

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2012-2013) 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

36TH Sitting

Friday, 25TH January, 2013

Assembly convened at 2.12 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

Leave to Members

Mr. Speaker: Thank you, Mr. Clerk. Hon. Members, by way of announcement, I would like to say firstly that the Hon. Prime Minister is performing the duties as the President of the Republic and as it is custom, he is absent from today's sitting. Absent as well is our Hon. Minister of Foreign Affairs and the Member, Hon. Rev. Dr. Kwame Gilbert.

Meeting of the Committee of Selection

Mr. Speaker: We are reminded as well, Members of the Committee of Selection, that there is a meeting of that Committee to take place at the interval which is scheduled for 4.00 p.m.

Statements pertaining to some amendments to Brig. (Ret'd) Granger's Motion

Mr. Speaker: I would like to say as well that on the last occasion that we met towards the end, I did make some statements as pertained to some amendments that had been tabled to Mr. Granger's motion. Following those statements, there appeared in the press what appeared to be a disagreement, a dispute between myself and the Clerk. I would like to say, firstly, that if in any

way I made it appear that I had no confidence in the Clerk, that is not so. I have the greatest of respect for Mr. Isaacs, my Clerk, and I am impressed with the work that he does and I thought that I was clarifying and sought only to clarify the issues at the time.

Secondly, as it pertains to the amendments, I have since met with the Hon. Attorney General and we have managed to agree on an appropriate form in which those amendments can be brought. As such, I thought that I should make those statements. Thank you very much.

PRESENTATION OF PAPERS AND REPORTS

The following Reports were laid:

1. Minutes of Proceedings of the 6th Meeting of the Committee of Selection held on Monday, 21st January, 2013. [*Speaker of the National Assembly – Chairman of the Committee of Selection*]
2. (i) Audited Financial Statements of the Demerara Harbour Bridge Corporation for the years ended 31st December, 2003 to 2009.

(ii) Audited Financial Statements of the Cheddi Jagan International Airport Corporation for the period 1st August, 2002 to 31st December, 2002 and for the years ended 31st December 2003 to 2010.

[*Minister of Transport and Hydraulics*]

ORAL QUESTIONS WITHOUT NOTICE

Treated Mosquito Nets to Regional Education Officer in Region No. 8

Mr. Speaker: Hon. Members, earlier this morning the Hon. Member Mr. Bulkan indicated that he wished to ask two questions of the relevant Ministers; the first dealing with, I believe, the distribution of treated nets – anti-malaria mosquito nets, I believe – and the other question is for the Minister of Local Government. I have indicated that I will permit those questions because I believe that they do fall within the interpretation of the relevant Standing Order. You may proceed, Hon. Member.

Mr. Bulkan: Thank you, Mr. Speaker. My question is to the Hon. Minister of Health. I refer to an article in the *Stabroek News* of 21st January, 2013 which revealed that the Ministry of Health had presented 5,000 treated mosquito nets referred to as long-lasting impregnated nets to the Regional Executive Officer (REO) of Region No. 8.

My question to the Hon. Minister is: Why was the presentation made to the REO and not the Regional Chairman or the Chairperson or any other member of the Health Committee of the Regional Democratic Council (RDC), and is this a part of a deliberate strategy to sideline and marginalize the RDC of Region No. 8 who are the elected residents of Region No. 8 and to elevate the role and prominence of the appointed element of the regional administration?

Mr. Speaker: Alright, the second part is more of a statement, but I think the question is, Hon. Minister: Can you give the reason as to why the presentation was made to the Regional Executive Officer as against the Chairman or any other member of the RDC? Are you in a position to answer?

Minister of Health [Dr. Ramsarran]: Thank you, Mr. Speaker, and thank you, Mr. Bulkan, for that question and comment. The report of the 21st came after another report which says that Region No. 7 similarly received a number of nets and the Regional Health Officer (RHO) from Region No. 7 received them. The REO from Region No. 8 received, as did the Guyana Gold and Diamond Miners Association – a private body which received 15,000 nets to be distributed in a particular fashion. I would like to thank the Member for the question because it brings to the fore the massive rollback campaign for the malaria disease that the Ministry of Health is now engaging in.

Mr. Speaker, allow me to say before I come more to this issue – though related – an update on the Waramadong malaria situation. Two days ago, in the evening, I received an alert from the said hardworking RHO in Region No.7 that there might be a little cause for alarm in the schools in Waramadong. Immediately within two hours of receiving that, with the assistance of our patriotic military forces – that is the Guyana Defense Force (GDF) – we were able to organise an airlift for the very next day into Waramadong and we were able to also airlift, through Kamarang, several bails of nets. The nets have definitely generated – the media must note this – legitimate interest because that is one of the means of fighting against malaria.

While I am hearing noises from the wilderness, I want to tell you this...

Mr. Speaker: Hon. Members, we are starting to sound like the British House of Commons now. Dr. Ramsarran, one second. Order! We are starting to sound like the British House of Commons during question time; which is not necessarily a bad thing, but I need to hear the answer as does every Member, the public and the press, so could we allow the Minister to give his answer? The questioner, the Hon. Member, is allowed two supplementary questions to each question.

Dr. Ramsarran: Mr. Speaker that was noise like the malaria mosquitoes we have in the hinterland.

Mr. Speaker: Okay!

Dr. Ramsarran: Thank you, Mr. Speaker. What I want to say is already that team has landed with the assistance of the GDF. I want to thank, particularly, Commodore Best for his quick response and we already have a report here, although the team is still in Waramadong, that there is no cause for alarm. What it shows is that the malaria nets are shared not only to Region No.8 to whomever, but it went to Region No.7. Last year, towards the date for Malaria Day in the Americas, 6th November, we also took nets to Lethem. Lethem received nets and, besides that, an All Terrain Vehicle (ATV) and spray cans.

Mr. Speaker: Minister, could you tell us about Region No.8? I fear that we might end up in Orealla and Siparuta next.

Dr. Ramsarran: Region No.8 has received their first batch of nets and those nets were sent to the Accounting Officer...

Mr. Speaker: Thank you.

Dr. Ramsarran: ...and, Mr. Speaker, if you would indulge me, the REO is the Accounting Officer, he was in town. The RHO for Region No.7 received and this will be an ongoing campaign.

I want to tell you too that the Guyana Forestry Commission, the Guyana Forestry Producers Association and many other private associations with interest in the forests, the jungles and the

mining areas where malaria is prevalent are part of this PPP/C private/public partnership with community involvement. Thank you, Mr. Speaker.

Mr. Speaker: Thank you.

Mr. Bulkan: The first follow up, please, Mr. Speaker. I note that the Hon. Minister has not answered my question. Nonetheless, I noticed that he made reference to a similar donation to, as he said, the Regional Health Officer of Region No.7. Again, by his own admission, the Minister reveals that the presentation was made by an appointed element of the regional administration and not the elected element, who is the RDC of Region No.7.

In the very *Stabroek News* article, the Chief Medical Officer, Dr. Shamdeo Persaud, who handed over those nets to the REO said that similar presentations – the Minister also referred to it a moment ago – of nets and other equipment to address malaria eradication will be made, and it is noteworthy, to the GGMC, the Guyana Geology and Mines Commission, the Guyana Women Miners Association, the Guyana Gold and Diamond Miners Association and the Forest Producers Association. My question, Hon. Minister, is why are the RDCs, the elected element of the regional administration, being sidelined? Thank you.

Dr. Ramsarran: Mr. Speaker, obviously something is amiss since the Hon. Member missed the clear answer which I gave while giving a proper explanation as to the great effort that the administration is making with its partners. This is a partnership. 85 percent of those with malaria come from the Mining Community. We have engaged the miners. I want to thank the Guyana Gold and Diamond Miners Association for accepting the 15,000 and for giving us a good response and for actually taking our forms for accountability as to how they will be distributed.

The other agencies, for example, I know, the Guyana Forestry Producers Association did not come to the event. We have their nets. What they will do is to send them to the foresters who are also exposed to malaria.

Hence, to repeat the answer which the Hon. Member missed, the Region No.8's REO is the Accounting Officer and I am happy to have sent them there. Similarly, Dr. Shamdeo Persaud, who is a statutory officer of the Government, has a right to pronounce on malaria and to deliver on my behalf, nets which he will be doing more frequently.

Mr. Bulkan: Mr. Speaker, I note the answer of the Hon. Minister, but I regret that he has not answered the question which is: Why is the elected element of the regional administration, those persons whom the residents of those Regions have placed their confidence in to lead them, being sidelined?

Dr. Ramsarran: Mr. Speaker, I think that you will need to probably advise and guide the gentleman that the question has been answered...

Mr. Speaker: Hon. Members, I am not even hearing... I need to hear your answer, please. Minister, could you repeat that answer loudly.

Dr. Ramsarran: I am advising or asking for you to advise that the question has been adequately answered, extensively answered. The REO is the executive officer. The RHO is the health officer. The question of giving to the GGMC: They are the legitimate representatives of a lot of miners. That is the answer.

Mr. Speaker: Thank you. Ms. Marcello, did you need to ask a question on this issue?

Ms. Marcello: Yes, Mr. Speaker. Thank you. I heard the explanation from the Minister and I would like to know, since the nets were distributed to the REO, why is it that he decided to store them in a drug bond and not the regional administrative bond? Secondly,... [*Interruption*] Excuse me. Give me a chance to speak. ...to control the key to the pharmacy bond thus, causes a breach of Pharmacy Practitioners Act, 2003.

Mr. Speaker: One second, Minister. Hon. Members, the question as to why the REO is storing this in bond "A" as against bond "B", I would say is not something that the Minister can answer, but if the Minister feels brave enough to want to venture an answer he may, but I am saying that he is not obliged to provide an answer to that because it has been handed over and if it has been handed over, the person who is the custodian of it may be storing it properly or improperly, I do not know, but I do not know whether... What I am saying is that it is not a question for a Minister to answer when he hands over the nets as to where the nets are stored, but if the Minister wishes... If you have knowledge about the storage and you wish to venture an answer you may do so, but I am saying to you that you are not obliged to answer that.

Dr. Ramsarran: Thank you, Mr. Speaker.

Mr. Speaker: On the other one, however, as to whether or not the regulations of certain acts and regulations are being violated and contravened, I believe that you do have a duty as the Subject Minister to make an answer to that.

Dr. Ramsarran: Thank you, Mr. Speaker, for your superior guidance and I think that we can rest the matter at that. Thank you.

Mr. Speaker: The second matter on the contravention of the “Pharmacy Act”, I believe, could you offer a comment on that one?

Dr. Ramsarran: From speaking now and I will ask your indulgence to consult more learned people in this regard, I do not see it being a contravention of the Pharmaceutical... It is pharmacy and medical supplies and this is a treated net. It has a pharmaceutical product in it and I am happy that the REO did store the stuff under lock and key in a government bond. That is what is important. I do not think, speaking now on my feet immediately, that there is any infringement, so probably; the learned Parliamentarian can give us exactly where her discomfort is with how the law is administered and the actions taken by the REO.

Mr. Speaker: Thank you.

Dr. Ramsarran: I think that his actions were legitimate and in the interest of its constituents to store the nets properly in a proper bond called “the bond” that she referred to. Thank you.

Mr. Speaker: Hon. Members, again I encourage you to meet during the recess to speak with each other. Some of these things could be addressed so, I invite Ms. Marcello to speak with the Minister to have these matters rectified.

Statutory Meeting of Region No. 8

Mr. Bulkan: Thank you, Mr. Speaker. I have a question for the Hon. Minister of Local Government and Regional Development. Is the Minister aware of the reason or reasons why the statutory meeting of the RDC of Region No.8, which has been due since November 2012, has not been held? If the Minister knows, when will the next statutory meeting of this council will be held?

Minister of Local Government and Regional Development [Mr. G. Persaud]: Thank you very much. Mr. Speaker, let me thank the Hon. Member for raising the issue. It is unfortunate that he did not seek to give me a call or an e-mail as he has been doing frequently up to yesterday. [Ms. Kisson: So what happen? He did not feel like...] My response... That is your matter with your feelings. Control it, manage it.

Mr. Speaker: We will put aside the feelings for each other for now. Put them aside for today.

Mr. G. Persaud: Mr. Speaker, now that I have the question, I will seek to follow with the REO of Region No.8 and get a response. I do not think that I can offer more at this stage, as I said. [Ms. Ally: You do not know why?] I do not know whether there is accuracy in the question asked, so it needs to be investigated. Thank you, Mr. Speaker.

Mr. Speaker: Thank you.

Mr. Bulkan: Thank you, Mr. Speaker. The Hon. Minister has asked why I chose not to make a direct enquiry to him and to use this forum. The reason, Mr. Speaker and Hon. Minister, is that the Regional Chairman of Region No.8 sought to engage the Ministry through the REO by way of letter in November of last year as well as before and subsequently; a letter that was copied to the Cabinet Secretary, Dr. Luncheon, the Chairman of the Public Service Commission, the Minister's Permanent Secretary and others...

Mr. Speaker: Frame it as a question, Mr. Bulkan, please.

Mr. Bulkan: ...in which these very questions were posed and to date, there has been no answer.

Mr. Speaker: Is your question then: Is the Minister aware of this correspondence and why it has not been acted upon?

Mr. Bulkan: Well it was sent to the Minister's Permanent Secretary, so I would imagine that the Minister...

Mr. Speaker: Minister, are you aware of this correspondence and why it has not been acted...

Mr. G. Persaud: Mr. Speaker, if I was informed during today with regards to those questions, I would have been able to provide some answers, but to turn up here and then be asked a question

with several follow-ups on things that were sent to other people other than myself, I will provide the response in due course.

Mr. Speaker: Thank you, Sir, very well. Hon. Members, these are questions that have come without notice and we are not in the habit of pre-warning or informing the Ministers and so, as was the practice when other Speakers presided, if the Ministers are taken by surprise, and have been asked for an opportunity to provide the answers that is fair and reasonable and I will have to give it because you cannot expect to turn up, indeed, and be taken by surprise by something.

Mr. Nagamootoo: Mr. Speaker, just to follow up on the last question since the Minister would be given time to respond to these matters. In relation to the dereliction of duty by this particular Regional Executive Officer for not summoning statutory meetings of the council, is the Minister aware that a vote of no-confidence has been passed against this REO supported by a majority of the members of the RDC? A copy has been sent to him.

Mr. G. Persaud: I must thank the Hon. Member for the statement, not a question. I am aware of the incident that the Hon. Member has shared with us. Thank you.

Mr. Speaker: Thank you.

Deputy Speaker [Mrs. Backer]: Mr. Speaker, I just want to know, in view of the Minister saying that he will provide the answer at some time and... [Mr. Benn: In due course.] ...in due course. Thank you for that big correction. He will provide it in due course and taking into account Standing Order No. 18 which speaks about Oral Questions without Notice and this question was approved by you, Sir. I wonder if you could use your good office to get a timeframe from the Hon. Minister as to when he will provide the answers to the questions rather than “in due course”.

Mr. Speaker: Hon. Deputy Speaker, I can tell you that this Minister has always been forthcoming and without me having to enquire, sometimes within a day or while the Sitting is on, the answers are provided, but indeed, Minister, can you say when you will be in a position to answer?

Mr. G. Persaud: By the next Sitting, Mr. Speaker.

Mr. Speaker: Thank you very much. We may proceed.

INTRODUCTION OF BILLS AND FIRST READING

The following Bill was introduced and read the first time:

SUPREME COURT OF JUDICATURE (APPEAL) (AMENDMENT) BILL 2013 – Bill No. 6/2013

A BILL intituled:

“AN ACT to amend the Court of Appeal Act and the High Court Act.” [*The Attorney General and Minister of Legal Affairs*]

PUBLIC BUSINESS

PRIVATE MEMBERS’ BUSINESS

BILLS – SECOND READING

FORMER PRESIDENTS (BENEFIT AND OTHER FACILITIES) BILL 2012 – Bill No. 29/2012

A BILL intituled

“AN ACT to provide benefits and other facilities for Former Presidents.” [*Mr. Carl Greenidge*]

Mr. Speaker: Thank you. Hon. Members, we will now proceed with the second reading of the Former Presidents Benefits and Other Facilities Bill, 2012, Bill No. 29/2012. I call on Hon. Member Mr. Carl B. Greenidge to proceed.

Mr. Greenidge: I thank you very much, Mr. Speaker. I am honoured to have the privilege to present this Bill especially because the 2011 Elections, if it established anything, was a commitment on the part of the Members on this side of the House to deal with certain issues of governance pertaining to lawlessness and abuse of power. In this regard, there was extensive debate, as you would know, across the country in connection with the legislation passed in 2009

pertaining to benefits and other facilities to be made available to the then outgoing President of Guyana.

The election debate, as I have signaled, in effect gave these Parties in this House a mandate to address this grievous issue and I am pleased to be able today to say to you that the delay involved in getting this specific Bill to the House today was the result of efforts to ensure that there was a common understanding of what was required and to ensure that, having passed a motion on this matter in 2012, the Bill conformed in its entirety and scrupulously to the motion that was passed. The issues of what the three elements of the motion were and the three resolutions arising from the motion was the subject of some exchange when we considered the first reading of this Bill, so I shall not go there again, but I would like to say to you that in effect, this Bill has two main elements. One is that it seeks to repeal the former Bill of 2009 and, in addition, it seeks to remedy the deficiencies of the old Bill. Those are the two basic purposes behind the drafting and the laying of Bill No. 29 of 2012.

2.42 p.m.

The Bill, first of all, I think, is based on an assumption, very clearly, that the Constitution, itself, provides for a pension for the President. It provides a pension for the President. As I indicated the formula for that pension is a rather generous one which will eventually result in a president who may have served as short a period as a day receiving a pension that is seventh-eighth of the salary of the incumbent President. Since that salary is subject to increases, the pension, which the former Presidents will be due to receive, can, in fact, exceed the salary that he would have received when the President demitted office.

It is also the case that in arriving at the formula it would appear to have been the result of some rather self-serving moves. As you know, the emoluments of the members of the judiciary were first amended and then the seventh-eighth level was set. Then the Presidents' pension was adjusted to link it directly to that of the judiciary. This had not been a principle that we had embraced prior to 2009. As I am saying, it would appear very much to be a self-serving piece of legislation geared to providing exceptional benefits to the President at a time when he was anticipating leaving office soon after.

In other words, Mr. Speaker, the level of the pension itself is exceptionally generous, by most standards and, as you know, this one has been the subject of a court case. The ruling by the Chief Justice was rather interesting. He contended...and I would like the Government to bear in mind that this is a formula that could probably serve us in other regards in the future. In effect, what the Chief Justice did in arriving at his decision was to point to the Constitution, suggesting that the Constitution provides for the Government to be able to legislate in a manner that would enable them to make laws for the peace, order and good government of Guyana. It is in that context, no other context, that he seemed to have had no difficulty with attempts to add to the pension which was legislated for in the 2009 legislation. All I would say is that that particular reference is so wide as to be almost meaningless. It covers almost anything and this clearly cannot be a guide for us in looking at that issue.

What basically we are saying is that it seemed unlikely that the drafters of the Constitution had in mind anything more than the pension when they agreed to set the level which they did. The point is, however, in trying to add to the benefits that a President would attract benefits, benefits additional to the pension, there is, in 2009, a piece of legislation which was badly drafted. I am sorry to make a comment such as this, as a layman with no experience whatsoever in drafting, but as regards the drafting of this legislation, it is bad in the sense that it is rather exceptional to draft legislation that commits a government to provide facilities and services which are unlimited, unquantified and uncapped. Therefore that is the first issue. For that reason we have proposed in this legislation that all the benefits identified by the drafters and the House in 2009 be capped. We have not removed any of them, but we have sought to cap every single one of them.

As regards the specific benefits themselves, I would contend that whilst I agree that it ought to have been sufficient to provide the pension at the level that it has been set, which I believe currently generates somewhere in the region of G\$1 million, it is important that the additional benefits, which are worth consideration, would be in relation to security, which clearly the pension does not explicitly provide for and for medical treatment. Those two have been capped but not to the extent that the other benefits have been capped. That is what I want to draw to the Members attention, that one bears in mind, first of all, that the level of pension is generous enough to have really required no supplementary benefits. Given that they were provided in

2009, notwithstanding that one does not accept the specificity of the rationale set out by the courts in going beyond the pension, one could argue that two of them, could be worth consideration, namely the security and the medical benefits. It is worth bearing in mind that elsewhere, and in the United States of America in particular, Presidents who, unlike ours, were subjected to greater risks on their lives do not have lifelong security details after they have left office. In our case we are seeking to provide lifelong everything after they have left office. Therefore that is one of the issues which are dealt with.

Mr. Speaker, as regards the level of the pension itself, let me just remind you that there are a variety of special offices in this country captured in legislation and considered worthy of special treatment, because of contributions those offices make to the running of the State and our own general welfare, and nowhere can one look at them and justify the differences in the level of the pension paid to the President and those received by other officials, including former Members of Parliament. Those issues need to be considered, but this is not a Bill that deals with that. I mention it just to say to you that that is to be the subject of consideration of the Special Select Committees, which have been established by the House, to look at two sets of legislation. In this particular case our task is to bring some order and some reasonableness to the other benefits associated with the former President. In that case we have – I am not going to go through all of the details – it is to simply capped them in a way that will not do damage to the general principle of a President, that is, that he should be able to, in the period beyond his time in office, live in dignity in a manner befitting the former office and not have to resort to securing incomes or seeking assistance in a way that will cause embarrassment to the office.

Outside of those it is, I think, very important to note, as was drawn to the House's attention during the course of the debate in 2009. that the way the legislation is drafted, apart from giving uncapped benefits, is in general, perhaps, unusual in that whatever happens, whatever the President does when he demits office, he will receive these benefits. It is also the case that whatever activities he is engaged in, the 2009 legislation seems to envisage that he will have tax free benefits, whether it is in relation to motorcars or anything else, and that I could not see the justification for. What we have sought to do in this new Bill is to ensure that the circumstances under which a President will continue to receive these benefits are clearly set out. In other words, they are conditional benefits.

I would like to draw to your attention, Mr. Speaker, that I would crave your indulgence so that we could make a slight amendment to section 4 of the draft Bill. Outside of that, what I am saying is that the purpose is to ensure that the President is engaged in business activities, trading, and commercial activities, then tax free benefits as well as these additional benefits would not be enjoyed by the person in office. That is set out in section 4. You will note, also, that future changes in the legislation are envisaged to be subject to an affirmative resolution rather than a negative resolution because it is something that is important. It was certainly important politically going into the last election and, therefore, it should be something explicitly approved and modified rather than something simply modified at the hand of a Minister without him having to provide explicit justification to the House.

Mr. Speaker, if you will permit me to just recap very quickly, I am saying that the two broad purposes of the legislation before us have been met, mainly to ensure that the Bill itself of 2009 is repealed.

Secondly, the benefits associated with the office former President, in addition to the pension that the former President receives, are capped, quantifiable, and quantified so that we know what they are at any point in time and that they are quantified in a way that is consistent with the Government's own resources and capacities because those capacities are not unlimited.

The question of whether there is any threat to the legal principle of accumulated benefits, I am arguing, as I did indicate before, that it is inconceivable that one can argue that something has accumulated benefits and one is unable to specify what those benefits are. They cannot be unquantified and they cannot be uncapped because they come from resources which are the State's resources. The State's resources are finite; they are limited; they are quantified in an appropriation Bill every year. Therefore benefits to be paid out from that have also to be quantified. Notwithstanding the diversions of our colleagues from across the room, Mr. Speaker, the fact is that was a major consideration that we set out to achieve.

