

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2012-2014) OF THE TENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN*

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67<sup>TH</sup> Sitting

Thursday, 16<sup>TH</sup> January, 2014

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*The Assembly convened at 2.36 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **ANNOUNCEMENTS BY THE SPEAKER**

**Mr. Speaker:** Hon. Members just once again to apologise for the delay in starting. We were required to print and circulate the Supplementary Order Paper. The Clerk advises that was just completed.

### **Wishes for 2014**

**Mr. Speaker:** I like to wish every Member of Parliament a happy and productive 2014. I have seen and read the statements issued by the parliamentary parties at the end of the year wishing Guyana and Guyanese to have a united and prosperous 2014; I trust that will be the theme and manner in which we proceed with our business this year. I know that last year has its own challenges, but I believe that this year we can overcome most if not all of them and proceed to have a glorious and fulfilling year. I wish you and the staff of the National Assembly my very best wishes for 2014.

## **Leave to Members**

**Mr. Speaker:** Leave has been granted from today's sitting to the Hon. Members Minister Carolyn Rodrigues-Birkett, Hon. Minister Dr. Frank Anthony and Mrs. Deborah Backer.

## **PRESENTATION OF PAPERS AND REPORTS**

The following papers and reports were laid:

- (i) Minutes of Proceedings of the 13<sup>th</sup> Meeting of the Committee of Selection held on Thursday, 19<sup>th</sup> December, 2013 [*The Speaker*]
- (i) Annual Report of the National Industrial and Commercial Investments Ltd. (Company) for the year ended 31<sup>st</sup> December, 2012.
- (ii) The Annual Report of Guyana National Printers Limited for the year ended 31<sup>st</sup> December, 2012.
- (iii) The Audited Financial Statements of Linden Electricity Company Inc. for the year ended 31<sup>st</sup> December, 2009.
- (iv) The Audited Financial Statements of Linden Electricity Company Inc. for the year ended 31<sup>st</sup> December, 2010.
- (v) The Audited Financial Statements of Linden Electricity Company Inc. for the year ended 31<sup>st</sup> December, 2011.
- (vi) The Audited Financial Statements of Lethem Power Company Inc. for the year ended 31<sup>st</sup> December, 2012.
- (vii) The Audited Financial Statements of Port Kaituma Power and Light Company Inc. for the year ended 31<sup>st</sup> December, 2012.
- (viii) Sales Contract No. SA143408 (PETROCARIBE) dated as of January 01, 2013 between PDVSA Petróleo, S.A. and the Guyana Energy Agency (GEA) to supply the Government of Guyana with crude oil, refined oil products and LPG of up to 5,200 barrels per day on an annual basis.

- (ix) Agreement dated October 12, 2013 between the Government of the Republic of Bulgaria and the Government of the Co-operative Republic of Guyana to write-off 90 percent of Guyana's total outstanding debt to Bulgaria in the amount of US\$2,903,203.34.
- (x) Compensation Agreement under the Framework of the PETROCARIBE Energy Cooperation Agreement dated December 12, 2013 between PDVSA Petróleo, S.A. (PDVSA) and the Co-operative Republic of Guyana for the cancellation of the oil debt in compensation for the white rice and paddy shipments under the Guyana/ Venezuela Rice Trade Agreements in the amount of US\$91,056,290.03.
- (xi) Loan Contract No. 3106/BL-GY dated December 11, 2013 between the Co-operative Republic of Guyana and the Inter-American Development Bank for US\$16,920,000.00 for the Environment Sector Strengthening Program.
- (xii) Amendatory Agreement No. 1929/BL-GY (Amendment No. 2) between the Government of Guyana and the Inter-American Development Bank signed on December 11, 2013 for the Agricultural Export Diversification Programme.
- (xiii) Report of the Directors of the Dependants' Pension Fund for the year 2010.
- (xiv) Report of the Directors of the Dependants' Pension Fund for the year 2011.
- (xv) Report of the Directors of the Dependants' Pension Fund for the year 2012.
- (xvi) Audited Financial Statements of the National Communications Network Inc. for the year ended 31<sup>st</sup> December, 2010.
- (xvii) Audited Financial Statements of the National Communications Network Inc. for the year ended 31<sup>st</sup> December, 2011.
- (xviii) Audited Financial Statements of the Guyana Electricity Corporation Inc. for the year ended 31<sup>st</sup> December, 2012.

- (xix) Financial Paper No. 4/2013 – Supplementary Estimates (Current and Capital) totalling \$1,062,179,646 - Advances made from the Contingencies Fund for the period 2013-11-06 to 2013-12-31.
- (xx) Financial Paper 5/2013 – Supplementary Estimates (Capital) totalling \$412,780,808 for the period ended 2013-12-31. [Minister of Finance]

*The next scheduled Sitting was named as the date for the consideration of the two financial papers.*

The following Regulations were laid:

- (i) The Environmental Protection (Wildlife Management and Conservation) Regulations 2013 – No.6 of 2013.
- (ii) The Environmental Protection (Litter Enforcement) Regulations 2013 – No. 7 of 2013. [Minister of Natural Resources and the Environment]

## **QUESTIONS ON NOTICE**

### **For Written Replies**

#### **(1) COURSES OF INSTRUCTION ATTENDED BY FOREIGN SERVICE OFFICERS**

##### **Leader of the Opposition (Brig. (Ret'd) Granger):**

- (i) Could the Hon. Minister inform the National Assembly of the courses of instruction attended by Foreign Service Officers of the Ministry of Foreign Affairs from 2002 to 2012?
- (ii) Could the Hon. Minister, in so doing, state the institution, title, dates and numbers of students attending each of the courses and the countries in which those courses were conducted?

*Answer attached.*

#### **(2) COURSES OF INSTRUCTION CONDUCTED BY THE FOREIGN SERVICE INSTITUTE**

**Brig. (Ret'd) Granger:**

- (i) Could the Hon. Minister inform the National Assembly of the courses of instruction conducted by the Foreign Service Institute of the Ministry of Foreign Affairs from 2002 to 2012?
- (ii) Could the Hon. Minister, in so doing, state the title, dates and numbers of students attending each of the courses?
- (iii) Could the Hon. Minister also state the names of the Director of Studies and the permanent instructors and lecturers at the institute during this period?

*Answer attached.*

**(3) COMMUNITY GROUNDS IN NEW HOUSING SCHEMES ACROSS GUYANA**

**Mrs. Baveghems:**

- (i) Can the Hon. Minister tell this House the number and location of areas reserved for the establishment of Community Grounds in the Diamond/Grove New Housing Scheme?
- (ii) Can the Hon. Minister also tell this House the number and location of areas reserved for the establishment of Community Grounds in all the other New Housing Schemes across Guyana?

*Answer attached.*

**For Oral Replies**

**(4) CLIFF ANDERSON SPORTS HALL**

**Mr. Jones:**

- (i) Could the Hon. Minister inform this House whether in addition to sports the Cliff Anderson Sports Hall can also be used to slaughter goats and other meat products?

- (ii) Could the Hon. Minister inform this House who granted permission for goats to be slaughtered at the Cliff Anderson Sports Hall?
- (iii) What fees are charge to clubs/groups to utilise the Cliff Anderson Sports Hall and what criteria is use to determine those fees?

*Questions were deferred.*

## **(5) BASKETBALL COURT AT THE GYMNASIUM**

**Mr. Jones:**

- (i) Could the Hon. Minister inform this House when would the lights on the basketball court at the Gymnasium be replaced?
- (ii) Could the Hon. Minister inform this House why and under whose instruction the lights on the basketball court at the Gymnasium were removed?

*Questions were deferred.*

## **ORAL QUESTIONS WITHOUT NOTICE**

### **1. Alleged Police Brutality on one Colwyn Harding**

**Mr. Speaker:** The Clerk points out that there were oral questions without notice received this morning. Questions coming from the Hon. Member Mr. Winston Felix and I have given him permission to do so. There are two questions, one is for the Minister of Health and the second is for the Minister of Human Services. Mr. Felix please proceed. The first question is somewhat long, please précis and proceed.

**Mr. Felix:** Thank you very much Mr. Speaker. I will try to précis it as much as possible. I wish to bring to the attention of this Honourable House a matter which is gross, perverse, cruel and inhuman as to attract the condemnation of every Member of this House. It concerns an article published on page 8 of the *Kaieteur News* of 10<sup>th</sup> January, 2014 under the caption “*Man Alleges Police Brutality, Sodomy – Mother Seeks Justice.*” In this article Colwyn King, the victim, is accusing the police of arresting him, of beating him repeatedly, placing a condom on a baton and forcing it up his anus- a correction- Colwyn Harding. This caused him severe pain and injury and

he independently sought treatment at the Georgetown Public Hospital where he was admitted a patient. There the examination of him revealed injury to his intestines which requires him to now use colostomy bags to defecate.

Since the Hospital reportedly served notice that they are running out of colostomy bags, my question first to the Hon. Minister of Health is: could the Hon Minister of Health advise the National Assembly of the extent of the injury suffered by Colwyn Harding and what is the cost of hospitalisation? What assistance, immediate relief, is the Ministry of Health willing to provide to this unfortunate citizen?

My second question is...

**Mr. Speaker:** Sorry, we will take them one at a time. Minister of Health the issue is raised.

**Minister of Health [Dr. Ramsaran]:** Thank you Mr. Speaker. First of all, we must in the answers, at the same time, try to balance patient confidentiality and comfort. This is a good question because it comes from an issue that is hitting the headlines and agitating the public right across the country. I would like to point out that I have been communicating with the Head of the Hospital and a conclusive report is in the making.

However, what we understand from his reports is that the patient had surgery for an incarcerated right inguinal hernia. That if you know, and there are many doctors here or people who are well informed and would know, if it is incarcerated long enough it will cause injury to lengths of the bowel. So the juxtapositioning of the claim or the complaint of the sexual assault needs to be taken in this context. The surgery was performed and lengths of bowel were found gangrenous and encaptured or strangulated or incarcerated in the right scrotal sack. They had to be rejected or removed. In other words there were two lengths of bowel which had to be joined. The surgeons did that; doing proper toilet of the internal cavity.

That occurred I think in an emergency fashion on 18<sup>th</sup> December. That was surgery for the strangulated right inguinal hernia. The patient was then under proper nursing care however there was a breakdown of the joining of the two intestines. This lead to certain serious internal complications including septic conditions within the abdomen. This meant that the patient had to be reopened coming out of the first operation for a strangulated inguinal hernia. **[Interruption]**

Any doubting of this would put under question the professional report of professionals. I am saying and I repeat, juxtapositioning it to the accusation needs to be analysed. So I am quite open on this.

The injury to the bowel as Mr. Felix insinuated came not necessarily – I am choosing my words carefully – but what our surgical professionals are saying on the 18<sup>th</sup> and it is documented that this patient was operated on because of pains in the right scrotal area. I know there is a lot of emotion about this, but regardless of the noises, I am basing my report on my trust in the professionalism of the team of the Hospital. So this is what caused the injury to the bowel. Where are we now? [*Noisy Interruption*]

**Mr. Speaker:** Members one second; one second Mr. Minister. Hon. Members in the Eight Parliament the right to have oral questions without notice was introduced; we would like to see it continue. I would like to have the Minister answer the question. Minister the question was on the extent of the injuries suffered by the patient.

**Dr. Ramsaran:** That is what we are saying, extensive damage to the bowel.

**Mr. Speaker:** It seems we are getting a diagnosis.

**Dr. Ramsaran:** This is damage to the bowel caused by incarceration. In other words, it strangulated, died, became gangrenous and had to be removed. In other words the young man is minus a significant length of his intestines. The attempts to suture it together to re-establish patency of the digestive tract failed after a few days and on the 28<sup>th</sup> he had a second surgical intervention. That is what led to the colostomy. Because as you would know, I notice there are lawyers on the other side but not many doctors. If the Hon Dr. Norton was here he might have pacified my good fellows over there. The colostomy is a direct result of the efforts of the doctors to repair that damage.

Where are we now? That is the question I was asking when I was interrupted. The situation with the patient has improved enough for the doctors to make another attempt to re-link these two ends of the intestines - that is the distal part and the more proximal part. And hopefully that second suturing will lead to its ultimate healing and the patency of the digestive tract, allowing the anus to be used for what it was originally intended. In other words, he is presently using an

artificial anus and that is why the colostomy bag is needed to collect the matter that comes out. That is the extent of the damage Mr. Speaker. And as you advised questions should be asked and answered one at a time. Thank you for your patience.

**Mr. Speaker:** The second question please.

**Mr. Felix:** Mr. Speaker, I did not hear the Hon. Minister state the cost of the surgeries and whether there would be some sort of relief.

**Dr. Ramsaran:** Mr. Speaker I was waiting for the questions to come bullet one by one, but I will answer them together. The Georgetown Public Hospital and the public system do not cost patients - and this is unfortunate – independently. We simply provide the services to our best ability. This is not only for this case but for all cases. Currently the Ministry is employing young economists in an effort to do exactly that – start the process of being able to identify how much and what cost for dialysis, kidney transplant and so on. So we would not be able to give you that Mr. Felix, but we are using the resources as needed.

**Mr. Speaker:** What assistance or immediate relief is the Ministry of Health willing to provide?

**Dr. Ramsaran:** We are giving the patient the maximum amount of assistance. As a matter of fact there are other patients who have had similar operations – colostomies - and use colon bags. I will not mention their names. For example five days ago such a patient needed such an operation and having bags too attached. There is another young man, thirty plus, who is in the High Dependency Unit (HDU) who suffered multiple stab wounds to the abdomen including colon damage. If the colon is damaged certain things need to be done including creating an artificial anus to allow the inside to heal. So there are several other such patients needing similar treatment. It is expensive, it is tedious, it is trying to the staff because these are special patients needing special care especially sanitation wise. To answer the question the Ministry of Health through the Georgetown Public Hospital Corporation (GPHC) is giving the maximum resources. This does not only happen this year, last year and the other year and the other year cases which would not have gained such notoriety would also have been given the maximum. We have cases with the repair of the two ends, the re-linking of the two ends, and those patients are living good lives.

**Mr. Felix:** I wonder if I could be allowed a supplementary question.

**Mr. Speaker:** Yes.

**Mr. Felix:** Can the Hon. Minister say to us, to the public, whether the hospital has colostomy bags and whether they are willing to support him after he is discharged?

Secondly, what are the possibilities of this patient being sent overseas for further medical treatment? And could there be also an independent examination based on what we have heard?

**Dr. Ramsaran:** Thank you again for the supplementary questions. Patients receive colostomy bags not only in the hospital but it is also a big burden in the chronic clinics where patients, for example, with cancers, who would have had a colostomy done regularly collect colostomy bags. When a patient goes to collect he does not collect one bag but several to take home. So bags are given free of cost at the Georgetown Public Hospital in the main, but also at other facilities through the specialised outpatient clinics. Usually when a patient is discharged in such a condition automatically they are given a small stock of bags until they come to the next clinic day. I do not see any deviation from this practice.

Now as I pointed out, there are several other patients in Hospital besides those who are benefiting from these bags in the outpatient department who also need colostomy bags. There is a lot of use of this resource. [*Interruption*] Comrade, I am the Minister of Health and I will make my determination of how I answer. Okay Mr. Lumumba.

Mr. Speaker this is a good question. There are a lot of resources being used by these patients. It is costly. I have been reported to by the bond and by the Head of the Hospital, Mr. Khan, that there should be no shortage. Unfortunately, from time to time in the wards, because of the volume of the stuff being used there might be a requisition from the bond.

We would also like to recognise the Good Samaritan organisations which from time to time - not only with this case but even when cases are not so noted - give us such supplies. It is needed and we welcome that and other supplies. So yes, there is a good supply of bags. I have spoken today and several days ago to Mr. Khan, and he brought to my attention the woman who has the bags on regularly, the 30-plus-year old in HDU with multiple injuries who will need bags regularly. I will be keeping special attention Mr. Felix to see that this supply is adequate.

**Mr. Speaker:** In so far as further treatment overseas Minister? [*Cross Talking*]

Mr. Ramjattan and Dr. Singh I would like to be able to address the Assembly, please. Hon. Members I am asking the Minister to still address the question as to overseas treatment.

**Dr. Ramsaran:** Mr. Speaker, thank you for the reminder. The practice is, as you would have heard from explanation, this is a case well within the reach of our medical practice and skills here. As I said in the past similar injuries have happened. This is from an incarcerated hernia. The other young man, the 30-plus person, who is in HDU, has multiple stab wounds and rejection of bowel. Hopefully, away from the glare of the media, he will be repaired in a certain period of time and will go home similarly. So we are of the opinion that the Georgetown Public Hospital with its surgeons – and the more surgeons and resources we have been giving them – can manage this matter.

The other issue Mr. Felix mentioned of an independent examination is something we are quite open to. Patients are entitled to second opinions. That is right across, not only for this case. It has been entertained in many other instances.

**Mr. Speaker:** Thank you very much. The Standing Orders say you are entitled to two supplementary questions.

**Mr. Felix:** I have not asked; you cautioned me.

**Mr. Speaker:** You come now to the second question to the second Minister.

**Mr. Felix:** Yes.

**Mr. Speaker:** One second please. Hon. Members while Dr. Ramsaran was addressing the question Hon. Member Ms. Ally you made a statement that “you come here to lie.” I really found that statement to be distressing even if not said on your feet. When a Member of this House is addressing the House he or she does so on behalf of the people of Guyana. We are to accord each other the level of respect that we are all entitled to. So I would expect that in the future we not have that kind of language whether, as I said, we are on our feet or seated. We should not be addressing each other in that manner. I am asking, please, that it not be repeated.

Thank you.

## **2. Training of Personnel in the Ministry of Home Affairs and the Guyana Police Force**

**Mr. Felix:** Thank you very much Mr. Speaker. My second question is also appropriate in the circumstances of this case. To enquire of the Hon. Minister of Human Services and Social Security of her Ministry's intention to secure training for personnel in the Ministry of Home Affairs and the Guyana Police Force in human rights particularly as it relates to the treatment of persons taken into police custody and held there until charged or released.

**Minister of Human Services and Social Security [Ms. Webster]:** Mr. Speaker, in response to the question posed by the Hon. Member Mr. Felix, I wish to say that the mobilisation of resources for training of personnel within the Ministry of Home Affairs and the Guyana Police Force does not really fall within the mandate of the Ministry of Labour, Human Services and Social Security, and more so as it relates to the issue of human rights.

Thank you.

3.06 p.m.

## **INTRODUCTION OF BILLS**

### **Presentation and First Readings**

#### **RECORDING OF COURT PROCEEDINGS BILL 2014 – Bill No. 1/2014**

A BILL intituled:

“AN ACT to provide for the recording of Court Proceedings and for matters incidental thereto.” [*Attorney General and Minister of Legal Affairs*]

#### **LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2014 – Bill No. 3/2014**

A BILL intituled:

“AN ACT to amend the Local Authorities (Elections) Act to provide for the postponement of elections of councillors of local democratic organs.” [*Minister of Local Government and Regional Development*]

**Mr. Speaker:** Before it is read for the first time; this Bill carries the same name and title of another Bill on the Order Paper, so Minister, you may want to give a brief explanation as to what is happening.

**Minister of Local Government and Regional Development [Mr. G. Persaud]:** Yes Mr. Speaker. This Bill was necessary because the contents that were gazetted for the Bill that is on the Order Paper for Second Reading differs from the content which was submitted by me to the National Assembly, so this Bill was resubmitted and it is now re-tabled. I will seek to withdraw the other Bill.

