee, and amendment to Standing Order 86 (2) that dealt with representation on sectoral committees.

The Committee considered and agreed on amendments to Standing Orders Nos. 80 (5), 88 (2) and 93 (2). Amendment to Standing Orders 85 (2) and 86 (2) have been recommitted for further discussions by the Committee.

I move that the Report of the Standing Orders Committee be adopted. [*Applause*]

**Ms. Teixeira:** Mr. Speaker, we, on this side of the House, would just like to support this Report that specifically deals with the motion that Mr. Basil Williams brought and we are very pleased that in the Committee we were able to find the language that would be able to allow that motion to be supported as amended. I want to thank the Members of the Standing Orders Committee and I hope we have the same success in dealing with the other two motions that are before the Committee. Thank you.

**Mr. Speaker:** As Chairman of that Committee, I would like to thank the Members who deliberated and, as Ms. Teixeira said, for the fact that we were able to find accommodating language that suited us all.

*Question put, and agreed to*

*Motion carried*

## **ADJOURNMENT**

At this very early morning of the 10<sup>th</sup> August, 2012 where events may be unfolding elsewhere, I would like to thank Members for their perseverance and the staff for staying up with us. This is going to be a day on record I am sure. I do not know how it would unfold but I wish you all

God's speed and I hope that we can find rest and solutions to our problems. Have a good morning all. Thank you.

**Brig. (Ret'd) Granger:** Mr. Speaker, I would like to, on behalf of the Opposition side of the House, the Western side of the House, record our appreciation to you for the way you have managed this House over the last six months.

We would like to extend our gratitude to the Clerk and Staff of the Parliament Office for the hard work and long hours they have put in and would like to wish all Members of this honourable House a very restful recess because when we come back, we have a lot of work to do in this Tenth Parliament.

**Mr. Hinds:** Mr. Speaker, I, too, would like to express appreciation from the Government side for your handling of the Sittings of our Parliament. We are truly meeting in a situation which never existed before and all for all of us there will be much new experience and much learning as we go along.

I would like to express our appreciation too to those who work in the Parliament, the Clerk and all of his staff. We do hope that this would be a restful recess and maybe during the recess we may reflect and make some advances so that when we return in October things may go more smoothly.

On that note, I move that the House be adjourned until after 10<sup>th</sup> October, 2012.

**Mr. Speaker:** Even though I mentioned the successes of the Minister's daughter earlier, the son of a member of staff, Ms. Baldeo, has also excelled, topping the country. I think we need to recognise staff. The House is doing well.

Thank you very much. We stand adjourned.

*Adjourned accordingly at 3.25 a.m.*