In addition to those I am saying that the receipt of the benefits is also to be made conditional on other things, such as what other economic or financial activities, a President or former President is engaged in at the time. I hope that those explanations serve to satisfy the concerns and to clarify a number of the points which were raised in the earlier debate. I look forward to hearing

constructive contributions, from both sides of the House, intended to deal with a very important issue in any country and the need I have stressed to know very clearly what is it the House commits itself to is very important.

I thank you very much and I commend this Bill to the House.

Mr. Speaker: Mr. Greenidge, just before you take your seat, Sir, just for my edification, what happens if a former President is invited to travel to lecture and receives remuneration? Is that a consideration?

Mr. Greenidge: Mr. Speaker, if I might just say to you that in the case of the United States of America a debate arose over the fact that taxpayers were being called upon to fund to a level that was quantified, the activities of at least one former President when that former President's income from his lecture series was quite substantial. Clearly, the Bill, as it is drafted, does not envisage penalising a President for revenues accrued from one-off lectures associated with his experience but so far as his continuous income or if it is a paid job...

Mr. Speaker: Again, for my own edification, what if there is a threat assessment against a President which is great so as to require more than two members of the presidential guards. How do we as a nation respond to such an eventuality?

Mr. Greenidge: Mr. Speaker, my view – I am sure that I have colleagues who when they speak may address this is – is that for a former President he will be assigned, and is currently assigned staff by the security services, a minimum number of staff as set out here, as I have been advised, is satisfactory to meet his needs. In the event that he needs any more domestic staff or any additional security staff, it can be met from the income that he receives by way of a pension and the other things.

Minister of Housing and Water [Mr. Ali]: I have listened very carefully to the Hon. Member Mr. Carl Greenidge as he sought to justify this Bill which, in my estimation, seeks to strip any former President of his or her dignity and seeks to strip any former President of his or her constitutional rights and of his or her natural rights. Also, this Bill acts as a demotivation to young, qualified, substantial members of our society who seek to work towards becoming President of the Co-operative Republic of Guyana.

I recall the Prime Minister of Jamaica recently making a very important statement for regional politics. She was speaking about Jamaica. She said that if the Government does not treat its Cabinet members with a certain level of respect and a certain level of dignity, then she is afraid that Government can lose its ability to attract qualified and dignified personnel to serve nationally.

We have to be very careful that when we draft legislation to ensure that it does not work as a disincentive and it does not trample upon the constitutional rights of any individual, more so former Presidents. If one takes, for example, this Bill which is before us, section 3 (a) states:

“payment in respect of expenses, not exceeding five thousand dollars incurred for the provision and use of water, electricity and telephone services at his or her habitual place of residence in Guyana.”

Let us for one moment believe that this Bill was brought to ensure that the dignity of the President is preserved; and let us for one moment believe that the intention of this Bill is true, to put caps and secure the dignity and pride of a President or former President, how did the Hon. Member arrive at five thousand dollars? How did he arrive at this cap of five thousand dollars? Let us take five thousand dollars and let us assign a value to five thousand dollars. Let us see what we will accomplish. We would give the former President an allowance of one thousand dollars every month for his water

Mr. Speaker: Hon. Minister, the only thing I can think about is that, maybe, there is an anticipation that your Government will bring down the cost of living so that those matters can be taken care of. Go ahead Sir.

Mr. Ali: Mr. Speaker, you do not have to anticipate that. This Government has brought down consistently the cost of living and this Government... You must not forget, Mr. Speaker, that this Government brought inflation down from one hundred and nine per cent to 4.5 per cent; this is the Government that brought interest rate for housing from 39.5 per cent to 4.5 per cent; this is the Government that brought industrial interest rate down from forty-two per cent to 11.5 per cent. These are the evidence to substantiate what you are thinking.

I do not want to be derailed, but I am examining this five thousand dollars. The former President is given one thousand dollars for water and he is given two thousand dollars for electricity. If the non Linden rate for electricity is taken, it works out to forty-eight dollars and forty-two cents per kilowatt hour. The President then will be entitled to thirteen hundred watts of electric power per month. Thirteen hundred watts of electric power per month works out to be two security lights. The former President is entitled to one thousand dollars worth of water per month. If the cost of water in which we use in one sitting is added, one would see how far it exceeds that. He is entitled to two security lights. He is entitled to the remaining two thousand dollars for telephone charges. He is then entitled to twenty-two minutes of phone calls.

Here it is that we are singing praises in this National Assembly that we want to treat our former Presidents with dignity and honour and we want the world to respect them, we want our people to respect them, we want to motivate people to become Presidents, we want to retain highly skilled people in public service, and what we are giving a former President, when he or she leaves office, are twenty-two minutes of phone calls, two lights and one thousand dollars worth of water. That is what we are giving a former President. This is what the Hon. Member described as dignity. I describe it as utter disrespect and disregard for any former President of this country. [Mr. Greenidge: You give the old-age pensioners the same thing.] Let us talk about old-age pensioners. If the scenario at Linden is used, a pensioner is entitled to one hundred kilowatt hours of free electricity. Let us talk about the pensioners. This is what is established already for the ordinary citizens of this country and what we want to do is make a former President, whether it is former President Jagdeo or whoever, a pauper and someone who has no dignity in the society.

Let us go on to Section 3 (c). It states... [*Interruption*]

Mr. Speaker: Order! Order! Order! Minister, please proceed.

Mr. Ali: Section 3 (c) states:

“services of clerical and technical staff, not exceeding three persons, if requested, provided that such staff are retained for the purposes related to the status of Former President or to any State related task or assignment which may be assigned to the former

President officially and for which no additional remuneration is payable; but such purposes shall not include or relate to any political assignment;”

I believe that a former President has equal rights as any Guyanese to have a political view. I want the Hon. Member to explain to me how he defines a political task and how is it different from a State’s task assigned by the President.

If politics is defined then what I think this Bill is seeking to do is to muzzle the former President, to take away any political view or any political position of the former President.

Mr. Speaker, let me give you a practical example of how this Bill is discriminatory in nature. Look at the former Leader of the Opposition.

Mr. Speaker: Which one?

Mr. Ali: It is the immediate former leader. He benefits from his pension and we all know that he is still active politically. We all see him making political statements and taking on political assignments from his party but we do not object to that because it is good when there is an experienced political person continuing to contribute to the political life of a country.

3.12 p.m.

I have never seen any Member of the Opposition opposing the immediate former Leader of the Opposition receiving his pension and practising law in which he receives superannuation.

I have proved that this Bill is also discriminatory. The Bill is discriminatory. The Bill is discriminatory in its very nature. Let us take... [**Mr. Ramjattan:** We are not giving him staff to do his political work.] I believe that we all must have equal rights.

Let us take a former Chancellor. A former Chancellor retires. He receives his pension, all his benefits as former Chancellor but is still practising law in some cases or working in aspects of the judiciary that requires his skills in law. There is a former President who receives his constitutional pension and he works in an environment in which his political skills and political...

Mr. Greenidge: Mr. Speaker, on a Point of Order, may I just draw the attention of the colleague that the Bill deals with benefits? Nowhere does the Bill suggest that the pension of a President is to be modified when he is employed. You raised the question a minute ago, Mr. Speaker. It did not apply to pensions. You did not ask me about pensions because it is not in the Bill. Please, can the speaker refrain from misleading the House?

Mr. Speaker: I will allow the speaker to set his arguments in context and you are given the right to rebut. Your colleagues may also rebut, but I will not restrict the Member from making his statements.

Mr. Ali: Mr. Speaker, clause 3 (c) states very clearly:

“...State related task or assignment which may be assigned to the former President officially and for which no additional remuneration is payable...”

A former Chancellor is assigned the task of Chairman of the Police Complaints Authority. He is paid at the Police Complaints Authority. What about if a former President is assigned the task of Chairman of an economic commission or the Chairman of a political commission and he is paid for that task? This Bill is stating that he should not be paid for that task, that he should not derive any payment or additional funding for that task. I am saying that that is discriminatory and that would definitely impact on his benefit.

Let us take, for example, former President Jagdeo. I am giving a practical example. This is a man who has received international awards and he is serving on many international commissions and boards. How can we assign the value Guyana gets from his participation? How can we assign a value to his contribution internationally to Guyana and the people of Guyana? If what he is doing there is expanding Guyana's reach, creating awareness and bringing attention to Guyana, why is it that we must try to derail this? We are derailing it by saying if he takes on these responsibilities he cannot get any benefits that come with the responsibility. That is what we are saying. If the former President is to be nominated as the Secretary General of the United Nations and he becomes the Secretary General of the United Nations, what should he do? *[Interruption from the Opposition Members]* **[Lt. Col. (Ret'd) Harmon:** He will not need the pension then.] He should then refuse the payment that comes with that position or, as the Members are

heckling, he should give up his pension. [Mr. Greenidge: We never said that.] You are heckling that.

I wish to go to clause 3 (d):

“free medical attention and treatment or reimbursement of medical expenses incurred by the Former President or his/her spouse or entitled child provided that (i) if such attention and treatment are sought outside Guyana only if unavailable in Guyana at governmental institutions or at private sector facilities if unavailable in governmental institutions;

(ii) further the aforementioned benefit shall only...”

Listen to this.

“...be applicable to natural children of the Former President and spouse, below the age of eighteen years subject, however, to a financial limit of two hundred thousand Guyana dollars annually;”

Let us examine the nature of this Bill. The inherent silent intention of this Bill is not only to strip the former Presidents, but to disgrace them.

To restrict the benefit to only natural children of the former President and spouse is tantamount to outright discrimination and a blatant disregard for the provisions and intention and purpose of the Adoption of Children Act, Chapter 46:04, which makes provision, under section 17, for the rights, duties, obligations and responsibilities of the natural parents or guardians of the child to be vested exclusively in adopters as if the child had been born to him or them in lawful wedlock. In the haste to bring a Bill that strips the President of every dignity, they are now going blatantly against Section 17 of the Adoption of Children Act, where they are saying that natural children... If the President adopts someone as a child, that person cannot be covered here. That child cannot be covered here.

Mr. Speaker: Mr. Ali, former President Burnham had adopted Kamana. Kamana Burnham became a fully-fledged member of the Burnham family by adoption.

Mr. Ali: Mr. Speaker, if former President Burnham was here when a Bill such as this was being passed, then we would have been in serious problems because this Bill is seeking to strip that child of his or her rights.

I would like to see what the Rights of the Child Commission has to say about this. I would like to see what the Human Rights Commission has to say about this. Here is where we are coming to this National Assembly to pass a Bill that is taking away the rights of the child, that is seeking to reject and strip the rights of that child; a Bill that is creating a distinction between a child born in wedlock and a child that is adopted. This is a sad day in the history of our country. This is a day that I dread. This is a day I thought that would have never occurred in a modern day democracy!. Today we are asked to support a Bill, in this National Assembly, which seeks to take away the rights of a child. Never on this side of the House will we ever take away the rights of a child. That can never occur and will never occur in this Government.

Mr. Speaker: Hon. Member, take it easy. I would not want anything to happen to you here this afternoon. Please relax. Minister Ali, take it easy. I would not want you to collapse here this afternoon.

Mr. Ali: Mr. Speaker, this issue hurt the Government deeply because it is this Government that sought to create modern legislation to protect the rights of every child and we cannot allow such rights to be taken away. *[Interruption]*

Mr. Speaker: Hon. Members, whether a Member of the House rises or not, I will say, by way of clarification, that adoption laws have always existed in this country and predated this and even the former administrations. I believe this Government did update those laws but we have had adoption laws.

Mr. Ali: Mr. Speaker, further, the provision is not in conformity with the Status of Children Act 2010 which makes provision for every child to be regarded as equal, regardless of whether he or she was born in or out of wedlock.

Article 149E (1) of the Constitution of the Co-operative Republic of Guyana states:

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

The Bill even goes one step further and states additionally that should a child have medical treatment that exceeds two hundred thousand dollars annually, it will not be covered. Mr. Speaker, are we, in this House, going to define whether a child is born with a particular sickness? Are we going to define and limit a child to two hundred thousand dollars, regardless of the medical condition? *[Interruption]*

Mr. Speaker: Hon. Members, could we allow the Minister to speak rather than engaging him continuously, such as this? Allow Minister to speak please. Proceed Minister.

Mr. Ali: Yes Mr. Speaker. We cannot approve a Bill here that tries to predict the extent of an illness; that tries to predict the extent of medical intervention and care. To do that will be a great injustice on that child. To do that will be a great injustice on that former President.

Clause 3 (e) reads:

“full time personal security not exceeding two persons including the services of the Presidential Guard Service at the place of residence of the Former President;”

The Hon. Member gave an example of the time limit placed on former Presidents. This is so vindictive. Former President Hoyte, former President Arthur Chung and their spouses enjoyed security at varied degree and level provided by the State and issued on the advice of the Commissioner of Police. We cannot determine, in this House, a security matter; we cannot determine the extent of threat, in terms of the former Presidents’ security; we cannot determine what level of intervention is required for his or her security. That is a matter exclusively in the hands of the competent personnel of the Guyana Police Force. Why is it that we want to tie the hands of the competent authority in saying that it must not exceed this? Is there a plot a foot? Is there an effort here to compromise the security of the former President?

We have seen the dreadful result of a lack of security on the life of a former Minister and his family. **[Mrs. Backer: So what?]** I am saying that this House is in no position to determine the level of security or level of intervention that is required, by the security forces, for a former President.

The Bill tried to put in a goody – toll free road transportation in Guyana. Every single Member of Parliament here enjoys this benefit. Senior public servants enjoy this benefit.

Clause 4 (1):

“A Former President shall cease to be entitled to the benefits and other facilities provided by the Former President (Benefits and Other Facilities) Act 2009 as amended by this Act if the Former President engages in business, trade or paid employment or is charged with a criminal offence...”

It is not convicted. What is it called - a presumption of innocence? Listen to how vindictive it goes.

Mr. Speaker: Hon. Member, your time is up. You can seek an extension.

Minister of Agriculture [Dr. Ramsammy]: Mr. Speaker, I move that the Hon. Member be given fifteen minutes to continue.

Question out, and agreed to.

Mr. Ali: Lest we forget, natural justice is a fundamental tenet of any modern democracy and forms a fundamental pillar of the Constitution of the Co-operative Republic of Guyana. In simple words, a man is presumed innocent until proven guilty. [**Mr. Greenidge:** What does that have to do with it?] “What does that have to do with it?” You do not even know what you wrote.

He is seeking here to say that the former President is no longer entitled to that benefit if he is charged, not convicted. Here it is that the Hon. Member is comfortable taking away the constitutional rights of a former President. What the Hon. Member has done is to show his hand. His hand is not clean on this matter. The Hon. Member has ulterior motive. The Hon. Member was vindictively drafting this Bill. The Hon. Member was seeking to remove the dignity and pride associated with the office of the President when he drafted this Bill.

In closing, so that we can have a holistic view of the benefits derived and benefits given to various office holders, I wish to look at the same Bill that provided to the Leader of the Opposition under the Leader of the Opposition (Benefits and other Facilities) Act...

Mr. Speaker: One second. There are three or four debates going on and I am not hearing you as clearly as I ought to and would like to. I am asking for silence so that we can hear Minister conclude. Thank you. Go ahead.

Mr. Ali: The Leader of the Opposition (Benefits and Other Facilities) Bill 2010 includes:

- Rent free, furnished office accommodation.
- Medical attention, including medical treatment or reimbursement of medical expenses incurred by him for himself and the dependent members of his family - no cap. The dignity of the office is respected here. And who drafted this Bill? It was the Government of Guyana - the PPP/C Government.
- Thirdly, Bill includes full-time security at his personal place of residence. It did not say one or two – full-time security at his personal place of residence. It goes beyond, that the Office of the Leader of the Opposition to be provided with security by the Guyana Police Force.
- Fourthly, the services of a research assistant, an executive assistant secretary, a clerical office assistant, a chauffeur, a personal security officer, a gardener and two domestic servants.

This is what the Bill outlined for the Leader of the Opposition and I am happy that he is enjoying those benefits.

Salary, vacation allowance and parliamentary benefits equivalent to those of a Cabinet Minister are included. [**Mrs. Backer:** What is wrong with that? He should get more.] Nothing is wrong with that. What is wrong is the level of vindictiveness, the level of disregard, the level of disrespect, and the level of venom which came in the drafting of this Bill which seeks to strip the former Presidents of this country of their dignity.

I conclude by saying that we should never support this Bill that seeks to take away the rights of children; that seeks to strip the former Presidents of their dignity and that seeks to disregard the constitutional rights of a former President. No way can we support this Bill.

Thank you. [*Applause*]

Dr. Roopnarine: Before addressing some of the points raised so robustly by the Hon. Minister Irfaan Ali, I wish to, first of all, clear away for us some of the concerns raised by you, yourself, Mr. Speaker, when this matter was first brought to the National Assembly in a motion by the Hon. Mr. Greenidge, seeking the leave of the Assembly to move the first reading. You may

recall, Mr. Speaker, that in your own ruling of, I believe, the 22nd October, you had indicated your concern that the Bill before us would run the risk of, in effect, having what I think you called the risk of being a concurrent initiative given the fact that a Special Select Committee had been established. I want to, as I said, begin by clearing away what I regard, if I may be so presumptuous, as something of a misunderstanding of the motion.

Mr. Speaker: I had addressed that with Mr. Greenidge quite successfully and, hence, I allowed the Bill to proceed. That day it was not distributed. I think I showed them to Mr. Greenidge and a few Members, raising them as concerns but not making official rulings. I appreciated the argument that, in fact, there was a clear distinction between the benefits and this Bill. I accepted Mr. Greenidge's argumentation.

Dr. Roopnarine: I would not have sought to raise this again, Mr. Speaker, other than the fact that my friend, the Hon. Member Ms. Teixeira, at the last sitting had, in effect, argued that the motion being out before the House, seeking a first reading, basically on the same grounds that the matter had already been referred to a Special Select Committee and, as the Hon. Member pointed out, the Government had willingly engaged with the Special Select Committee and she regarded it as, I think, a breach of good faith that we were now engaging in an attempt to bring this particular Bill. If we are all agreed that there is no conflict between the Bill that is presently before us and the work of the Special Select Committee, I think we can proceed.

The simple truth, of course, is that the Bill before us does not, in any way, replicate the work of the Special Select Committee. That Committee has its tasks and those are, it seems to me, mostly of a rather technical nature and I was relieved that the Special Select Committee was being relieved of having to deal with the issue of benefits because it had the merit of relieving the Special Select Committee of the kind of political overburden that this Bill clearly has.

On the substantive matters of the Bill before us, I had previously argued, in my contribution to the debate on the 2nd August, that many of the caps that we are seeking to impose really are not so strange. They exist in other jurisdictions and I had given the example, at the time, of the United States of America itself. For instance, on the issue made much of about the silencing the President in relation to political expression, and so on, the fact of the matter is that in the United States of America provision there is also an arrangement made whereby the former President

would be restricted. It says here clearly and I had not quoted this section in my previous presentation. I quote from the document here which is the *Congressional Research Service (CRS) Report for Congress, Former Presidents: Federal Pension and Retirement Benefits*. It states here:

“The FY 1995 Treasury, Postal Service, and General Government Appropriations Act (108 Stat. 2410) prescribes the use of funds for allowances and office staff of former Presidents for partisan political activities.”

3.42 p.m.

All it is attempting to ensure is that the benefits that the former President had coming to him or her were not used for partisan political activities and that is essentially an administrative restrictions. A Bill of theirs was dealing not only with caps – it did deal with caps – but it also dealt with some administrative constraints that were placed on the benefits. In other words, saying that these benefits would be given in relation to staff, and so on, provided that the President does not use them for partisan political activities. That was the intention there and, I dare to say, that it is the intention here, and perhaps the phrasing is something that we may want to look at.

I want to deal with some of the issues raised by the Hon. Member who preceded me. The issue of demotivation: Let me try to deal with this, first of all. The Hon. Minister made much of the fact that by seeking to do what we are doing, which is to quantify and impose some limits on these benefits, was demotivating to young people who might aspire to be Presidents. My hope is really that people who want to get into politics and public service would do so not because of the offer of unlimited pensions and benefits, but would do so - as I am sure my honourable friend did, not because he anticipated that he would become a Minister or he would earn money he entered into political activity, I hope - out of conviction, and so on. I do not believe that this particular argument holds much water. The idea that we would be disincentivising young people is one that I think is not a worthy argument.

On the issue of the five thousand dollars, I thought it was made clear that if for all that the President was going to receive was what is stated here, in this particular Bill, then I agree that five thousand dollars would be derisory. In point of fact the fulsomeness of the pension that he

would be receiving has to be taken into account and, I think, the meagre amount that is coming out of the actual benefits has to be seen in the context of an already fulsome pension. This Bill is not seeking to affect the pension of the President. The pension of the President and other... [Mr. Ali: How do you know...[inaudible]?] I am not the one who is linking it. You are the one that, I believe, Mr. Speaker...

Mr. Speaker: Minister Ali, when you spoke I did my best to protect you and I am asking you to accord the same protection and assist me please by allowing Dr. Roopnarine to complete. Reciprocate please.

Dr. Roopnarine: I was making the point that if the... [Mr. Lumumba: You were linking it.] No. If the former President were receiving only what is stated in this Bill, then I dare say that five thousand dollars to pay his telephone and electricity, and so on, would be derisory. I quite agree. The fact is that this has to be seen in the context of what, under the Constitution and the Act... [Ms. Teixeira: ... five thousand dollars is what?] That would be mean.

The point which was made by the Hon. Member and I do have to say that it is one of the points that he made with which I have some sympathy, and that is the fact that, I think, we need to look carefully, again, at the issue raised by him in relation to clause 3 (d) (ii). I do not believe that it was the intention of this Bill, or the drafters of this Bill, to deprive children so that if we want to look at this carefully it would be something I feel that we can consider amending. I do not think, and I reiterate, that there was any intention on the part of the drafters of this Bill to deprive children of their constitutional rights.

The other point I feel that, to my mind, was quite persuasive was the fact that the President really ought to be convicted rather than simply be charged. I happen to agree with that.

Having said those things Mr. Speaker, I believe...

Mr. Speaker: Dr. Roopnarine, the aspect with the children, you said that there is no intention to deprive...

Dr. Roopnarine: Right. I am saying that was not the intention of the Bill and that if...

Mr. Speaker: What happens, Dr. Roopnarine, if a President, male or female, marries someone who has a child or children?

Dr. Roopnarine: I presume that the President assumes responsibility of the child. That is what I understand. I do not believe that we should craft a Bill to deprive those children of their rights. I do not believe that we are in the business of attempting to pauperise the President or to deprive the President of a life of dignity. I believe that with the fullness of the President's pension and with the capping of these particular benefits the President would have every opportunity to live a very dignified life.

I have already dealt with the issue of muzzling the President. I do not believe that, again, there is anything in the Bill that seeks to muzzle the President. We are simply saying that were the President to take advantage of these particular benefits then we would expect that the benefits would not be applied to partisan political activity and this is not, to my mind, an unreasonable request.

I really regretted, frankly, the charge of spite and vindictiveness. I think this was a fairly unworthy accusation. I want to say that I personally found, in terms of the presentation we have just heard, that this particular charge was unworthy. I wish to say on a purely personal note that had I the merest scintilla of suspicion that the motion seeking to address the issue of any former President's pension and benefits were motivated not by a sense of social justice, but by spite and vindictiveness, I would have declined the invitation by my Whip to speak on the matter.