*Bill read for the first time.*

## **PUBLIC BUSINESS**

### **GOVERNMENT'S BUSINESS**

#### **BILLS – Second Readings**

#### **LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 2013 – Bill No. 21/2013**

A BILL intituled:

“AN ACT to amend the Local Authorities (Elections) Act to provide for the postponement of elections of councillors of local democratic organs.” [Minister of Local Government and Regional Development]

*Bill was withdrawn.*

#### **WILDLIFE IMPORT AND EXPORT BILL 2013 –Bill No. 20/2013**

A BILL intituled:

“AN ACT to regulate international trade of Guyana’s wildlife and to enable Guyana to fulfil its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Washington, 1973.” [Minister of Natural Resources and the Environment]

*The second reading of the Bill was deferred.*

## **EVIDENCE (AMENDMENT) BILL 2013 – Bill No. 23/2013**

A BILL intituled:

“AN ACT to amend the Evidence Act.” [Attorney General and Minister of Legal Affairs]

**Attorney General and Minister of Legal Affairs [Mr. Nandlall]:** Thank you very much Sir. This is a simple and short amendment to the Evidence Act, Chapter 5:03, of the Laws of Guyana. What it seeks to do essentially is simply to expand the category of experts whose certificates, analysis, reports or any form of diagnoses or certification, to make those documents admissible in a court of law without necessarily the maker of that document, presenting himself/herself personally.

Already, in the Evidence Act is section 43, which the marginal note reads, “Report of analysts to be received as evidence.” This substantive section details the number of certificates and reports by the different analysts that are currently admissible in a court of law. All we are seeking to do in this Bill is to expand those categories.

With the development of technology; with the advances that are made in sciences and other disciplines, it is expected that amendments of this type and nature will have to be made from time to time. Lawyers, who are in practice, would recognise the practical importance and the pragmatic value of being able to tender into evidence certain documents prepared by experts and the conferring of the law, of certain evidential value, to those documents.

The smallest and most trivial of cases in the Magistrate Court of, let us say, assault, sometimes presents great difficulties in establishing without the assistance of a medical certificate from a registered practitioner.

Also, we know in cases of maintenance of children, oftentimes, the mother is confronted with the argument that the father is not the biological father of the child and therefore, ought not to be compelled to pay maintenance. Once paternity becomes in dispute, it therefore becomes necessary to lead evidence to establish paternity. One of the surest and most effective ways in recent times of leading such evidence has been the use of the DNA technology.

I can give also example of cases involving smuggling of fuel. Under the Guyana Energy Agency Act, fuel imported into Guyana is marked by a marker and if a person is found in possession fuel that is not marked to the required proportion, that person is liable for an offence under that legislation. An analyst is therefore required to conduct an examination of the questionable fuel to ensure that, one, it contains the marker and secondly, it contains the marker in the required proportion. That analyst certificate is what is admitted in the court to in a far way establish whether or not the fuel in question is illegal fuel.

In the absence of this amendment, tremendous difficulty has been encountered in trying to establish that particular offence. This Bill is intended to address that. It repeats the beginning of section 43 of the Principle Act and it then list additional certificates or reports, which are signed or purported to be signed by a series of analysts, stating that he or she has examined or analysed: (1) Finger print, (2) Firearm or ammunition, (3) Poisonous and noxious substances, (4) A firearm or ammunition, (5) A local or foreign currency, (6) Human blood, bones or tissue, or fuel base substance and the results of his analysis and or examination, *et cetera*.

Also, the Bill seeks to take into account the newly established Guyana Forensic Science Laboratory and the type of certificates that are expected to be generated by scientific officers located in that establishment. That essentially is what the Bill seeks to do and it defines an analyst to mean a Government analyst, an assistant Government analyst, a radiologist, a Government bacteriologist, a pathologist, scientific officer of the Guyana Forensic Laboratory or any other qualified person that the Minister may by order prescribe.

The amendment is crafted in such a way that by ministerial prescription the category can be further increased. This will greatly enhance the way in which we conduct both criminal and civil trails. In civil law, whenever compensation is sought for injuries, invariably, one depends upon the expert evidence of a doctor to deal with the type of injuries and also the effects of the injuries on the injured person, to determine the quantum of compensation, which is likely to be ordered by the judge.

I can, of course, go on to give so many other practical and realistic instances where this type of legislation has tremendous and or practical value.

The Bill which is before us has an amendment which has been circulated. The amendment is simply to correct the language used to describe the new laboratory to which I made reference. The wrong name was used to describe that establishment and a correction has been made in the form of an amendment, which has been circulated.

This is a very, though small amendment, it is of great practical legal value to legal practitioners, the judiciary, the justice system, but more importantly to the people of Guyana who depend upon that system for the delivery of justice. I encourage every Member of this Hon. House to support this Bill and I ask that it be read a second time. Thank you very much. [*Applause*]

**Mr. B. Williams:** Thank you Mr. Speaker, if it pleases you. The Bill before this Hon. House is one that will be welcomed by practitioners of the criminal law. In fact, it is long overdue. I think basically it is deciding to speed up trials in conformity with Article 144, which guarantees every citizen, charged with an offence, a speedy trial.

What existed before was that there were only two categories and largely that was related to the medical practitioner, the post mortem and the medical report which had to be dealt with within 48 hours. Mr. Speaker, you would be well aware of that. The importance of that was that those certificates, once they were signed by the analyst who has to be gazetted, meant that they could have been *prima facie* admissible. In other words, if there were no objections, they could have been tendered in evidence and utilised by the attorneys. It did not prevent a request being made for the practitioner himself/herself to attend to the court and give *viva voce* evidence.

These new categories, in fact, delayed trials because there are many instances where for example, what would have been termed a ballistic expert dealing with ammunition and firearms, could not tender his/her examination because they did not fall within the category –within section 43. So he/she would have had to give their evidence live and could not just tender their examination like that because it would offend the rule against narrative.

We welcome it and what I have noticed is that in these new categories there are no police forensic labs. It seems to be now a composite lab. So the police expert or analyst, I supposed, would be subsumed within this composite body that is now the scientific. In fact, they would be designated scientific officers.

It is important and I would have to see fingerprints. I do not know if this is a lost art, but if anyone can indicate to me a case that has been successfully proven based on an analyst's fingerprint evidence, I would be happy, but we welcome those categories.

I noticed that in Clause B(5) they have cut out the Rules Committee of the High Court and purports to repose the power solely in the Minister. I do not know if that Minister would be the Minister of Legal Affairs or the Minister of Home Affairs, but it appears that the original framers of the Evidence Act thought it wise to include the Rules Committee, authorised under the High Court Act, to have a role in determining the quality of evidence that should reach the court. Perhaps the Attorney General would indicate to us why they have sought to remove the Rules Committee of the High Court and repose that power only in the Minister.

The importance of speedy trials cannot be gainsaid. In fact, the Government has passed several pieces of legislation, designed to effect speedy trials. One such was one that dealt with Committal Proceedings, so as to reduce the time that one would have to spend before the court, before one's matter is finally determined. The Criminal Law Procedure (Amendment) Act of 2008, perhaps the Attorney General could tell us how effective the implementation of that Act has been on the court systems to speed up trials.

We have found that committal proceedings, if a particular magistrate agrees to proceed in that manner, could take as long as it originally took when there was no paper committal legislation. Perhaps it would be a good thing for a survey to be done by the Hon. Attorney General to determine whether all magistrates are required to implement paper committals and the paper committal legislation. How many cases have been dealt with so far, since 2008 because I can assure the House that we have not seen much progress in that area?

Again, the quality of our justice system –criminal system to speed up trials; jury trials are still taking a long time despite the Committal Proceeding legislation. People are still there waiting for years before they can come to trial before the jury system.

As I am on that point, I have been hearing noises about doing away with the jury system, but that would be a great catastrophe for a country at this level of its development because like the ombudsman, the jury system which has been hallowed by time is one of the sitting elves that we have, perhaps the soul, to protect an accused person against the atrocities of the State, so that a

person who is maliciously charged and is before the court, should thank his lucky stars that we have a jury system so *prima facie*. The system in its design, some improvement could be done to it, but surely it is a good system but it has to be made efficacious. Efforts must be made to ensure that there are no leakages from the system and that people have a trial by 12 persons of their peers so that at the end of the day we can rest assured that justice was done in the matter. In that instance, we are still not on board with the ability of the Director of Public Prosecutions (DPP) to appeal a not guilty decision of a jury.

All of those elements – I trust that the Hon. Attorney General, with the design to speed up trials would address his mind too. He should not forget the continuous training of magistrates would be very important – and judges. We have programmes that are training the judges, but we need to also train the magistrates, especially if we are talking about the doing away with jury trials. When one sees what is happening at this stage it is important that we have continuous training for our officers – legal and judicial officers in the court.

In this context the A Partnership for National Unity (APNU) has no problem with supporting this Evidence Amendment Bill, as it is. Thank you, Mr. Speaker. [*Applause*]

**Mr. Speaker:** Thank you Mr. Williams and thank you for that exposition on the Criminal Justice System. It was very enlightening. Mr. Ramjattan.

**Mr. Ramjattan:** Thank you very much Mr. Speaker...

**Mr. Speaker:** Sorry I recognise Ms. Shadick and then Mr. Ramjattan - my apologies.

**Ms. Shadick:** I can give way to Mr. Ramjattan...

**Mr. Speaker:** No, sorry.

**Ms. Shadick:** He was already on his feet...I can come after Mr. Ramjattan.

**Mr. Speaker:** He has yielded to you.

**Ms. Shadick:** Mr. Speaker, I am very happy for people like Mr. Williams and I am very pleased that the legal fraternity, especially those who are doing criminal law – specifically criminal law – are happy with this.

What this Bill does is, it brings Guyana further into the present, rather than where we were in the past and realise that technology is here with us and we can make use of it. Albeit, there was a scientific forensic laboratory that was being built for a long time, it is soon to come into being and so we have to make use of those facilities. This law is being passed at a time, the right time when we have the capacity to generate these kinds of reports out of that laboratory.

As the capacity of that laboratory expands, we will have to have amendments to these to bring in other things that that laboratory may be able to deal with. If this is going to help swifter justice then I am all for that because I think justice delayed is justice denied. There are too many persons who suffer because they keep going to court umpteen times and the policeman is not there to give the evidence for some report or the other. Sometimes matters are dismissed and persons are frustrated that they do not get the justice they deserve. For that; for a very social reason I am very pleased that this Bill has come now at the time when it has come and is going to make use of the capacities that are being provided by the new laboratory. As those capacities build we probably will have to pass amendments to these amendments as well. Thank you.  
[Applause]

**Mr. Speaker:** Thank you very much Ms. Shadick. Mr. Ramjattan, I am sorry about that.

**Mr. Ramjattan:** Mr. Speaker, the purpose underlying this Bill is obviously one that must be supported by the Alliance For Change (AFC), largely because it has the efficacy in ensuring that there is going to be speedier trials in criminal matters and of course, as mentioned by the learned Attorney General, civil matters too.

The entire purpose behind this law being made here by us parliamentarians, is to adopt an approach that that which is normally hearsay evidence will be permitted and allowed in a court of law simply because it comes from a document purporting to be from a bacteriologist, pathologist or a medical practitioner, satisfying certain other qualifications, like in a medical report, something to the effect that it must be within 42 hours and purporting to come from the medical report of a qualified doctor.

It is especially important too that this category is widened. We fully support this expansion. But I want to make a caution here and a care that when documentary hearsay evidence is now going to be permissible at trials from which can result in very long terms of imprisonment, we have to

ensure, first of all, the integrity of the person who is writing on that document, that person who is going to purport to be effectively that scientific officer, that medical practitioner or handwriting or finger print expert, that that person is of the quality whose hearsay and account that is put into that document is on unassailable. That is the important point here.

I want to bring to your attention something that started off today's proceedings. Hon. Member Mr. Felix was making a query about a certain incident in which a certain baton was being pushed up a certain person. In answer to the question we have, that I have from doctors that could be literally and colloquially what we call "go-dee". That is what I am talking about – the integrity of the system here.

One can have a document coming to the court; just as how that document came to the Parliament saying that the integrity is something that is very much questionable, stating that this was the handwriting.

I can relate only too recently in a very important Will-trial in court, in relation to the Horseshoe matter... [Mr. Nandlall: Do not bring Mr. Ramkarran name here you know.]

**Mr. Speaker:** The matter is still under subjudice... [*Interruption*]

**Mr. Ramjattan:** I am not going to bring the matter up, but what I am going to say is this. We have what is called a handwriting expert, who is local, as compared to a Trinidadian who came in, showing us how indeed one can get to the microscopic levels. It was a totally different scenario, when the expert that came... but what was very strange was that the expert had to come to Guyana. Whereas, this law now means that the expert here in Guyana, once he/she is called a scientific officer and it purports, his/her own could have pass the test and it could create some serious injustices.

So, we are urging that those who are going to be prescribed by the Hon. Attorney General or the Minister of Home Affairs, as members who are going to be classified as the scientific officers and those specialists, that we ensure that they have the integrity to begin with, the personal integrity and also that they come from a system that has the systemic integrity to ensure 100% unassailability of what they purport to account in these reports. It is very important.

3.36 p.m.

I also want to make the final point that these documents have far-reaching effects to the extent that they could also be used for purposes political and I am urging... *[Interruption]* No, just a minute. It has happened even in developed countries and there have been miscarriages of justice, Sir, in a lot of places where because of certain documents people have been literally hanged and it is important that we also pay caution to that. **[Mr. Nandlall: Cite the case.]** There was the Maguire Seven and Tottenham Six because of certain evidence that they were talking about, DNA and all kinds of other things, plus confessions and there are books written about these things.

I am saying that we in Guyana, now that we want, as the learned speaker before me said that it is a Bill that is bringing Guyana up to 2014, that we can have all the Bills to bring Guyana up to 2014. But if we do not enforce them to the extent that we are going to see some perfection in how they are executed, we can have a lot of injustice being caused by these kinds of documentary hearsay.

And when you call on the doctor or the scientific officer the next thing – as happened to me in some trials – ‘we cannot get the witness, the medical practitioner, for cross examination because he gone back to Cuba.’ When you feel that he has given a wrong diagnosis or wrong medical report and you want him for cross examination, he is not around. The document stays, they give his opinion of the document but he is not up there for cross examination and what is left?

It could be an injustice and I am urging that whatever can be done by both the Home Affairs Minister and the Attorney General’s Chambers that at least those concerns that I am mentioning, are addressed. Thank you very much, Mr. Speaker. *[Applause]*

**Mr. Speaker:** Thank you, Mr. Ramjattan. Your points about the integrity of the person and the system are well taken. We do have the right to cross examine but, as you said, the expert is unavailable but that will, in a sense, keep the document in abeyance.

**Mr. Nandlall (replying):** Sir, thank you very much. I want to begin by thanking my colleagues, the Hon. Bibi Shadick, Mr. Basil Williams, the Hon. Member, and of course my friend Mr. Ramjattan for the support which they have extended to this Bill. The concerns which they have raised are noted. Mr. Williams, the Hon. Member, spoke about the impact that this Bill will have on the acceleration of the speed of which our judiciary functions and that of course is one of the

main purposes of the Bill. He has asked me about the Committal Proceedings Act, as well as whether the act is being used and whether it is used by all magistrates.

I know that the Act is capable of being used by every magistrate in every magisterial district throughout the length and breadth of Guyana. I share his concern that the act is not used as widely as we anticipated and as widely as it can be used but the truth of the matter is, as an executive officer, there is very little that I or the Government can do. The Act, when one considers the language of the Act, the purport of the Act, the nature of the Act, is lawyer driven and it is judiciary driven so there must be a willingness of the legal practitioner and the willingness of the magistrate.

I know for a fact that there are many cases in which the committal act could have been used and there could have been paper committal but lawyers insist on having their daily magistrates' court so that is the practical problem and I invite my learned friend Mr. Williams to work with me to encourage the profession and encourage the bench to bring the act more into use. Statistically, I know Sir, that the Director of Public Prosecution (DPP) has the information annual in terms of how many cases have been disposed of utilising that legislation.

It is relevant also that I make mention of the plea bargaining legislation. That is another one that is intended to increase dispatch in the judiciary and the same problem we are confronted with. It is not being utilised in the manner that it should. Again that is another piece of legislation that is lawyer driven and judicially driven and I continue to echo my sentiments that I hope my friends on that side, Mr. Ramjattan and Mr. Williams, will work with me in terms of getting the profession and the bench to utilise these statutory mechanisms with greater frequency.

Mr. Ramjattan spoke about the integrity of the officers. Yes, that is a valid concern but these are all professionals. They are regulated by different bodies. The medical profession has the Medical Council. Engineers have an organisation. Lawyers have a Legal Practitioners' Committee and they have powers of discipline over their membership. One would expect that professionals would execute their functions with rectitude, with professionalism. I do not know how I can dictate, or the Parliament can dictate, to any grouping of professionals that they must have integrity.

If their integrity is not intact and they violate any criminal law I suppose that they can be charged but outside of that there is very little that one can do in the form of a law to ensure that experts discharge their functions with rectitude, competence, diligence and integrity. Of course, as Your Honour correctly pointed out, those experts whose documents are going to be admitted by virtue of this amendment are subject to cross examination. I know Mr. Ramjattan to be a rigorous cross examiner. If he is unable to unearth the lack of integrity then, who can we blame?

In relation to that matter, I know that there is great care exercised by the Police Force along with the Director of Public Prosecutions to ensure that doctors who give evidence are doctors who are likely to be in Guyana for the purpose of testifying at every stage of the proceedings. Doctors may have testified at the preliminary enquiry but the trial comes up two to three years after and they may leave but I know that great care is being taken to ensure or to minimise those occurrences and that is precisely why there is no Cuban doctor who is a pathologist and there Dr. Nehal Singh and someone else in Berbice performing those statutory functions.

In terms of integrity of the institution, I want to say that the Guyana Forensic Laboratory was specifically and deliberately located in close proximity to the university so that it is away from the usual hive of activities and its scientific work can be assisted, examined and compared with or contrasted with similar exercises at the labs at the university. The police will have a different lab, a specialised crime lab and they will also access the Guyana Forensic Laboratory. They will specifically deal more with crime scene type investigations and when they accumulate the evidence they themselves will take it to the lab – the Guyana Forensic Laboratory – for examination, analysis as the case may be.

This Bill, as all of the speakers have indicated, is a very good Bill. My learned friend is asking me about the jury. I do not know of any intentions on the part of the Government to abolish the jury system. I know that we may wish, as I agree with my friends, that there are many things that we can work on in the jury system – increasing the jury pool, putting laws in place to ensure that employers remunerate their employees when they attend jury duties. I received a complaint that in Essequibo, for example, a particular business establishment refuses to remunerate the staff members who have been selected to serve on a jury and when one considers the fact that that is one of the largest employers in Essequibo one can quickly assess the impact that that can have on

the ability to recruit jury in a small population like Essequibo. The jury system, as I said, needs to be worked on. With those few remarks I commend this Bill to the National Assembly.

**Mr. Speaker:** Thank you. Hon. Members, before I put the question that the Bill be read a second time, if I may be permitted one comment. It was a few Parliaments ago, Hon. Attorney General, we agreed that legislation would be gender neutral. I still see references to his and there are female analysts doing this work and the Hon. Member, Ms. Shadick, spoke of modernisation so it is something that your Chambers may wish to give effect to. It is time that we recognise that there are women occupying many of these important positions, even though there is under the Interpretation and General Clauses Act does speak to including both male and female I think that we are in that era where our legislation should, as best as possible, be gender neutral. That is just a comment from...

**Mr. Nandlall:** I am guided, Sir. The two main personnel...

**Mr. Speaker:** I know their views.

**Mr. Nandlall:** ...the Chief Parliamentary Council and the Deputy Chief Parliamentary Council...

**Mr. Speaker:** I notice that they are present. It is just a thought that I thought I would share.

**Mr. Nandlall:** ...have heard you loud and clear, Sir, and I am sure that they would also be guided.

**Mr. Speaker:** In or about the 7<sup>th</sup> or 8<sup>th</sup> Parliament we started to urge that and I thought that I should mention that to you.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee*

### **Clause 1**

*Clause 1 agreed to and ordered to stand part of the Bill.*

### **Clause 2**

**Mr. Nandlall:** The amendment, Sir.

**Mr. Chairman:** Now is the appropriate time to move the amendment.

**Mr. Nandlall:** I move, Sir, that clause 2 (a) be amended substituting for paragraph (d) of the subsection...

**Mr. Chairman:** Clause 2 (a) (d)?

**Mr. Nandlall:** Clause 2 (a) substitute for Paragraph (d).

**Mr. Chairman:** Yes.

**Mr. Nandlall:** Of the substituted for the following as paragraph (d).

**Mr. Chairman:** Sorry. We remove “a certificate issued by the Police Forensic Laboratory”. You are removing and substituting a completely new...

**Mr. Nandlall:** Yes, Sir.

**Mr. Chairman:** Thank you.

**Mr. Nandlall:** Just remove (d), Sir.

**Mr. Chairman:** Just remove (d)?

**Mr. Nandlall:** Just remove (d) and replace it with the (d) on the amendment.

**Mr. Chairman:** Very well. Hon. Members, the proposal is that the sub-clause (d) in clause 2 which reads: “A certificate issued by the Police Forensic Laboratory and signed by analyst of the Guyana Police Force”, be removed or deleted and replaced with this amendment, that is: “A certificate issued by the Guyana Forensic Science Laboratory and signed by a scientific officer of the Guyana Forensic Science Laboratory” stands as part of the Bill.

*Amendment put and carried.*

*Clause 2 as amended, agreed to and ordered to stand part of the Bill.*

*Assembly resumed.*

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

**FIREARMS (AMENDMENT) BILL 2013 – Bill No. 24/2013**

A BILL intituled:

“AN ACT to amend the Firearms Act.”      [*Attorney General and Minister of Legal Affairs*]

**Mr. Speaker:** Hon. Minister, is there an amendment to this Bill as well?

**Mr. Nandlall:** Yes, Sir.

**Mr. Speaker:** Thank you. Please proceed.

**Mr. Nandlall:** Thank you very much. This is another Bill of brevity in terms of its size, but is of fundamental importance to our country. This Bill has an international component to it. Guyana as a nation state has signed on to certain protocols of the United Nations General Assembly. We have signed on to the Palermo Convention against illicit manufacturing of and trafficking in fire arms, their parts, components and ammunition. We have signed on to the United Nations Convention against transnational organised crime and these conventions devolve upon us an obligation to pass legislation to render criminal and illegal illicit manufacturing of and trafficking in fire arms, ammunitions, explosives and other related materials. If I may read from the document prepared by the Organisation of American States (OAS) which was distributed to all of its member states which would have signed on, as an introduction they say as follows:

“For arms traffickers the world is a very small place. If the price is right these criminals have the capacity to move weapons from country to country or even from continent to continent. Examples are plentiful. In January 2001 a West African arms and diamonds dealer e-mailed a long list of weapons, including sniper rifles, anti-tank weapons and shoulder launched surface to air missiles to an Israeli arms dealer operating out of Guatemala. The Israeli forwarded the request to another Israeli who forwarded it to another one of his contacts in the Nicaraguan military. The weapons were for West African friends in Africa. The West African had many friends including the horrifically brutal revolutionary united front in Sierra Leon and...”

**Mr. Speaker:** Is that an OAS document that you are quoting?

**Mr. Nandlall:** Yes, Sir.

**Mr. Speaker:** So it just says that the West Africans have many friends and you...

**Mr. Nandlall:** I am reading, Sir.

**Mr. Speaker:** Is that an official document?

**Mr. Nandlall:** Yes, Sir, from the website. They continue "...America's enemy number one, Al-Qaida. Unfortunately, the..."

**Mr. Speaker:** Are you saying that an official document just says that West Africa has friends in Al-Qaida and...

**Mr. Nandlall:** Let me read it again...

**Mr. Speaker:** It is as if you just say 'all South Americans have terrorist friends'. Is that a document that the Government is relying on? The weapons were for the "West Africans friends in Africa". "The West African had many friends including the horrifically brutal revolutionary united front in Sierra Leon and America's enemy number one, Al-Qaida. Less than a year later the same arms dealer duped the Nicaraguan Government into selling them 3,000 AK series assault rifles and 2.5 million pounds of ammunition which he calmed was for a Panamanian National Police.

Instead, the weapons were shipped via boat to Turbo, Columbia, where they ultimately ended up in the hands of United Self Defences Force of Columbia, a paramilitary organisation that is on the state department list of international terrorist organisations." [Mr. B. Williams: Source?]

The OAS Fire Arms Convention. This is the introductory note and then they have the entire convention, Sir, at the back. I pulled this off of the website. [Mr. Nagamootoo: Do you know how many [inaudible] you violated just now?] I am referring to a public document. Sir, this international component that this Bill has mandates us as a country to pass legislation to outlaw illicit manufacturing, illicit trafficking of fire arms and parts of fire arms. If I may be permitted to read, the principle act is amended by the insertion immediately after Section 17 the following section, 17 (a) (i):

“If any person knowingly imports, exports, acquires, sells, delivers, moves, diverts or transfers any fire arms or its parts and components or ammunition to or from another country as the case may be without proper authorisation he shall be guilty of an offence. If any person purchases, acquires or has in his possession any fire arms or its parts and components or ammunition for the purpose of Section 1 he shall be guilty of an offence.”

Locally, we are aware of the many instances of gun-related crime in our country, mainly utilising fire arms that are unlicensed and ammunition that is unlicensed we know of several instances where parts of fire arms have been found hidden in goods and merchandise coming into Guyana. The current construct of our Fire Arms Act does not create an offence for a person being found with a part of a gun and this Bill is intended to fill that lacuna.

Recently it was reported in the press some years ago where, I believe, nearly a container or a container containing a large number of high profiled rifles were found somewhere in the Rupununi. Many believe that it was in transit to Georgetown. I do not think that I have to make a case out in respect of the wide use of illicit fire arms in Guyana. In fact, the last time this Bill was presented I recall my colleague, the Hon. Minister of Foreign Affairs, Mrs. Rodrigues-Birkett, spoke and she had statistics which suggest that there are in circulation in South America and Latin America over 2.5 million illicit weapons. It is a Caribbean problem. It is a Latin American problem. It is a South American problem. One only has to look across to Trinidad and Tobago. Yesterday in the newspapers I read reported that it was the 13<sup>th</sup> and they had 26 murders already; most committed with the use of illegal guns. Jamaica is not far different. Guyana is not far different. Even in Barbados we see crime showing its ugly face in what otherwise was considered a crime-free country. That is why at the OAS level, at the United Nations Level, at the Caribbean Basin Security Initiative level there is a collaborative and consorted effort to have legislation of this type pass.

Again, like its predecessor, I do not anticipate any opposition. It is a very straight forward Bill and it deals with a matter that is of burning importance to our country, crime and criminality. There is one amendment which I would like to draw attention to. I believe that it has been circulated. If one is to examine the Bill which has been circulated one would see that there is no penalty here identified and set out. There is, however, a penalty section in the law itself and I will read that because someone just asked if I had just awoken. Section 48 says:

“Any person guilty of an offence against this Act for which no other penalty is specifically provided shall be liable on a summary conviction to a fine of \$15,000 and to imprisonment for three years.”

There is an omnibus penal provision which would have captured the offence... [Mr. **Ramjattan:** Do not say that. There is \$500,000 in this one here.] I am drawing attention as to why I corrected it.

*4.06 p.m.*

It was not because of the absence of the pro penal provision in the legislation; it was because of the leniency of the penalty which was prescribed. After discussion with the Hon. Minister of Home Affairs it was decided that the penalty ought to be increased and that is why the addition or the amendment, which is being put forward here, increases the penalty, if it is on summary conviction or if it is a magistrate court, to a fine of \$500,000 and five years imprisonment and on conviction an indictment, which goes to the High Court, it is a fine of \$5 million and ten years imprisonment.

I believe that this penalty captures the gravity of the offence which is being created by this Bill. I believe that the omnibus penal provision was not harsh enough and I do not think it captures the seriousness which the state ought to attach to such offences having regard to their prevalence, having regards to the impunity with which they are committed, having regard to the destructions that they do, socially and economically, in our country. I believe that we should register, in a very harsh way, as a National Assembly, our voice in protest and in condemnation of this type of conduct.

With those few words I asked that the Bill be read a second time.

**Mr. Speaker:** Thank you Hon. Attorney General. Hon. Members, we will take the suspension now and I may abridge it to 45 minutes so that we can resume earlier.

Thank you.

*Sitting suspended at 4.08 p.m.*

*Sitting resumed at 5.00 p.m.*

**Mr. Felix:** Let me say from the outset that I rise on behalf of the A Partnership for National Unity (APNU) to support the Firearms (Amendment) Bill 2013 - Bill No.24/2013 and say that this single piece of legislation seeks to create the offence of trafficking in firearms and ammunitions.

The *Black's Law Dictionary*, at page 1495 of the sixth edition of 1990, defines trafficking as trading or dealing in certain goods and it is commonly used in connection with illegal narcotic sales.

We will recognise that in the year 1990 the fact that trafficking in firearms and many other issues were not so popular and that may be responsible for this narrow definition in the *Black's Law Dictionary*.

The *Collins English Dictionary*, the ninth edition, at page 1706... The eighth edition of 2006 has a wider definition which goes thus: "Trafficking is also defined as to carry on trade or business especially of an illicit kind."

The possession of firearms in this country is circumscribed by the laws of this country, Chapter 16:05. To have a firearm or to trade it in any other way, contrary to the law, would amount to trafficking, and particularly where certain circumstances exist. What we are seeking to do is to criminalise the act of trafficking in firearms which internationally is regarded as a serious offence.

The illicit use of firearms in this country has caused much suffering to many hard-working people. Citizens in their homes have been robbed under the threat of a firearm. Some of them have been so traumatised that any sound, which approximates that of a firearm, gets them jittery. There are those who are robbed at sea; those who are robbed at work in the interior and even in Georgetown citizens are robbed by those who illegally possess firearms. That is why I think the purveyors of death, those who trade in firearms, ought to be dealt with condignly.

The Attorney General was at length to explain that there was catch-all legislation simply because of the absence of penalty in the existing Bill. In fact, if we had passed Bill No.21/2012 much more comments would have been made on the absence of penalty because we feel, on this side of the House, that persons who trade in firearms must be treated condignly, they must feel the full

force of the law. To have traffickers being found guilty and being treated as persons who were found guilty of possession of a firearm without licence is highly unacceptable. We feel that the law should be given teeth and to bite into criminal activity.

This Bill, prior to the amendment - with which I am somewhat satisfied - seems to have been generated out of the Caribbean Basin Security Initiative (CBSI). When I checked the website on the Caribbean Basin Security Initiative (CBSI) I saw on the Bureau of Western Hemisphere of Affairs, dated December 5, 2013, that the initiative seeks, that is, the United States of America, to partner with its Caribbean counterparts to substantially reduce illicit trafficking in the region, to increase public safety and security and to promote social justice. In fact, all Caribbean territories involved in this project will benefit from law enforcement and capacity building, border port security and firearms interdiction, the justice system reform and crime prevention and youth-at-risk programmes.

Guyana, it is said, will benefit directly from several of the CBSI programmes, that I have just described, but more particularly it will benefit from the provision of three patrol boats with the required equipment and training to enable the Guyana Defence Force to combat transnational organised crime, to patrol territorial waters and ensure freedom of movement for commerce. I would not go into the other benefits but there are other benefits which Guyana is to receive by its mere participation in this project. We agree with the Government on this stand but what we expect of it is to ensure – it has done so in this amendment - that sentencing is enhanced to punish those involved.

The interest of public security is not best served by batons utilised on the anatomy of innocent citizens, neither is the public interest served in senseless shootings. Over the past six months I have become very weary of some stories heard after citizens were shot and killed by the police. What we expect is that the Government's action must stand firmly in prosecuting those who commit crimes and they must feel the force of the law.

The citizens of this country pay taxes to the Government and we demand a higher state of protection from criminal actions by preparing effective legislation. I ask: Why should a criminal, who has been convicted, sentenced and released from prison, for certain serious offences, be allowed to return to the society with the freedom as well intentioned citizens? We do not have to

recreate anything because there are examples all over the world of what treatment can be meted out to criminal elements after they are released from prison. Maybe we should be exploring some of these forms of controls on criminals who have been convicted. In effect, what we will be doing is protecting society from persons who, having been released from jail, return to criminal behaviour. Traffickers in firearms are no exception.

Trafficking in firearms is not new to Guyana. I can go back as far as 1992 on the Corentyne where a large number of handguns were caught by the police. Then there was one in the Rupununi, about two years ago, where assault rifles were found. The Attorney General did mention one. I can also remember another in 1997, just about the time of the elections, where a man on the East Coast was found with a bag... [**An Hon. Member:** Beast.] I would have said that that bag could only have been lifted by a beast, heavy with long gun, but he was not charged. We need to ensure that such persons feel the full force of the law.

We support the Government with the introduction of this Bill but we want to ensure that criminals, persons who traffic in firearms, must be caught and dealt with. This cannot stand by itself. It must stand with the reform of the Guyana Police Force (GPF), which APNU has been deliberating on for years. We have been saying that the police force must be reformed. As a matter of fact, the Government has kicked out the £4 million proposed British aid and so we have all sorts of issues with police.

In my view, from methylated spirits and lighting of fire on the genitals of a young man, a child, now we have graduated to the baton up the rear.

**Mr. Speaker:** One second. In a previous Parliament a Member made comments about the Guyana Defence Force (GDF) and that Member found herself in jeopardy because there was allegation made about the force. In the case of the methylated spirit, which Mr. Ramjattan knows well, charges were filed, so at this stage we have allegations. I am cautioning that we do not make statements where perhaps charges have been laid. They remain allegations or you can couch them into the term that it is “alleged”.

**Mr. Felix:** Thank you very much Mr. Speaker. I take note of your observations and proceed to say that laws alone cannot guarantee the effects which we would like to see from change. Accompanying the laws is that we must empower the Guyana Police Force (GPF) and other

related institutions to act professionally and to give the citizens the assurance that the force is there to protect and serve them and it is not to brutalise them.

In closing, let me say once again, that A Partnership for National Unity (APNU) supports robust legislation to deal with crime. We do not support extrajudicial methods and we support the Government on this occasion with the passage of the Firearms (Amendment) Bill 2013 - Bill No.24/2013.

Thank you very much. [*Applause*]

**Minister of Home Affairs [Mr. Rohee]:** I would not deliberate too extensively on this matter, precisely, because on the 14<sup>th</sup> March of last year, according to the *Hansard*, it can be seen how extensively I spoke on that subject. For the record, what I had to say on this matter is recorded in the *Hansard*, so I would not wish to repeat most of what I said on that occasion. Suffice it to say, some water has passed under the bridge since then. While we continue to be faced with this challenge, as so many other countries in the Caribbean and indeed in the world at large, the question, I think, most people would like to have answered is what are we doing about it.

The distinguished Attorney General and Mr. Felix spoke, in general terms, about the impact and the import of the amendment from an international and regional perspective, linking, of course, the international to the national and the institution that is constitutionally vested with the authority to address the question of trafficking in firearms. The military also has a role to play in this respect, having regard to the fact that it protects our borders. It has long since been established, by many, that illegal firearms, in the same way as illicit drugs, penetrates our extensive borders, not to mention from the Atlantic coast as well.

Guyana has challenges by the very nature of geostrategic location. We ought not to overestimate or underestimate that geostrategic location which our country is faced with. Compounding that challenge is the fact that our law enforcement agencies, and to some extent the Guyana Defence Force (GDF), are hamstrung by the paucity of human and technological resources to address in a scientific and in a robust manner, an aggressive manner, this phenomena.

We have been speaking to the Brazilians and the Venezuelans, but mainly the Brazilians, who have offered technology, satellite technology, to compensate for the lack of capacity to prevent

the infiltration of illegal firearms across our borders. We are negotiating with the Brazilians authorities to utilise satellite technology which, I think, will, not be the panacea, but will go a far way in assisting us in addressing this problem.

Coupled with that is the need for local intelligence from members of the community who live along our borders. This is another valuable input that could prove useful in detecting and preventing illegal firearms from entering our jurisdiction. The law enforcement agencies and the Guyana Defence Force (GDF), through the defence board, have been given the necessary authority to develop friendly and cordial relations with the border communities so that human intelligence would be forthcoming were they to be aware and knowledgeable information that could help them detect and prevent the passage and the flow of illegal firearms into our country. That is another component of efforts to address this growing problem.

In addition to that, the Government has seen it fit to address two mechanisms, at the coastal level, to address the penetration of illegal firearms in the city and on the coast. Here I refer to the establishment of the task force to address illegal firearms and illicit drugs, which brings together all of the law enforcement agencies, including the Guyana Defence Force (GDF). In small country, such as ours, in which there are certain constraints, it is important that we pool our resources together so that there would not be a situation where the left hand does not know what the right hand is doing and there is not proper and effective coordination and collaboration among law enforcement agencies. We do not need to have a plethora of silos of information, among law enforcement agencies, where information, and cross-fertilisation of information, does not take place in order to address this problem.

With the establishment of this task force, it brings together these government agencies and departments as another contributing factor to deal with this matter.

Finally, there is the special firearms unit that has been established mainly in the intelligence community, the defence force and police as well as the Guyana Prison Service, to share information processed to be used as intelligence in order to be able to track persons who we could describe as merchants of deaths engaged in the trafficking of illegal firearms and ammunitions. This does not mean to say that these activities of the state and state security will bring an end to this problem. It is not going to bring an end but, at least, it will contribute to

reducing, to a large extent, once there are the human resources, which are reliable. I will not be engaged in any acts of collusion to ensure that this problem is not solved. That is why the Government has engaged in the polygraph of the law enforcement agencies to help as another means, from an internal point of view to ensure that ranks, who are vested with the authority to address this problem, have clean hands and are not themselves part and parcel of the problem.

I mentioned these issues because I believe it is important for the public to know of the efforts the Government is making and that we do not speak in isolation and in abstraction when dealing with a concrete issue that is of great importance and a challenge to small developing countries such as ours. We are part of a global village and, therefore, international comity behoves us to act in concert with our friends, with countries in which we have common interest, with countries in which we see eye to eye on, for example, this question of trafficking in firearm.

*5.28 p.m.*

Only recently we have engaged the United Nations Regional Centre for Peace Disarmament and Development and with whom we have signed a Memorandum of Understanding (MOU) to have two pieces of valuable equipment be installed at the Guyana Defence Force and the Guyana Police Force headquarters at Eve Leary. We want to destroy, not only weapons that are illegal, but have become obsolete technologically and have been stored for years in the armories of the military and the Guyana Police Force. I believe that these pieces of equipment, in the context of this expression of international cooperation, will send a strong signal of Government's efforts to contain this question.

With the Organization of American States (OAS), we have also benefited from procuring equipment to mark and to trace firearms. Marking and tracing of illegal firearms is critical to the understanding of the depth and scope to which this problem obtains in our jurisdiction. In this regard, within the context of the Caribbean Community, an impact has been established to ensure the collaboration and cooperation among the member states of CARICOM, we have gone a very far way in firearm marking and tracing, particularly in respect of illegal weapons.

I take the point, I do not think there is any need for us to polemicise on this, that laws alone cannot make us undo a great challenge to country such as ours and therefore the institutions, which have to ensure that the laws are upheld, the institutions that are vested with authority to

ensure that laws are enforced, have to be kept under public scrutiny. It is good when this happens because it means that the members of those organisations, particular the premier organisation of all law enforcement agencies, are kept on their toes as result of public scrutiny. When the force, for whatever reason, comes under criticism for one act that is not consistent with the Standing Orders, with one act that is not consistent with the constitutional rights of citizens, it is important that these errors be noted and be taken into account by those who lead these organisations.