Allow me to say, perhaps wrong-headedly, that I do see the issue in social justice terms. I hope I will not incur the wrath of my friend, the Hon. Minister of Finance, if I make so bold to say that no amount of statistical nicety and no avalanche of figures and percentages will convince me that the gap between the super rich and the abysmally poor is not growing wider by the day. Whilst thousands upon thousands of our fellow citizens are living out futureless lives below the poverty line, at the very bottom of the economic ladder, whilst the epidemic of crime and violence spawned by this poverty and social collapse is spreading in all corners of our country, on the coasts, in the hinterland, whilst all of this is happening under our noses, a narrow circle of overnight millionaires is striving as never before, loudly displaying their new found extravagance in grotesque mansions and glass and concrete monstrosities that are sprouting the

cities and towns. The Hon. Minister of Finance may want to give thought to some kind of uglification tax for these architectural abominations, that some calls development, but they are disfiguring our landscape. Perhaps my honourable friend, the Minister of Culture, Youth and Sport, would give thought to annual uglification award for which I anticipate a flood of a well qualified applicants.

This is the social justice context, in which the issue of the former Presidents' Pension (Benefits and Other Facilities) Bill has been brought before this House. It is a disappointment to me to see so many of my Comrades on the other side, many of whom, though not all, have come out of a tradition of defending the poor and powerless against the predations of the rich and the powerful, to see them now defending the indefensible, arguing in effect that to those who have more and more should be given even when this means taking more and more away from those who have less and less. Put simply, it is the business of this House, if it is to be forward looking, to correct injustice, not to defend and perpetuate it. It is my firm belief that our intention, in relation to the excesses of the Bill of 2009 that we now seek to repeal and substitute with another Bill, is aimed at correcting what we perceived to be an injustice. This, to my mind, it would be a mistake to see this aimed at any particular President or any particular person. This is a law we are making, not for any particular former President, but for all future former Presidents and we are hoping that the House would, in effect, act in the best interest of social justice and support this Bill. Should there be amendments offered to make the Bill consistent with previous legislation and the Constitution, I am sure that we, on this side, would not hesitate to consider them positively.

With those brief remarks I wish to commend the Bill to the House. [*Applause*]

Mr. Speaker: Hon. Members, we are betwixt and between at about five minutes tending on to four o'clock and the Hon. Minister of Finance is next to do his presentation. Minister, do you wish to commence now or would you prefer that we take the adjournment so that you have...?

Minister of Finance [Dr. Singh]: Mr. Speaker, I would be happy to proceed now with your permission.

Mr. Speaker: Well, please proceed. I invite you to address the Assembly.

Dr. Singh: Will I be able to proceed uninterrupted beyond four o'clock, Sir?

Mr. Speaker: I can promise you beyond four o'clock, but I cannot promise you uninterrupted.

Dr. Singh: Will I be able to complete my presentation before the break?

Mr. Speaker: Yes. Go ahead.

Dr. Singh: Thank you very much Sir. With that assurance, I would be happy to proceed.

I rise to make my contribution to the debate that is ensuing on the Former Presidents (Benefits and Other Facilities) Bill 2012 - Bill No. 29/2012, a Private Member's Bill brought to this House by the Hon. Member Mr. Carl Barrington Greenidge. [**Mrs. Backer:** What is your middle name?] Unlike you, my dear, I pay attention.

As I rise to make this contribution, I almost feel as if I have spoken on this matter on several occasions, previously, in this House, having already contributed to the debate on the motion that led to the consideration of this Bill. That notwithstanding, on every occasion, as I look at the Bill, I am increasingly convinced of its absence of merit and thought. I cannot help but wonder as to the real reason and basis for the Bill. Before I go to that substantive matter, let me say that the Hon. Member Mr. Greenidge had, on the last occasion that we considered a Private Member's Bill, to concede that the Bill, on that occasion before us, the Fiscal Management and Accountability (Amendment) Bill 2013, I believe it was earlier this year, contained fundamental flaws which I identified and which the Member, in fact, had to seek to remedy by way of moving an amendment, at least one amendment, on the floor of the House to correct, at least, one of the glaring flaws contained in the Bill.

I will not enter an excursion back into Mr. Greenidge's own tenure, as my predecessor in office, but I will say that this Bill, once again, is so riddled with mistakes and obvious flaws that one cannot but wonder why Mr. Greenidge would append his name to such documents that contain such fundamental flaws. If we were to start from the top, the Bill, for example, speaks of the payment for utility Bills and there is much ado about adequacy of sum and whether the former President should use a pension, if five thousand dollars is a vulgarity, and all manner of things. But I studied this Bill and I was trying to figure out what are we arguing about, I do not know if to interpret to mean five thousand dollars a day, five thousand dollars a week, five thousand

dollars a month or five thousand dollars a year. I imagine that anybody involved in implementing the Bill would... This is the thing that leapt out of me immediately.

I wonder whether Mr. Greenidge was perhaps being generous in offering five thousand dollars a day or minute even, but given the reputation that Mr. Greenidge is rapidly accumulating in this House, these details matter not a shred; they are minor details in his world, because he has no interest in something that is technically sound. He has interest merely in scoring cheap political points and that is the real reason for this Bill, Sir. Mr. Greenidge tells us that he is providing five thousand dollars, but he does not tell us whether he is providing this five thousand dollars every minute or every day. I rather suspect, Mr. Speaker, that you might think that this is an obvious error and this is the only error.

We go on further and there are at least two other examples, which were identified, that pointed to a clear absence of attention being paid to what was being brought to this House. [**Mr. Nandlall:** Recklessness.] Recklessness. Let us take, for example, the matter of the children. The Hon. Minister Irfaan Ali has very astutely highlighted that lacuna, that fundamental and fatal flaw in this Bill. Clause 3 (d) speaks of an entitled child and then clause 3 (d) (ii) says that, of course, the benefit should only apply to natural children. One can only wonder whether that was a deliberate exclusion – as I said Mr. Irfaan Ali, exhaustively addressed this point - or whether it was a careless omission, but in either case, I believe that this honourable House would not be remiss to expect better of anyone bringing a piece of legislation, especially a piece of legislation that has been rested before this House for months, as Mr. Greenidge, himself, pointed out.

Indeed, I must give the Hon. Member Dr. Rupert Roopnarine credit for disassociating himself and distancing himself from this vulgarity contained in this Bill. I cannot help but to wonder whether he was speaking for the rest of the Members on that side of the House or whether he was speaking on his own behalf, but I suspect that we will soon discover when the matter is put to the vote.

Clause 4 rather states that a former President shall cease to be entitled, not temporarily, not to some of these benefits, to all of the benefits provided by this Bill were he to be engaged in any business, trade or paid employment or were he to be charged with a criminal offence. Happily, Dr. Roopnarine, again, very swiftly disassociated himself and distanced himself from this second

vulgarity of seeking to pre-empt the outcome of our justice system, seeking to deny justice to a citizen, because ultimately, Sir, we have a duty to protect the citizens of our country, including those who are former Presidents and their constitutional rights. To say that benefits should be denied a person long before they are convicted or immediately upon being charged for any offence clearly points that the intention here could not be technical merit, could not be justice indeed social justice, but can only be intended for one of two purposes: to target specific individuals, that is to say, individuals covered by this Bill, or indeed to generate political excitement and political titillation to feed this manufactured controversy. Again, Dr. Rupert Roopnarine stated his position and, hopefully, his party's position on this matter.

In like manner, Sir, where in the world do we say that a person who has earned a pension, should he seek alternative or additional post retirement employment, should he engage in business, that he should lose the benefits that he would have earned from his previous employment? Everyday former public servants, former teachers, former members of the disciplined services continue to receive their superannuation benefits but they earn and receive benefits from their current employment. There are many in this House, Mr. Speaker.

We have in fact, in this House, a distinguished former Chief of Staff of the Guyana Defence Force who continues to... [*Interruption from the Opposition Members.*]... My apologies Sir, I was referring to the distinguished Leader of the Opposition who served as Brigadier General. I trust that I got the title correct. We have in this House, no less a person than a retired Brigadier General who continues to receive his superannuation benefits as a former senior officer of the Guyana Defence Force. Could we possibly be fateful to social justice to say that because he entered business or paid employment, whether it is as a parliamentarian or otherwise, that he must suddenly and automatically be denied the benefits that he would have earned from his previous employment or previous working life? I would be the first to stand up and say shame; that would be a disgrace. Indeed, I am reminded that the Hon. Member Mr. Greenidge, himself, is receiving a pension as a former Minister and a former Member of Parliament.

Mr. Greenidge: Mr. Speaker, the Minister very well knows that Members of this House, whilst they are paid as parliamentarians, should not be receiving any pension. I receive no pension.

Dr. Singh: But, Mr. Speaker, the Hon. Member may not be receiving a pension now but he received a pension after he demitted office and whilst he was earning from paid employment elsewhere. Whilst he was earning from paid employment as an international public servant he continued to receive a pension.

Mr. Speaker: Yes Mr. Greenidge.

Mr. Greenidge: Mr. Speaker, the statement made by the Minister is inaccurate and malicious. I do not want to be using other adjectives. Can I urge you to extend to me the protection I deserve? It has to be stricken from the record. It is untrue. [*Interruption*]

Mr. Speaker: Hon. Members, I need to hear Mr. Greenidge.

My understanding is that the Minister has said that Mr. Greenidge enjoys pension whilst serving here. Mr. Greenidge has said that he does not. If he said that he does not then I agree that the statement should be withdrawn because it has been clarified by Mr. Greenidge that he does not, unless, of course, the Minister wants to challenge it.

Mr. Greenidge: He can have more evidence to the contrary because I have spoken to the Clerk specifically to ensure that that does not happen because the law does not allow it. Thank you.

Dr. Singh: Mr. Speaker, I am saying that subsequent to his demission of office... [*Interruption*]

Mr. Speaker: Hon. Members, the matter has been clarified and I say let us continue.

Dr. Singh: With your permission, Sir, if the concern of the Hon. Member...

Mr. Speaker: Ms. Ally, are you rising on a Point of Order?

Ms. Ally: Yes. Mr. Speaker, I would like to enquire whether the statement made by Dr. Ashni Singh has been stricken from the records.

Mr. Speaker: Hon. Members, we have to distinguish between offensive remarks and statements which qualify for being stricken. We have to, therefore, appreciate that there is a decision between those and statements made by Members which are clarified and refuted by other Members. Mr. Greenidge has refuted that. Now...

Ms. Ally: No, but Dr. Singh continues to say so ...

Mr. Speaker: I am now trying to ascertain from the Member what it is he is saying, but I am not getting to him. [*Interruption from the Opposition Members.*] Hon. Members, allow me to preside over this Assembly. The matter has been clarified. I have accepted Mr. Greenidge's explanation and I am asking you to allow me to preside over this Assembly and to have some respect for the Chair. Hon. Minister, please proceed.

Dr. Singh: Thank you very much Sir. With your permission, Sir, may I clarify that matter? I was addressing, at the time, the matter of payment of post employment benefits to persons who enter alternative employment, paid employment, businesses or trade. The current Bill seeks to take away superannuation benefits and post employment benefits if the recipient enters or engages in any business, trade or paid employment. My assertion, Mr. Speaker...

Mr. Greenidge: Mr. Speaker, on a Point of Order.

Mr. Speaker: Mr. Greenidge, I need to hear the Minister in total so that I can make a ruling. With respect, Mr. Greenidge, I have not been allowed to hear the Minister clarify what is it that he said and then I will make a ruling. Allow me to hear from the Minister and I am asking to be given that respect, please.

Dr. Singh: Thank you very much Sir. The Bill contains a clause that seeks to remove from a recipient of superannuation or post employment benefits, should that person be engaged in business, trade or paid employment subsequent to the demission of office. I made the point that this House has Members amongst our midst today who have demitted an office, who at some point in time received post employment benefits and, in fact, who have entered paid employment or other business or trade subsequent to demitting their office. We would not dare to suggest that their post employment benefits should be taken away...

Mr. Speaker: Could you fast forward to the reference to Mr. Greenidge?

4. 12 p.m.

Dr. Singh: Certainly Sir. I made the point, Sir. I gave one example; I gave the example of the distinguished Leader of the Opposition who is now obviously receiving benefits from his current

occupation and has also received superannuation benefits. I gave the example of Mr. Greenidge, Sir. I will say that whether or not Mr. Greenidge is in receipt of a pension now, as a former Minister, is a matter of fact and if Mr. Greenidge is saying that he is not currently in receipt of a pension then I have to assume that Mr. Greenidge is a man of honour. Mr. Greenidge has said he is not currently in receipt of a pension and I am quite happy to accept that, Sir. The point remains Sir, and I will maintain my point, that after Mr. Greenidge would have demitted office...

Mr. Speaker: One second Dr. Singh, you accept the statement that Mr. Greenidge, as a Member of this House, an honourable gentleman does not... You accept that, and that therefore you...

Dr. Singh: Mr. Speaker, if Mr. Greenidge stands up...

Mr. Speaker: What I need you to say is that, in view of what you accept, you therefore withdraw your original statement.

Dr. Singh: No. I will elaborate on my original statement. The point, Sir, remains. I, first of all, accept when Mr. Greenidge stood up and said that he is not in receipt of a Government's pension because he is in receipt of a salary as a Member of Parliament. I accept that, on Mr. Greenidge's words without any reservation, whatsoever. My point remains, however, that after Mr. Greenidge would have demitted office as Minister, he received a Government's pension and continued to receive a Government's pension, notwithstanding that he was in alternative paid employment. That point remains and that is a fact. The principle here is that Mr. Greenidge, having himself entered paid employment elsewhere and having continued to receive a Government's pension now turns and says that a former President should stop receiving his post employment benefits, including personal protection, should he enter alternative paid employment and that... [**Mrs.**

Lawrence: Where is he saying that?] I am speaking about this Bill.

This Bill seeks to say that the benefits of a former President should cease were that person to enter paid employment and I am saying that we have in this House persons who have received post employment benefits and whose benefits did not cease although they entered alternative paid employment, including Mr. Greenidge, himself. This Bill, Sir, is riddled with fundamental flaws, so much so that one would have thought that Mr. Greenidge would have taken the time, in which he lamented that this House took to consider this Bill, to consult with his colleagues, some of whom clearly objected to certain clauses of the Bill; he would have taken his time to read the

Bill carefully and ensure that it was devoid of these fundamental and fateful flaws before it was brought to this honourable House.

Furthermore, the fact of the matter is that this Bill is designed to feed a manufactured political controversy. It is no secret, Sir, that during the course of the election campaign Members of the political opposition deliberately distorted the facts as they relate to the former President's pension; deliberately obfuscated the distinction between pension and other benefits and started to ascribe arbitrary numbers and values to this pension. In fact, we all see headlines screaming out "Former President to get \$3 million of pension" [Mr. Ramjattan: It was not pensions – benefits.] That is not what the headline stated, Sir. [Mr. Ramjattan: You have to know what you said.] That is not what you said and Members of your party said. I see you smiling, Sir, because you would recall that Members of the Opposition in the political campaign deliberately obfuscated and distorted this matter, seeking to remove the distinction between pension and other benefits, ascribing arbitrary and inflated values solely for the purposes, Sir, of scoring cheap political points. That is the reality of this matter, Sir.

This Bill is intended to perpetuate this political controversy. This Bill is intended to feed this controversy, to keep this matter somehow alive, to create the mistaken motion that somehow a former President, or former Presidents, will be receiving benefits that are somehow excess or exaggerated. The reality is that the formula for setting the pension of a former President was not done one or two years before the election, the formula linking the pension of a former President to the salary of a substantive President was in fact written into the law by the President's Pension Act, dating back all the way to 2004.

The benefits, which are provided here Sir, security, utility Bills, staff, household and secretarial staff, were benefits that were provided to former Presidents since time in memorial. In fact, what this Bill represented...This Bill was actually part of a suite of legislation. We brought to this House the Former Presidents (Benefits and Other Facilities) Bill; we brought the Office of the Leader of the Opposition Bill; we brought the Office of the Spouse of the President Bill, all as part of suite of legislation intended to write into law benefits that were previously being provided by administrative fiat.

Previously, the benefits, which were provided to the office of the Opposition, were not a statutory entitlement. Those benefits were not written into any law; they were in fact provided by administrative fiat and discretion. They could be removed at the pleasure of an incumbent administration. We decided, in fact, that we will write into the law, we would codify into the law, the benefits of the Opposition; that we would write into the law the benefits and the entitlements of the Office of the Spouse of the President; that we would write into the law the benefits that will be provided to a former President. This legislation has to be read, in conjunction with... My colleague, the Hon. Minister of Tourism, Industry and Commerce and Housing and Water, alluded, and he was discharging those responsibilities with distinction, to other elements to this suite of legislation intended to address this lacuna that existed, this administrative fiat that was being used previously and that indeed predated the People's Progressive Party/Civic in Government to provide benefits to certain office. We intend to remedy that by giving statutory basis for those benefits. In fact, special legislation was brought to address this peculiar circumstance of Former President Hoyte and his widow, Mrs. Hoyte. The record of this House will reflect that a special Bill was brought to address the benefits of Former President Hoyte, and in particular after his ascension to service above.

The reality of the matter, if we speak about a new dispensation... The Opposition likes to speak about the political culture; it likes to speak about what it believes its one-seat majority can do to political culture in this country. I submit to you, Sir, that were it to be sincere about contributing to the cultivation of a new political culture in our country, defiling the dignity of a former President, or attempting to defile the dignity of the former holder of the office of a President, is hardly the way to begin to cultivate this new culture in our country's political life. We must learn to respect those who have served with distinction - whether it be a head teacher who has served for thirty or forty years teaching children; whether it be a former Commissioner of Police; whether it be a former Brigadier General; whether it be a former Minister and, in particular, Sir, a former President who served. Today, Sir, we may be able to look back and say that President Jagdeo ascended office as the Guyana's youngest President and ended up serving as Guyana longest serving President to date, democratically elected, or otherwise, restore international dignity and credibility to our country, contributed in such significant way to the economic turnaround accomplished by our country today, contributed to the transformation of the

legislative environment that you and I operate in today, contributed to the raising of standards of living to hundreds of thousands of Guyanese in every single region.

I will say this: I consider myself deeply honoured and privileged to have served in President Bharrat Jagdeo's Cabinet, personally honoured. I was moved day after day to see him confronted the challenges faced by developing countries, such as ours, and never ceasing to endeavour to find solutions, whether they were domestic solutions, or indeed solutions that had to be advocated globally. Today, Guyana, as a country, is recognised as a global leader on matters pertaining to environment and climate change. I do not believe anybody in Guyana would deny that it was President Jagdeo who pioneered that work. In fact, Members of that side of the House acknowledged this publicly. I recall a former Chairman of the People's National Congress, the late Winston Murray, getting himself into a spot of trouble because he publicly agreed with certain positions taken by President Jagdeo at the time. **[Mrs. Backer: What trouble?]** We all recall those incidents. There is no need for us to...

I will say this: I listen with some sadness to the Hon. Member Dr. Rupert Roopnarine when he spoke on this Bill, and in particular to certain points he made. I do not believe, Sir, that anyone can deny that tremendous progress has been made in Guyana in raising the standard of living enjoyed by all Guyanese. Literally, every indicator... If we look at the number of Guyanese families that now own their own homes, there are today entire villages and entire communities that did not exist before. Tens of thousands of Guyanese families that previously could not dream of owning their own homes, today, are proud homeowners. Thousands of Guyanese people today are in employment working in one business or another, or in one profession or another, realising their aspirations, reflecting the values of hard work and enterprise. The reality is that more and more Guyanese have access to primary and secondary educations, and university educations. Today, we have accomplished universal primary education and we are well on our way to achieve universal secondary education. Today, more persons are graduating with a university education than ever before. I am responding to the arguments made...

Mr. Speaker: Hon. Member, Minister, the introducer of the Bill never once made a reference to the former President and even though, to use a familiar term, he is "the elephant in the room" let us stop make this a referendum on his tenure and keep our comments on the Bill as best as possible.

Dr. Singh: Very well Sir. I was merely making the nexus with developments in our economy and I believe it was Dr. Roopnarine who spoke of poverty and the incidence of poverty. [Mrs. Backer: He never called names.] Well, I do not have a problem. The Speaker has ruled on the matter of calling the names, but I am responding to the matter of incidence of poverty, access to social services and quality of life, matters that were dealt with by Dr. Roopnarine. I am making the point, Sir, that it is an indisputable fact and if we were to be honest in this House, on both sides of this House, I do not believe that any objective commentator could deny that today quality of life enjoyed by Guyanese citizens is significantly better than it was ten, fifteen or twenty years ago.

Mr. Speaker: Hon. Minister, your time is up and we have gone very deeply into the recess time.

Dr. Ramsammy: Mr. Speaker, I move that fifteen minutes be given for the Hon. Member to conclude his address.

Question put, and agreed to.

Dr. Singh: Thank you very much Sir. I am wrapping up. Without a doubt, any objective commentator, looking on developments in Guyana, any citizen of Guyana, or any person living in Guyana, would readily acknowledge, Sir, the progress our country has made. That is not to say, Sir, that our work is complete, there is much that we would like to do, as a Government, to make even further gains to the standard of living enjoyed by our citizens. We do not consider our work to be completed but there can be no doubt that much work has been done and much progress has been accomplished.

Most of all, I was taken a bit by surprise when Dr. Roopnarine, who I regard as a distinguished Guyanese intellectual, set himself up as the ultimate arbiter of aesthetic judgement, a position that I would have thought that he would ordinary eschew. I heard him pronounced on architectural abominations being constructed by the citizens of Guyana - hard working farmers and miners building their concrete homes. The Hon. Member spoke of concrete and glass abominations, hard working Guyanese farmers and miners, hard working Guyanese entrepreneurs, endeavouring to build a home in their own taste - going to the bank, saving everyday, making hard consumption choices to build a home to their own taste - and in response to their own aesthetic preferences. I heard, with some degree of shock and surprise, that an

accomplished intellectual, such as Dr. Roopnarine, would dismiss them as purveyors of ugliness, uncivilised brutes incapable of appreciating the finer things in life, such as beautiful colonial buildings. I must confess that I have still considerable admiration for him, but I listened with great disappointment, and notwithstanding that it might not be germane to the matter before us - the Bill before us.

It was so disparaging of those who are saving and building today, and there are thousands of them - go in to Diamond and see the concrete homes, go into La Parfaite Hatmonie and see the homes, go into Sophia and see the concrete homes, but all of those people do not know about the fancy, elite wooden colonial buildings with Demerara shutters. Those are the only things that meet with Dr. Roopnarine aesthetic taste and yet my colleagues, on that side of the House, would like to pretend that they represent the working people of Guyana; the working people of Guyana who cannot afford a fancy, expensive, Demerara shutter which is required to be renovated every year, but they can afford a few bags of cement to extend their homes. Dr. Roopnarine comes and describes them as purveyors of ugliness and describes their homes as a concrete abomination.

I have no doubt that Dr. Roopnarine is an artist of some accomplishment and some note and significant repute, and I would urge him to repair the damage that he would have done to the sense of fulfilment of the tens of thousands of Guyanese who would have been insulted by his comments his afternoon. I never thought, for the life of me, that Dr. Rupert Roopnarine, being the intellectual he is, would set himself up as an arbiter of aesthetic judgement. I never thought so, Sir, and with that digression. Even though it might not have been germane into this Bill, it does reflect the mindset of the Opposition and some of prejudices and preferences that might be underlined on what is happening here.

I will say that the substantive Act, which this Bill seeks to repeal, represents one of many pillars of a comprehensive set of legislation that codified what was previously being provided by administrative fiat. We should not lower the dignity of the office of the President by debating a matter, such as this, in the manner in which it is being used. The election campaign is over. It was used by the Opposition, even in a distorted manner, for the purposes of the election campaign, but the election campaign, Sir, is over. If we are interesting in cultivating a new political culture, the Opposition could scarcely be endeavouring to engender a new political culture by defiling the dignity of the office of the former President.