In this respect, I would like to conclude by saying that we also... Like everyone else in the country, there might be differences in opinion about the pace of the reforms, the nature of the reforms, the objectives of the reforms. I do not think that anyone should have any serious quarrels when debates, such as that, arise, particularly in respect of an institution such as the Guyana Police Force. The fact of the matter is - I would not say that we started the journey, but have started a journey at reform of an institution that has had a particular way of practice for decades and no one has ever done anything about - that it was never in the history of this organisation, which is over a hundred years old, has there been such consistent and sustain efforts to reform this institution. The thing with it is that the Government is seeking to reform an institution that is made up of human beings. These are not robots where by simplification you just press a button and you expect them to react in a particular way. These are very complex individuals with their own thinking, and so on, and it will take quite a significant amount of time. I think we are talking not only about reforming the institution, we are talking about reforming the individuals who are an integral part of that institution because it is they, in the final analysis, who must interact with the public and it is they, when they displayed actions which are contrary to public opinion, contrary to the Standing Orders, bring the organisation into disrepute. It is not going to be an easy task.

I take the point, and I do not think, as I said, it is to dispute this or debate, that it is rather complex. It is a very complex situation we are dealing with but the fact of the matter is that we have started the journey. Let the debate continue to the extent to which reforms are proceeding, the extent to which they are successful and the public has a right to debate these things. Let there be full and complete debate on these matters because I believe, in the final analysis, the objective of those debates is for us to have a better organisation. I have never heard a person called for, at the end of this process, a police force, a law enforcement agency, that is worst than what it is

now. People are quite justified when the demand improvement. People are quite justified when they ask to ensure that at the end of this process there is a better police force. I think this is the objective that we should be aiming for. Once we have this type, not perfection, a better organisation issue such as this, which the Attorney General has brought to this House, dealing with trafficking in firearms, trafficking in persons, trafficking in whatever the case might be, once it is part of the landscape of illegal activities, actions contrary to the laws of this country, contrary to the Constitution of this country, the organisation would better be placed to fulfil its legal responsibilities.

As I said, I would wish not to speak too extensively on this matter. The *Hansard* already has what I had to say, less than a year ago, on this matter but I wish to end by commending this Bill, this amendment to the Firearms (Amendment ) Bill 2013 – Bill No. 24/2013 to this House and to say I support the Bill and the amendment fully. Thank you. [*Applause*]

**Mr. Nagamootoo:** The Alliance For Change recognises that this is a necessary piece of legislation. On the last occasion, when this measure was tabled in the House, we demonstrated that as much we found the piece of legislation of the amendment to the Firearm Act as important we sent a strong message that we also feel responsible and efficacious leadership is as important, if not more important, than the law. We are very pleased that the Government has seen it fit to put aside its pettiness on this issue of trying to trade off its political response to the Opposition petition on the Minister's conduct on a particular occasion and thought it necessary to have the learned Attorney General to introduce and to present the amendment.

We believe that it is not a question that we could afford to play politics with, the illegal entry the trading in, re-exporting of, trafficking in arms, but we know also... and I will tell what we find very important as well: It is that we feel that guns coming into Guyana are not only used here by criminal gangs, not only to prop up the narco-criminal trade, but guns also are used as, quote and unquote, underground armoury, that we have to deal with in Guyana as well. I will not say much more on this occasion on that, but we have to be careful when we talk about the importation of guns and the illegal importation of guns.

The former Commissioner of Police, my learned friend, Mr. Felix, had alluded to guns in the possession of elements which could not be used for lawful purposes. We have to deal with our

laws and the implementation of these laws in a holistic and serious way. It is not only dealing as the Hon. Minister has said, to address and respond to the comity of the requirements of international laws and relationships that we tend to reform our laws, but we have to see in a very practical way that when there is the attempt to reform our laws to deal with the possession of firearm that we intend to enforce the law irrespective of those to whom the guns have been consigned.

We have to be very careful with what we do here because we know of guns that have been intercepted in Guyana - on one occasion, 38 AK rifles. No one has given account on where those rifles have gone. There were guns, which were in the possession and safekeeping of the security forces, the army, which disappeared, AK 47 weapons. Those are as equally dangerous, as having weapons imported and being in the hands of the wrong elements, as if there are in the hands of the right element and the right element do not take care of them in order to protect the citizenry. There could be the inverse action or omission or commission of a state in the wrongful use and deployment of weapons that create the atmosphere of insecurity and fear in the land.

We support the amendments because we believe that those who bring guns into the country either for domestic use in pursuit of criminality or for trans-shipment to other countries or in exchange for drugs, it is that these things must carry a price. We, of course, must not see ourselves as an island by itself. We are a part of the main. When we intercept illegal weapons and we prosecute those who may or may not be Guyanese and non Guyanese on our soil, we must show that there are laws that can put them away for a long time or the penalty in monetary terms would be so high and appropriate that it could deter and discourage the trafficking in arms.

That is why, on recent occasion, when we had cause to remark in this House about the use of weapons we had said that it was time for a review policy of those who have weapons, those who are licensed holders who use their weapons wrongfully or for purposes for which they have not been issued. I have seen the Ministry of Home Affairs publishing an advisory on how weapons should be deployed. That is good, but we believe that many weapons are in the wrong hands, for whatever reasons. There is an antecedent of charges being laid against officials for distributing firearms to those who ought not to have firearms and charges of bribery and unlawful practices are not unknown even among so-called protected sources, privileged sources.

We must see the complementariness of legislation in relation to what measures are taken to ensure the proper possession of, quote and unquote so-called “safe use of firearms” for the person and the person’s property and not to willy-nilly take the lives of their partners, their spouses, their friends or people around them generally or in pursuit of crime. Also we have to look at the infrastructure in which trafficking of the sort, which the legislation is intended to address, can take place, so that it should not be seen as unpatriotic on the part of society or a section thereof when it protested against lands, which are on the borders of our country, being given away willy-nilly without proper consultation and without reference to issues of security and even sovereignty as we have had recently in the Permission for Geological and Geophysical Survey (PGGS) affair with Muri.

I say this in the National Assembly because when we deal with contiguous territory on the border in a country where our reform of the security forces is far from being significant that we do not deny ourselves a part of our country contiguous with another State where it is known, and the Attorney General did address that and the Ministry of Home Affairs did refer to that, of working in cooperation with our neighbour to the South. We give away and make inaccessible portions of our territory into which incursion of illegal arms could come, so that we will have to have a complementariness of legislation with diplomacy and then with good sense, that we do not put ourselves in jeopardy, if you feel that doing a certain act, even permitted, under the law could in fact render nugatory laws passed in this Parliament to protect us.

I want to reiterate that we find this piece of legislation timely. We find that it is going to be useful and I do not want to quibble about whether the law enforcement will implement it or not implement it or else it will not be here. It is a precondition that we have the capacity to bring in the big fishes. We are not dealing with small arms trading here, we are dealing with the big guns and therefore we have to be able to have the muscle to be able to address this contingency as it arises and it will be able to dismantle the social infrastructure for criminal activities of the sort that required big guns coming in through the borders.

We support this amendment fully and we hope, as I said, that it must not be seen that we are coming here to support it today when we had voted against it sometime before. We had said, the leader of the Alliance For Change has said, from this floor, that we intend to bring this law here if the Government did not do so. We felt it was necessary and therefore, even though we are on

this side of the House, we have a national responsibility to bring laws that will protect our citizen and enable us to have good governance in Guyana.

Thank you. [*Applause*]

**Mr. Scott:** Firearms exact a heavy price, usually ending in death for those engaged indiscriminate use. On a scale of one to five, with five being the maximum, I will award full points to anyone who correctly guesses or fills in the missing country when I use this quotation: “Human life is cheap in -----” I may repeat again: “Human life is cheap in-----” Which country would you put in there? Many would say Guyana. The correct answer is *Casablanca* from one of the greatest films ever, but I will still award the maximum five points to those who said Guyana.

Reinforcement may be added by the editorial caption and the first line of *Kaieteur News* of the 10<sup>th</sup> of January, 2014 which states: “Human life has no value or so it seems”. The first line began with “It is as if human life has no value in these days...” We seem to have got a pattern of violence in our society to which there seems to be no upward movement from that downward trend. There were in the year 2009 cases of torture. There were questionable killings since then and now there is an alleged torture that the society is demanding that the punishment for such a horrific perpetration should be attempted murder to be the charge and nothing less than that, we are awaiting the result of such an investigation. It seems that we have learned a little since the film of the 1940s, as our level of violence has escalated since then.

We have surrendered to the forces of destruction that drive us to do violence to our fellow man and the Ministry tasked with the responsibility to craft strategies to meet this challenge head-on now blatantly acknowledges haphazardness in the implementation of the recommendations of the Disciplined Forces Commission which contain programmes to effectively combat crimes.

Is it any mystery that the resolution by the APNU demanding the Minister’s resignation has met with popular acclaim? Does this amendment, section 17A, also reflect a similar haphazard approach to the efforts to reduce the illegal flow of guns in our society? The measures of the Principal Act of the Firearms Act Chapter 16:05 do not go far enough in correcting the ills of our society for which it was promulgated. This amendment Bill No. 24 of 2013, which adds a section 17A, well intended, as it may be, does not enhance the provisions of this Act, as we would hope.

It does not enhance the provision or help to serve the needs of our society. We could have used this opportunity, however, to make this very Bill stronger by adding cross border trading in drugs and terrorism to the Bill to which arms are inextricably linked, instead it now joins its mother Act on the shelf of obsolescence. It would have been better to draft a new Bill, a new Firearms Act, which will be more in keeping with the modern trend of fighting crime.

This is the year 2014 and we have moved some distance from Chapter 16:05, when it was first assented. Guns have become more deadly, moving from Ball and Powder to Browning, the Smith and Wesson now to Magnum, Glock and, the king of them all, the AK-47 whose inventor, *Mikhail Kalashnikov*, has passed recently, and whose gun has sold over 100 million worldwide. Our laws have not kept pace with this trend of murderous dispatch and its unchecked proliferation of weapons into society. A cursory look at the penalty imposed for offences illustrate this: Section 16 of the Firearms Act, for acquiring a firearm without licence, it only states that the offender shall be guilty of an offence. This ought to be spelt out so that the courts will be able to impose appropriate penalties. The amendment, section 17A, does not improve this oversight. It does not send a clear message to offenders. I have noticed that there has been an amendment and this we welcome.

To ask our support, however, in passing this Act, this Bill, this amendment section 17A, is merely to enlist us a partner in continued mediocrity.

- Why tinker with the laws designed for the past but which cannot adequately address the demands of the present and the current crime dilemma adequately?
- Why not come to us with serious reforms in mind, an invitation to discuss new law, a discussion on the date and time for the implementation of the Disciplined Services Commission Report, a proposal on how to adopt measures to get legal weapons off the streets?
- What measures are required to deal with irresponsible firearm holders and criminals?
- How do we treat with the Community Policing Group which now tends to function as a parallel police force rather than an advance community protection unit functioning as an aid to the police?

This is how we arrive at inclusive and national agreement when it comes to national security.

*5.58 p.m.*

Not including a specific penalty in section 17 (a) weakens a serious clause that is aimed at trafficking in arms and ammunitions. The intended message of resoluteness is not sent. This allows criminals to disrespect the law.

The Crime Chief, in his year end report for 2013, disclosed a 15% rise in the number of firearms seized. One can guess the percentage not discovered. The crooks are not fearful of the arms of the law. The inclusion to the amendment shows a hasty design to correct an omission but this central weakness of the principal Act still remains. Look at sections 17 (7) and 17 (8) of the Act. One will see it clearly needs some attention. It does not address adequately the kind of intimidation that we should send to criminals.

We ought to follow the pattern of the Prevention of Crimes Act, Chapter 9:01, Section 12 (1)(a), in which the penalties for possession of an illegal weapon in a public place are written out. This Act goes beyond being guilty of an offence. It gives the penalties of two years imprisonment for an indictable offence and a fine of \$400 and six months if convicted in a summary trial. Even if the fines are outdated, the clauses have a completeness about them and send a message of serious intent. This amendment that is now proposed addresses that aspect fully and we support that in terms of it bringing completeness that has been missing. Nevertheless, it still needs to be addressed in a holistic way whereby the entire Act can have those other sections that are weak and which have no money attached to them put to rest.

It is not our desire to oppose the amendment, but the illegal sales and frightening misuse of weapons are out of control. While we welcome the issuance of a warning to the public by the Ministry of Home Affairs, against this trend we see no follow-up action to inspire confidence that the Government is following a proactive plan to bring the situation under control. It needs more than just warning.

Jamaica, faced with a similar upsurge of crime and guns, established a gun court dedicated to swiftly prosecuting those gun offenders. A short two-paragraph amendment to a whole Act leaves us with the impression that this Government is satisfied with the provisions of the Act as

it now stands. This amendment is more an effort to impress stakeholders that it is trying to fight cross border arms trading, but the very weakness of the amendment confirms the lack of will on the part of the administration to really carry the fight to local and international organisations.

We have porous borders. Guns and ammunition are manufactured in Brazil and Venezuela. Markets are sought and Guyana is a ready market. What aggressive counter policies do we have in mind? Is it a new section 17 (a) to stem the illegal flow? A Partnership for National Unity (APNU) has the expertise and, if asked, we are prepared to advise on how to bring about an arrest in the trend of the illegal flow of guns across borders. The safety of the nation is at risk.

Today, guns are continuing to wreak a terrible havoc on the citizens of many countries, ours as well. Ever since the Chinese invented gun powder in the 9<sup>th</sup> Century, man has not ceased looking for more effective ways to use lethal force to overcome and dominate his brothers and sisters. Time was when hand to hand combat was the way youths earned their rights of passage. Bravery was demonstrated against animals. Today, everyone behind, not in front of a gun is perceived as manly. This transference of courage to the gun leaves whole communities decimated.

The Conquistadors destroyed the Inca Empire with the gun. The North-American Indians all but disappeared because of the unequal struggle against the gun. India, Asia, the Middle East and Europe all suffered. Africa was carved up and the resulting slave trade changed the landscape of the West. We moved from hand to hand test of skill to AK-47 rapid kill and created an ocean of blood in the process.

Our country is fast becoming engulfed in a deluge of innocent blood because of the lack of an imaginative policy to stem this flow and to devise an appropriate strategy to get illegal weapons off of the street. Compounding this strategy is the political interference in the licensing process, especially in the period 2000 –2006 which saw many unfit persons receiving licences and, in some cases, upgrades for bigger guns. The police were not allowed to do their work. The most recent example of police failure is the case of Mr. Deryck Kanhai. If section 37 of the Firearms Act was applied to Mr. Kanhai, as it should have been, the rampage that ensued would not have occurred.

Section 37 deals specifically with:

“If any person has in his possession any firearm or ammunition with intent by means thereof to endanger life or cause serious injury to property, or to enable any other person by means thereof to endanger life or cause serious injury to property he shall, whether any injury to property has been caused or not, be guilty of felony and on conviction on indictment shall be liable to imprisonment for life to whipping or flogging.”

If that section was applied to Mr. Kanhai, Sir, today, he would have been alive and other persons who were innocently killed would have also been alive. I pose the question, therefore: who really is responsible for those deaths? The answer should be obvious to all.

While the addition of 17 (a) to the Act can be seen as a beginning in our fight against gun crimes, we must, at the same time, address other weaknesses as well. The community policing groups are seen as a parallel police force, rather than the watchdog of the community. Many persons join the group in order to get access to weapons. We agree with the Hon. Khemraj Ramjattan that lethal weapons should not be in the hands of people in these groups. Their role must be redefined. They must become the first line of direct security action as part of the community until the arrival of the professional police who are trained to handle serious situations. This approach will result in greater cooperation from a friendly community and will lead to a better trust of the police.

The majority leader pointed to the rampant gun running, lax attitude of gun licensing by the Ministry of Home Affairs and the weak law enforcement of the Guyana Police Force (GPF). He is correct. Where does one locate amendment 17 (a) in being able to impact on any of these issues that he has highlighted. The need for reform is clear.

Some states in the United States, in the face of the powerful gun lobby, who feels that the weapon must be a personal choice, have recognised the harm too many guns in the society have caused and have moved to declare amnesty, encourage those willing and unquestioning surrender of guns without any questions asked. This amnesty has been combined with the public psychological approach to win the trust of underprivileged districts and it is working.

Finally, Sir, when all these weapons have been collected, what do we propose to do with them? Let us start the long journey to a peaceful country by implementing a continuous policy of destroying them. Trinidad and Tobago (T&T) led the way. In 2013, in keeping with an agreement between the United Nations and the T&T Government, 19,188 firearms and 37,763

tonnes of ammunition were destroyed. The Trinidadians destroyed ammunition with hydraulics shears, chop saws, melting tins and small arm and ammunition burning tank. We have not yet moved to that stage. What are we waiting for?

Thank you, Sir. *[Applause]*

**Mr. Nandlall (replying):** I want to begin by thanking the Hon. Mr. Winston Felix, the Hon. Mr. Moses Nagamootoo, the Hon. Mr. Keith Scott and, of course, the Hon. Minister of Home Affairs, who have all expressed their support for this amendment.

Many different and disparate issues have been raised. The common one being that this Bill cannot be the end all in respect to the fight against crime and the illicit weapons trade. I do not think that the Government is of the view and conveyed the impression in any form or fashion that this Bill will solve all of the problems in relation to crime in the country.

In fact, the Organization of American States (OAS), when it promulgated the Convention, which requires Member States to pass this Bill, made that very fundamental point. It stated:

“As is the case with any multilateral instrument, the Convention should not be viewed as a panacea. It does not - and cannot - address all the myriad factors that contribute to illicit arms transfers. Nonetheless, the Convention is suited to accomplish several goals essential to the curbing of illicit transfers of firearms in Latin America.”

That is the view of the Government in relation to this legislation. There is a lot more, obviously, that has to be done. This Bill, however, is a requisite in fulfilling not only Guyana’s international obligations but in bridging a huge gap which exists in our very comprehensive firearms legislation.

Listening to the presentations made and the calls which have been made for further law reform, I get the distinct impression that the persons who spoke never really took the time to go through the Firearms Act, Chapter 16:05. It is a very comprehensive piece of legislation, numbering nearly 50 pages and nearly 50 sections, and it deals with almost every conceivable problem that has been identified by speakers in their presentations.

It speaks to how one surrenders firearms, how firearms are marked, how they are kept by way of a register, how they are entered in that register, what a person should do when a licence is not produced, penalty for surrendering a firearm, firearms not surrendered being liable to forfeiture, the penalty imposed if one breaches the licence, penalty for if a person is found in possession without a licence and a whole host of matters, many of which were alluded to in presentations made and conveyed the impression that those are deficiencies of the law which we have to look at. I just wish to point out, Sir, that they are part of the law and, perhaps, the question really is one of enforcement.

The Hon. Minister of Home Affairs spoke at length about some of the measures which are being implemented to bring reform to the Police Force and the security sector generally. He made the fundamental point that in no period in the 164 years or more history of the Guyana Police Force has there been so many reforms, so wide ranging reforms touching and concerning so many facets of the security sector.

I just spoke about the scientific laboratory. That will be buttressed by the establishment of the Guyana Forensic Laboratory. There is a whole plethora of changes that are bringing scientific methodology into investigations done by the Police Force.

There is another component that seeks to increase the weaponry, assets, apparatus and equipment of the Police Force which they are expected to use in the execution of their day-to-day activities.

Another component deals with human resource matters, training, education, *et cetera*.

There is a major security reform project that embraces many, many changes and touches and concerns many of the various aspects of the security sector. This Bill must not be viewed in isolation but it is part of an approach and it is an essential part of that approach.

Legislation is recognised the world over as a requisite mechanism to fight crime. It is recognised not as the only mechanism, but as an important part of that network to wage a war against crime and criminality. Therefore, this Bill is welcomed. I thank, once again, APNU and the Alliance For Change (AFC) for their support and I ask that this Bill be read a second time. Thank you very much.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

**Clause 1**

*Clause 1 agreed to and ordered to stand part of the Bill.*

**Clause 2**

**Mr. Chairman:** Hon. Attorney General, you may address us on the proposed amendment to clause 2.

**Mr. Nandlall:** It is an amendment by way of an addition. A sub-clause 3 is being added to 17 (a). It will be 17 (a) (3). Does Your Honour have a copy of it?

**Mr. Chairman:** Yes, I have a copy.

**Mr. Nandlall:** Do I need to read it, Sir?

**Mr. Chairman:** No, I think every Member has a copy.

**Mr. Nandlall:** I am asking that that amendment be incorporated into the Bill that is before the House.

*Amendment put and carried.*

*Clause 2 as amended, agreed to and ordered to stand part of the Bill.*

*Assembly resumed.*

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

**SUMMARY JURISDICTION (PROCEDURE) (AMENDMENT) BILL 2013**

A Bill intituled:

“An Act to amend the Summary Jurisdiction (Procedure) Act.” [Attorney General  
and Minister of Legal Affairs.]

**Mr. Nandlall:** This Bill, like the others which I tabled today for second reading, is another very small piece of law making. It amends the Summary Jurisdiction (Procedure) Act.

Recall that in 1998 we introduced into our road traffic system the issuance of traffic tickets. However, the law then, which we changed, prescribed that those tickets be paid in the magisterial district in which they were issued. I do not know why it was not obvious then but over the years it became apparent that tremendous inconveniences and hardships were imposed on the populace when they had to travel to the place where the ticket was issued to pay it. Someone who may have been issued with a ticket in Lethem but lives in Georgetown would have to return to Lethem, expending far more than the cost of the ticket, simply to pay that ticket. Of course, I can give several other examples.

All this Bill seeks to do is allow for the payment of tickets to be done in any area and not be confined to a geographical location, a magisterial district or any geographic location. That is all this Bill seeks to do. It is very practical. It will improve efficiency of the ticketing system, it will encourage persons to utilise the system. We all know that in Guyana the system is underused and this, perhaps, may have been one of the reasons why it is not widely used. Hopefully, with this change and the alleviation of hardships that it is intended to bring, we will have more people prepared and willing to comply with the system and pay their tickets quickly and at locations that are most convenient to them. That is all I would like to say at this point in time.

**Mr. B. Williams:** Sir, this is clearly a revenue raising measure to ensure that the revenues reach the kitty. At the time when there is this carnage on our roads, when a lot of talent is terminated on our roads, and when the police seem hapless in alleviating this scourge, the question is whether it is really appropriate to bring something like this Bill at this time. It is so simplistic. Perhaps, some more thought could have been put into this procedural Bill and, as they do elsewhere, tack on some meaningful measures.

People have ruminated over the years. I see they propose to introduce cars into America within another five years that will enable the user to avoid getting into accidents. That is because the user would not actually be driving the vehicle but the systems in the vehicle would be taking the occupants along.

We need some solution to the carnage on our roads. We cannot wait five years. The population might disappear. We call on the... [Mr. Seeraj: The Government] Yes, we call on the relevant officials in the Government to come up with some meaningful programmes.

Why is the Government alleviating the hardship? Once a person gets a ticket, it means that person has occasioned a traffic offence. Should we be encouraging people to drive negligently on our roads and if they are charged just make it convenient for them to pay a ticket fine or are we supposed to do more? It is food for thought. I encourage the Government and I encourage the Minister of Home Affairs to come up with proper solutions to alleviate the carnage on our roads and certainly reduce the deaths that have been occurring year after year.

That being said, we would not break a lance over this *titty bit* piece of proposal that is before this honourable House. We will reluctantly agree to it but we hope that the next time a more substantial Bill will come to this House. [Applause]

**Mr. Speaker:** Like a point system for repeat offenders... You are right.

**Mr. Hamilton:** I rise to support the amendment and unlike my good Friend, Hon. Mr. Williams, who refused to indicate to us the usefulness of the amendment...

Secondly, I would like to make the point that even in the societies which are to have the electric and self-driven cars, the ticketing system is still in existence. They have not done away with the ticketing system.

6.28 p.m.

The issue, as indicated by the Hon. Attorney General, is that the amendment will allow for citizens not to be inconvenienced and I am sure many of us here would have had the occasion to be stopped by the police on the highway or in Essequibo, given a ticket and hear you have to come back to Essequibo to pay \$7,500. The amendment is to allow for persons to be able to pay the fine at any magisterial district. Therefore, whilst I take the point where Mr. Williams is attempting to speak to the issue of road safety in totality, the fact is that a measure that you have at the moment is the ticketing system and what you are attempting to do by the amendment is to make it more efficient and to ensure citizens are put in a position to respond more to paying tickets for traffic offences. I would not want to say much because it is clear that the amendment

is useful; no one can gainsay that, and the amendment would help to alleviate the struggles that citizens would have to go through and travail to get back into districts that they were given a ticket. So I rise to simply say that the amendment is useful and to support the amendment piloted by the Hon. Attorney General.

Thank you very much. *[Applause]*

**Mr. Speaker:** Does anyone from the Alliance For Change wish to endorse?

**Mr. Ramjattan:** We endorse it. We fully support it and expect some major legislation in relation to the major matters of trafficking to come at a later stage.

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

**Mr. Rohee:** Mr. Speaker, I want to again say that when this came the last time in June, 2012, the *Hansard* recorded what I had to say on the matter. Sufficed to say, if one were to examine many of the motions brought to this House by A Partnership for National Unity and some of the questions put by APNU, one would see a common trend which is that these motions and questions infringe or impact on the humanitarian side of the issues which APNU picked up while it's members were walking in the fields. I do not see that as unusual because obviously, as politicians, when we go out in the fields, we listen to people's problems and we try to find ways of addressing them.

In the same way, when we on this side of the House go out in the fields and meet people, they would ask questions: why are we not allowed to pay tickets in the magisterial district where the offence was committed? And the other one, which I think is a little impossible to do, is: why not reduce the fines?

My answer to the first one is yes, I see the need for us to amend the legislation to facilitate the charge on the tickets being paid in the magisterial district where the offence was committed because this is obviously an easement on the individual cost-wise and time-wise.

In respect to the reduction of the fines, I do not agree with this proposition because it would lead to more abuse. People will say, "I will pay \$500 easily and just get away with it." After all, people have a right to ask for these things; it depends on how we respond to them.

Yes, I take the point that the Hon. Member made about the carnage on the roads. In fact, recently, I read an APNU press release after a press conference was held where a number of recommendations were made. Coincidentally, at that point in time, we had already planned a meeting of the stakeholders and those recommendations happened to coincide with the time the meeting was held and those recommendations were taken into consideration; the Hon. Minister Benn was present at that meeting. Among the recommendations that were taken into account, apart from those from APNU, were those coming from stakeholders to address precisely the problems which the Hon. Member, Mr. B. Williams, referred to.

We have taken concrete measures. We have farmed out the decisions and recommendations of the various Government agencies and departments, including the Guyana Police Force, for them to deal with those recommendations, depending on the availability of the resources, *et cetera*. But they have that responsibility now and I am going to be monitoring to ensure that those recommendations are fulfilled at the level best.

In addition to that, one of the major decisions that came out of that meeting was to convene a national conference on road safety sometime early this year to which we will be working assiduously to realise.

Mr. Speaker, I think that the amendment to the Act through this Bill is timely; it is needed in the country. The amendment has a dual purpose: one is to raise revenues and the other is to ensure that the persons who commit offences honour their obligations. And for us to ensure that they do so in a timely fashion, we have to put mechanisms in place to be able to electronically track persons who engage in this kind of deviant behaviour so as to ensure that they fulfil the legal obligation, which is to pay the fine. We have put in place the necessary technological hardware and software, created a wide area network among the Clerk of Courts, the Police Stations and so on so that it could easily be traced to see whether these fines were paid.

I believe it is something that is very much needed in the country. I am happy there is total unanimity on the subject and I believe this will be sending a strong signal to our country and the people who, on one hand, want to see road safety being supported by the entire parliament and, at the same time, want to see those who engage in deviant behaviour, not paying what is due to the state, also fall in line in keeping with this amendment that is before us.

I, therefore, support the amendment, Mr. Speaker. *[Applause]*

**Mr. Nandlall (Replying):** Thank you very much, Sir. I again wish to thank the Members who spoke and who have expressed their solid support for this piece of legislation. I have heard the comments made by the Hon. Member, Mr. Basil Williams, endorsed by Mr. Ramjattan, that we should have a more comprehensive legislation addressing in a more holistic manner the question of road fatalities and the manner in which drivers use our roads.

This Bill, Sir, obviously is not intended to address that; every Bill has a particular mischief it is intended to address. This one simply has to do with making it more convenient for fines to be paid, encouraging fines to be paid and alleviating the hardship associated with the current way in which tickets are paid. But not to recognise that the point made by the Hon. Members is sound... I do not know if legislation is the way to go to address the problem. We have adequate legislation, in my view. The Road Traffic Act is quite comprehensive. We have the merit system by which persons are liable to be penalised when they drive in a careless or dangerous manner and there are convictions.

I do not know what else you can do. Perhaps education and public awareness are more efficacious methods to explore but I am sure those who have comments – Mr. B. Williams and Mr. Ramjattan – will pass their views on to the Hon. Minister of Home Affairs and you will be a part of the road safety awareness programme that the Minister shall soon launch and we can begin this national conversation on how we stop the carnage on our roads. But until those momentous occasions occur, this very small piece of legislation has received the support of the entire House and I ask respectfully, Sir, that it be read a second time.

**Mr. Speaker:** Thank you, Hon. Attorney General. Just as a reminder to Members: there is nothing stopping the Assembly from convening a special select committee to review the whole aspect of traffic, congestion, carnage, *et cetera*, and to make reports and recommendations that could be given to the Minister for his consideration. We need not have to wait for a comprehensive Bill legislation to come.

*Question put and carried.*

*Bill read a second time.*

*Assembly in Committee.*

**Clauses 1 and 2**

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

*Assembly resumed.*

*Bill reported without amendments, read a third time and passed as printed.*

**GUYANA CRICKET ADMINISTRATION BILL 2012 – Bill No. 31/2012**

A BILL intituled:

“AN ACT to make provisions for the incorporation of autonomous national cricket administrative organisations in Guyana and to provide for other matters connected therewith.” *[Minister of Culture, Youth and Sport]*

**Mr. Hinds:** Mr. Speaker, I formally move the request that the Guyana Cricket Administration Bill be deferred.

*Bill deferred.*

**LAND SURVEYORS (PROFESSION) BILL 2013 – Bill No. 16/2013**

A BILL intituled:

“AN ACT to make provision for the establishment of a Board of Land Surveyors, the registration and licensing of land surveyors, the regulation of the practice of land surveying and for connected matters.” *[Minister of Natural Resources and the Environment]*

**Mr. Speaker:** Members we have quite a heavy agenda today. If Members would wish to perhaps be a little shorter... It is not that we have had long speeches, but continue in the same vein we have been going.

I propose we have two speakers and then we take a short break at about 7 p.m. or 7.05 p.m. and return and finish that. I now invite the Hon. Minister of Natural Resources and the Environment to pilot this Bill.

Thank you very much.

**Minister of Natural Resources and the Environment [Mr. R. Persaud]:** Thank you very much, Mr. Speaker.

In rising to move the Land Surveyors (Profession) Bill 2013 for its second reading, I wish to state that this profession has, for many years, from the time we had our first land surveyor, not been given, perhaps, the due recognition and its role in terms of promoting national development. This profession has not been given its due recognition – the professionals as well as its role in national development. There have been some outstanding sons and daughters who, in fact, started their career and contribution to national development as being land surveyors, and one of those individuals, whose painting is before us, is our first President. Mr. Arthur Chung was a land surveyor, and there are many other examples. **[Ms. Teixeira: Mr. Harris]** Yes, Mr. Wilson Harris also.

I say so because at a time when our country is experiencing economic growth, at a time at which there are increased activities in various aspects of natural resources and outside of natural resources in terms of industrial development and housing expansion and even the hospitality sector, the importance of land surveyors and land surveying as a whole cannot be underscored and understated. I say so too because we have a situation in our country today where we do not have sufficient land surveyors and if one talks to members of the private sector – and I can tell you coming from the Guyana Lands and Surveys Commission – we do not have the full complement of land surveyors being able to meet both developmental needs of the public sector, be it housing, the need for the Lands and Surveys Commission to carry out surveys for agricultural purposes, for residential purposes or for housing development. If we switch to the private sector too – whether it is mining, industrial development and a whole host of activities – you will find that there are a limited number of land surveyors.

Over the years, we have sought to increase training and training opportunities. Just at the end of last year we were able to double the complement of land surveyors being trained and certified

both for the public and private sectors. But as we seek to do this, we are always in this mode of catching up so that we can be able to respond to the expansion and the developmental needs of our country. Because of this increased demand and activity, we found over time that there have been complaints about the quality of work. There have been complaints about ethics and there have also been complaints of persons professing and presenting themselves as land surveyors. In fact, they are not land surveyors and they have been, perhaps, misleading individuals. That itself has lead to a host of other problems.

We have recognised that the profession, as a whole, needs to ensure that the conduct and practice are in keeping not only with our laws, but also where we have gaps, where we do not have mechanisms, where we do not have institutions to manage the profession; we need to put those in place. That is why we have arrived here, Mr. Speaker, with the Land Surveyors (Profession) Bill 2013.

This Bill derived from extensive consultations with practitioners and with interaction with the private sector and other stakeholders who depend on this service. Looking at what exists in similar professions, how can we ensure that the conduct of our land surveyors are in keeping with our expectations but also that they contribute positively to national development and the profession as a whole given due respect and its role duly recognised?

As stated here in the Bill, we are seeking to establish a Board of Land Surveyors that would manage the profession where we would have a registrar and the Board, as stipulated. I would not, in the interest of time, regurgitate what is stated here. The Board would ensure that the necessary arrangements are put in place so that we can have land surveyors who are adequately and properly trained and certified. But, more so, after certification and training, other important aspects are the practice and conduct and the regulation of the practice: how we can ensure that these professionals know that they are under the law. There are lots of loopholes and, as we say in Guyanese parlance, “They are getting away with murder.” We want to stop that and we want to ensure that the practice is regulated and we have a code of conduct.

When there are breeches of these conduct and practices as stated, we want to ensure that there are associated penalties in accordance with the offences defined so that we ensure, as in keeping with any profession, be it the legal or medical profession, that when these offences are

committed, the associated penalties, as stipulated in the Bill, are meted out in a way that would ensure that we have proper regulation and proper practice in this regard.

In going through the Bill, Members would recognise that we have attempted to bring the profession up to scratch. We have attempted here to ensure not only respect, but also to create an arrangement where we can perhaps train more young people and more young Guyanese can see land surveying as a profession to which they can aspire and for which there will be opportunities, as we see today in terms of what is taking place in the developmental outlook of our country.

To give you an example, Mr. Speaker, in terms of the demand, if we look at the activities alone from the Guyana Lands and Surveys Commission – and I am not even bringing in the statistics from the Guyana Geology and Mines Commission in terms of surveying activities or what the private sector would require – in 2013, we have seen a dramatic increase whether it be in terms of application for monitoring inspections, schedule, approvals, lease preparation and so forth. You will see that there is an increase for the demand for these activities.

On a future occasion, we will be bringing to the National Assembly other aspects to complement this particular piece of legislation, and I speak to an amendment to the Land Surveyors Act as well as an amendment to the Land Surveyors regulations, because the last time the Land Surveyors Act was amended was sometime in 1973.

We all would be disappointed to know that even in our existing legislation and regulations, there is no provision for the recognition of Global Positioning System (GPS) in terms of demarcation and aiding in this regard. We need to modernise and recognise the technology.

We have decided that we needed to ensure that we address the conduct and the shortcomings of the profession and, at the end of the day, be able to satisfy the demand both in the public and private sectors.

With those remarks, I seek the House's approval for the Land Surveyor's (Profession) Bill 2013. Thank you. *[Applause]*

**Dr. Roopnarine:** Mr. Speaker, in the interest of time, I shall confine myself to some brief observations on the scope and the intended impact of the Bill. It is safe to say that the primary thrust of the Bill is to amend certain sections of the Land Surveyors Act, Chapter 97:01, which,

as the Minister just reminded us, was last revised in 1972 and 1973, and which has indeed been overtaken by new techniques of measurement and new technologies, such as GPS.

The new and revised Bill speaks of “direct or remote measurement”. I will not quote the clause but it is clause 2(j) on page 6 of the Bill. Nowhere is this modernisation thrust more readily seen than in the comparison of the syllabus and the professional requirements of the Land Surveyors Act, Chapter 97:01, with those of the new Bill before the House.

If one compares the Land Surveyors Examination regulations, the subsidiary legislation accompanying the Land Surveyors Act, Chapter 97:01, Section 7, to the examination subjects set out in the Second Schedule of the new 2013 legislation, and that is on page 32 of our Act. While I am on the subject of the syllabus and certification, examination areas and discipline, and professional requirements of land surveyors, it is worth noting that the 2013 Bill breaks new ground in setting out the laws with which land surveyors are expected to develop some familiarity, and these are listed in the Second Schedule, Section 2.

When we consider, Mr. Speaker, the legion of vexatious issues surrounding land tenure across the country, issues which not infrequently flood the courts with litigation reminiscent of *Jarndyce vs. Jarndyce* or Dickens’ *Bleak House* - which I warmly recommend to my colleagues in the legal profession - we cannot overstate the importance of strengthening the legal, administrative and surveying infrastructure for the administration of land. This is what the provisions of the 2013 Bill are designed to achieve.

In the Land Surveyors Act, Chapter 97:01, land is almost exclusively land; almost, because, in fact, there is a single provision referring to water. In the subsidiary legislation, lower down in the Examination Regulations under the heading “The Theory and Practice of Land Surveying, written paper”:

“Candidates are to be examined on their knowledge of the principles of surveying including the general principles of harbour, coast, river and general marine surveying including computations of discharges or rivers and canals.”

In the present Bill, in the interpretation section, land includes land covered by water and the seabed under Guyana’s jurisdiction.

In clause 2(i) land surveys include hydrographic surveys in which the topography of a river, lake, ocean, creek, conservancy or canal bed is determined.

In the light of rapidly increasing exploitation of river resources in mining operations, including oil exploration, and issues of jurisdiction and exercise of control over our maritime resources, this enlarged concept of land is in keeping with evolving realities. It is fair to say that the Land Surveyors Act, Chapter 97:01, was limited not only by its antiquated and outmoded science and instruments, but also by its equally antiquated and outmoded governance arrangements.

The amendments of 1972 planted the Minister at the heart of all decision-making, major and minor. The Minister issues the Land Surveyors Certificates, appoints the Board of Examiners, is himself a member of the Board, receives, decides and reports from the Board an applicant seeking exemption from examinations. The Minister has the power to divert the increasing of licensing fees away from the Accountant General to pay the members of the Board, and so on.

Land surveyors in the public service had to obtain the permission of the Minister, in writing, to take on an articulated apprentice. If we look at the Sections 22, 26 and 31 in the 1972 amendments, the heavy hand of the Minister is everywhere, micromanaging with a vengeance, master of all he surveyed.

*6.58 p.m.*

Happily, the 2013 Bill before us parts ways with this centralist perversity, as quaint in its own way as the theodolite and tachymeter, instruments that were revolutionary when they first appeared in 1571 and 1878 as the GPS is in our time. Instead, in the age of article 13, there is a proper resort to consultation. Among the functions of the Board of Land Surveyors established by the Bill is to advise the Minister “after consultation with the professional body representing land surveyors” on the need for amendments to the laws referring to land surveying.

In the following section, section 5, the Minister shall, “on the recommendation of the Board”, appoint a land surveyor to be registrar of the Board.

In section 19, in preparing the code of ethics, the Board shall consult with professional bodies representing land surveyors and any other non-governmental organisations that in their view are representative of the interest of members of the public who commission survey work and so on.