I thank you very much Sir. I trust that this House would reject this Bill roundly. [*Applause*]

Mr. Speaker: Hon. Members, we will take the suspension now for one hour. I remind Members of the Committee of Selection that there will be a brief meeting immediately after the suspension in my Chamber.

Sitting suspended at 4.36 p.m.

Sitting resumed at 5.35 p.m.

Mr. Speaker: Thank you, Hon. Members. Please be seated. The session is resumed. Hon. Members, I invite Mr. Moses Nagamootoo to address the Assembly.

Mr. Nagamootoo: Mr. Speaker, I am reminded today of the famous remarks made by John F. Kennedy, late President of the United States of America, when he said, “Ask not what your country can do for you but what you can do for your country.” Today I find it indefensible that anyone should even try to advocate that someone who, by choice and subterfuge, could have been President of this country – could have been - would ask, as a primary consideration, that the contribution be recognised in monetary terms and in terms of benefits as well.

Public life is a duty. The calling to duty is altruistic and is the job of the philanthropist, the do-gooder, the people who would want to see that they leave in what one writer described as the footprint in the sand of time, the goodness that they have done towards their fellow man and not how much purse they would take after they would have left office. This Bill - and I agree for one moment with the Hon. Minister of Finance - seems to be serving a controversial agenda, so much so that the controversy, when put before the Guyanese people on the 28th November, 2011...they were able to handle that controversy in a way that put shame to those who want to canvas a defence for the indefensible.

For some Sections that had claimed - and now I speak directly...I know the genesis of this piece of the 2009 legislation. Even if we have people over there who are committed to speak with veracity, the opposition I had raised to this piece of legislation being introduced that would give uncapped benefits to a former President, when I said that my soul rattled...they would not have faced the predicament they faced with the Guyanese people in the last Elections if they had

heeded my warning that they were assaulting the conscience of people who put them into office and they seek to have rewards.

I had said then, when this issue came onboard, that we should all remember – and I was in the People’s Progressive Party leadership then – the exhortation of Ho Chi Minh, who taught us revolutionary morality, and the first and foremost in revolutionary morality that we imbibe was that salary, perks and privileges were not going to be our main motivation for serving the people. Today, we stand here and we hear people, in violation of those sacred exhortations and things that had meant so much to our upbringing and our political condition, try to argue that in a country as poor as Guyana, and in a country where so many people are below the poverty line, we try to convert the PPP into *Pensions, Perks and Privileges*.

The working people in this country will frown upon this degradation of what they once held as an institution of serving their interests. Now they realise that their interests have been personalised and that what matters is the idolisation of individuals rather than service to people. That, we find, is the mischief that this Bill seeks to correct, that we shall place people before personalities. We shall reject the temptation that we become political parasites that would feed upon the misery of our people, many of whom cannot seek out a decent livelihood and cannot live on what they earn.

We heard the solicitous lamentation by the Hon. Minister, Irfaan Ali, that if one gives \$5,000 as allowance to a former President for telephone, electricity and water, that seems to be outrageous. I understand that an amendment will be made to specify the time - that is intended to be per month. We were told that this was such a horrendous thing that a former President who gets \$1.2 million in pension - no one touches the pension; this is the distinction here: no one touches the 7/8 of the salary – will seek an advantage over a pensioner who had been given the miserly sum of \$10,000 per month. Assuming that the pensioner pays \$5,000 a month for electricity, water and telephone, which is 50 % of the pension, he or she is left with \$5,000 to pay rent, to pay transportation, and to find food most of all. Today we came with this outrageous protestation that someone already earning \$1.2 million a month would probably die and his dignity would be stolen if we did not give him \$5,000 and more - if you dare give him \$5,000 for water, that would assault the dignity of that person!

Dignity is weighed in terms of quantum of money, but dignity is also weighed in relation to the multitude of sufferings that the people who cannot have this kind of money are subjected to in their lives. That is when we steal their dignity - not giving pensioners more money, not giving teachers more money, not giving nurses or policemen or men and women in uniform more money! That is when we assault their dignity. When you take the little that they have, what have you left them with? Their self-esteem is gone; you condemn them to beggary, to prostitution and to be mendicants eating out of the barrels on the pavement. Are we not thinking of how we are marginalising our people and placing them in the margin of the poor and deprived - the sufferings of these people? We are looking here today to defend the perks. These are the perks that we give to our former Presidents.

Someone reminded me on the last occasion - this issue came in 2009 - whether or not I voted for this obnoxious piece of legislation. [**Mr. Neendkumar:** Moses, you did!] I did not! I had, at Freedom House, as a leader of that Party then, asked for a conscience vote and was told that once the Cabinet takes a decision on an issue, there shall be no change to it. Ask them who sit there - that it cannot be changed. There are Members there who would attest to how they felt on this issue and who might not have been able to express with the same strength and conviction when I spoke on this issue. [*Interruption*] You must produce the record because I told the press, immediately, that my soul rattled and I was not allowed a conscience vote on the issue. Everyone knew that this was offensive to the working people of this country!

This issue, as I said, is not about the pension. The Constitution, in article 181, states:

“(1) The President shall receive such salary and allowances as may be prescribed under the provision of article 222.

(2) A person who has held the office of President shall receive such pension or, upon the expiration of his term of office, such gratuity as may be prescribed by Parliament.”

The gratuity is a gratuity, as I understand it, to be money! It was never meant to put uncapped benefits and all kinds of perks to go with the former President. I say that the 2009 legislation may very well have collided with the Constitution. The obscene haste with which it was run through the Parliament, in 2009, might have meant that there was a personality agenda to be satisfied and not necessarily the obedience of the Constitution. Even if I were wrong in my

interpretation, I still would have said, as we said in the campaign trail of 2011, that if we became the Government, we would repeal the entire Act. Once you are entitled to pension, we would feel that that is enough. As it is often said, when you have a donkey-cart economy, you cannot live a Mercedes-style or Cadillac-style living.

I understand, by this definition, we possibly may have two Presidents, not one. I do not where this glorification or [inaudible] of one. No one is naming anybody here or personalising anyone here. **[Ms. Shadick: You are!]** Not from this side. We saw a case being made out for the merit of a certain individual who should not only be given a hefty pension, but when one monetises all these benefits and other facilities, they very well comes up to \$3 million a month! That is what we find to be objectionable, distasteful and shameful - that people could find this defensible knowing that the Guyanese people are out there having a hard time.

I remember when we came here to this Parliament, one could hear the protestation about more benefits, other benefits and so on. We came and we asked in order to ease the burden on the working people - we asked the so-called working class Government - to reduce VAT and they said, "No"; they cannot reduce VAT. We asked them to give a 10% increase in wages to public servants and they said, "No"; they cut it by half. We said to increase the pension to at least \$15,000 per month and they said, "No"; they do not have money for the pensioners. We said to reduce the toll on the Berbice River Bridge and they said that they cannot do that because they will lose revenue. This is a Government that claims that they do not have revenue for the working people and, generally, the Guyanese people, but they are thinking that they have money to feed the voracious appetite of those who already have hefty pensions. Therefore, if there is such a term as an 'inverse vulgarity', I would say it is applicable in this instance.

May I say this? When someone says on his or her feet that we are discriminating and public servants are getting pensions and superannuation benefits, one would have read, very quietly, how they say, post-employment benefits. What a public servant gets is pension. Public servants do not get allowance for housing or security. They do not get duty free allowances. They do not get medical benefits for them and their children in wedlock or out of wedlock. Nobody is concerned about the public servant who has to go out there and live on his pension, much less someone projecting himself or herself into the future, perhaps not a viable or probable future...that you would have situation. If you did not have a situation now where a former

President will have a child, then let us say the President may not have a child. But we may have to put, hypothetically, what if a former President will have an adopted child. We are dealing with now. We are dealing with the resources of the State now. We are dealing with the affordability at this time. We are saying that if you have these kinds of excursions into resources, deploying your resources for even unforeseen events that may not mature, then you are not dealing with reality; you are just trying to kerfuffle the Guyanese people into feeling that we are denying the unborn and the adopted of certain rights. This debate is not about that. This debate is about entitlement or not. I would say that Guyanese people are the best guide in this matter.

This Bill, of course, if there are some mistakes in it, we would hope that the other side would propose amendments; this is what this House is all about. If you do not agree, amend it. We are talking about the mistakes, the words that were used: this is full of mistakes. Personal remarks were made about the mover of the Motion. We have Act No. 12 of 2009, Former President (Benefits and other Facilities) Act, which is the Act from that side. It states that every person, who having held the office of President - so we are dealing with former Presidents - will have payment in respect of expenses incurred in the provision and use of water, electricity and telephone services at the place of residence in Guyana. This is uncapped. At least the mover of this Motion is trying to put a figure that we can correct and amend. He puts a figure that caps it - \$5,000. So, as I said, I understood it to mean \$5,000 per month.

That is not an obscenity, if you say so. If we are so concerned about what people get, I have here an assault on the dignity of Members of Parliament. They are paid the handsome sum of \$20 per month telephone allowance. Let me say that again: it is not \$20,000. The Members of Parliament, none of them stood up and said that this is an assault on their integrity and their dignity. No! Working and functioning Members of Parliament are paid \$20 for telephone allowance. They are paid a duty allowance of \$150 per month what a massive sum for our dignity! Functioning Members of the Parliament, elected by the people of this country, are paid \$250 Guyana dollars as entertainment allowance. It is just about one and a half US dollars a month. I did not hear any bawling and screaming about the integrity and the dignity of this House. I did not hear a word, not a whimper. This is the reality; this is what you are dealing with. If you want to cut the suit to suit the cloth, then you have to deal with what you have. There must be a plausible explanation for this allocation that is here. We, Members of Parliament, do not

have housing allowance, water allowance or electricity allowance. Do you think if we become a former MP that what we get as a former MP might be better than what we get as a sitting MP? We are asking if somebody who is a former somebody, holding public office, would be able to get all these perks and privileges. In Guyanese parlance: “What happen to we? Dog or goat bite we?” What happened to the pensioners - *dog or goat bite them?* They cannot get more? The logic of all of this has to be... When you go on the hustings, what do you tell the Guyanese people, the sugar workers, the bauxite workers, the municipal workers and everybody else in the workforce? What do you tell them on the street corner? Do you tell them that you sat in the Parliament and all you were concerned about is how to make a package of \$3 million a month for an individual who has already served office? [*Interruption*] This is the mischief we are trying to correct. Services of personnel and household staff, including an attendant and a gardener... We did not say how many, just anything. It is just like the people in the country side when they are going to “shy” rice, they “shy” it and do not know where it drops; just “shy” as many as they can and they will probably grow. We are going to have all these people - uncapped. Service of clerical and technical staff, if requested, not if there is money; it only has to be requested and the imperial command shall be obeyed!

Someone who has served, probably well - the Guyanese people determined that already... They understand more than we do of how to reward people who are permanently in a “cuss down” mode. They know that. We do not have to tell them. Why are we having clerical and technical staff? Is this a department of the State? Are we running a new State Planning Commission? Is this Government doing something that it ought not to do which it needs a rival or parallel office somewhere or Cabinet to say what we should be doing right that we are doing wrong? Why do we need a replication or duplication of personnel, when there is a shortage, in this country, of resources, to place at the disposal of Government and the people? We did not say how many.

Then, free medical attendance... [**Mr. Ramjattan:** Attention.] “Attendance” is what this says. I do not know if that was a *faux pas*...and medical treatment - yes, it has to be “attendance” - and reimbursement of medical expenses incurred by him for the medical attendance or treatment of himself and the dependent members of his family: we did not say free medical attention where. And for the dependent members of his family, we did not say how many. We did not try to cap it. When the sugar workers go, the first thing they are told by the sugar industry is that they are

unfit to work. When the sugar workers go to the National Insurance Scheme (NIS), they are told they are fit to work. When they get knocked off and are eating grass on the sideline, you cannot tell them that they and their family are entitled to free medical treatment. They are not getting the benefits they ought to get from this almost crippled national insurance where the money has been recklessly misspent in a Ponzi scheme. They do not benefit from that for all their years of hard work, sweat and blood in the sugar industry. Ask Komal Chand and he will tell you; he understands their misery. Yet they cannot ask for the medical treatment they are entitled to through the NIS; they do not get that. Workers come all the time and we write letters and letters to all the directors of NIS for people who wanted partial disability. They lived, complained and they died. That is all they get. They are never allowed, people who have asthma, who are almost blind, who have chronic back problems from fetching canes on their head... I speak for them because I came from the sugar belt and I know their misery! I know their disappointment! This is a people telling them, "You could postpone your misery. Let us take care of the elite and the have-beens, those who served us well."

Full time personal security and services of the Presidential Guard Service at the place of residence: while we not disagree that former Presidents must have security - that is the right thing to do to protect your former Head of State - you should say how many security personnel they should have. You have to do a costing. You cannot say they should have two and they end up having twelve. One would want to know why twelve, what the former Heads of State would have done to require all of this armada by their side. We must be concerned that something is afoot that we have to provide a battalion to protect a former Head of State. This is, therefore, how it appears to the people out there. There are more questions than answers and we are leading them in a conundrum, trying to think that they are foolish. They are not like what one writer said, "Whom the gods wish to destroy, they first make mad." They are not the ones who we should think are mad. They understood this, but there are others who would stand here, like Sir Galahad or some other gladiator of Yore, to protect the ramparts. Even when the ramparts are broken and even when there is nothing to protect, we seem to be deploying our troops in the wrong direction.

6.05 p.m.

Then there is the provision of motor vehicles owned and maintained by the State – motor vehicles owned and maintained by the State. We did not know how many motor vehicles we should be providing - ten, fifteen or twenty Prados, we do not know. Should we have the big one with the big wheels, the Hummer? Would it include that in the arsenal of vehicles? We do not know. This was the Bill that I said was indefensible. It did not need the Opposition to come to try to change this. Conscience would have dictated that this Bill is unacceptable, an assault on the integrity and conscience of the Guyanese people, and must go. That is why we said on the campaign trail that we will repeal it in its entirety, all the benefits, because the pension was enough to sustain a person who had served as Head of State.

Mr. Speaker: Hon. Member, your time is up.

Mr. Ramjattan; Could I ask that the Member be given fifteen minutes to complete?

Question put and carried.

Mr. Nagamootoo: Sir, I read, “an annual vacation allowance equivalent to the cost of two first-class return airfares, provided on the same basis as granted for serving Members of the Judiciary”. Well two first-class tickets, one might say that is okay, but we have the reputation here to be globe trotters anyhow. Some of us would probably be glad to travel on what is called the added mile. I would have liked to see an amendment on this Bill to say frequent flyer mileage should be handed into the State so that we could convert it and send some person abroad who needs an eye surgery. I saw in the newspaper the other day people opening up a hat in the public for US\$15,000 to send a child abroad. They cannot find the air fare. We could give all these extra miles to the poor and the deprived and the people who are out there in misery. **[Interruption]** Some of us when you rule out the airline connections too, Sir -a tax exemption status identical to that enjoyed by a serving President.

We find that the effort at changing this law, repealing the benefits and replacing them with benefits that are more acceptable and within our means, to cap the benefit, we find that is a noble effort in the interest of the Guyanese people. So when we say here that \$5,000 shall be given per month for water, electricity and telephone, we are just sending good signal to the Guyanese people that we understand in this country what is equitable justice, what is redistributive justice,

that the little we have shall be distributed to as many as possible. If we have to start with our head as an example, then we shall start that way.

Your Honour, if I may just say this, when I was a Minister in that Government over there, I was the first who stood up to say that I did not want an increase in salary until nurses and civil servants were paid more. A committee was set up under Dr. Cheddi Jagan, and Mr. Clinton Collymore said, *“boy, you don’t like money, why you do not give it to Dharam Sala?”* They should know that I was the one who never accepted a government house when it was offered or not. Ask them! I never flew on a first-class ticket. Ask them. Never went into a hotel where the Government had to pay a five-star hotel or otherwise. I lived what Jagan used to teach us, that we were running a clean and lean Government. That was a man who had said – and he is there watching at us - he was talking about bringing Guyanese with ability and technical skill to work for \$1 dollar a year. Have we forgotten the \$1 a year call that Cheddi Jagan made? Why today are we putting him to shame? Why today are we so obsessed to abdicate every good thing he has done? And in his name we are claiming the obscenity of giving more to those who have and none to those who have not. What injustice is this? Where is the equity in this? And you call this vulgarity. This is, in a way, negative discrimination. It is good to discriminate in favour of those who do not have, but if you discriminate in favour of those who have, that is negative discrimination. And they are indicted for having a policy that is based on preferential treatment for some and denial of the little to the many.

Sir, what is wrong with an amendment to that that would say to a modern enlightened new law for Guyana in relation to the pension and benefit that the services of personal and household staff including a gardener, et cetera, three persons. You are not living in Black Bush polder where you have 15 acres or in MMA and you want to have a whole score of people to cut grass, weed the fields and reap the crops. You are talking here about recreational workers who would clean the pools and clear the flowers and the vineyard. This is what you are talking about. It is not workers that say *“from the sweat of thy brow you shall eat bread”*. They are deployed there because somebody requested that they need a set of gardeners, a set of cooks and a set of household staff – free cook. We have limited the clerical staff to three. This is fair, reasonable and equitable. We can talk about if this person is doing work for the government or not doing work for the government. That is a different matter.

They are deployed, as we see Former Presidents of the United States of America (USA) are deployed, as envoys to the Middle East, envoys to Asia; wherever there is a hot spot, Former Presidents are coming forward and doing duty for their people and their State. In that respect, I could imagine you would want to give them an airplane to take them where they have to go. Mr. Carter is all over the world doing good as a Former President with his foundation for humanity. [Mr. Ramjattan: The Carter Centre.] The Carter Centre. They are building houses for humanity; they are doing something that would give a hype to the nation they represent. So we have to make this qualification, whether one is going on a joy ride or one wants to do work for the government and the people. We would be able to decide how to cap what resources you have.

The free medical attention - what is wrong in trying first and foremost in seeing if the medical attention can be given in Guyana? We want to have confidence in our medical services and should give our own service a try first before we try to go somewhere else; like we should support our own local hotels before we start bringing the expatriates and multinationals to build hotels here. Charity begins at home. So why are we so concerned that the first port of call must be a country overseas. What if we end up with a president in El Futuro whose visa had been taken away? We have to look too in the future and then we have to be able to provide the best that is available locally and that is how you allocate the money with a practical view of what is possible and what is not possible. We are boasting here that we have the best facility and the best equipment. Just recently, we voted more money for equipment for a heart institute. Well, I think that is the No. 1 malady that can hit us. We are saying how we are going to have the best doctors here and still we are trying to legislate that it is “alright for you to go abroad, we are going to pay your Bill, free medical attention irrespective of where you go”. No, we should put the people’s money to work and show the result for what they invested in and not try to fob this off as if we are trying to prevent a Former President from having the best. The best should be available here and we should have it for all. So we feel that the intention here is good.

One may question the elegance of some provisions, but I say that elegance is not what this is all about. This has to do with practical issues of trying to carve a nation state within our means and trying to make policies and laws that would not mock at our people’s misery, but would show that we are passionate and committed to do the right thing; we are committed to frugality; we are committed to a policy that is so clear that other persons who would wish to be President may be

discouraged from being President if only the obsession is how much money I get after I leave office.

We do not want to send the wrong signal to our young people. We must build a nation based on patriotism, commitment and struggle and sacrifice and we shall repudiate this notion that money solves every problem and that we should reward our Former Presidents just because they have done under their watch, a few good things. A few good things might have been done. We are not arguing that; that is not the reason for this debate. However, we are saying that whatever good you do, shall live after you. The Former President must be able to write books and live on the earnings of the books because they have to package and to sell and to boast. However, we cannot make a policy to give to some people who have nothing to boast and who have nothing to contribute in terms of enlightenment by producing a book for the world. We cannot do that. We cannot build our budget based on honorary doctorates and greatness that are counterfeited in a way not based on academic travail. We cannot do that. I support the Alliance for Change (AFC), we support this Bill with amendments. We welcome any amendments that would add clarity. As I am told the amendments have been circulated to include per month. I am not the mover, but I just say the amendments have been moved.

Sir, today it gives me great honour to recover some of the self esteem and dignity of this Parliament to know that we have to put our foot down on an obnoxious piece of legislation that would forever hold us in great esteem among the Guyanese people because we have gone out there not this time with a scissors to cut, we chop this down from the root. We are bringing something new that is acceptable and healthy. Thank you. [*Applause*]

Mr. Speaker: Hon. Members, I marveled at how the Assembly allowed Mr. Nagamootoo to deliver his speech without interruption or heckling. There was some but for the most part, he was accorded the respect of delivering his speech even though some very controversial things may have been said or otherwise. So I am asking you to allow Mr. Lumumba to speak. Thank you.

Mr. Lumumba: Mr. Speaker, I believe at some point in time this Assembly has to behave in a very mature manner. At some point we have to discuss things and look at all aspects of it. We should not be concerned whether it is People's Progressive Party (PPP), A Partnership for National Unity (APNU) or AFC. We are discussing the benefits of a person who was the

President of our country. I am not getting involved in personalities. If we do that, we cannot compare the President of a nation with a clerk or a mason. We cannot. The relationship is entirely different. So even though I recognise Mr. Nagamootoo for his flamboyance, I understand clearly that he is being over political. Let us be a little practical.

I want to go back to the Hon. Member whom I respect, Dr. Roopnarine when he spoke about partisan and non- partisan participation in activities of Presidents of America. I want to caution him, maybe he read two sentences. When Mr. Bill Clinton travelled to campaign for President Obama and the other senators he does not leave the Federal Bureau of Investigation (FBI) behind, they go with him. When the Bushes campaign for the other Republicans they do not leave the FBI behind. They walk with them. We have to be careful in how far we go in placing limitations on what Presidents do. Bill Clinton campaigned. The Carter Office had over 4,000 square feet of office space and he paid US\$102,000 annually; Bush, 4,574 square feet office space, US\$175,000; Bill Clinton, 8300 square feet, US\$516,000 per year. You did not hear the Republicans going to Congress and saying let us change this equation. [**Mrs. Backer:** What is their Gross Domestic Product (GDP)?] That is not the point. You did not hear the Republicans saying that Carter only get US\$100,000; you did not hear them say that Bush get US\$100,000 but yet you pay US\$500,000 to Clinton. [**Mrs. Backer:** What is their GDP?] It is not about the GDP it is about the concept, the philosophy of being a president and the respect for presidency. The problem in this country is that we tend not to respect things. The onslaught from this Bill is because we do not respect system and institutions. That is our problem. The Bill says three or two security. Most Presidents throughout the world, including America, have security for life. They do not cap security. You cannot cap security for a person who had to make all kinds of decisions - controversial, some for and some against. [**Mr. Ramjattan:** Any terrorist want Mr. Jagdeo?] Maybe you are the terrorist, I do not know. I do not know your background. [**Interruption**] I am responding to him. He is in the House he needs to be quiet.

Mr. Speaker, the Hon. Member, my long standing friend, Mr. Moses Nagamootoo spoke. [**Mrs. Backer:** He was in the Good and Green Guyana (GGG) with you?] We go way past that. We walk the dangerous roads together; the days when we had to fight you - dangerous days. He knows of the days.

He spoke about the lack of health services for the sugar workers. Mr. Speaker, as far as I know every citizen of this country can have free health service, every citizen of this country can have free education up to secondary; every student in this country can pay \$136,000 a year to go to the University of Guyana and wait 20 years to begin to repay that Bill.

Mr. Speaker, a pension is a must for most public servants, but the problem I have today with this Bill is not the song but the singer. There was the movie the singer and the song. I do not have a problem to debate the song but it is the singer. It is not about Member of Parliament (MP) Greenidge, it is about a human being who for years participated in the destruction of the national economy and has the nerve to come here today and debate this matter. It is not about the song it is about the singer; wrong person.

Mrs. Backer: Mr. Speaker, on a Point of Order, unless the Hon. Member is prepared to produce evidence that Mr. Greenidge destroyed the economy, I respectfully submit that he should withdraw it until he could bring that information.

Mr. Lumumba: Mr. Speaker, I am going to rattle out the evidence, 38% interest rate, 60% unemployment, no light, no water, no house lot, no roads... [*Noisy Interruption*]

Mr. Speaker: Hon. Members, Mr. Lumumba, one second, please. Hon Members it is well known that both sides of this House made statements accusatory of each other - destroying the economy, destroying the moral fabric of Guyana destroying the social fabric, destroying the security sector, destroying the legal sector, participating... So it is not a new claim one way or the other, and I do not see that it has to be withdrawn; it has to be defended, but I do not see that it has to be withdrawn.

Mr. Lumumba: Mr. Speaker, I am saying that the mover of the motion participated in the national destruction of our economy and has the nerve to come in this National Assembly today...

Mr. Greenidge: Mr. Speaker, I urge you to exercise the powers you have in order to keep this debate within the realms... if I got up here and started to accuse Mr. Lumumba of being a criminal, I would be asked to withdraw; nobody is going to tell me to establish that. This is not a permissible attack.

Mr. Speaker: Mr. Greenidge I take your point. The claim is that you participated in...
[*Interruption*] Yes, that is the word. The word used was participated in. [*Shouts of No from Opposition Members*]

Mr. Lumumba: Alright, Sir, I will use the word “participated”. I stand to be corrected; “participated” not “headed”. Being the head is debatable.

Mr. Speaker: Hon. Member Mr. Lumumba, what was the word you used?

Mr. Lumumba: Participated. [*Shouts of no and liar from Opposition Members*] How in this noble House my colleagues can call me a liar.

Mr. Speaker: During Mr. Nagamootoo’s presentation Mr. Neendkumar was making a lot of claims about “liar, liar, liar”. I was hearing them coming quite distinctly. So you have to take them.

Now, we are not to impute any ill motive against any Member of the House. There is a broad statement made. If you say that he was participating in a government in which the economy was destroyed, it is permissible. I will permit that. That is your opinion; I will permit that.

Mr. Lumumba: Thank you, Sir. Mr. Speaker, let us not get confused, this Bill is not about President Jagdeo’s pension or entitlement it is about the grouse of the nonproductive elements of society. I cannot call names. It is about pointing fingers. President Jagdeo has taken this country out of a backward economic condition and pointed us to progress. [**Lt. Col. (Ret’d) Harmon:** Cheddi did not do anything?] [**Mrs. Backer:** The two Jagans did not do anything?] We do not need you to defend Mr. Jagan, we can do that ourselves. You can stay out; this is a family business.

I believe the real reason behind the onslaught against Mr. Jagdeo is because of the economic differences in framework in the society today. I do not want to blame Mr. Granger, but Mr. Granger was the Minister of Finance... [*Interruption*] Mr. Granger, I must apologise. You were responsible in charge of the guns. I am so sorry. You were in charge of the battalions, but you can understand why I confuse you with him as the potential leader.

Mr. Speaker, I want to emphasise the distinction between the gentleman and the Member of Parliament who proposed this Bill. This distinction is important as we seek to deal with this issue. I believe that if a different MP has raised this Bill, then both sides would have been in a better position to sit down and articulate the issues and see where there are differences and where we probably can make some compromises. I do not think anybody on our side has problems in some of the wider areas, but the relationship and what has been proposed is as if there was some sinister plot by the PPP/C to enrich Mr. Bharrat Jagdeo. Mr. Bharrat Jagdeo has three honorary doctorates since he left the Government. Mr. Bharrat Jagdeo is capable of taking care of himself. Mr. Bharrat Jagdeo is capable of making money in any part of the world, so we do not need to have a Bill that is going to go against Mr. Bharrat Jagdeo. We need to deal with a Bill that makes sense for Guyana. All I am saying is that at the same time we are talking about protecting and preserving tax payer's money, I believe that I have the right to say that Member of Parliament Greenidge for ten years did not protect tax payer's money. I have the right to say that. Why I cannot say that? The same tax payer's money he wants to protect now for ten years, he was incapable of telling this country what happened to the money. But, yet, he has the nerve to come with a Bill. So I say, mischief is afoot. This Bill will not hurt Mr. Jagdeo; this Bill will not hurt Mr. Ramotar, so I do not understand the reason for this Bill.

6.33

Mr. Speaker: Hon. Members I am taking a break for fifteen minutes. The Deputy Speaker will be in the chair.

[Mdm. Deputy Speaker in Chair]

Mr. Lumumba: Hon. Deputy Speaker, I pledge I will be on my best behaviour, Madam.

Mdm. Deputy Speaker: I will try to control the Members on the eastern side of the House.

Mr. Lumumba: I appreciate. As neighbours, I will be careful about what I say.

Mdm. Deputy Speaker: And on the western side of course.

Mr. Lumumba: Thank you. Mdm. Deputy Speaker, I believe this Bill is petty, is frivolous, vindictive, wicked and, again, an attempt to fool the Guyanese public. It is an attempt by

Member of Parliament Greendige to let Guyanese people believe that he can repent for his past disaster. Thank you. [*Applause*]

6.35 p.m.

Attorney General and Minister of Legal Affairs [Mr. Nandlall]: Thank you very much. Mdm. Deputy Speaker, this has been quite a fiery debate and a lot of things have been said. I have listened; for example, to the Hon. Member, Mr. Nagamootoo, regale us elaborately about the importance of having dignity in the House and about behaving properly. He quoted in support of his contentions, the high philosophies of Ho Chi Minh and the principles of revolutionary morality. He admonishes us to stick very closely to those ideals and that we are championing the people's interests and the people's causes in this National Assembly. I agree with all of that, except, that at a minimum, when we purport to espouse those high ideals we must at least be honest in our assertions.

I will read when the Bill, the 2009 Law was passed in the National Assembly. My learned Friend and I sat on this side of the House, next to each other. He told us that it rattled his soul. Well I was sitting right there, I did not feel or hear any rattle. But more important, I have the record of how we voted; I have the Hansard of how we voted, because a division was called. You see when we speak and we catapult ourselves on pedestals, we must ensure that the records will support us. A division was called in the National Assembly and I have the votes. I will read the names of those who voted for. The list is as follows:

Dr. Rev. Gilbert

Dr. Mahadeo

Mr. Whittaker

Mr. Seeraj

Mrs. Sahoye-Shury

Mr. Parmanand Persaud

Mr. Neendkumar

Mr. Lumumba

Mr. Nandlall

Mr. Nagamootoo

[Interruption] **[Mr. Nagamootoo:** I did not vote. You were there.] The paper is right here and the Hon. Clerk of the National Assembly can confirm that he issued the paper to me upon my request. The world will see that everything that Mr. Nagamootoo said there was in contravention with the position he took. All the rattling about the soul that we heard about was all political rhetoric. Today, he is unmasked and those people, who he misguided during the elections campaign, will see him for who he truly is. The document is here and it will be disseminated to the press tomorrow.

I also uplifted from the records of the Assembly what the People's National Congress (PNC) said at the time on medical caps. We have heard a lot being said here about capping the medical facilities. Recall during that time the then leader of the opposition was medivac out of this country using public funds. It is relevant because capping a medical expense was an issue. **[Interruption]** My friend, Odinga Lumumba, the Hon. Member, in his debate had said that let us put a cap on the medical expenses. I will read what the Hon. Member, Lance Carberry stood up and said and I quote...

Mdm. Deputy Speaker: Hon. Minister, you are quoting from...

Mr. Nandlall: The Hansard.

Mdm. Deputy Speaker: Yes I know. Concerning...

Mr. Nandlall: Dated ...

Mdm. Deputy Speaker: No, bear with me. Is it concerning the 2009 Bill that is now being repealed?

Mr. Nandlall: That is correct, the debate in the House.

Mdm. Deputy Speaker: Yes, thank you. Proceed.

Mr. Nandlall: Date 30th April. Did you forget when you soul was rattled? At page 87, this is what the Hon. Lance Carberry said:

“No, none of the speakers that I heard talked about putting a cap on medical Bills, so where did he, Mr. Lumumba, get it from? If he wants to make a point, let him make that point, but he must be accurate. No speaker on this side said anything about putting a cap on medical Bills.”

We began this debate with the Hon. Minister of Finance adverting clearly to the fact that this debate is predicated and inspired only by political motives and political agenda. I have sighted two undisputed references to demonstrate beyond any doubt that this is a political gimmick we are seeing here.

What we have to be concerned about here is about passing laws that we can enforce, passing laws that meet the constitutional test of constitutionality. Ours is a system that the constitution declares itself to be the supreme law of the land and mandates that all law passes must enjoy consistency with that constitution less it be struck down, because if it is inconsistent, it is void to the extent of that inconsistency. We must also ensure that we pass laws that correct the mischief which we want to correct.

The mover of this Bill, when he began in the perambulatory remarks, said that this is a product of the elections campaign. The Hon. Member, Mr. Nagamootoo continued along that theme because they went right across the length and breadth of this country and they misled the people of this country in telling them that they will pass a law that will repeal the pensions enjoyed by former President Jagdeo. Pensions, was what they said, I heard it and many Guyanese heard it. You can retract now, if you want, but the Guyanese people will eventually be the judge, that you misled them and told them that you will pass a law that will repeal pensions. Today, we are hearing that the law is not about pensions, the law is about benefits. So again you find the Guyanese people being misled.

Secondly, the Guyanese people were led to believe and they put it as a campaign promise - the Opposition - that they would deny former President, Bharat Jagdeo specifically, that which he enjoyed under this Bill. Deny him specifically that which he enjoyed under this Bill. Well you have to go back and tell the people that you fooled them, because you cannot do what you

promised to do. You cannot touch that which accrued to President Jagdeo by this legislation. So you have to go back and tell the people that you misled them again and I will articulate the reasons why I take that position.

Our Constitution recognises as a fundamental right, the right to own property. The Constitution says very clearly, that the person must not be denied their property without compensation that is adequate and commensurate with the value of that property that is being taken away. Property in the Constitution is undefined; property in the Constitution is described as property of any description.

I turn to a simple book written by S.Y. Mohamed, the title of it which reads, “*Fundamental Rights and Freedoms of the Commonwealth Caribbean.*” - former high court judge of Guyana for those who do not know and former ombudsman of the country. In treating with the question of property as contained in our Constitution and as defined and described in our Constitution, he says this:

“Property is not confined...”

At page 88 of the book:

“Property is not confined to ordinary movable and immovable, but to any interest in or right over any property of any description. It therefore includes money, choices and actions, rent charges, mortgages, easements, shares or anything that has an economic value.”

He cites a case in support of his proposition. The English case of *Ashby vs. White*, well known case to lawyers in this Parliament, where it was held that the right to vote was in the nature of a proprietary right and that a returning officer refusing, for improper motives, to allow an elector to cast his vote was liable in damages for wrongful denial of property; he also cites the case of *Lilliman vs. The Commissioner of Inland Revenue*, a Guyanese case from the 70’s. Where money was defined as property; he also cites the case of *Bata Shoe Company vs. The Inland Revenue*, where taxes was defined as property; he also cites the case from Trinidad, the *Trinidad Island Wine Cane Farm Association vs. Sierra*, where it was held that the imposition of assets

without payment of compensation was deprivation of a constitutional right of cane farmers for the enjoyment of their property.

We have, known to us, the case of Temal where incremental increases granted to public servants and sugar workers, were retrospectively denied to them, after a court had ruled that they should get it. That law which denied those payments retrospectively was challenged in the court and the law was found to be unconstitutional.

Then I come to the Constitution itself, but before I go to the Constitution, I have with me also, Baird vs. The Attorney General. Baird was decided before our Constitution was amended in 2001 to include gratuity and pensions as fundamental rights. The Hon. Member, Dr. Roopnarine would know that we elevated those two entitlements, because they were vaguely in the Constitution, not as fundamental rights, but we elevated them after the Constitutional Reforms were made. This case was decided before that and in this case a policeman was denied his superannuation benefits. It was not then a fundamental right, but the judges at the Court of Appeal: Justice of Appeal Claudette Singh; Justice of Appeal Ian Chang; Justice of Appeal Nandram Kisson unanimously held that superannuation benefits, though not a fundamental right as forming part of 138-152, they read it in as part of 142. They catapulted an ordinary superannuation benefit to property and they gave it the recognition of fundamental rights.

I move now to the Constitution itself. We have to read the Constitution together. Constitutions are not ordinary legislations as my friends on that side would know. It is a generic document that carries with it its own peculiar rules and canons of interpretation. The cardinal and golden rule of construing constitution and constitutional provisions is that it must be done liberally and it must be done in favour of the citizens and not to deny the citizens an entitlement. Also, one must recognise the jurisprudential scheme which invigorates the Constitution and you interpret it from that perspective. Let me read what Article 222 speaks about:

“There shall be paid to the holders of the offices to which this article applies such salaries and such allowances as may be prescribed by or under any law or, in the case of the Clerk and Deputy Clerk of the National Assembly, as may be determined under 158(4).

(2) The salaries and allowance payable to the holders of the offices to which this article applies are hereby charged to the Consolidated Fund.”

Now this is the important part, sub paragraph (3):

“The salary and allowances payable to the holder of any office to which this article applies and his other terms of service shall not be altered to his disadvantage after his appointment, and, for the purposes of this paragraph, in so far as the terms of service of any person depend upon the option of that person, the terms for which he opts shall be taken to be more advantageous to him than any other terms for which he might have opted.”

This article applies to the President of the Republic. I pause here to say that this Bill does not and I will demonstrate it, it does not even apply to President Ramotar, because when President Ramotar assumed office, he assumed office when the 2009 Bill was enforced. Therefore, you cannot alter his terms and conditions and other terms of service after his appointment. So not only does it not affect former President Bharat Jagdeo or President Samuel Hinds, it does not also affect this current President and I will demonstrate that to you more clearly.

I move on to Article 149 of the Constitution. Article 149B says this:

“Every public sector worker shall enjoy an absolute and enforceable right to any pension or gratuity granted to him or her under the provision of any law or collective agreement of any kind whatsoever.”

As I said, we have to recognise the extent to which our Constitution goes in recognising all these facets of properties. Then I come to a definition of property now. In the Indian case of Rajasthan State Electricity Board, the Supreme Court of India said, in interpreting the word Property, as appearing in the constitution, said this:

“The concept property has to be liberally construed and any legal right which can be enforced through a court is a right in the manner of a property within Article 31.”

We are speaking about statutory entitlements here. The right to guards; the right to telephone allowances; the right to water allowances; the right to employees are statutory entitlements. In *AG vs. Lawrence*, in 1985 Law Reports of the Commonwealth 921, the court following the Indian jurisprudence, in interpreting the meaning of property, as appearing in Saint. Christopher and Nevis constitution held that:

“Property includes rights of management of a company.”

The court went on to hold that the word property appearing in the constitution should be given a wide and liberal meaning and include both concrete and abstracts rights of property. It is to be noted that the provisions of the Saint Christopher and Nevis constitution, in which the court was interpreting, is similar to Article 142 of the Guyana Constitution.

I have already dealt with Baird. In Brent Griffith vs. The Guyana Revenue Authority, again, that case went to the Caribbean Court of Justice (CCJ) and superannuation benefits was held to be a fundamental right under the Constitution.

The Former President Benefits and other Facilities Acts of 2009, section 2 gives unto a person who has held the office of President of the Republic and has ceased to hold such office, payment – money, property – in respect of expenses incurred in the provision and use of water, electricity and telephone services at the place of residence in Guyana. Services of personal household staff, including an attendant and a gardener, they have to be paid by money – property. Services of clerical and technical staff, if requested, they have to be paid by money – property. Free medical attendants and medical treatment or reimbursement, again, money. Fulltime personal security and services of presidential guard, services at place of residence, they have to be funded by money – property. The provision of motor vehicles, motor vehicles are not purchased by peppercorns, they are purchased with money – property. Toll free transportation in Guyana, you have to pay or else toll free it is money – property. An annual allowance equivalent to two first class tickets, it has to be purchased with money. Tax exemption, if tax is property, logically tax exemption must be a proprietary right. Tax exemption, status identical to that enjoyed by a service President, again, property – money.

The point I am making, I am not going to be pulled into those kinds of foolish arguments. I am talking what the Law says and we have a duty to ensure that we pass Laws that does not make us a mockery in the Caribbean. I am saying and I have given all the examples, all the matters that I have referred to in that Bill are quantifiable in monetary terms. Therefore, they are protected by Article 142 of the Constitution of Guyana.

The issue raised is whether those rights conferred on former Presidents can be classified as property. According to the aforementioned, property is defined in the Constitution; it should not

be given a limited interpretation, but a generous and liberal interpretation. This has been the trend across the Commonwealth; if we want we can depart from it here. The Government is not going to be part of it.

The court in AG vs. Lawrence, right in St. Kitts and Nevis, applied that broad interpretation. Lilliman and the Inland Revenue Commission (IRC) of Guyana said that property is money. Article 142(1) is wide enough to cover all property rights conferred on former Presidents under this Bill. Therefore, to deny a former President or any person any of those allowances, in this way, is violative of the Constitution, completely violative of the Constitution.

The other point that I want to make and this is the one that reinforces why it cannot apply to former President Jagdeo; President Jagdeo demitted office after the 2011 elections results were declared, that was when his tenure came to an end. He left office being entitled to these things; he being entitled to all the benefits he got in the 2009 legislation. Upon the day or the minute that he left office, it became his vested rights and you cannot take away people's vested rights, unless you satisfy the Constitutional requirements. You have to amend the entrenched provisions in the Constitution before you can go against property.

My friends this is not about President Jagdeo or the attempt to take away his entitlements, this is about property of every single Guyanese. If we start at the Presidency, where will we stop as a country and as a people and that is what our people must understand. It is about concepts; it is about legal protection that our people, our forbearers can give us protection in the form of a Constitution and made it the supreme law of the land and we cannot wither away the importance and the sacrosanct nature of this document, we cannot do that.

The other point is President Jagdeo left office with the expectation, a statutory expectation, a legitimate statutory expectation, a legitimate expectation grounded in statute ossified in statute, deeply rooted in statute. How are you going to deny him that expectation lawfully? How are you going to do that? This Bill speaks to repealing clause 5, Former President Act, is hereby repealed. If you repeal it now how does it apply to former President Jagdeo; how does it apply to former President Samuel Hinds? You are repealing it as of from today, if it is assented to today, it becomes the law today; it does not go back to Bharat Jagdeo. It cannot go back to Bharat Jagdeo.

[Mr. Speaker assumed the Chair]

Let me speak to retrospectivity too. Legislative drafting by the foremost authority on legislative drafting – G. C. Thornton, Order of the British Empire, Queen’s Council, M.A. LLB, Barrister and Solicitor of the Supreme Court of New Zealand, Solicitor General of Hong Kong, former Chief Parliamentary Draftsman of Tanzania and this is what this Honourable, noble and learned gentleman has said, at page 110 of his book – “*Retrospective Laws*”... **[Interruption]** Why do you not listen and learn? I will pause until I get quite on this side, Sir, because I want to teach. It was my predecessor who would have said, “Those who became belatedly matriculated”, but I would not be that offensive. Let us go back to page 110:

“Retrospective laws offend against general principle that legislation intended to regulate human conduct ought to deal with future Acts and ought not to change the character of passed transactions carried on upon the faith of the then existing law. The presumption against retrospection is not a technicality; it is a general rule of justice, not dependent on forms of words. It is founded on a judicial preference, where choice is possible for the reading which does not invalidate existing rights and obligations.”

How can you go back and take that which is already vested in former President Jagdeo?

7.05 p.m.

When you go back to the electorate you have to tell them, “Oh, Lord! I made a mistake. I cannot touch Jagdeo's benefits”. We cannot touch it. “We made a mistake and we apologise for it.” There is nothing wrong with that; apology cleanses the soul so there is nothing wrong with going back and telling them that you made a mistake about the pensions in the first place that you amended the benefits and when you realised that it was the benefits then you realised that you cannot even touch the benefits. I do not know how they are going to treat with you but that is what you have to go back and tell them. Why do you think that the Chief Justice suspended this man out of the court when he went to challenge the constitutionality of it? It was not that it was not visited by the courts.

He was ungraciously asked to leave the court. The case was dismissed without argument; point *in limine*, case bad in law, completely bad in law. Costs were awarded. We have established that

it does not apply to Former President Jagdeo. We have established that it does not apply to Former President Samuel Hinds and, as 223 says, it also cannot apply to President Ramotar because as Article 223 says that his terms and conditions upon which he took office of which his benefits and allowances when he leaves office would be part of those conditions because they are part of the laws of the country cannot be altered after his appointment because the Constitution will mandate a liberal interpretation of the provisions. You went to court already and you were ungraciously asked to leave; that is the point I am making.

Mr. Speaker: Hon. Attorney General, your time is up so could someone request...

Dr. Ramsammy: Mr. Speaker, we ask that the Hon. Member be given fifteen minutes to continue.

Question put and carried

Mr. Nandlall: As we are on what we are going to tell the people, what would Mr. Nagamootoo tell the people when the record will be published in all of the papers tomorrow that he supported this Bill and his soul rattled so silently that I did not hear it although I was right next to him? I do not know what he will tell the people. You will have to live with your conscience.

Mr. Speaker, the Bill has also some other flaws. The Bill denies a Former President the right to work because the Bill says that once you have employment and you are being paid from that employment you are denied your statutory entitlement. That is something that I have never heard of; completely unheard of.

Mr. Speaker: There are a few constitutional offices in Guyana that prohibit other...

Mr. Nandlall: The presidency is not one of them, Sir.

Mr. Speaker: GECOM's Chairman I think is one.

Mr. Nandlall: Yes, I agree. While you hold that office...

Mr. Speaker: Oh, while you hold the office!

Mr. Nandlall: Yes, of course. The PUC is one but here is where you have left office. You are given some statutory entitlements *ex post facto* your leaving office but if you go sell coconuts on

the road you lose your statutory benefits; any form of remuneration. This almost borders on lunacy. I am fortified in my view by a constitutional provision. We have Article 149 A of the Constitution as a fundamental right - and Brother Roopnarine put it in and it is a good thing that he put it in. It says this, he did not speak about it when he spoke but this is what he put in:

"No person shall be hindered in the enjoyment of his or her right to work"

That is to say: the right to free choice of employment. You have a hindrance here; if you work you lose your statutory benefits. This will be construed as an affront to Article 149. [Mrs. Backer: Go to the court.] I do not have to go to the court. It is not I that is putting it through, it is my friend. He will deal with it. My duty is to point out to the public and the people and His Honour, the Speaker, where the Parliament is falling into error.

There is another constitutional right that is violated. The Bill says that if the Former President is charged with an offence, both in and out of Guyana... Not convicted, charged. I agree with my friend the Hon. Minister that obvious care and circumspection requisite to bring such an important Bill was not attendant to this Bill. Clearly, I do not believe that Mrs. Backer read it. I do not believe that my friend, Mr. Williams, read it because Mr. Williams would have known that Article 144 of the Constitution guarantees to every person this right:

"It shall be the duty of a court to ascertain the truth in every case that every person who is charged with a criminal offence and shall be presumed to be innocent until he is proved or has pleaded guilty."