In the appointment of the Board of five members, three land surveyors with at least 10 years practice in Guyana are to be appointed by the Minister “after consultation with the professional body representing land surveyors.” The Minister is restricted to appointing a single member in his own deliberate judgement. He is allowed to appoint one person other than Land Surveyor who is qualified to serve on the board “by reason of relevant experience in public or professional life.”

It is a qualification that is loose and wide enough to leave the Minister more than ample room to exercise his judgement. I cannot leave the subject of the Board of Land Surveyors without contrasting it to the board established under the Guyana Lands and Surveys Commission Act of 1999. There, the Board of 11 members, not counting the Commissioner, are all appointed by the Minister although it appears that in practice at least two of the 11 members have been drawn from non-governmental organisations. However, I can find no provision in the Guyana Lands and Surveys Commission Act of 1999 that compels the appointment of non-governmental representatives on the Board. Members have come from the Guyana Geology and Mines Commission (GGMC), the Central Housing and Planning Authority, the Disciplined Forces Commission (DFC), the Ministry and the Office of the President. This hardly makes for a sufficiently diverse and independent Board.

While the Guyana Lands and Surveys Commission Act of 1999 is not our primary concern here, the Hon. Minister may wish to give some consideration to these observations. One provision that has given rise to concern among private land surveyors is that governing the right of Government’s land surveyors to do private surveys. This is section 18(4):

“A land surveyor employed by the Commission may, without permission from the Commissioner, carry out land surveying services for others outside of his normal working hours with the Commission for a fee or otherwise, without any aliquot part of the fee being paid to the Commission.”

This is only the most recent formulation of this issue. In the 1972 amendment of the Land Surveyors Act, in section 29, the issue is fully treated. I would not quote from the Act, but it is in section 29. Section 29 was subsequently repealed by Section 48 of the Guyana Lands and

Surveys Commission Act of 1999. It was replaced by Section 14 of the Act. The issue now resurfaces in the Bill before us.

The concern of land surveyors in private practice is that the provision makes them victims of unfair competition. They may have a point, although when we take account of Part IV, the Regulation of Practice, section 17, we find that, in fact, there is a penalty that is attached to Government surveyors who do private surveys on their own time. It states:

“Any land surveyor who is in the employ of the Commission or in the service of the Government as a land surveyor who is not engaged in private practice is entitled to have a licence of annual registration issued to the land surveyor without charge.”

This may not, in monetary terms, be sufficient of a levelling measure to reduce the concerns of the private surveyors. My own recommendation, which I discussed with the Hon. Minister, and which I hope will find favour with Colleagues on both sides of the House, is that section 18(4) be amended along the lines of the amendment that has been circulated. The amendment consists of creating a new subsection (2), which will now read:

“A land surveyor employed by the Commission may apply to the Commissioner for permission to carry out land surveying services for others outside of his normal working hours, for a fee or otherwise, without any aliquot part of the fee being paid to the Commission.”

There is then the creation of a new section 2, where “the Commissioner, acting on the advice of the professional body representing land surveyors, shall grant or deny such permission. In the event of a denial of permission, the applicant should be provided with the reasons for the decision.” That is the sum total of the amendment. I believe that the land surveyors in private practice, with whom I have consulted, would have their apprehensions put to rest, were we to accept this amendment.

The document from the Ministry, recently sent to the Parliamentary Sectoral Committee on Natural Resources, stated the expected impact of the legislation in these hopeful words:

“The legislation will support the modernisation of the agricultural land market and the administration of public lands by improving the security of tenure on private and state

lands. These Bills and regulations will provide an adequate and contemporary framework for the regulation of the land surveying profession and the directive measure on conducting land surveys.”

If the Bill is to have such an impact, it is important to ensure that it puts to rest all doubts and secures the fullest support from the profession and the wider public.

After all the science, technology and measurement, Mr. Speaker, I seek your indulgence to end on a note that draws attention, lest we forget, to the wonders of the object of the surveyor’s attention: the landscape of our Guyana. I take my cue from the most renowned of all of Guyana’s land surveyors - and I was instructed to learn today that our first President was, in fact, a land surveyor. I am taking my cue from Wilson Harris.

In his introduction to Wilson Harris’ essays, A.J.M. Bundy wrote:

“Harris experienced the interior of Guyana as a river and land surveyor in the 1940s. The interior speaks through a language of silence. The interior is also a living organism, an organism of forests, rocks, rivers and cataracts. The experience of the interior brought home to Harris that the picture we hold of reality and its reification in the conventional novel were unacceptably static. By continuing to believe them, we are actually damaging the fabric of the culture in ways that threaten our own survival.”

Harris states:

“I have expressed this unease in diverse and various ways through the fictions I have written. The life of the landscape, river-scape and sky-scape is pertinent to the reality of place. That life differs from the human life but is of invaluable importance.”

On this quite thoughtful and serene note, Mr. Speaker, and with the acceptance of the amendment, A Partnership for National Unity (APNU) supports...

**Mr. Speaker:** That is in anticipation of the acceptance of the amendment.

**Dr. Roopnarine:** ...anticipating the acceptance of the amendment, APNU will support the passage of the Land Surveyors Profession Bill 2014. [*Applause*]

**Mr. Speaker:** I thank you for those words. Hon. Members, we will take a brief suspension of half an hour and we will resume. Thank you.

*Sitting suspended at 7.07 p.m.*

*Sitting resumed at 8.02 p.m.*

**Mr. Speaker:** Thank you and please be seated. The Sitting is resumed. Hon. Members, we will now hear from a representative from the Alliance for Change, Mr. Ramjattan, on the Land Surveyors (Amendment) Bill.

**Mr. Ramjattan:** Mr. Speaker, I have heard the arguments for the support of the Bill as adumbrated by my APNU Colleague. I have also heard the arguments put forward by Minister Robert Persaud. The Alliance For Change, based on those arguments, would like to support the Bill. I concur with those arguments, and the Alliance for Change fully supports this Bill. I have nothing more useful to add than what was said earlier. [*Applause*]

**Mr. R. Persaud (replying):** Thank you very much, Mr. Speaker. I wish to thank the APNU as well as the AFC Colleagues of the Opposition for their support. I wish to commend the presentation by Dr. Roopnarine. I am quite sure that members of the profession and those who follow the profession very closely will certainly be heartened and would certainly be given cause to engage in some more research and see how far we have come.

I want to encourage other Members of the Assembly, but certainly of the wider public, that what we are seeking to do here is to recognise a body of skilled professionals who have and who are making contribution to the development of our country. I think we will be doing justice to our constituents here in advocating and promulgating relevant legislation that will better their welfare. With those few remarks and the support by Mr. Ramjattan, I wish to propose that the Bill be read a second time.

**Mr. Speaker:** Hon. Minister, it would have been perhaps appropriate or even nice - perhaps we can do it at future occasions - if when we are having Bills that address certain interests groups or areas to invite them to be our guests to sit in and listen to the debate. It is something that I will discuss with the Clerk so that in the future we could issue invitations.

*Question put, and agreed to.*

*Bill read a second time.*

*Assembly in Committee.*

**Mr. Chairman:** There is an amendment which has been proposed by Dr. Roopnarine. The Bill is a comprehensive bit of legislation. It has 40 clauses and three schedules. I will ask whether Members wish to have me put each clause or whether I take them perhaps in the parts as they are set out, Part I, Part II, Part III. On other occasions, I have been told to particularise and go item by item, unblock. Hon. Members, I will go Part by Part.

### **Parts I to III**

*Parts I to III agreed to and ordered to stand part of the Bill.*

### **Part IV**

**Mr. Chairman:** Dr. Roopnarine, you may speak to your amendment.

**Dr. Roopnarine:** The amendment is to clause 18(4).

**Mr. Chairman:** We are at clause 18(4), which would be on page 11 of the Bill. The proposal is that sub-clause (4) be deleted and be replaced by the sub-paragraphs (i) and (ii) as set out in the amendment proposed by Dr. Roopnarine.

*Amendment put and carried.*

*Part IV as amended, agreed to and ordered to stand part of the Bill.*

### **Parts V and VI**

*Parts V and VI agreed to and ordered to stand part of the Bill.*

### **First, Second and Third Schedules**

*First, Second and Third Schedules agreed to and ordered to stand part of the Bill.*

*Assembly Resumed.*

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

## **MOTION**

### **ADOPTION OF THE REPORT OF THE SPECIAL SELECT COMMITTEE ON THE DEEDS REGISTRY (AMENDMENT) BILL 2012 – BILL NO. 11 OF 2012**

BE IT RESOLVED:

That the Report of the Special Select Committee on the Deeds Registry (Amendment) Bill 2012 – Bill No. 11/2012 be adopted. [*Attorney General and Minister of Legal Affairs*]

**Mr. Speaker:** I note that the substantive Bill comes up immediately after we adopt the Report. There are a number of persons listed to speak both on the Report as well as on the Bill. My suggestion is that Members may wish to either not speak or contract what it is they have to say at the Report stage and save it for the Bill stage. It is really the same. We adopt the Report and go straight to the Bill. Speak to the Report if you wish. That is just a suggestion.

**Mr. B. Williams:** Sir, I thought you were inviting an opinion from us.

**Mr. Speaker:** It is a suggestion.

**Mr. B. Williams:** We could deal with the Bill and just adopt the Report.

**Mr. Speaker:** The Report has to precede the Bill.

**Mr. B. Williams:** Yes.

**Mr. Speaker:** There are five persons listed to speak on the Report. There are four, sorry. One has kindly agreed to be dropped. If you just adopt the formality of adopting the Report...

**Mr. Nandlall:** Sir, I just wish to point out that the Bill was debated fully at its second reading. This is only the third reading. So, the preference may be for us to have a little more detailed discussion of the Report and to just formally go through the presentation of the Bill for third reading.

**Mr. Speaker:** Thank you for pointing that out. It just occurred to me that we are not really supposed to have a debate at the third reading of a Bill. So, all of the names that are down for the third reading, we will proceed them with a fulsome debate on the Report and then treat the Bill as a formality. Thank you. Proceed please, Hon. Attorney General.

**Mr. Nandlall:** Thank you very much, Sir. It gives me great pleasure to rise to present this Report in relation to a very important and innovative piece of legislation which was fully debated in the House some time ago.

Unfortunately, this Report took quite some time before it reached the Order Paper. It then again was delayed - I suppose because of other pressing matters - from being presented. Fortunately today, I welcome the opportunity to present it.

Sir, there were many distinguishing and distinctive features of this Select Committee. First of all, it comprised representations from all the parties in the House. The Government, of course, was represented; the Alliance For Change was represented; and APNU, of course, was represented.

There were differences at different points in time in our deliberations, but fortunately those differences were reconciled and every decision which was made was consensually done.

What is even more refreshing is the fact that the Guyana Bar Association, which was perhaps the most important stakeholder, because of the nature of the Bill, the administration of it will have to be largely done by the legal profession. The Bar Association attended many sessions of those meetings, made written presentations that were adept and in-depth, very researched positions, as well as made several oral presentations.

Indeed, I will concede that the Bill which will be presented for its third reading is an almost complete overhaul from what was initially tabled, though it captures the singular mischief which it was intended to address. That is to ensure that a transported holder is not free to sell that property subject of the transport, fraudulently, to more than one purchaser, and passing transport even to a third purchaser, defrauding the prior two purchasers. That general concept was retained. The Bar Association and we in discussion were able to devise a far more elaborate, and I concede, elegant mechanism by which to capture that concept.

Attention was drawn to the Land Registry Act, where there is the mechanism of a prohibition which can be filed against the transfer of a title, where a property that is subject of a title is the subject of an agreement of sale or where someone claims an interest in that property that is held by title and wishes to add a caveat or an injunction against the absolute dealing, disposal, encumbering and/or alienation of that property. The Land Registry Act allows for a prohibition to be lodged for a caveat to be lodged. That legislation has, as an appendix to it, a form. That is the mechanism which was largely imported into this Bill and set out in a most elaborate way.

Care and caution had to have been exercised not to destroy the essential and foundational tenets of the Roman-Dutch system. In my presentation at the second reading stage of this Bill, I had outlined that under the Roman-Dutch system, the transport vests in its transportee absolute title, subject only to conditions stated on the transport or certain conditions enumerate in the Deeds Registry Act itself. So, care had to have been exercised to navigate around the provisions of the Act as well as to generally keep the Roman-Dutch concept. An interference with that could have caused conceptual difficulties in other areas of the law in relation to transport, for example, mortgages. That was a substantial hurdle which had to have been crossed.

We had to determine whether or not a purchase price or rather what percentage of the purchase price is required to have been paid or required to be paid before a person can be enjoined from selling his property. The Bar Association emphatically argued that it would have been unfair to enjoin a person from selling his property by the mere payment of 10%. They wanted us to amend the law to allow for a 50% deposit. But, Sir, in practice, you would know that that is a rare occurrence. The 10% first normally is what is paid as a deposit. That agreement is then taken to the bank and a mortgage is obtained. That is how the balance of the purchase price is normally paid off.

The Members of the Committee stood strong against the position advanced by the Bar Association. I recall my Friends, Mr. Basil Williams and the Hon. Mr. Moses Nagamootoo, lending me strong support for the maintenance of the standard 10% deposit as a down payment.

Sir, we had to also deal with the establishment of a mechanism; having established that these agreements are going to be filed, how they are going to be recorded and annotated. The transport will obviously have to be annotated with some marking to say that it is now subject to an

agreement of sale and some mechanism has to be established by law and administratively at the Deeds Registry to facilitate the registration and the filing of those agreements of sale so that they can be filed in an orderly manner and in a readily accessible manner.

We also had to deal with the situation where a purchaser may, for a malicious reason or without just cause, pay the 10% and then frustrate the vendor from disposing, alienating or selling his property by filing the prohibition against him so that he cannot deal with his property as an absolute owner, but then the purchaser refuses to complete the transaction in a timely manner. What does one do in that instance? While the thrust of this Bill is to protect the purchaser, we cannot, at the same time, do so in a manner that is disadvantageous to the transported owner. That very delicate balance had to have been struck.

We dealt with that whereby we allowed, firstly, the removal of the prohibition to be done by the filing of an affidavit by the prohibitor, that is the purchaser, or if the time delimited by the agreement of the sale – and we also stipulated by law that the agreement of sale must give a time when the transport is to be passed.

8.22 p.m.

If a certain time elapses thereafter and the balance of the purchase price is not paid, so the vendor is not in a position to pass transport, then that vendor is not without remedy, he can approach a judge in a summary way. We have to ensure that we use language that will allow quick access to a judge and so we put in language to permit and facilitate a summary application to be made to a judge for the prohibition to be removed or declared abandoned and the purchase price there can be forfeited less reasonable expenses. Sir, that by and large is what the report contains and what transpired at the Select Committee.

I want to take this opportunity to thank all the Members, the Hon. Minister Irfaan Ali, the Hon. Cde. Jaffarally, the Hon. Cde Bibi Shadick, the Hon. Mr. Moses Nagamootoo, the Hon. Mr. Basil Williams, [*Interruption*] Mrs. Deborah Backer – I do not know whether they will accept the Comrade. I have to use very careful language. I do not want Mr. Williams to reject me publicly, on the floor. I believe Mr. Harmon was on the Committee as well. This was a Committee that had the contribution of everyone; it was a joint and most concerted effort. And it

had the stakeholder playing a very, very, critical and constructive role in coining the final product which we have as the Bill itself.

Those are the few remarks that I will like to make at this stage until I am called upon by you again, Sir. *[Applause]*

**Mr. B. Williams:** If it pleases you Mr. Speaker the mischief was to prevent the owner of property selling it multiple times and, in fact, selling it above the head of the original purchaser. *[Interruption]* No one is suggesting that Mr. Lumumba should be in prison as an aider and abettor.

Sir, I would like to highlight the work of the Guyana Bar Association in expediting our work in this Special Select Committee. They were an invaluable adjunct in making a determination for the resolution in this case. That is why we have to continue to pay credence to the Bar Association in areas where the law is to be changed in a fundamental way. We can broke any objection to having the Members of the Guyana Bar Association involved in any special select committee where the law is to undergo what I will call revolutionary change or substantial change. I will like to commend the Members of the Guyana Bar who contributed to resolving this area of the law that is so important and which would go a long way to remove a lot of pain and suffering.

I could not understand why over a century we could have tolerated a law of this nature where a person is seized in the house, is seized on property, a third party comes up, sees him in the building and yet goes to the owner and buys it and the owner could transfer above his head. The next thing he knows is that the third party is asking him to come out of the place and he already has an agreement of sale. We are very happy that we have been able to surmount that hurdle. I have spoken at length at the second reading of the Bill and I wish to place on record that I repeat and rely on the submissions that I had made on that occasion and that they be adopted for the purposes of this Report.

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

**Mr. Nagamootoo:** Mr. Chairman, like my colleague and learned friend Mr. Basil Williams, I also would like to place the gratitude and appreciation of The Alliance For Change for the

contributions by the Guyana Bar Association to the debate, discussions and refinement of the original draft legislation, and in particular to the then President of the Guyana Bar Association Mr. Kashir Khan and, I believe, the Secretary, then Mr. Mohamed Khan, for having attended on several occasions the sessions we had to make clarifications and suggestions. And, of course, there was our own Parliamentary Counsel Mr. Dhurjon who had to deal with questions of interpretation at the point when we had perilously been close to having the floodgate of ambiguities of such a nature that we thought the proposed amendment was colliding with established law as we know it.

The Hon. Attorney General has alluded to the practice and the law as we inherited - Roman/Dutch Law - that provides for no equitable interest in land. At first it was thought that the intention of the Bill, wrongly so, was to vest equitable interest to the purchaser of land. In that regard although clarity was lent to the treatise by learned Senior Counsel Robin Stoby we were able to steer away from an interpretation that would have produced a collision. This might appear to be a simple piece of legislation, an amendment to an existing legislation. And I want to - I do not think I am niggardly in doing this - commend the learned Attorney General for having out of his own practice seen the crucibles faced by purchasers of property for valuable consideration and thought it necessary to bring an amendment to the law to protect the purchaser.

I recall during one of the sessions Hon. Member Basil Williams said something about equity's blue eye baby, the innocent purchaser. We always have to be cognizant of that innocent purchaser who could be defrauded and we have to provide mechanisms to protect the purchaser.

During one of the sessions in the Committee I lamented the fact that we do not have in Guyana hire purchase law, and that the travail of the hire purchaser perhaps demonstrates more than anything else why purchasers generally need to be protected, because every day people enter into hire purchase agreements. This is particularly so in the automobile industry, the cars and the mini vans etcetera. People are given vehicles on which is tied the recourse to repossession and the hirer would then sell that vehicle to a third party who would not know ... *[Interruption]* Your client would do that too, Sir; one of your clients. But beside that I do not intend to name anyone. But it always occurred to me that the third person who is buying from someone who had been party to a hire purchase agreement does not know that the vehicle could be repossessed, does not know there is a hire purchase because of how it is done. Ostensibly, the hirer is vested in

ownership of the property because the hirer exhibits a certificate of registration and the hirer is allowed to have the vehicle registered in his or her name so when the third party comes up the hirer presents the document as an authentic transaction - that he has been vested in the property by ownership.

In England, for example, there is a voluntary way in which it is done. The people dealing in the automobile industry have a consortium where they have to declare in a register kept by their association to whom they hire their vehicles. So someone interested in a vehicle would then consult that book to know if a particular vehicle had in fact been subject of a hire purchase agreement. That to me demonstrates the need for protection of legitimate buyers. Many people have suffered the loss of their hard earned moneys, or moneys repatriated by relatives. They buy a minivan, for example, and the big muscled people go and seize these vans from persons who probably came from Berbice or Essequibo and were lured into buying from a hirer and would have lost their vehicle and their money as well.