The Constitution accords to every single Guyanese a right of presumption of innocents when they are charged with a criminal offense. The prosecution must prove their guilt. Here this Parliament is imposing a penalty before there is any establishment of culpability by the judiciary. This is vulgar. It is a vulgar abuse of the constitutional right.

Then of course we were speaking about the equality, the distinction that it draws and the discrimination that it permeates between child born in wedlock and child born outside of wedlock. We have passed a series of legislations in this House. Credit must begin with the PNC. In 1983 they passed the Removal of Discrimination Act. Then we passed the Children Born Out of Wedlock Act. Then, after the constitutional reform process, we took it to a higher level and we

included it in our Constitution as a fundamental right. When I was reading just now my friend Mr. Williams was unfamiliar with it, Article 149 (e):

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

Why, in this legislation, in the year 2013 would Parliament discriminate or my friend, the Hon. Member, want to discriminate between a child born in wedlock and a child born out of wedlock? Is it the agenda, the persecution complex, the persecution agenda, the persecution intention that overwhelms the promulgation of this Bill, was so overwhelming that reason lost its seat and we are just passing law for the purpose of getting at people? I have no doubt that granting \$5,000 per month for telephone, water and electricity together would amount to a denial of a right; that is a denial of a right. That is not the conferment of a right. That is a denial of a right that existed before.

If we were genuine about our concerns about capping then one would have expected at least even an indecipherable utterance about the Leader of the Opposition’s Benefits and Other Facilities Act which was passed in this House. Not a single word, not even analogously, not even in contradistinction was reference made to a similar piece of legislation. Let us read what the Leader of the Opposition is entitled to and let us read how uncapped these benefits are:

1. A rent-free furnished office accommodation.

Hence it can include \$10 million. It can include \$100 million; no cap. We are talking about principle. Is that not what you are talking about, principle? Let us continue:

2. Medical attention including medical treatment or reimbursement of medical expenses incurred by him for himself and dependent members of his family.

There are no caps, no ‘overseas’. There is nothing about whether it has to be sought in Guyana or elsewhere. There is no distinction between children born out of wedlock or adopted children; nothing like that or natural children. There is nothing like that. I continue:

3. Fulltime security service at his official place of residence and Office of the Leader of the Opposition to be provided by the Guyana Police Force.

There is no cap. The next one:

4. Services of a research assistant, an executive assistant, a secretary, a clerical office, a chauffeur, a personal security officer, a gardener and two domestic servants.

There are no caps.

Mrs. Backer: Mr. Speaker, on a Point of Order and for my edification could the Hon. Member – it slipped me because of the noise over there – tell us the name of the act that he is reading?

Mr. Nandlall: They are even more uninformed than I thought. It is the Act No. 6...

Mr. Speaker: Hon. Members, the first thing is it not a Point of Order. Secondly, let us allow the debate to flow. It is not a Point of Order so there is nothing to clarify

Mr. Nandlall: For the record it is – genuinely they are seeing this for the first time and that is hilarity – Act No. 6/2010, Leader of the Opposition Benefits and Other Facilities Act, 2010. We are speaking about the principle of being uncapped. That is the principle, of being uncapped.

I am sure that I have convinced this House that this Bill here has nothing to do with saving taxpayer's dollars and all of these high philanthropically principles that we have heard about. The fact is that the President of a country, the Executive President of Guyana, is no ordinary office holder. He is entitled to a regime of benefits that are recognised where Heads of State exist in all parts of the civilised world. It is a job that is 24 hours per day. While we sleep at night those people have to be up and ultimately they are answerable for everything that goes wrong in this country and after doing ten years of hard work they are entitled to a package that justifies their dignity which establishes their status as a Former President of the country.

These arguments about rice farmers and sugar workers are arguments to appeal to the political hustings. They are not arguments that will attract any form of intelligent disputation. They are political propaganda and any intelligent grouping of people will recognise them as that. We must not dilute matters of national importance and ridicule them into political footballs and political... I do not want to say the other word.

The point is that we are dealing with an office of President – the highest office holder of the land, a former Commander in Chief of the Armed Forces, a person who is entitled to protection, a

person who is entitled, at a minimum to a standard of life that is commensurate with the high office he has held. Therefore the government has no hesitation, whatsoever, in withholding support for this legislation. Thank you. [*Applause*]

Mr. Ramjattan: Mr. Speaker, I just want you to give me not very long but a number of minutes here to indicate that what the learned Attorney General is indicating is absolutely erroneous. I would like this honourable House to understand... That is why the AFC took a certain position and you were here with me sitting in the last Parliament when we passed by virtue of this division and it was voted on because they had, at that point in time, the majority. We had indicated – I cannot get my Hansard at this stage – that there was, in relation to additional benefits and other facilities, a certain illegality about it because our Constitution could not have contemplated giving onto a former President, let us say, 500 ounces of gold and in a statute that would necessarily mean if one says 500 ounces of gold every year he has to have that all of the time. Our Constitution had indicated this and it is in Article 181:

“1. The President shall receive such salary and allowances as may be prescribed under the provisions of Article 222”

That was read. That is when he is a President not a Former President.

“2. A person who has held the office of President shall receive such pension or such, upon the expiration of his term of office, gratuity as may be prescribed by Parliament.”

“Pension and gratuity”, the Constitution talks about those. Both things are vastly different from other benefits and facilities and that is why we did not support it. You cannot just go and state that for a Former President... when the Constitution makes the prescription that all he can get is a pension and a gratuity. A pension, because you wanted to raise it at that time from what it used to be to seven-eighths of the existing President’s salary... That is what we did with his pension act in 2004 because we had realised that people like Mr. Arthur Chung – when they were having their presidential pensions now – had nothing to live with because of inflation and the value of money and all of that but the Constitution of our country indicates and prescribes only two things for a Former President; only two things. That is why we had indicated that one cannot go and... If it is administratively that one is giving him whatever the trouble is that one cannot and we indicated as much. What my learned friend is now indicating is we can by law pass anything so

if we want to give him a gold claim we are going to give him a gold claim and that would mean a benefit that he would have. It does not in any way mean that you can go and give him anything that he wants and a golden handshake and then say perennially until he expires he will get it. This Constitution is being breached and violated with ‘other facilities and benefits’.

That is the problem with this. He will go to the article on constitutional human rights; he will go to the article that states property rights but there was a limitation as to what property rights Former Presidents will get. We could jump his pension to \$3 million if we want. We could say that the former Presidents can have pensions that are ten times the existing salary because the Constitution says that he could have a pension. He could have a gratuity. We could say that the \$50 million that he collected as gratuity – because I understand that that was what he collected... Fine, because he had a high salary he will have a big gratuity and he served a long time. We know that but you cannot now, willy-nilly, go on and give him all manner of benefits and other facilities; we have a Constitution.

This is the second point I wish to make and I will take my seat. I had really felt that when we had agreed that these things are all uncapped and there was public furor, there were editorials criticising the uncapped nature, although we wanted now to statutize certain administrative benefits that he was getting, we are going to be accepting a certain capping. We are going to accept a certain capping but that is not being honest when they now come and they are saying ‘Oh, the man is now entitled to the thing. He will get it’ and even when we try to cap it here ‘To hell with us.’ It is wrong and I am urging that in view of the fact that Mr. Carl Greenidge has come here with some caps that look reasonable we must not have all of this argumentation that the thing is unconstitutional and all of that because the initial one was unconstitutional. Thank you very much, Mr. Speaker. [*Applause*]

Mr. Speaker: Hon. Members, Mr. Greenidge.

Ms. Shadick: No, Sir. I am...

Mr. Speaker: My apologies. Ms. Shadick, please accept my apologies.

Ms. Shadick: Mr. Speaker, I cannot sit here and hear the Hon. Member, Mr. Ramjattan, rant and rave about what happened and that it was wrong when it happened and so many years have

passed since 2009 and he, as a lawyer with so many lawyers there, did not find it fit to challenge this law as being unconstitutional. The thing is I may be junior to Mr. Ramjattan at the bar but I am a very intelligent person and I usually understand what I read and I have taught more intelligent people than Mr. Ramjattan and his friend. My understanding of the law is that if there is a law it is obeyed until it is changed. I also understand that people have an absolute right to property which cannot be taken away from them without compensation which is adequate that will cover what you take away.

I do not want to rehash what the Attorney General has said. I do not want to rehash what the Hon. Finance Minister said. I do not want to rehash all of that. I am just saying here... He is calling your name, Sir; that you sat with him and you all were not satisfied. Albeit you all were in the minority, fine, so the law was passed and you did not like it but we all know what to do. **[Mrs. Backer: We voted against it.]** Right, you did but it was passed. That was not enough. **[Interruption]** Mr. Speaker, may I say my few words, please.

Mr. Speaker: Allow the Member to speak, please.

Ms. Shadick: The fact of the matter is, whether we voted ‘no’ or ‘yes’, that became law in 2009 and what became law could have been challenged according to all these arguments that I am now hearing Mr. Ramjattan get up and say. Why did he not do that? If Mr. Ramjattan is a good lawyer he will know that what the Attorney General said is true; you cannot now come to repeal something that is extant. **[Mrs. Backer: Inaudible]** The courts are there for that, go and try it. I thought that I had to say that and to point out that the array of attorneys at law that we have here who come to this Parliament and cry ‘foul’ after losing and then who come here and cry ‘foul’ after even having said ‘yes’ to a Bill come now to say ‘*I neva seh suh* and I didn’t mean to say so’ I find very rude, unparliamentary and very disgusting, to say the least. Thank you, Mr. Speaker. *[Applause]*

Mr. Speaker: Thank you, Hon. Member.

Mr. Greenidge (replying): Thank you very much, Mr. Speaker. I rise to wind up in relation to the Bill which stands under my name. As far as the presentations are concerned, let me take the opportunity to thank colleagues for contributing to the exercise of trying to ensure that the pitfalls and the broader issues associated with the Bill have been properly ventilated. I made a

note also about the diversions and some of the attempts to, instead of dealing with the substance, turn to these personal attacks which seem to have become part and parcel of the deliberations when we are dealing with items that are difficult.

Let me start by saying, in response to the observations of Mr. Nandlall, including his citing of the voting record of some of our colleagues, I have in my hands the National Assembly debate of 30th April, 2009, and that debate, the summary record of it, is very clear that as regards the division called by Mr. Lance Carberry the AFC and PNC Members voted against the 2009 Bill. It is here and the names are set out so he should not mistakenly give the impression that something else happened other than what actually happened. It is in keeping with another document he claims to have had that I am supposed to have signed. Let me say that it is important that we clear the underbrush that constitutes the diversion and conclusion in relation to this debate.

First of all one has to distinguish between the substantive positions, that is the current President and the current Leader of the Opposition and their benefits as opposed to – and you cannot attempt to move from one to the other if the debate is to be meaningful – the Former Presidents and Former Leaders of the Opposition.

In relation to the current President: Certainly the benefits that are enjoyed by the current President are uncapped and what we are saying is in relation to the Former President there can be no justification for the uncapped benefits that we see set out here. What would a Former President, as my colleague was asking, have done to require unlimited security for the rest of his life, he and all of his family?

These are some of the issues that need to be considered because colleagues seem to be deliberately confusing the issues before us. The arguments that we are considering are very clear. The issues of the terms that I have heard – natural rights, stealing of dignity, natural justice... One cannot establish the dignity of a Former President by paying him a fortune, by paying him 30 times the average national income in a country.

7.35 p.m.

That is not the basis on which dignity is established and, therefore, to argue, in this emotive way, is not going to be persuasive at all.

May I also say - some of these are *ad hoc* – that I have listened to the distinguished Minister of Finance made reference to the tremendous contributions he made in the analysis of the Fiscal Management and Accountability Act (FMAA) by drawing attention to an error which, in fact, I had myself drawn the attention of the House to when I made the presentation. Again, we have come to the same thing where one item is treated as a set of fundamental flaws. These apparently are not politicising, but the Act itself constitutes politicization. For a lot of the debate it seemed, at times, as though what we were debating was something brand new in which issues were plucked from the air without any basis.

Let me just say that I heard the distinguished Minister Irfaan Ali made reference to tolls and dismissing the mention of tolls in the new Bill. Let me just remind Mr. Speaker and Mr. Ali that the original Bill is the place from which that specific passage was taken. That is one of the things we did not change. To come and suggest that this was an error or it was born out of a lack of understanding of the benefits that the average members of the public currently enjoy is unhelpful.

The pension and superannuation benefits are falsely portrayed as being threatened by the Bill. Nowhere does the Bill suggest or seek to amend, modify or deny the benefits associated with the pensions of a former President. It is, perhaps, unfortunate that instead of focusing upon the significance of the pension...The significance of the pension is that it should inform the assessment that we make of the amounts that are set out for utilities, for example. It is not helpful to argue that it is unreasonable to have set a utilities level at five thousand dollars per month because that would not cover a reasonable set of utilities when, in fact, the income available to the former President would include a pension of over one million dollars a month - \$1.2 million at the last count. That is the context in which the pension was mentioned by me and I take the opportunity to, again, emphasise, notwithstanding what I regard as quite a despicable misrepresentation of what takes place, as regards my own situation, and I reiterate that I currently receive no pension. I made the point because I suspected that this kind of scandalous and scurrilous attack would arise. I spoke to the Clerk at a very stage to remind him that the law does not allow the payment of both. I hope I would not have to continue in this Parliament being

subject to these fabrications which are entirely mischievous and everybody knows that they are fabrications. **[Dr. Singh: Were you in receipt of a pension...?]** That is irrelevant. You should have said that in the first place. That is not what you said.

It would help, I think, if we were also to understand how the current arrangement of pension arose, because I think a lot of confusion surrounds this. The legislation prior to 1991 specified that the pension of a former Prime Minister and President would be set at seventh-eighth. Come 2004, I think it was, that arrangement was adjusted and it was adjusted in a way after the Chancellor... As it is known that the lawyers, the Chancellors, the Ministers of Justice in the Cabinet, certainly in the People's National Congress (PNC) era, attracted a higher level of remuneration than the other Ministers. In this particular case the Chancellor and his associates were visited with tax free incomes. Those tax free incomes were then followed by an arrangement which linked the benefits of the President to that set of salary. In other words, originally, there was a salary set for the Chancellor, which was higher than that of the President. When that salary got increased it was suddenly linked to that of the President. That is how the pension of the former President comes to have been set at the levels we can find in the current legislation. The point is this: Since those levels appear to be so high and they are high compared to other levels in the system, they are not linked, as in the United States of America, and elsewhere, to any specific point of reference of other technical officials in the system. It is specifically linked to a change that has been orchestrated by a President prior to him demitting office in 2009, and that is what gave rise to the problems in the first instance.

This Bill is not about the President's pension; it is about the benefits. As we are speaking about the benefits, I have emphasised several times that it is, to me,...I know nothing about the law, but it is well established that the law would expose itself to ridicule, as the court, if it seeks to make decisions that cannot be enforced in any reasonable way. In the same manner, the idea that a vested interest can be defined as property and, therefore, any allowances, benefits, and so forth, to which an office is linked has to be automatically someone's right for the rest of his or her life clearly cannot be sustained. Benefits and allowances, as I understand them, are not obligatory in the sense that they are not like the salary. They are intended to meet an expense or a cost.

To the extent that this legislation is drafted in a way that states, as regards this particular cost, it does not have to be quantified and the person can receive a benefit to the extent that he requests

is inconceivable. The State itself does not attract unlimited revenues. How can I as an individual be entitled to unlimited benefits from the State, which costs money, when the State itself is not in receipt of unlimited benefits? It is a contradiction.

No court worth its salt, and I say this with great trepidation, given what I have seen happened in courts around the world, that it cannot be a decision that is enforceable. One cannot insist that somebody has a vested right to a set of resources, the limit of which one does not know. It makes no sense. I do not know what the distinguished Attorney General is saying. For all of the cases that he cited, for all of the intelligence that seems to reside uniquely on the other side, the fact is that the resources available to the State have to be defined at a time when it seeks the appropriation for expenditure in a particular year. Therefore benefits cannot be applied in a way that they are unspecified. They, therefore, in my view, cannot be a right and they have never been a right. They can never been a right.

As far as the cases that the Attorney General has cited, as regards definition of property, and so forth, those are interesting *curiosa* but they have no relevance here. They are not material. What I am saying is that a number of issues have been raised. The main issues that have been raised seemed, to me, not to touch in any meaningful way the acceptability of the Bill before us. As regards the comparisons for which there were attempts to draw, those comparisons, are again, also, not valid.

I would like to refer also to the contention made by the Attorney General as to the infringement on the right to work. I might have a different understanding of the English Language, but if the legislation states that one's right to an income or one's right to a benefit is conditional, it cannot be interpreted to mean that one does not have a right to work. [Mr. Nandlall: Mr. Ramjattan, you are misleading the gentleman.] Well, I am following in your footsteps in that case. What is being said is that it is a right to State's income or taxpayers' money. That is not a right. One has conditions to satisfy. If one fails to meet those conditions, one has no right to taxpayers' money. One can go and work wherever one wants but it is not automatic that these benefits – the pension is not touched – and other facilities cannot be an automatic right. That is what we have done. We have ceased to make them an automatic right.

I believe that our colleagues on the other side have got used to the various abuses of the fiscal system that we have. The Auditor General's Report points to millions of dollars being spent by ministries at the behest of Ministers and not being properly accounted for and it is felt that this must also apply to any other area that is looked at. For the former Presidents, there are a set of allowances and one cannot really justify them. If the President has to have a swimming pool that requires fifteen people to supervise it and for which the utility Bill, as a consequence, is fifty thousand dollars a month, that is cool. Let him pay it out of the pension and other income that he has, but it cannot be an automatic charge on the state's revenue when we are unable to pay pension to retired public servants even at a level of fifteen thousand dollars a month, and when the minimum wage is at a laughable level. We have now to look at what is affordable. This is an issue about the structure of payments. This is the issue that is relevant to the presidency and former Presidents. It is not that they are wonderful fellows and they were nice to their ministerial colleagues. All of that may or may not be true, but it is not relevant. What can the State afford in the light of the structure of pay that it has? What can it afford in light of the income that the State collects? That is the issue.

We have to make a decision based upon what is affordable and we also have to understand that sacrifices have to be borne by everyone, all categories. If the Minister is arguing that resources are not available to do things, if resources cannot be found to clean Georgetown, if resources cannot be found to clean up the Kumaka River or Bartica front...Mr. Speaker, it is a question of whether the State can have a defensible regime of payment to all of its citizens. That is the challenge here. We are saying that it cannot be defensible for a former President, already in receipt of over \$1.2 million a month, to be having benefits at this level which are uncapped, benefits with no parallel elsewhere. It is wrong for Ministers to come here and tell us that former Presidents have received such benefits, because it is untrue. It is palpably untrue. They have never received such benefits and it is now a matter for us to ensure that these rules are applied uniformly across the board and not for people to come and fabricate reality here.

In terms of austerity, the austerity, as a colleague was saying, should start from the top and we should fashion a set of benefits within our means. We have to be frugal in relation to old-age pensioners, then let us be frugal also in relation to the resources made available to former

Presidents. As a colleague was saying, the attempt has nothing to do with attacking personalities; it has to do with putting our foot down on what was initially obnoxious legislation.

Let me come back to the question of the Constitution. Whilst the Attorney General is so fond of telling us about constitutions and how important it is for us to embrace the Constitution, this Attorney General has sat here together with his ministerial colleagues and looked at a Fiscal Management and Accountability Act which infringes article 222 (a) of the Constitution. The other side has managed that unconstitutional Act for over nine years and has not found it convenient to modify it, even after the matter was drawn to the Members' attention if they had not seen it before. These are the people who tell us about how meticulous they are. They are telling us about how careful they are, how wide reading they are, and here we are, with constitutional breaches which have sat with us for nine years. They have done nothing about it.

Let us not worry about their crocodile tears, but about how our rights are likely to be infringed by legislation such as this. Our intention is clear.

Mr. Speaker, if there is anything to be amended in the Bill let me just crave your indulgence to say right now I am aware that there are two elements in the legislation which merit amendment. They are small and I will crave your indulgence to allow them to be amended at the appropriate time. In the event that the other side is prepared to engage in a dialogue, Mr. Speaker, in relation to future amendments, we are open to discussions. That has always been our position.

I thank you very much for your patience. [*Applause*]

Mr. Speaker: It is just a clarification. Mr. Greenidge, are you inviting the Government side to discuss amendments to this Bill now?

Mr. Greenidge: Thank you for seeking the clarification, Mr. Speaker, and I am sorry if I gave you the wrong impression.

Mr. Speaker: It is not about right or wrong. I just need clarification.

Mr. Greenidge: I understand. We have before us two proposed modifications which have been circulated. They have been typed. I am saying that additional changes, if the other side believes

that those additional changes merit consideration, we can consider them after the Bill would have been passed at some point in the future. That is all I am saying.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Clauses 1 and 2 agreed to and ordered to stand part of the Bill.

Clause 3

Mr. Greenidge: Mr. Chairman, I crave your indulgence to invite colleagues to insert, at the end of the first line, after the words “not exceeding five thousand dollars”, the words “per month”.

Mr. Chairman: Is there someone to second that?

Mrs. Backer: I second it.

Amendment put and carried.

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

Clause 4

Mr. Greenidge: In the third line of clause 4 I propose to delete the words “as amended by this Act”, which comes after the words “Act of 2009”, and replaced with the phrase “including any law replacing it.”

Mr. Chairman: Hon. Member Mrs. Backer, do you second this?

Mrs. Backer: I second it.

Mr. Greenidge: In relation to line four, taking into consideration the observations made by the Government and notwithstanding our own contention concerning the question of interdiction, we propose to replace the word “charge” with the word “convicted”.

Mr. Chairman: Mrs. Backer, are you seconding?

Mrs. Backer: I second all.

Amendments put and carried.

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

Clauses 5 and 6 agreed to and ordered to stand part of the Bill.

Assembly resumed.

Bill reported with amendments, read the third time and passed as amended.

Mr. Speaker: Hon. Members, it is just about eight o'clock. I propose to take the suspension now. There are several matters on the Order Paper – two motions. I know that there had been a request for one to be deferred. The request had come from the Government. I do not know if there has been any movement on that. If not, I propose that we take a suspension for half an hour and resume at 8.30 p.m.

Sitting suspended at 8.01 p.m.

Sitting resumed at 8.44 p.m.

8.44 p.m.