As regards this piece of legislation brought here to amend the Deeds Registry Act, I support fully the recitation by the Hon. Attorney General of what transpired in the Special Select Committee. And I want to say this in commendation of the Select Committee: this, I believe, is how a select committee ought to work. We had our acrimonious confrontation at times over our interpretation of the law. And I believe if there had been some departure from full acceptance in the beginning it was because we were trying to interpret the law as is, not simply to prevent an amendment, to protect purchasers. We wanted to know we did not create another mischief that we vest in purchasers a right that the law has not given them. Because as the Attorney General has said, a transport is not only inviolable, a transport is an instrument that guarantees ownership. So you could not just annotate as you annotate the contract of agreement of sale and purchase on an agreement because there are certain consequences for property rights of spouses, of dependents and so on.

I believe, all in all, we have navigated well all the major issues with the guidance we have been provided and the valuable opinions of the Guyana Bar Association and we are now in a better position to create a register where a person who sells... (And now there is what is called the 'flip' - people do not only sell to one person, they sell to a second and a third person) and they obtain a first mortgage and go and get a second mortgage in what is called the market overt, the open

market. We have now very intrusive transactions that are not healthy for property ownership and for those who would invest money in acquiring property.

The Alliance for Change commends the work of the Committee and we commend this amendment and fully support it at the third reading. *[Applause]*

**Mr. Nandlall (Replying):** I would like to thank the Members who spoke on the Report. I concur with the sentiments expressed. Sir, I would like to take this opportunity since the Hon. Member Mr. Nagamootoo raised the issue of hire purchase to say that through the Ministry of Trade the Drafting Department of the Attorney General' Chamber is working to conclude a hire purchase Bill, a comprehensive and a modern hire purchase Bill, to address the very concerns and many more that the Hon. Member has raised. Hopefully that Bill will be tabled in the Parliament within the next two months or so. We are working on addressing those matters as well.

Sir, next I would respectfully ask that this Report be adopted as presented.

**Mr. Speaker:** Hon. Attorney General before I do so I would just like to compliment you for taking on an issue that has vexed the practice of conveyance for I think well over a decade, and has become quite acute And I extend those complements to the Committee for the manner in which it worked and was able to resolve this issue to finality, working in conjunction with the Guyana Bar Association and the Office of the Parliamentary Counsel. It is highly commendable. And as Mr. Williams says this legislation is in fact revolutionary. I think in many years to come practitioners, vendors and purchasers, will begin to realise the value of what has been accomplished here. It gives me pleasure to put the question.

*Question put and agreed to.*

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

## **MOTIONS**

**TRIBUTE TO HIS EXCELLENCY, FORMER PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA, NELSON ROLIHLEHLA MANDELA, ARCHITECT OF THE FREE AND DEMOCRATIC SOUTH AFRICA**

WHEREAS the world learnt with sadness, on the 5<sup>th</sup> December 2013, of the passing of Nelson Rolihlahla Mandela, the first democratically elected President of the post Apartheid South Africa;

AND WHEREAS Guyana has long recognized Nelson Mandela as the genuine and legitimate leader of the South African people, a freedom fighter forced to support armed struggle after years of non-violent struggle against apartheid, the internationally known and loved political prisoner, imprisoned for 27 years for campaigning against the barbarous and iniquitous system of apartheid which pervaded every aspect of life in South Africa;

AND WHEREAS Nelson Mandela (Madiba) became the symbol of the struggle for the abolition of the system of Apartheid in South Africa;

AND WHEREAS his wise leadership upon gaining his freedom, his election as President of the ANC and his subsequent election as President of the Republic of South Africa, the highest position in his land, he demonstrated his commitment to the ANC 1961 Kliptown Declaration of the Congress of the People and the Freedom Charter of a free and democratic South Africa for all of its peoples;

AND WHEREAS Mandela was the architect of crafting of the new South African Constitution founded on a spirit of reconciliation, non retribution and unparalleled magnanimity that conferred new freedom and dignity to the oppressed and the oppressor alike;

AND WHEREAS from the early 1950s Guyana's progressive forces, through the Peoples' Progressive Party and the Peoples' National Congress, were committed to principled and unwavering support for the African National Congress and the abolition of the system of apartheid; and the creation of a free, independent and democratic South Africa;

AND WHEREAS the Government of Guyana, despite the international challenges it faced, was steadfast in its commitment and support for the liberation of South Africa and Southern Africa in general. This was demonstrated significantly through Guyana's contribution of US\$50,000 (United States dollars fifty thousand) annually for the African liberation struggle as well as its agreement for the landing and refueling of Cuban aircraft en route to support the Southern

African liberation movements; support for the international boycott of South African goods and sport; and Guyana's severing of sporting contacts with apartheid South Africa;

AND WHEREAS Guyana, in recognition of the African liberation struggle built the African Liberation Monument in the forecourt of the Umana Yana and demonstrated our respect and recognition of the role of Nelson Mandela by naming a section of a major city highway for him;

AND WHEREAS we are proud as Guyanese of our country's, successive governments and civil society's forthright and unwavering stand in support of the international struggle against apartheid and for the freedom of the South African peoples;

AND WHEREAS we recognize the power of the international movement against apartheid which grew from strength to strength isolating the apartheid regime as the pariah of the world and salute the strength and commitment of the South African people over long decades that finally opened the way for Mandela's release, the abolition of apartheid and the birth of the "rainbow" nation;

AND WHEREAS we the members of this National Assembly salute Nelson Mandela, as a dear friend of Guyana, a great humanitarian and an architect of reconciliation and hopefully a new international political culture;

BE IT RESOLVED:

That this National Assembly formally offers its profound condolences to the entire Mandela family and to the Government and people of the Republic of South Africa, while at the same time acknowledging the precious heritage which this man of exceptional courage and wisdom bequeathed to all of humanity. *[Prime Minister and Minister of Parliamentary Affairs]*

**Mr. Hinds:** Mr. Speaker, Hon. Members it with a sense of great honour and privilege that I rise to move the motion standing in my name calling on the National Assembly, and indeed our whole nation to, quote:

“Formally offer our profound condolences to the entire Mandela family and to the Government and people of South Africa while at the same time acknowledging the

precious heritage which this man of exceptional courage and wisdom bequeathed to all humanity.”

I am extremely pleased to report to this House and Nation that this motion, although it stands in my name, is a consensus motion drafted by the various sides in this House working together cooperatively in a common purpose.

The whole world took note and paused a while on the passing of Mr. Nelson Mandela on 5<sup>th</sup> December, 2013. In these days of widespread satellite TV many of us in this Assembly and many Guyanese would have been aware of and caught some glimpse, of the many events and the multitude of discussions in countries around the world, and here in Guyana too, which extended from the announcement of his passing until the interment of his mortal remains on 15<sup>th</sup> December, all acknowledging and paying tribute to this noble man. Our President, His Excellency Mr. Donald Ramotar, as soon as a programme had been confirmed, quickly made hurried arrangements to travel directly to Johannesburg, South Africa, to represent Guyana at the Memorial Service on 10<sup>th</sup> December. It would be recalled, Mr. Speaker, that when we met on 12<sup>th</sup> December you quite appropriately led this House in showing our respect, in the traditional minute of silence, on the passing of a great soul.

Mr. Speaker, Hon. Members, Mandela’s was an extraordinary life worthy of all the adulation that flowed from all parts of the world. His was a life that started unnoticed, unheralded, in Qunu and when it ended at Qunu, as the BBC Announcer stated, there was all the panoply of the South African State in attendance. For many people within and without South Africa he was a messiah of our time even though Mandela is reported as saying, and I quote:

“I was not a messiah but an ordinary man who had become a leader because of extraordinary circumstances.”

Whilst it is true we are born at a particular time and place with its peculiar history, contentions and inherent constraints, and this was particularly so in the case of Mandela – born in South Africa in 1918 – he earned the world’s tribute in the way he met and in the way he created many of the extraordinary circumstances of which he spoke. Mandela’s life and his achievements had significance for people across much of the whole world as they were played out against the background of a period of world history which began some 400 years before his birth. A time

when Europe, filled with a spirit of adventure, exploration and discovery linked with growing knowledge about and mastery of material things, began imposing its sway over most of the world. Whilst the various nations of Europe became engaged in bloody wars amongst themselves in their rivalry, establishing themselves in colonies and as overlords in various lands, they had no question about the assumption that Europeans were heads and shoulders above other races and put black Africans at the bottom of the pecking order.

According to history books, the Portuguese first sailed around the Cape of Good Hope in 1487, but it was not until 1652 that the Dutch settlement began, dispossessing the African tribes of their land. The English began taking control in 1795, not without resistance from the Boers. And the English, when it suited their purpose, brought thousands of Indians and some Chinese to South Africa who along with persons of mixed ancestry were designated coloured and placed between the whites at the top and the blacks at the bottom. That was the world into which Mandela was born in Qunu, in the quite countryside far from the growing storm of non-Europeans struggling to throw off the yoke of colonialism, of non-whites struggling to end the domination of whites, and of the working class people in Europe and in the colonies struggling for a bigger share of the goods and services being produced.

Mahatma Ghandi who had lived in South Africa for some 20 years and who started his struggles against racial discrimination there, was already back in India and well into the battle for Indian independence. Indian independence ushered in the period of former colonies winning independence by constitutional methods or by war.

The First World War was in progress at the birth of Mandela and the first socialist state was being established following the Russian Revolution. By the time of Mandela's early years, South Africa differed from other colonies in an important way. In most colonies the proportion of Europeans descendants tended to be either a large majority, as in North America and Australia, where the native population was proportionally small, or the white colonists were a small minority as in India and the Caribbean. No doubt it was this particular situation that was to lead to much of the difficulties in South Africa. With European descendant population in South Africa about 20% it was a country of colonisers and colonised living within one boundary; a developed European country and an African colony within the same state. Disparities would be

much more pointed in South Africa; political evolution and change would be much more difficult.

In the special commemorative edition of *Time Magazine* entitled *Nelson Mandela, a Hero's Journey, 1918 to 2013*, they listed persons whose lives influenced Mandela. These included Mahatma Ghandi, Joe Louis, Winston Churchill - and they say it may be surprising but Mandela admired Churchill for his courage, his spirit of never giving up. Also, he admired Kwame Nkrumah, Martin Luther King Jr., Jawaharlal Nehru, Gamal Nasser, Mao Tse Tung, Ahmed Ben Bella and Fidel Castro – a wide list of persons who were activists in resisting oppression and making a change for the better.

The activist life for which Mandela was destined was not going to be an easy one, but a life that he would consciously undertake nonetheless and endure at great personal cost, very much so for a man who was inclined to carry himself regally, who was interested in sport, who took up ballroom dancing, who performed in a drama society and gave bible classes. These, one may think, were the actions of one inclined to a cultured, good life and to seek improvements within the system. However, at about 23 years old he was put on his faithful path in having to leave Fort Hare University without a degree following his suspension for being involved in a student representative council boycott against the quality of food. Returning to his native area in December 1940, Mandela fled to Johannesburg in April 1941 to escape a traditional arranged marriage.

8.53 p.m.

My first awareness of South Africa goes back to the end of the 1940s, when I was maybe about five or six years old, when night after night, chapter after chapter, my mother read to my grandparents by lantern light, that sad book, "*Cry, The Beloved Country*" – about Johannesburg in the 1940s: a place of great hopes and dreams, but also of great pain and poignancy, where so many things were turning out wrong. The protagonist of that book himself, like Mandela, a runaway to Johannesburg, ends up being executed for the murder of a white man who it so happens was renowned for his interest in social problems and for his efforts to improve the welfare of the Non-European sections of the community.

The special commemorative edition of *Times* previously referred to, on its last page reproduces a quotation from Mandela dated 20<sup>th</sup> April, 1964, when he was 46 years old, which sums up Mandela.

“During my life time I have dedicated myself to this struggle of the African people. I have fought against white domination and I have fought against black domination. I have cherished the idea of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an idea which I hope to live for and to achieve, but if needs be, it is an idea for which I am prepared to die.”

The above quotation which I think is the essence of the historical Mandela comes from his four hours long speech at his Rivonia Trial. It was modelled after Fidel Castro’s “History will absolve me” speech.

At the end of the trial Mandela was sentenced to life imprisonment. Those might have been just beautiful words put together, likely to win sympathy and a light sentence, but when the time came, it would be sensed that he, Mandela, meant those words and in by living by them, when he was freed, he earned his acclaimed of Father of the Nation of South Africa and of a great being, in being true to those words.

It is said that one’s beliefs might be stronger and sounder when he would have struggled to get there, so it might have been with Mandela. We may say that Johannesburg was alive and bubbling, when Mandela arrived in 1941, with many different peoples; with many different views, native blacks of various tribes, whites - English, Dutch and Jews, coloured immigrants – Indians, communists and non-communists, all with their own interests and views as to whether and how South Africa was to be transformed.

As noted by a number of reviewers, and as Mandela does not hide in his autobiography, although he was personally friendly with many non-blacks, whites, Indians, Jews and communist, he initially supported the view that black Africans should be independent and acting alone in their struggle for political self-determination.

Mandela was initially uneasy about communist participating and about communism. Perhaps it was the new apartheid legislation after the 1948 election and the implementation of that

legislation that created the condition for the African National Congress (ANC) and Mandela to work with and welcome to the register of the ANC all who would fight apartheid.

Mandela had had friends in the ANC from his late teens and early 20s at the University of Fort Hare, but it is said that he did not then join the ANC. His life in the ANC would have begun with an introduction to Walter Sisulu, soon after he arrived in Johannesburg in 1941. His role in the leadership would have been cemented with his work in the formation of the African National Congress Youth League (ANCYL) - the Youth League of the ANC, on Easter Sunday 1944.

When Mandela was sentenced to life imprisonment in June, 1964, having been found guilty of sabotage and conspiracy to violently overthrow the Government, he had been serving already for 20 years at the highest levels of the ANC. The ANC had been resisting calls to accept violence as one of the means to confront the apartheid regime. Already in 1955, after the demolition of the Sophia Town suburb, Mandela had come to the opinion that the ANC, “had no alternative to arms and violent resistance.” It was not until 1961 that he could persuade the ANC leadership to establish an armed wing. This armed wing was to focus on sabotage, creating maximum publicity, but minimal collateral personal injuries.

Thus, in 1961, Mandela co-founded Spear of the Nation, MK, the armed wing of the ANC. Mandela, thus, had been travelling through South Africa disguised and organising cells for the ANC and had been abroad illegally, bringing the attention of the world to the injustices of apartheid, which had been imposed in South Africa, seeking support, connecting with Africans, other revolutionary people, persons in various groups and undergoing some military training.

It may be argued that paradoxically, as some do, that it was his imprisonment which made Mandela, even saved Mandela, taking him into the safety of the prison and off the streets where he would have likely been killed, like a number of other activists.

Also, when sentenced to life at 46 years old, he had already gained enough stature within the ANC, within South Africa and across the world to ensure that his life sentencing and going into prison attracted great attention and posed the question of what was to be the way out for black Africans and all South Africa.

Mrs. Winnie Mandela is rightly credited for Mandela not being forgotten in prison. Mandela might well have been eclipsed by younger impatient groups that were springing up; individual black activists like Stephen Biko and the Black Consciousness Movement.

Mandela did not languish or allow himself languish in jail, he put to good use whatever personal time he had in prison, continuing his studies for the LLB Degree and studying Islam and Afrikaans, so as to better understand and possibly build mutual respect with his oppressors and jailers.

It has been argued and it does seem so that the ceremonies and the celebrations organised in South Africa, the United Kingdom and elsewhere to mark his 60<sup>th</sup> and 70<sup>th</sup> birthday, in 1978 and more so in 1988, established him as the person with whom the white apartheid regime would have to and could bargain, as violence rose in South Africa.

On being set free in 1990, and as the first democratically elected President in 1994, and for the rest of his life, Mandela delivered on the declaration that he had made since 1964; that he cherished the idea of a democratic and free society in which all persons live together in harmony and with equal opportunities.

Throughout his life, Mandela worked with allies and adversaries, who themselves have no small place in the history of South Africa through the 20<sup>th</sup> century. Time would allow me may be only to mention just one, Bishop Desmond Tutu, the outspoken first black Anglican Bishop of South Africa – a man with his own great standing.

With Nelson Mandela's release, there was still the enormous challenge for South Africans to somehow put the 300 years of white domination and the inhumane cruelties of the last 40 plus years of apartheid behind them.

What could be a mechanism to bring about reconciliation and healing and turn to a new page? As we know the mechanism was the Truth Commission, chaired by Bishop Tutu. In parallel, Mandela reached out, to those who would have been uneasy in the new South Africa. He reached out to the whites donning the uniforms of the Spring Box Rugby Team, which had been somewhat of an emblem of white South Africa and despised by blacks. As a Xhosa, he reached

out to the Zulus, donning the traditional wear of the Zulu warriors and he re-established ties with his tribe, receiving the traditional tribal blessings.

He was a man challenged to span many worlds and he spent his life doing so, putting and keeping his faith in the common human feelings of all of us humans.

Mr. Speaker and Hon. Members, with the example set by Mandela, will his cherished ideas survive? Nothing is ever set in stone and every generation has to make its own mark on history. I had the privilege of visiting South Africa for the first time in May, 2012, to represent Guyana at an African Diaspora Conference. One could have sensed among the blacks the questioning about the pace of change; maybe a disappointment that change was not happening fast enough. There was also “The Spear” incident, an undignified painting of President Zuma by a white artist. These seemed to indicate that whites were still disrespectful of blacks. We became aware too of the killing of some 30 miners by the South African Police, I think it was in August of that same year, 2012. That posed question of what had changed in South Africa.

The establishment of equal circumstances and easy relations between all the peoples of South Africa, and I daresay the peoples of the world, would still require a number of generations. Evidence of sufficient pace is required to keep the faith of the previously oppressed on the one hand, and on the other hand the previous oppressors and their descendants are concerned whether they will be treated justly.

Our hope must be that in the death of Mandela and in the recalling of his life and the recommitment to his ideas that this may provide some more time, perhaps another 10 years or so, to keep the faith. We must hope that by that time it would be more evident that change has come and that there would be enough change for the satisfaction and comfort of all South Africans.

There are many similarities in the life of Mandela to our own journey from colony to nationhood; many similarities, but nothing identical in the challenges and the tasks that we too face.

The life story of Nelson Mandela and South Africa provides both an example and a challenge to us in Guyana, to overcome the problems of our own history and the seeming impasse in which we may have found ourselves over the last 55 or so years.

Mr. Speaker, I disclosed at the beginning that this was a consensus motion. I hope that as we consider Mandela, his life, the circumstances in South Africa, which he sought to change and did change greatly, that we too would think that change is possible in our time, here in our country and would work towards it. It therefore gives me added pleasure to have brought this consensus motion and I now formally move that this motion be approved by this House. [*Applause*]

**Mr. B. Williams:** If it pleases you, Mr. Speaker. It gives me great pleasure to be able to speak on this motion on behalf of A Partnership for National Unity (APNU) and to indicate our support for it.

There is no question that Nelson Rolihlahla Mandela was an icon class. He was a sage freedom fighter and revolutionary. It is said that persons of his ilk, surfaces once every hundred year. We are sure that he would have left an indelible mark on the landscape of this world.

A lot have been written about him and a lot more, I daresay, would emerge in time to come. We here in Guyana and of course the People's National Congress Reform (PNCR), have had an intimate involvement with the liberation of Southern Africa, which culminated in the release of Nelson Mandela.

We are more than enamel of the struggle that had taken place and that part in history that we would have contributed to. But a lot of persons would not have known, if fact, Nelson Mandela himself had to say that he was no saint; that he in fact laid the foundation in that struggle for what eventuated. In his youth he was a freedom fighter. He did things in the struggle that showed it clearly that he was a leader.

Born in 1918, as was said, in Qunu, in the Transkei, in the Eastern Cape, being one of 13 children, he was from a family with close links to the royal house of the Thembu People.