MOTIONS

THE APPOINTMENT OF A COMMISSION OF INQUIRY TO INVESTIGATE THE INCIDENCE OF CRIMINAL VIOLENCE FROM 2004 TO 2010 IN GUYANA

WHEREAS, Article 138(1) of the Constitution of the Republic of Guyana prescribes that no person shall be deprived of his life intentionally save in the execution of the sentence of a court in respect of an offence under the Laws of Guyana of which he has been convicted;

AND WHEREAS in accordance with the Commission of Inquiry Act, Chapter 19:03, “The President may issue a commission appointing one or more commissioners and authorizing such commissioner or commissioners to inquire into any matter in which an inquiry would, in the opinion of the President, be for the public welfare”;

AND WHEREAS this country has witnessed a pattern of unlawful killing of undetermined numbers of persons – including assassinations; executions; murders; extra-judicial killings by members of the Guyana Police Force Target Special Squad and other forms of criminal violence in Guyana during a period of ‘troubles’ on the East Coast and East Bank of Demerara and elsewhere – which were harmful to the public welfare;

AND WHEREAS several of these killings have been of a deliberate and systematic nature – particularly those which occurred at Agricola, Bartica, Buxton, Eccles, Lindo Creek, Lusignan and Bel Air, Bourda and Kitty, in Georgetown – which can be classified as massacres and have engendered alarm and despondency among the population;

AND WHEREAS some killings involved members of the Guyana Police Force, the Guyana Defence Force and unidentified criminal gangs in which gangsters were equipped with a variety of electronic ‘eavesdropping’ equipment, weapons and vehicles that were provided with assistance and support by members of the Guyana Police Force;

AND WHEREAS commissions of inquiry and coroners’ inquests have not been conducted into some unnatural deaths and criminal investigation reports by the Guyana Police Force, with regard to the most egregious of these crimes, have often been inconclusive;

AND WHEREAS the National Assembly is the supreme legislative forum of our Republic wherein the people’s elected representatives discuss and determine matters of national interest and which is obliged to consider the grave threats to the public welfare and public security which prevailed during the aforesaid period of the ‘troubles’ and which remain substantially uninvestigated,

“BE IT RESOLVED:

That the National Assembly condemns the killing of citizens of Guyana which occurred during the period of the ‘troubles’ and expresses its concern that commissions of inquiry have not been convened to investigate the unlawful killings, including the assassination of a Minister of the Government in April, 2006, on the East Coast of Demerara;

BE IT FURTHER RESOLVED:

That the National Assembly calls upon the President of Guyana, in accordance with the Commission of Inquiry Act, Chapter 19:03, to appoint a Commission of Inquiry to inquire into the unlawful killing of citizens during the years 2004 to 2010. [*Brigadier (Ret'd) Granger*]

Mr. Speaker: Hon. Members, next on the order of our business is the consideration of a motion standing in the name of the Hon. Leader of the Opposition, a motion which has already generated much discussions and debates, :”The Appointment of a Commission of Inquiry to investigate the incidence of criminal violence from 2004 to 2010 in Guyana.”

Leader of the Opposition [Brigadier (Ret'd) Granger]: Mr. Speaker, I wish to request a further deferral of this motion.

Mr. Speaker: Thank you for that.

Motion deferred.

ESTABLISHMENT OF A NATIONAL HERITAGE COMMISSION

WHEREAS the Constitution of the Co-operative Republic of Guyana, in its Preamble, declares that, “We the Guyanese People...proclaim our commitment to “Safeguard and build on the rich heritage, won through tireless struggle, bequeathed us by our forebears;” and further proclaims that we should “Celebrate our cultural and racial diversity and strengthen our unity by eliminating any and every form of discrimination”;

AND WHEREAS the said Constitution, at Article 35, states further, “The state honours and respects the diverse cultural strains which enrich the society and will seek constantly to promote national appreciation of them at all levels and to develop out of them a socialist national culture for Guyana”;

AND WHEREAS indentured immigrant labourers from Madeira arrived in the colony of British Guiana one hundred and seventy eight years ago, on 3rd May, 1835;

AND WHEREAS indentured immigrant labourers from China arrived in the colony of British Guiana one hundred and sixty years ago, on 12th January, 1853;

AND WHEREAS indentured immigrant labourers from India arrived in British Guiana one hundred and seventy five years ago, on 5th May, 1838;

AND WHEREAS liberated captive Africans arrived in the colony of British Guiana one hundred and seventy two years ago, in May 1841;

AND WHEREAS the indigenous peoples of Guyana observe “Amerindian Heritage Day’ each year on 10th September;

AND WHEREAS enslaved Africans rose, in what is known as the Berbice Revolt, on the Berbice Plantation of Hollandia two hundred and fifty years ago on 27th February, 1763;

AND WHEREAS enslaved Africans rose, in what is known as the Demerara Revolt, on several Demerara Plantations one hundred and ninety years ago on 18th August, 1823;

AND WHEREAS enslaved Africans regained their freedom one hundred and seventy five years ago on 11th August, 1838;

AND WHEREAS the State, from time to time, may consider the erection of monuments, the observance of events, the publication of educational and historical texts, films, broadcasts and other educational materials in order to satisfy the various cultural needs of the people of Guyana;

AND WHEREAS the National Assembly is the supreme legislative forum of our Republic wherein the people’s elected representatives – from both the legislative and executive branches – discuss and determine matters of national interest and importance;

AND WHEREAS due recognition should be given to the rights and consideration given to the cultural needs of all Guyanese,

BE IT RESOLVED:

That the National Assembly calls for the immediate establishment of a National Heritage Commission to be charged, inter alia, with responsibilities for:

- (i) The promulgation of a National Cultural Policy which “honours and respects the diverse cultural strains which enrich the society and will seek constantly to promote national appreciation of them at all levels; and

- (ii) The commemoration of events and the establishment of memorials which “Celebrate our cultural and racial diversity and strengthen our unity by eliminating any and every form of discrimination”. [*Brigadier (Ret’d) Granger*]

Mr. Speaker: We will therefore proceed to the consideration of another motion in the name of Brigadier (Ret’d) David Granger - my notes tell me MSS, I think that is the award of the Military Service Star – Leader of the Opposition to move the motion, “Establishment of a National Heritage Commission.” I should say as well that I have received a written notification of an intention to amend the title of this motion for a National Commemoration Commission, but I believe that the Hon. Leader of the Opposition will speak to that in due course.

Brigadier (Ret’d) Granger: I rise to address the motion, which stands in my name, calling for the establishment of a National Heritage Commission.

The sight of scores of Amerindians protesting in front of the National Assembly during the Seventh Parliament in April, 1997, was unforgettable. Three organisations – the Amerindian Peoples Association, the Guyana Organisation of Indigenous Peoples and the Amerindian Action Movement of Guyana – congregated right here in Brickdam to express their opposition to what they perceived to be an affront to their dignity. Their entreaties were ignored and our international airport, first named in homage to our first people, was renamed to honour a single person. The Timehri International Airport (Change of Name) Act of 1997 was subsequently assented to.

The Public Holidays Act was amended to designate a particular day as Arrival Day, and that took place during the Eight Parliament. The decision to make the change was greeted with silent disapprobation by those persons who knew that their forbearers had arrived on different dates. The request by some indigenous people for a separate holiday to be observed as heritage day in September, similarly, was denied, but two new holidays, bringing the number of public holidays observed in the month of May alone to three, were created.

The sight of scores of African Guyanese, more recently, protesting against the proposed erection of a monument near to the seawall was yet another indication of an administrative misstep. It suggests that decision-makers, once again, might have failed to fathom fully the feelings of persons who feel offended by the action being taken. The lessons of earlier cultural blunders

seem not to have been learnt. The controversies surrounding the renaming of the airport, the creation of new national holidays and the erection of the monument do not measure the merit or demerit of the argument or the rights of these respective ethnic groups. They arose out of the absence of a clearly defined and publicly known national cultural policy. The controversies could have been avoided by a more inclusionary approach to governance and by a fervent commitment to national unity which are what this motion is all about.

The advantage of an inclusionary approach is inestimable. That was the approach taken by the former National History and Arts Council which, within a year of independence in 1967, devised new national holidays to observe the Hindu festivals of Phagwah and Deepavali and the Islamic festivals of Eid-ul-Adha and Youman Nabi in addition to the existing Christian festivals of Easter and Christmas. These measures, arrived at consensually, have remained essentially undisturbed for over four decades. There is a lesson here. Attempts to resolve questions of culture and identity by majority decision or worse, by minority decree, could have costly and unanticipated consequences. There can be only one majority, but there are many minorities.

Discrimination diminishes our humanity and erodes national unity – bruises, small at first, festered to degenerate into gangrenous abscesses. A single spark of resentment can become a raging inferno of hatred which can take generations to extinguish. People may love in haste, but they hate at leisure.

Guyana is made up largely of the descendants of migrants from other continents. We, gathered here in the National Assembly, meet beneath the portraits of former Presidents whose forbearers were brought here from at least three continents to this fourth continent.

This Assembly is the custodian of the unwritten national contract made nearly five decades ago to build one nation of one people with one common destiny, the words which are carved in wood above your head, Mr. Speaker. We, the heirs of diverse cultural strains, have a continuing commitment to consummate that contract. We have an obligation to provide the leadership to unite our peoples. We have a duty to prevent the deliberate falsification of facts or the invention of a version of history that venerates one group whilst it vituperates another. We must forestall any folly that might prolong the nightmare of insecurity and disunity or that can lead us down the path of deeper distrust and disorder.

Our country comprises groups with different customs. All of our people, nevertheless, are united by being Guyanese. Our ways of life form part of the tapestry of our country's identity and culture. Promoting pride in our *Guyanese*ness, in our culture and in our identity can help us to learn from each other's cultural beliefs and practices and can help us to understand and respect each other. Our identity is the single most important factor in national integration. Our identity reinforces our sense of self-worth, self-esteem and self-confidence. Our identity determines whether we want Guyana to be merely a geographical expression or whether we want it to evolve into a community of people working together for our common good.

The Constitution of the Co-operative Republic of Guyana is our supreme law. It declares in article 35 that the State honours and respects the diverse cultural strains which enrich society and which seek constantly to promote national appreciation of them at all levels and to develop out of them a socialist national culture for Guyana. The Constitution, in its preamble, also declares that we, the Guyanese people, proclaim our commitment to safeguard and build on the rich heritage won through the tireless struggle bequeathed us by our forbearers. It proclaims further that we should celebrate our cultural and racial diversity and strengthen our unity by eliminating any and every form of discrimination.

The Constitution is the instrument that determines and directs how we should be treated and how we should treat each other. It enjoins that all persons are born equal, have equal status and are entitled to equal rights. It prescribes, further, that no person should be treated in a discriminatory manner on grounds of race, place of origin, political opinion, colour, creed, age, disability, marital status, sex, gender, language, birth, social class, pregnancy, religion, conscience, belief or culture. The Constitution respects and protects our people's cultural heritage and their way of life. The recognition of this fundamental principle and the appreciation of the need to encourage deeper understanding to foster greater respect and to promote national cohesion must guide a new cultural policy.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) declares that cultural rights are an integral part of human rights which are universal, indivisible and interdependent. The flourishing of creative diversity requires the full implementation of cultural rights as defined in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights. UNESCO prescribes further that all persons have,

therefore, the right to express themselves and to create and disseminate their work in the language of their choice and, particularly, in their mother tongue. All persons are entitled to quality education and training that fully respect their cultural identity, and all persons have the right to participate in the cultural life of their choice and conduct their own cultural practices, subject to respect for human rights and fundamental freedoms.

Culture is made up of the ideas, customs and practices that are passed on from parents to their progeny. Culture is learned from the stories that elders and parents retell to their children in the home, in the Mandir, in the Masjid, in the church and in the school. Culture is also learnt through information and, sometimes, misinformation purveyed by the Government, especially one that most menacingly controls major television, radio and print media. The promotion, preservation and protection of a Guyanese culture, therefore, cannot be accidental. They must be deliberate acts of policy and the result of collective action.

Culture is described by UNESCO as a set of distinctive spiritual, material, intellectual and emotional features of society or a social group and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs. Culture, therefore, can be called the way of life of an entire society. It includes our codes of dress, language, manners, norms of behaviour such as law and morality, religion and rituals. It can be manifested in a set of symbols. Consider the visible symbols of our national identity, the messages depicted on some of our postage stamps or the impression made by the minting of two rather than three, four, five or six commemorative coins. What is the message being sent? The invention of these images should indicate an inclusionary policy rather than one that is likely to ignore the sensibilities and sensitivities of other groups.

Guyana needs a cultural policy in order to explain that our heritage is fundamental to our identity as a nation and to our success as a society. That policy must be based on an understanding that an integrative nation fosters an inclusive society and a confident citizenry. We need a national policy that recognises the important positive part that culture and heritage play in national integration. It is because culture does have a role to play that serious consideration should be given to promulgating a policy rather than pursuing the present higgledy-piggledy approach. No one benefits from the absence of a national youth policy; no one benefits from the absence of a national sports policy and no one will benefit from the absence of a national cultural policy.

Doling out dollops of cash to one or two ethnic groups, one or two times, a year is not a clear articulation of a coherent cultural policy. Public money must serve the public good. It should be expended to ensure equity, to educate everyone and to establish standards of excellence in the arts. It must enrich our national heritage by making it easy for everyone to be exposed to work that encourages integration, enhances our solidarity, energises the young and enriches the quality of human life. The National Assembly, for these reasons, is urged to establish a National Heritage Commission that is inclusionary in its composition and that is integrative in its ideology.

Such a Commission must be charged with the responsibility for the promulgation of a national cultural policy, in the words of our Constitution, one that “honours and respects the diverse cultural strains which enrich society and seek constantly to promote national appreciation of them at all levels...” The proposed Commission can be charged, also, at the more practical level, with the direction of commemorative events and the establishment of memorials which, as the Constitution prescribes, “Celebrate our cultural and racial diversity and strengthen our unity by eliminating any and every form of discrimination.”

Let us not sleepwalk into separateness. Let us take this opportunity to promote national unity. Let us look forward to enjoying a good life together in this land of our birth.

I must add that on Wednesday I did have a telephone conversation with the Hon. Minister of Culture, Youth and Sport and today I did receive from him a letter which was copied to you and the Leader of the Alliance For Change. Having listened to the Hon. Minister and having received his letter, I propose two minor amendments which I will formally introduce later. These were introduced at the request of the Minister of Culture, Youth and Sport who requested that we change the name that was proposed in this motion from the National Heritage Commission to the “National Commemoration Commission” and I have acceded to that request.

The Hon. Minister also raised the issue that policy-making should be the business of the executive and I have proposed also to amend the motion by inserting the words that “the Commission would be charged with making recommendations” in the resolve clause of my motion. It would make recommendations for the promulgation of policy. To my mind, I have

agreed with the reasonable requests offered to me by the Minister of Culture, Youth and Sport, both in writing and in our conversation.

I, therefore, commend this motion to this House with the expectation that it will be unanimously supported as a motion that will promote national unity in this country.

Thank you Mr. Speaker. [*Applause*]

Ms. Teixeira: Mr. Speaker, having looked at the motion and then having heard Mr. Granger's introduction of his motion, I am more convinced than even before that the request by the Government for deferral to have a look at the motion with the view to reaching unanimity was correct. If one looked at the motion as it is, one could not have had that sense of some of the things that Mr. Granger spoke of. I believe that they require discussion; they require ventilation and they require the three parties in this House to sit and create a framework within which one can deal with these important and sensitive issues.

As a people, we are a young, democratic, nation, not old; we will be forty-seven years old this year. It is at this stage that we have many things to confront at the international level, the regional level, the national level and within our borders at the community level. We cannot, as a people, define ourselves only by when we arrived here.

The motion refers to the indigenous people, in relation to Heritage Day, but the people who have been here first have been here from seven thousand years ago and as long ago, between seven thousand and eleven thousand years by archaeological and anthropological findings.

But we are not stuck in the eighteenth and nineteenth centuries. This is the twenty-first century and this is a country in which other people have come to this land, other nationalities, other ethnic groups, and it will continue to be so. We are a nation that is young and emerging and one in which we have a lot to offer to our people, to our neighbours and to other people. Guyana is reaching its level of maturation. Therefore my concern, and our concern, is that our history and our culture are not static nor are they restrained and confined by the date our ancestors arrived or by historic dates, in terms of their emancipation.

Emancipation, as Bob Marley said, is a process. It is why he sang about it - that we have to liberate our minds; we have to throw off mental slavery.

As a Guyanese, as a Guyanese woman and as a woman of the most minority group still existing in this country... I represent the minority of the minorities of Guyana and I do not wish to be defined by that ethnicity; I wish to be defined as a Guyanese woman, and a proud Guyanese woman. I do not want to be constrained by biological and other things I had no control over. It is not my fault or anybody's fault or any condition of what you were born into, what you look like or the colour of your skin. It is, though, what we make our country that is important.

We are not finished evolving as a nation. There are Caribbean nationals who have come here in the early twentieth century. There are new Chinese and new Indians who have come here in the twentieth and twenty-first centuries. There are other nationals – Brazilians and Africans – who have been coming here from the 1990s. Our tapestry as a culture, as a nation, is still evolving, so the issue is that we also cannot be trapped in a time warp.

Guyana is not isolated from what else is going on in the world. Fifty-eight per cent of our population is under the age of thirty-five.

This is a global world; it is a global situation. Information is flashed around the world within seconds. The young people of today see the world in a different way than my generation and the generation before. They are caught up in information that we could not have dreamt about ten years ago and so they are going to be influenced - positive, negative, good, bad - but that new evolving culture is also going to be what is Guyanese. When one looks at the way our young people dance, dress, eat, socialise, it is the new culture that is emerging. Some people do not like some of it; other people do not mind it. It is a new culture emerging in Guyana. One has to be careful that one does not try to regulate all aspects. It must be allowed, as Martin Carter talked about – Dr. Roopnarine is the expert on Martin Carter, having studied and written voluminously of Carter's work – that culture must be allowed to flower and blossom. Not all of it can be stymied and controlled by bodies of people.

9.14 p.m.

When we look at the emergence of art in the early 1940s and 1950s, there was very little support from the State and the British colonial Government at that time, but some of our most outstanding artists and writers emerged in that time of turmoil, in that time of revolutionary struggle. We are a people who have had a fractured and painful history and we believe strongly

that we have to sit, as a people, as political parties, and try to find the best framework for that to take place in.

We are pleased that Mr. Granger has made two amendments to the motion. We appreciate the significance of that move by him, but we still believe, firmly, that it would have been far better for this House for us to sit together and try to reach unanimity on the motion. That does not mean leaving the motion as it is. In fact, a letter to Mr. Granger, signed by Dr. Anthony, stated that “As you might be aware, the Government of Guyana is inclined to support the thrust of the motion.” However, we cannot support the motion as it is currently drafted. We pointed out to the experience in the Ninth Parliament of how we were able to sit, craft and amend each other’s motions to allow us to reach unanimity.

If one thinks that it was insignificant, that on the motion on Cheddi Jagan and on L.F.S Burnham did not take both sides a lot of effort in which... In some cases, on both sides, there were individual Members of Parliament who were not terribly happy about the concessions and the reworking of the languages, but we were able to reach consensus; we were able to reach unanimity. The essence of this is not about making two amendments; it is about an honest request for deferral so that we could have sat down together and try to put our best brains together to craft a motion that have the unanimous support of this House, which would address the issue, which is raised in this motion, that we feel is not fully raised and constrains the way in which we will be able to address it in the future.

It is just for the record. Guyana has signed the Convention on Intangible Heritage; it has signed the Convention on Underwater Heritage; it ratified the International Social, Culture and Economic Rights and the International Covenants on Civil and Political Rights.

Within our own country there are legislative framework - the Amerindian Act, Forestry and Mining Acts, Building Codes, National Trust, National Archives, Central Housing and Planning Authority, the Environmental Protection Agency, the Protected Areas Commission Act, the Kaieteur Park Act, the National Park Act, the Maritime Zone Act and the Public Holidays Act. There are a range of pieces of legislation that have an impact on how we protect our tangible and intangible heritage. It may not suffice, some of it may be antiquated and needs to be amended and brought up to date. These are things that the Commission could look at, whether it is called

heritage, commemoration or some other name we come up with, it is the dynamics of how we come to decisions that is sometimes more important than the decision itself.

Mr. Granger has talked about inclusionary governance; he has talked about inclusion, but yet a request, on this side of the House, for a deferral to allow people to sit, share and brainstorm was not accepted, because there is, on the Opposition's side, Mr. Granger, himself, who has written a lot on history and culture. Dr. Rupert Roopnarine is well respected in this area. On this side of the House, there are people who have been involved in culture - whether it is administration, in history, in performing or in whatever. There are people on both sides who could have sat ... On the AFC side, there are also Members there, such as Mr. Nagamootoo, Mr. Ramjattan and Mrs. Hughes, who has been involved in a variety of ways - whether it is the marketing end, propaganda end or whether it is the news end.

I am very disturbed Mr. Speaker [Mrs. Backer: You are always disturbed.] That is your problem. I am disturbed because I believe firmly..., and I speak on behalf of the Cabinet here because the Cabinet on Tuesday had quite a long discussion on this motion. We felt that this was a golden opportunity for us in this House to sit down and reach unanimity on. That was on Tuesday and on Wednesday the communication was made with Mr. Granger.

The two amendments may appear to suffice, but I believe that we have lost an opportunity. I do not believe that it is too late in the debate right now for us to halt and have a team sit and meet. We have written, in another communication during the sitting of this House, to Mr. Granger, saying that we are committing ourselves, as we did in the letter that was sent this morning, and we further committed ourselves that we were prepared for this motion to be on the agenda for February 7th sitting and that we were prepared to sit and try to reach unanimity, before that and we were pretty sure that we could.

A lot has been said about anger, about disunity and about us as a people having a national contract but I believe, firmly, that... Obviously we have to complete the contract and the contract will probably be emerging and evolving as our country moves forward.

Cultural identity and culture are more than and bigger than the colour of one's skin and broader in its definition than our ethnicity, our cultural ethnicity, our cultural identity, our religion, our gender, birthplace and birthright.

Culture is about the way of life of a people, the way of life of a society, which is evolving all the time and changes over time. When we look at the different cultural practices, some of them have been lost, regrettably, and some of them have not; maybe it was good that they were lost. We have an opportunity today because having heard Mr. Granger's speech, in presentation, I am more convinced that there was need for us to talk.

Therefore it is unfortunate and regrettable because I believe fundamentally at this time in the body politic that a signal, such as this, would have been the right signal for our people and for this House. Our body politic needs an injection of some goodwill and good faith and some indication to our people that, on issues of sensitivity, we can sit together. We are bigger than our individual selves; we are more magnanimous in our spirits, in our intellect and in our souls to be able to sit together and to find what would be a formula for such an idea because, as I said before, the initiative taken by Mr. Granger we support. We believe though that this is a national initiative and requires unanimity.

I just want to make one small correction. The Special Select Committee, which looked at the holidays in the Eight Parliament, most of those Members of that parliamentary Special Select Committee are not here, if I am right. [Mrs. Chandarpal: I am here.] Mrs. Chandarpal is here. I think she is one of the last people or is the last person from that Parliamentary Special Select Committee. That Parliamentary Special Select Committee from its report, which is in the records of this House, looked at all the holidays and dates of arrival as put forward by Mr. Granger and also had representation, if I am correct, from the public and different organisations came forward. The selection of the date, May 5th, Arrival Day, was meant to be arrival day of all and of everyone. That is written in the *Hansard* and that is written in the Resolution. It coincided with May 5th, the arrival of indentured labourers but it also coincided with other dates in that same month of other groups that arrived as indentured labourers. Therefore it was felt that this was a safe area that the same date could be used for Arrival Day and so it was never Indian Arrival Day; it was Arrival Day.

I believe that we must hold to what is true and dear in our society. We must hold true to our fundamental belief that we, as a people, regardless of where our ancestors came from, are here, our navel strings are buried here - we are here; we are the here and the now - and we have the

responsibility to be able to do the best that we can. We have that responsibility, as generations before us.

There are times - when the history of culture and the evolution of cultural and cultural management in Guyana are written - and it will show how culture has been used and abused in different periods of our history for tokenism and for all sorts of things. It is not a purview of any one particular Government, but it evolved.

I will say this, as a former Minister of Culture, Youth and Sport, that I remember taking on the Ministry, which was originally a department of the Ministry of Education, in which when I met the Commemoration Committee, which existed then, it was all one ethnic group, it was all of one political persuasion and it was all of one religious persuasion. Obviously, we do not want to go in that direction again. Certainly, we do not.

We have to find a way to find spatial opportunities at the political level, spatial opportunities in the fabric of our society, and, therefore, we can technically talk about culture and a number of issues but we are talking about the soul of our nation and how we see ourselves, and how we express ourselves in music, in dance, in literature, in poetry, in photography, in painting. I see the Minister has circulated the Guyana Visual Arts Competition Exhibition, which is a beautiful collection, absolutely gorgeous collection, that shows young and old artists of Guyana, male and female, of all different ethnic groups, who are creative and imaginative and who are not being constrained, defined and divided by who came when and who represents who.

I believe that we have an opportunity, Mr. Granger, with this motion, either to send it to a Special Select Committee, if you do not want to meet directly with the Government, or that we pause and we meet as three parties, if you want, on Monday or Tuesday, to sit down. I believe that there is creativity and imagination and goodwill on all three sides of this House to come back to this House with a motion that is more useful and a more helpful tool to what we say are our ambitions and to what we say are our goals. What better goal it is, what bigger goal, what more important thing to build national integration, to build cultural integration. What bigger effort could that be for us?

As I said, culture is not easy to regulate. I remember Denis Williams. I had the honour of working with him for a short time, before his demise, and in some of the writings and recordings

which were done of him he talked about the cultural reservoir of Guyana being the village. How he defined the village, both in a geographic sense of a community of people, whether it was, as some people thought, one came from a village from the East Coast or East Bank or even a village in the Pakaraimas, he felt that those geographic spaces were part of the reservoir of what we are as a people and how is it that in some parts of Guyana there are different traditions that are assumed to belong to one ethnic group over another. In fact, when we do the historical research it is completely contradictory and it goes to other parts of the world.

We need to be able to find an avenue, a forum, a mechanism, that we can bring the best out in us and not try to limit us in any way. I believe the motion, which has been drafted now - I do not believe Mr. Granger has done that deliberately - is limited, in terms of the scope of what can be done. If this is what we want to tackle, having listening to Mr. Granger's speech, if this is where we are going and where we want to go then, this framework, this mechanism, as put in this motion, cannot do it. It will lead to all sorts of other controversies.

I believe that we, as I said, have an opportunity. The Opposition can very well proceed, by putting it to the vote, but, as the Government said in its letter to Mr. Granger this morning, "The Government wishes to reiterate that parliamentary motions do not bind executive. However, the parliamentary motions that are supported by the Government could be binding."

One of the important issues, which was raised by the Government, through Minister Anthony, was the issue of the motion and the executive authority. The Commission cannot take on the executive authority, that is, the Ministry and agencies which deal with culture. It can be a variety of forms and models and I would not dare to hazard at this point, in this sitting, what are the different models that can be used because that was the opportunity, when we sat together, to look to see what kind of Commission we wanted; how it would engage with the Ministry of Culture, Youth and Sport; how it would engage with National Trust; how it would even engage with National Archives; how it would deal with Castellani House, the Gallery of Arts, how it would deal with the University of Guyana and how it would deal with the Ministry of Education and curriculum development. [Mrs. Backer: Would all of that be in the motion?] I know that some of the voices over there always find something to make fun of whatever I say, but it does not matter.

One thing about culture and history is that it is not the purview of anybody; it is not the purview of any ethnic group; it is not the purview of any government; it is not the purview of any political party, because culture and cultural emergence and expressions come from far deeper than that. They come from people who express themselves in a variety of ways. It has very little to do with class; it has very little to do with religion or anything else actually.

I wish to thank Mr. Granger for the initiative he has taken. I wish to acknowledge and thank him also for putting the two amendments, but I wish to, in conclusion, reiterate that this was a golden opportunity for us to reach unanimity and that having failed to meet and deferred, as we had asked, that we are losing a golden opportunity.

Thank you very much Mr. Speaker. [*Applause*]

Ms. Ally: Mr. Speaker, Hon. Members of this House, I rise, first of all, to second this motion moved by Hon. Member Brigadier (Ret'd) David Granger, leader of the majority in this House, and in so doing I wish to form that we of the A Partnership for National Unity (APNU) believe strongly that the time has come when we should establish a National Heritage Commemorative Commission and I trust, Sir, that there will be unanimity for the passage of this motion, even though the Hon. Member Gail Teixeira made those very comments about having a golden opportunity to reach unanimity.

I want to say that this motion is not a motion that is contentious nor is it one which can be classified as vexatious. A notice for this motion was given more than ten days before today's sitting and, of course, we recognise that this is a national issue and of national importance. Hence, I believe that since this motion was put on the Order Paper, maybe, there should have been some interaction between the Government and the Opposition in order to discuss this matter, so that if there were changes and if there were amendments that the Government wanted to propose we could have discussed then but, after Minister's Anthony letter, today there is this firm thing about deferral, even though Minister Anthony proposed two amendments which the Hon. Leader of the majority concurred with.

In no less a document than the Constitution of the Co-operative Republic of Guyana, it refers to our diverse culture which is something that enriches our society. It must be appreciated that our Guyanese society has a configuration of people from China, India, Africa, from the indigenous

communities and this ultimately gave birth to the various ethnic groups, cultural identity and our heritage...

In Guyana, the absence or low-key reflection of some aspects of Government stands as testimony as in the case of the absence of a national youth policy. Culture is defined in so many ways. Some say it is a way of life for a group of people; some say it is something with distinctive features of society; some say it carries information and ideas about life and living... [Mr. Ali: I want to know what you say.] I say put back the four Billion dollars... shared customs, traditions and memories from parents to children. Whatever definition we use it boils down to how we value inheritance and what we do thereafter with the various inputs.

As I said before, Guyana enjoys people with diverse cultures, identity and we recognise this in no mean way. We also have a country made up of more than one ethnic group hence we must appreciate the contents of this motion before us. Guyana is not a country in isolation with diverse cultures. Many countries across the world enjoys this same status and have given due recognition to this fact. This is so important that we must treat all of the inhabitants equally and give due recognition to the contributions they make to the Guyanese society. We must have a oneness of approach hence our call for a National Heritage Commission.

If I may remind this House that our first President was of Chinese decent; our first Executive President, founder of Caribbean Community (CARICOM) and the man who took us to independence, Linden Forbes Sampson Burnham, has African ancestry, our religious configuration emanates from India and so we must be able to bring together these various cultures, teachings, inheritance for a better Guyana.

We must understand the philosophy of our various peoples. We must have an understanding and know the significance of heritage buildings, structures, lands, the preservation of ancestry lands, landmarks and other sites among others. We must be able to formulate policies on heritage matters for approval by this Commission. We must be able to prepare and maintain an inventory of our heritage properties and we must be able to promote public awareness of the heritage resources.

9. 44 p.m.

This Commission must be able to draw from the various contributions, the various cultures to examine the existing structures and to promote the work of our people in an equal, significant and fulsome way. The food we eat, our religious belief and our other forms of way of life must be recognised as a Guyanese thing with due recognition that we have drawn from various peoples. Our culture, our heritage, is too important to be treated in a piecemeal fashion and here I refer to examples, referred to by the Hon. Leader of the majority where he referred to April, 1997 when our indigenous people protested in front of the National Assembly. Sir, you will recall that in 1997 the Timehri International Airport's name was changed and to this, our Amerindian brothers and sisters considered it to be an affront to their dignity.

Mr. Granger, Sir, also spoke of the response of our African Guyanese to the erection of a monument at a site where they did not approve. He also made reference to amending the Public Holidays Act to accommodate Arrival Day for a particular ethnic group. Arrivals are important. The late Mr. Arthur Chung, the late Mr. Forbes Burnham, the late Dr. Cheddi Jagan, Ms. Teixeira, Mrs. Deborah Backer and Dr. George Norton, they represent arrivals of various groupings and that is why we want to have this National Heritage Commission. We will be able to treat with our culture, our identity, our heritage as a Guyanese nation.

Sir, in 1972, UNESCO created the World Cultural and National Heritage Commission and since then many countries, including Australia, India, Netherlands, South Africa, the City of Kamloops, only to name a few, followed and vied to get their national heritage sites on the world's heritage list. We must not be any different. It certainly Sir, will bring the cultures of our various people in sync with a National Trust.

Let us put our country on an elevated platform. The National Trust must be given a place of national significance, having regard for our cultural and racial diversity. We must resolve to strengthen our unity by eliminating every form of discrimination, something which Mr. Irfaan Ali likes to keep close to his heart - "discrimination".

This National Heritage Commission is vital, Sir, so that all Guyanese can be proud of what we inherited - our cultures, our identity, our landmarks, among other things.

I urge you Comrades to rethink your position to support this motion and make our nation a truly integrative one, one that can bear the fruit of flourishing of the various cultures in our society.

I thank you. [*Applause*]

Mr. Allicock: It is a privilege to walk through ones past in the present. I therefore rise to support the motion standing in the name of the Hon. Member Mr. David Granger, M.P., Leader of the Opposition, under the caption “Establishment of a National Heritage Commission”. Commissions are important and the establishment of a National Heritage Commission is equally important, since it is tasked to secure the preservation and enhancement of the man-made heritage of a nation for the benefit of future generations.

Its remit as set out in the resolve clause of the motion would include: One, making recommendations for ‘the promulgation of a National Cultural Policy which “honours and respect the diverse cultural strains which enriched the society and will seek constantly to promote national appreciations of them at all levels.”’

The establishment of a National Heritage Commission would help to enhance Guyana’s identity in this defining time of globalisation when it is easier to infiltrate and erode our national identity. Heritage plays an important role in national destiny. Only by knowing our collective strengths as a people can we be prepared to meet challenges posed by globalisation.

Article 35 of the Constitution of the Co-operative Republic of Guyana states that the State honours and respects the diverse cultural strains which the society and will seek constantly to promote national appreciation of them at all levels and to develop, out of them, a socialist national culture for Guyana. Hence that article, article 35 of the Constitution, sets out the importance of our heritage. The passage of the motion, being debated, will constitute a serious step by Members of the National Assembly in preserving and celebrating our cultural treasures.

The motion also seeks to strengthen efforts to instil values citizens that will ensure protection, conversation and preservation of cultural heritage properties. Without a specific heritage to claim as they are birthright, people are rootless and consequently drifts through life without knowing or understanding where they come from, who they really are or where they are really going. It has also been said that without the solid foundation of heritage it is not possible to build anything that will last and stay on course and that includes a folk community. Although this applies to every social group, I wish to refer primarily to the situation of the Amerindian peoples of Guyana.

At the moment, I am quite certain that, in this Hon. House, all Members here are aware of the situation with regards to lands that are causing very serious concerns to all of us as Amerindians. We feel that this is a total disregard and disrespect for the first peoples of this country. An example, right now, is the Isseneru case, the Kako case and the other cases of upper Mazaruni and still those yet to come. I believe that to correct this mistake we need to revise the Amerindian Act of 2006.

I would like to refer to the honourable Stephen Campbell when he fought for this very rights of the indigenous people working towards independence, he was the lone fighter and for us to be equal it means that we have to respect each other and the Constitution of this country.

I also would like to... Well, I should not say “bring this to your attention” because every Guyanese knows that Guyana is a very colourful nation. There is space for each and every individual and the more we are aware of our cultural heritage so much the better it will be for us to truly enjoy a Guyanese society.

I wish, therefore, on behalf of A Partnership of National Unity to call on all Members of the National Assembly to protect our cultural heritage by supporting the motion in its entirety, so that all Guyanese could equally enjoyed a good life by respectfully following the motto of this country which states: One People, One Nation, One Destiny.

I thank you. [*Applause*]

Mr. Speaker: Hon. Members, it is just, about, according to my watch, two minutes to ten o'clock, the hour of which we are, by the Standing Orders, expected to end the day's proceedings. I am not aware of any arrangement with or between the Whips. I personally, if you decide to proceed, will ask to be excused. I have heard a very interesting debate so far. I believe that the issue is so important and I go out of the limit to comment the Leader of the Opposition for bringing this important motion. So important it is, that I really believe, down to the last minute, an attempt should be made to find consensus on it. The door still, in my view, appears open. The debate has started it does not necessarily have to end tonight, and I say this with all due respect to everyone, but I have not made any ruling, because I am saying if the House is mindful to proceed, I have something that I need to attend to very urgently. As I said, I do believe that the motion is so important to the nation and given what I have already heard we can

arise at consensus if... By consensus, I mean something that all of have had an input in and I do believe that the door should be left open, so with that said I invite a Member to move for the suspension or for an adjournment.

Ms. Ally: Mr. Speaker, I think we only have an AFC speaker who I do not think is going to be of any length of time, then Dr. Anthony and the wind up. I want to propose, Sir, that we conclude the motion. It would not be too long after now.

Mr. Speaker: If that is the agreement of the House, is there a seconder to that motion?

Mrs. Backer: I second it.

Ms. Teixeira: Mr. Speaker, can I put a counter motion that the motion be adjourned for the next sitting to continue.

Mr. Speaker: Is there a seconder to that counter motion?

Mr. Nadir: I wish to second that.

Mr. Speaker: There are two motions. I have to put both. I will put the motion in order in which they were received. In fact one will determine the other. So I put the motion firstly in the name of Ms. Amna Ally for a continuance.

Ms. Teixeira: Division.

Bell rang.

Assembly divided: Ayes 31, as amended, Noes 27, as follow:

Ayes

Mr. T. Williams

Ms. Marcello

Dr. Ramayya

Mrs. Garrido-Lowe

Mrs. Hughes

Mr. Nagamootoo

Noes

Mr. Jaffarally

Mr. Damon

Dr. Persaud

Dr. Mahadeo

Mr. Seeraj

Mr. Neendkumar

Mr. Ramjattan
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
Mrs. Lawrence
Mr. B. Williams
Ms. Ally
Dr. Roopnarine
Brigadier (Ret'd) Granger

Mr. Lumumba
Mr. Chand
Ms. Shadick
Mrs. Chandarpal
Mr. Nadir
Ms. Teixeira
Bishop Edghill
Mr. Whittaker
Mr. Baksh
Mrs. Cambell-Sukhai
Ms. Wedster
Mr. G. Persaud
Mr. Benn
Dr. Anthony
Mr. Ali
Dr. Ramsaran
Dr. Westford
Mr. R. Persaud
Dr. Singh
Mr. Nandlall
Dr. Ramsammy
Mr. Rohee

Mr. Speaker: Hon. Members, the division having been sought and the motion proposed by Ms. Amna Ally thirty-two Members voted in favour of the continuance and twenty-seven Members voted against the continuance.

Mr. Ali: Mr. Speaker, just on a point of correction, thirty-one Members voted for, when Dr. Ramayya name was called some Member over there said “yes” and he is not present.

Hon. Members (Opposition): It is over there.

Mr. Ali: No.

Mr. Speaker: Mr. Isaacs, Dr. Ramayya is definitely and obviously not present and so we could not have thirty-two Members voted in favour. Thank you Mr. Ali. Hon. Members, the Clerk has indicated that it indeed should reflect thirty-one Members voted in favour of the motion for continuance beyond the appointed hour, twenty-seven Members voted against. The motion is carried. Ms. Teixeira, your motion is still live, you may withdraw it or I will put it to the vote as well, I ought to have put it first actually.

Ayes 31, as amended.

Motion carried.

Ms. Teixeira: I was about to say, Mr. Speaker that normally we put the second one first, I have no objection to you putting my motion.

Mr. Speaker: Hon. Members, I propose the motion that we adjourn the debate to the next sitting...

Ms. Teixeira: Mr. Speaker, I would like to say the next sitting is on the 7th of February.

Mr. Speaker: ...on the 7th of February which is just about less than two weeks away.

Motion put, and negatived.

Government Members left the Chamber.

Mr. Speaker: I think there is a resounding “no” there so Hon. Members, I will invite the Deputy Speaker to take the Chair. Before I leave, Mr. Nagamootoo, I had received an email from you about a matter you wish to raise and I believe I can deal with it now because I will not be...

Mr. Nagamootoo: Mr. Speaker, thank you very much. I want to say that I reported in a section of electronic media as lying to the National Assembly when I spoke on the Former Presidents

(Benefits and Other Facilities) Bill. I said I was opposed to the previous 2009 Bill. I say said it rattled my soul and violated the revolutionary morality in which I was schooled. I was told then that I could not oppose the measure as it was a Cabinet decision and was not allowed a conscience vote. I was gagged, whilst I was on that side, in trying to vote according to my conscience. I was asked to take a party solidarity vote. If the *Hansard*, however, states I voted in the Bill, I would accept that, but I did not lie to this honourable House.

Mr. Speaker: Are you clarifying or are you raising a complaint?

Mr. Nagamootoo: I am raising a complaint that the electronic medium, which carried this *I-news*, according to the privileges on this House, was supposed to be fair, balanced and contemporaneous. It was contemporaneous, but not balanced nor fair. I believe it is a breach the immunity, the privilege of this House and I wish to lodge a formal complaint against *I-news* for having taking the debate and quoted what I have not said.

Mr. Speaker: Hon. Members, I have seen the report coming under the banner of *I-news*, the same outfit that sought to malign me just about two weeks ago and it states that the Hon. Member Mr. Nagamootoo was found lying to the House. I do not know by whom that finding was made. I have my own belief about the origins of this outfit, as I called it, and I am going to be speaking to the Clerk because you cannot make an acquisition of a Member in this House, I would not permit anyone to make such a ridiculous lying statement about any Member outside of this House. I find it contemptuous and I will be speaking to the Clerk about possible courses of action, but it cannot continue. I have spoken about it just ten days or two weeks ago. It is outrageous and we are not going to allow Members of this House to be spoken to such as that. There is no finding of anyone lying here and I cannot condone such a statement by any outfit calling itself a media house, whether it is associated with the Government or not, but it cannot be allowed to happen. I invite the Mrs. Backer to assume the presiding role. Thank you and good night to all.

Deputy Speaker in Chair.

Mrs. Hughes: I rise on behalf of the Alliance For Change to support the motion on the floor as amended for the establishment of a National Commemorative Commission. This motion seeks to recognise and respect the six races that make up this beautiful nation-state Guyana, still bursting

with potential. It asks that a national commission be established to honour each of the many people that today make up a Guyanese. An organisation that, with independence, can provide fairness, protection and mutual respect to all the ethnic groups that cross the ocean to make a place they did not know, Guyana, home. Lest we forget Guyana is better in the beauty for diversity and we, in fact, have more in common than the differences we often promote in this honourable House.

10.14 p.m.

It is a Commission that can bring recommendations and support to the national cultural policies, ensuring that each group is treated and promoted equally. Doing that can only build confidence in our systems, our policies and our institutions.

It is regrettable that the Hon. Learned Member on the other side, Ms. Teixeira, felt that the motion did not seem to deal solely with the arrival of the various peoples to Guyana. In fact, a closer look at the Commemoration Clauses and the Resolved Clauses really seek to commemorate our diversity. In fact, although she says contrary, I think such a Commission could truly emancipate our minds. Imagine a time when we would have more radio stations, more voices, more cultures being promoted, different diversity in thought, in approaches, in beliefs, all being approached and promoted in a new and different way in Guyana. I think such a Commission can do much for us all.

I worry that in recent years we seem to have forgotten the importance of standing together and of promoting our national songs. We forget that yes we can cooperate - *Let Us Cooperate*. Songs like that, if we promoted them a little more, which I think such a Commission could go a long way in promoting, in all spheres of our society, as diverse and beautiful as it is, it will remind us that yes, "*Can we do it? Yes we can*".

So, really in the Resolved Clause we see that the motion promotes the commemoration of events and memorials. As our Constitution states, it will allow us to celebrate our cultural and racial diversity and strengthen our unity by eliminating any and every form of discrimination. We want to ensure that the promotion of culture and our diversities are not left to a few individuals or organisations which, by the power of the purse, are able to promote more or promote less. We

want to ensure that all Guyanese have an equal understanding, an equal participation and an equal opportunity to highlight their own beautiful culture.

I cannot imagine anyone sitting in this good House and given the events of the last 10 minutes... Maybe this is just testimony that what I am about say can in fact not happen. I want to say that I cannot imagine that anyone sitting in this good House, including those who are now absent, who have walked out, will not stand in favour of the promotion of unity in Guyana as his or her own personal goal and, therefore, felt that he or she could not stand in support of this Motion, especially since we consider that there were two very pertinent concerns raised by the Minister of Culture, Youth and Sport that were carefully considered and put forward in amendments to the motion.

As we talk about the Minister of Culture, Youth and Sport, I want to publicly say that earlier tonight I congratulated him on this wonderful competition and this production. I think it is only fair that in this House we stand for what is right, what is honest and what we want to promote.

To me, all is not lost; we still have a golden opportunity. I really cannot accept that the very small gesture that those on the other side of the House could have in promoting and supporting such an institution would go unrecognised and unsupported. I really would like to say that it would be just a small gesture for all us, on all sides of this House, to be able to stand in favour of anything and everything that will promote unity in our country. Therefore, on behalf of the Alliance For Change, it is my honour to support such a motion. I hope that the process of emancipating all our minds might be enhanced with the establishment of such a Commission.

Thank you. *[Applause]*

Mdm. Deputy Speaker: Hon. Member Mr. Granger, could I now invite you, in the absence of Dr. Anthony, who is the next listed speaker, to respond?

Brigadier (Ret'd) Granger (replying): Thank you, Mdm. Deputy Speaker. I would like to thank my colleagues, Comrade Anna Ally, Mr. Sidney Allicock, and Ms. Catherine Hughes, from the Alliance For Change, for rising to speak in support of this motion. I think we all agree that it was an important motion.

I would like to make sure that the record is clear that I did have contact with Dr. Anthony, both by voice and in writing, and that, in my mind, I agreed to the changes he requested in order to build consensus on this motion, the consensus the subsequent speaker spoke about. There is nothing that I was asked for or asked to do that I did not agree to in the interest of ensuring this motion goes through. All that I can see from the Government side is a desire to procrastinate. Even in her presentation, Ms. Teixeira made no specific demand for an amendment; she simply wanted a deferral. There is nothing that I did not agree to do. There is nothing before me that I have not considered.

I think we have come to a very sad realisation that the same Ministry which has failed to give us a youth policy, the same Ministry which fails to implement a serious sports policy, has now walked out on the opportunity of developing a culture policy. I think we have learnt a lot in the last 15 minutes. We intend to proceed because we are all Guyanese and we all know what is at stake. This motion had no objective other than building national unity and ensuring that every single group in this country is given equal consideration as called for under the Constitution. It is a moment of some astonishment that the Government should walk out. Then again, I do not think many of us expected otherwise.

With those words, I would like to propose that this motion be adopted and I would like to call for the amendments to be included so that the motion should be adopted as amended. The amendments have been circulated and they have been seconded by Ms. Amna Ally.

Mdm. Deputy Speaker: Just bear with me a minute. I am trying to get a copy of the amendments.

Brig. (Ret'd) Granger: So, I have great honour in recommending that this motion be moved as amended.

Thank you.

Mdm. Deputy Speaker: I think everyone has the two amendments, the first one being as regards to the title, *The National Heritage Commission*. We will delete the word “Heritage” and insert the word ‘Commemoration’. In the Resolved clause, again, delete the word “Heritage” and insert the word ‘Commemoration’. The third amendment is the insertion in line one of the Item 1 the

words “making recommendation for”, before the words “the promulgation of a national cultural policy”.

I now put the motion with those three amendments that have all been moved by Mr. Granger and seconded by Ms. Ally.

Question put, and agreed to.

Motion carried.

Mdm. Deputy Speaker: Hon. Members, I am happy to report that the motion has been carried and passed with the amendments.

ADJOURNMENT

Mdm. Deputy Speaker Members, this brings us to the end of the business for today. In the absence of the Government, could I invite Ms. Ally to move the appropriate motion?

Ms. Ally: Thank you, Mdm. Deputy Speaker. I move that the Assembly resumes on the 7th February, 2013.

Mdm. Deputy Speaker: The Assembly is adjourned until the 7th February.

Adjourned according at 10.25 p.m.