I would like to focus on his life when he became a lawyer. He joined the ANC 1944 and in fact had set up a law firm with Oliver Tambo himself, the President General of the ANC. As so often is the case, emergent lawyers really have been in the vanguard of struggles against oppression and exploitation around this world. He was in that mould and perhaps we could draw some partners with our own country. He was the target of constant harassment by that oppressive Government.

Stories abound when he had to use a lot of disguises, he even dressed as a woman on many occasions and travelled around a lot as a taxi driver, with a taxi driver uniform - in his activities. He was always the watchful eyes of the State. He was subjected to many charges. In fact, he spent a long time having to battle charges fixed on him by the State.

It was said of him, those 27 years, when one reflects on them, that his was a sacrifice so unsparing and for an end so desirable. How many of us could have done that; how many of us could have rallied in those circumstances?

His first encounter with that oppressive State System was in 1956, on the 5th December. He was one of 156 leaders of the ANC and his allies, who were arrested and charged with high treason. The Governor's case against them was that the ANC had plotted to overthrow the Government by violence so that they could set up a communist Government in South Africa.

The Preliminary Inquiry (PI) took most of 1957 and at the end of which the State announced that it was dropping charges against 61 of the accused, including Chief Luthuli and Oliver Tambo. So we see the machinations even at that time. Then 13 months after the PI begun, the magistrate decided that there was a sufficient case against the remaining 95, including Madiba, to face trial for high treason. Six months later at the beginning of the trial, it was removed from Johannesburg to Pretoria, which meant that they had separated the accused from their supporters.

The lawyers for Mandela submitted that if the State wanted to prove high treason, it would have to prove that the defendants planned to use violence. The State dropped the charges in the middle of 1959 and one month later, issued new charges against 30 ANC members, including Mandela. So we see the oppression; we see the intention to keep Mandela before the courts and away from the struggle.

The trial against the 30 began on the 3<sup>rd</sup> August, 1959. 210 witnesses were called and what is remarkable about this is that they were mostly members of the special branch of the police. Reminds me of a case I did on the East Coast. The witnesses were not turning up. I think it was in the murder of this lady in Buxton, Donna Herald. Then when they eventually decided that; one day we went to court and the whole courtroom was packed with people, largely men and it turned out to be that it was more than a platoon from the Tactical Squad Unit (TSU).

On the 29<sup>th</sup> March...

**Mr. Speaker:** Maybe they came to admire your courtroom acumen.

**Mr. B. Williams:** They came to intimidate the lawyers in that case. On the 29<sup>th</sup> March, 1961, in the verdict of Justice Rumpff, he said that it was impossible to find and to believe that the ANC had tried to overthrow the State by violence and discharge their quest. They never ever had a case. Does it sound familiar? They were charging them with high treason but they kept them stretched out in the prison and on the trial for a long time.

If you thought that that was the end of Mandela's trials, you would have been mistaken. The State kept up the pressure on Mandela and on the 5<sup>th</sup> August, 1962, he was arrested again and charged with inciting workers to strike and leaving the country without proper travel documents. So it was clear harassment. *[Interruption]*

**Mr. Speaker:** Alright, we are debating Nelson Mandela in South Africa. Let us keep it in there.

**Mr. B. Williams:** Mr. Speaker, this trial begun on Monday, 15<sup>th</sup> October, 1962...

**Mr. Speaker:** Mr. Williams, what is it about your presentation that is causing such agitation. I thought you were dealing with happenings in South Africa.

**Mr. B. Williams:** Because Sir, it must be raising parallels.

**Mr. Speaker:** All of a sudden there is extreme agitation.

**Mr. B. Williams:** Exactly Sir. I do not see Mr. Benschop in here; I do not know what the problem is.

The Government know why they are uneasy.

**Mr. Speaker:** Alright, well let us continue this debate. Let us maintain the dignity in the debate because we are debating a great icon, as Mr. B. Williams said and I would like us to maintain the dignity of this debate and not in any way denude or diminish what it is that we are trying to achieve here tonight. Please proceed Mr. Williams. That goes for everyone.

**Mr. B. Williams:** Thank you Mr. Speaker. The trial begun on these charges of inciting workers to strike and leaving the country without proper travel documents on Monday, 15<sup>th</sup> October, 1962.

In this one Sir, he was sentence to jail; he was convicted and sentenced to jail for three years and for leaving the country without a passport.

*9.23 p.m.*

This was when he was taken to Robben Island. In Robben Island, he faced further charges. There was this plan by the regime that it was clear that they did not intend for him to be released again. They meant to hold on to him. As it was said, he was only captured by the authorities upon a leak from an intelligence organisation so they were not prepared to lose him so were going to hold him on all kinds of charges. [Mr. Nandlall: He was not captured. He was arrested.] It had to be 'captured'. He is a revolutionary. He was moving around the world spreading the news of what was going on in South Africa. In 1964 another charge was hoisted on Mandela. Mandela was charged with sabotage on this occasion and he was sentenced to life imprisonment. Of course he gave the famous speech that the Prime Minister read.

That was an important stage in the life of Nelson Mandela because he was involved in the struggle. He was an integral part of the struggle. He, in fact, had recognised that the struggle had to take another direction when he formed the arm wing of ANC, which he called Umkhonto we Sizwe. He was heavily targeted. They locked onto him and had him down on Robben Island. Of course that is where his sacrifice impacted Guyana and impacted the Founding Leader of the People's National Congress, Linden Forbes Samson Burnham.

Guyana's human and material assistance must be placed in the context of the situation of post-colonial Africa. The British Government had left Zambia, the former colony of Northern Rhodesia without any major resources. Forbes Burnham did not hesitate to send more than 100 Guyanese public servants to various departments in the Zambian Government. Many doctors, engineers, lawyers, secretaries worked in Southern African states throughout the 1970s – a practical example of Guyana's liberation diplomacy. Forbes Burnham, even as he ordered material assistance to the liberation movements sought to intensify diplomatic relations with the frontline states.

The liberation of Angola seemed in jeopardy when it appeared that apartheid Southern African Defence Forces, troops and other reactionary forces seem poised to win the day. Burnham made the bold and decisive decision to allow Cuban troops to transit Guyana to oppose South African troops and those reactionary forces. The result was a decisive victory for the Popular Movement for the Liberation of Angola (MPLA) and the forces of freedom in Angola.

He did not stop there. "Guyana as a young nation, a small nation, a relatively poor nation..." Burnham said, "proposes to make a contribution to freedom fighters and this is going to be an annual feature in so far as the Government of Guyana is concerned." President Julius Nyerere observed in accepting the first instalment of \$50,000 GYD on behalf of the African Liberation Fund that Guyana had set a wonderful example for other nations to follow. The sum was increased over the years at a time when Guyana was traversing probably the most testing economic crisis in its post independence history. It is said that the Government of Guyana, however, was undaunted in its mission to fight for the freedom of Southern Africa. Mr. Speaker, you would recall that it was Mr. Burnham who banned any cricketer who played cricket in South Africa and he was very principled in that position. In 198, the President General of the ANC, himself, Oliver Tambo visited Guyana and it was said that he received the most tumultuous welcome of all welcomes on his trip within the Region.

We here in Guyana had taken the leadership in the struggle of the frontline states of Southern Africa for the liberation from that insipid system of apartheid. We believe that the struggle and sacrifice of Mr. Nelson Mandela should be something that we should emulate, something that we must accept, something that we must endorse and something that we should feel proud of that we were able to effect revolutionary change, transformative change in Africa and we will continue to identify with the struggles of the people of Africa and in particular the people in southern Africa.

We are very pleased to support this motion and, in particular, as we recognise the Whereas Clause which acknowledges that the Government of Guyana, despite the international challenges it faced, was steadfast in its commitment and support for the liberation of South Africa and the southern Africa in general. This was demonstrated significantly through Guyana's contribution of USD\$50,000 annually for the African liberation struggle as well as its agreement for the landing and refuelling of Cuban aircrafts en route to support the southern African liberation

movement. Support for internal boycott of South African goods and sport and Guyana severing of sport and contacts with apartheid South Africa. This Whereas Clause encapsulates the activities of the People's National Congress (PNC) and the foresight of its founding leader for the liberation of the people of southern Africa from the system of apartheid and so the APNU supports this motion honouring this great man of history and of the world. [Applause]

**Minister of Works [Mr. Benn]:** Thank you, Mr. Speaker. I am honoured to be given the opportunity in this honourable House to speak on the contributions of Nelson Mandela, the Former President of South Africa to African liberation and the moral upliftment of Third World peoples in their quest for national self determination and also for the upliftment of ordinary people; people who have found themselves under colonialism, to uplift those people to better lives; lives in which they could be respected. In thinking of Mandela I have to quote just the two last passages from William Ernest Henley's poem *Invictus* and we know that there was a picture on the life of Mandela which played to the role of *Invictus* and actually Mandela in Robben Island was always encouraged and uplifted by this poem and he always read it to his fellow prisoners over those many years of imprisonment. I will read the whole poem:

“Out of the night that covers me,  
Black as the Pit from pole to pole,  
I thank whatever gods may be  
For my unconquerable soul.

In the fell clutch of circumstance  
I have not winced nor cried aloud.  
Under the bludgeonings of chance  
My head is bloody, but unbowed.

Beyond this place of wrath and tears  
Looms but the Horror of the shade,  
And yet the menace of the years  
Finds, and shall find, me unafraid.

It matters not how strait the gate,  
How charged with punishments the scroll.

I am the master of my fate

I am the captain of my soul.”

I think that this speaks particularly to the character that was developed over all those years, from 1918 when Mandela was born in Mvezo to his finding himself as a shepherd boy in Qunu and as he developed himself over the years to become a freedom fighter for the South African People. His book, ‘Long Walk to Freedom’, speaks poignantly and plaintively to that development; the personal development of this man who moved from a young African student to become a young lawyer, to become an organiser for people looking for freedom from an apartheid system and then unto the fight, the struggle, the development, the joining with the African National Congress, the joining with the South African Communist Party, the work with the Congress of South African Trade Unions (COSATU). All these three organisations which come together today to make the ANC that which created the vehicle for the victory of all of the people in South Africa.

Over these years, Mandela, politically, moved from a position where he was considered... I think our friend, the lawyer, Mr. Basil Williams, was actually speaking about the Rivonia Trial. Mandela moved from being considered a Kafir Communist terrorist to today when he is being considered a saint. From a Kafir Communist terrorist to today, from all sides, he is now being considered a saint by all who had examined his history, by seeing the result of his efforts and also there are those of his comrades because it was not Mandela alone which made Mandela the man of the development of the victory in South Africa but there are countless others, some whom others have named and who we can name.

The struggle for liberation in southern Africa has to be viewed in some context. The Hon. Prime Minister did speak about the conquest of Africa, the colonisation and then the annexation by the late 19<sup>th</sup> century. We are all aware of it – a Berlin conference where it was decided that the European powers would move towards the annexation of Africa and where they would partition the continent and take its resources, not only its harvest of people but also to take its mineral resources and anything that they could produce for the betterment and improvement of life in Europe. It has to be noted that Mandela who was, as was said, came from the Aba Thembu Clan of the Xhosa people came from a people who are noted for a hundred-year war in sudden Africa. The Xhosa people carried out over 100 years in some ten or more different wars; struggles

against the colonisation, the intrusion, the theft of their lands and, of course, at some point, I think by 1878, they were defeated. In fact some of the same Xhosa Chieftains were even then – from the 1812/1813 I think there was one called Chief Sandile – who were also impression at Robben Island and the record of deceit, of treachery, of theft, of trying to divide the people in South Africa, in trying to separate the tribes and the clans from each other is one that perhaps hardly finds parallel. There are some parallels of course, in North America among the North American Indians, in South America too, in parts, in India too but the South African record, when it moved onto apartheid was one which was really without parallel in the history of colonialism and domination of peoples because, again, it was based... We couch it in the nice term these days of ‘apartheid’. It was much more than apartheid. It was fascism. It was a fascistic ideology and under any other pretence or circumstance the people would have been whipped out. In fact the scramble for Africa at the time that it did occur and the shape and form which took place in relation to dividing up Africa and some other countries, the East Indies and other countries then, perhaps led onto the great disasters we had in the world, particularly two in Europe of both the First World War and then which led onto the Second World War.

In putting the experience of South Africa and the development of Mandela in context, I want to refer to his book *‘Long Walk to Freedom’* in which he talks about his father and I want you to forgive me if I quote extensively from pages 6 and 7.

“When I was not much more than a new-born child my father was involved in a dispute that deprived him of his chieftainship at Mvezo and revealed a strain in his character I believe that he passed onto his son. I maintain that nurture rather than nature is the primary moulder of personality but my father possessed a proud rebelliousness, a stubborn sense of fairness and that I recognise in myself. As a chief – or headman as it was often known among the whites – my father was compelled to account for his stewardship not only to the Thembu king, but to the local magistrate. One day one of my father’s subjects lodged a complaint against him involving an ox that had strayed from its owner. The magistrate accordingly sent a message ordering my father to appear before him. When he received the summons he sent back the following reply: “Andizi, ndisaqula” (I will not come. I am still girding for battle). One did not defy magistrates in

those days. Such behaviour would be regarded as the height of insolence and in this case it was.

My father's response bespoke his belief that the magistrate had no legitimate power over him. When it came to tribal matters he was guided not by the laws of the King of England but by Thembu custom. This defiance was not a fit pique, but a matter of principle. He was asserting his traditional prerogative as a Chief and was challenging the authority of the magistrate.”

Of course, Mandela's father was charged for insubordination. There was no inquiry. He deposed the father and that ended the Mandela family Chieftainship. When we look at the man Mandela, when we consider these experiences which he writes about we see what the forces, the experiences were that shaped the man. Also, as I mentioned before, the history over all the years of the wars that subdued the eastern cape that led to the first downfall of the Xhosa nation and then by 1879 the invasion of Zulu land and I think we all know of the Battle of Isandlwana which the Zulus won, but then they were destroyed later by the British. We all know about, perhaps, Blood River and Rorke's Drift and all of those places. We know of them but we need somehow to put some of these things in perspective.

Mandela speaks and talks in his book about his efforts about the time the decision was made by the African National Congress to form MK, Umkhonto we Sizwe, the Spear of the Nation, when he left South Africa to go on journeys to get military and financial help, military training, administrative training, training to develop the struggle and to organise the South African Revolutions. It speaks about going to Ethiopia and meeting with the then Emperor of Ethiopia, Selassie, getting help from Selassie and from other persons, Algeria too, with respect to establishing and fomenting the necessary work which has led today to freedom in South Africa. During this period, as the Prime Minister alluded to, there was conflict, worrying, thinking about whether the course of armed struggle was the correct way to go in response to the attacks of the apartheid system or whether a better course of action would have been to go the submissive non-violent way. We all know that the subsequent history meant that with a Mandela and a Tambo and Sekswale and Peter Magubane in prison, Kathrada and others, that one always had to have the option, the creative force, the energy of young people, the organisation of the mine workers; the organisation of the teachers, the organisation of the students. One only has to have an

aggressive posture and that one had to have an aggressive response to the depredations, to the killings which were taking place, which were being carried out by the apartheid system. There are a lot of parallels with our own experience. I do not want to look at it from an adversarial standpoint, but I am fully aware having grown up in it and seen it from my own parents of the efforts being made since in the late 1950s and in the 1960s with respect from the People's Progressive Party (PPP) side and then later from all Guyanese with respect to bringing an end to apartheid, ending the pass laws, ending the acts against the issue of the suppressing of communisms act which was a question under the Rivonia Trial and then later too we have to acknowledge that there was critical support given by the PPP with respect to the passage of Cuban volunteer troops to go to Africa, to Angola, to turn the tide of battle at Cuito Cuanavale. Fidel Castro whom Mandela personally went to thank when he came out of prison... Castro said that the history of Africa will be written as before and after battle of Cuito Cuanavale.

**Mr. Speaker:** You meant 'Mandela said'. I think you said 'Castro'.

**Mr. Benn:** I said 'Castro'. Mandela says "A turning point for the liberation of our continent and our people occurred at Cuito Cuanavale and at the battle at the Lobango River" because there were the sons of the Caribbean under encouragement from all of the Caribbean, generally; all of us. I am sorry if some others did not pay attention then, but all of us there and then were aware that the troops were coming and passing through. We were all aware and exhilarated too when Castro came to Guyana somehow and it was all in connection with that and we were all aware. Those who wanted to be aware of the outcome of the battles when the Cubans, the Angolans...

**Mr. Speaker:** There is some anecdotal evidence that some Guyanese also...

**Mr. Benn:** Yes...

**Mr. Speaker:** ...though the records would never show it, also formed part of those battalions.

**Mr. Benn:** Yes. Also Umkhonto we Sizwe stood at Cuito Cuanavale and at the Lobango River and defeated the South Africans and that is what gave the physical impetus for a change in the system in South Africa. The steadfastness of Mandela and his comrades in prison, their unyielding position with respect to the machinations of the agents of apartheid who tried all of the time to separate them, to buy them off by various means – early release. All those kinds of

things were tried but two things, the effect of the defeat in Angola, Mozambique, defeat on the battle field and we have to pay attention too, with respect to all of this.

*9.53 p.m.*

Many comrades of Mandela fell, many comrades of the Africa National Congress (ANC), the South African party. ----- died along the way. The leaders, students in the field, mine workers, we know of all of the massacres and terrible things that happened. Even internal struggles between the African National Congress (ANC) and the Inkatha Freedom Party (IFP) of Chief Mangosuthu Gatsha Buthelezi but, particularly, we need to remember Chris Hani who was shot and Mandela, when he came out of prison, had to make a particular appeal to all South Africans to say that “our response here at this time is not to go on the path to bloodshed but to go through the democratic deterministic process”, because the killing of Hani was an attempt to derail the success, to derail the progress, to prevent the final victory. Stephen Bantu Biko who was murdered in prison; Ruth First was blown up, I think, in Mozambique, all of the comrades – Joe Slovo, Walter Sisulu and all of those all other people, Govan Mbeki and all of those persons, who worked hard and suffered over the many years to bring a change into the conditions of the South African people and bring a new birth of freedom in Southern Africa.

Mandela spoke too, in his book... and there is a lot that we can quote from or read to. If you read his book Mandela came out to some of us, in terms of his struggle, his suffering and the suffering of his comrades, almost like Christ. Christ, perhaps, was one of the first socialist if not communist. Always when there is great cruelty, when there is the domination of one people over another great souls appear from amongst the people to put forward the case of the people, to lead their struggle, to embrace their difficulties and their suffering and to bring about a change in their circumstances.

Mandela talked about being at his daughter, Zindzi’s wedding after he came out.

“...it seems to be the destiny of freedom fighters to have unstable personal lives. When your life is a struggle, as mine was, there is little room left for family. That has always been my greatest regret, and the most painful aspect of the choice I made.

‘We watched our children growing without our guidance,’ I said at the wedding, ‘and when we did come out [of prison] my children said, “We thought we had a father and one day he’d come back. But to our dismay, our father came back and he left us alone because he has now become the father of the nation.”’ To be the father of a nation is a great honour, but to be the father of a family is a greater joy. But it was a joy I had far too little of.’

As President of South Africa, Mandela introduced some particularly important measures which were designed to give birth to a new democratic, progressive, multicultural, inclusive government and country. He established the Truth and Reconciliation Commission which has been replicated all over the world, from Nicaragua, and even in little communities where there are problems there are Truth and Reconciliation Commissions.

I would not gainsay that perhaps we need to think of it ourselves, Truth and Reconciliation Commissions, because the truth, sometimes, is very hard to accept when one is always in a partisan, adversarial role. This being our first day of the sitting of the National Assembly in a new year, if we do not come together to have a Truth and Reconciliation Commission, at least in our hearts, here and now, and in respect of what our country expects of us, we need to consider it. We should have had some bits of New Year’s resolution with respect to the idea of some truth and reconciliation.

He undertook social programmes with respect to education, land reform...

#### **SUSPENSION OF STANDING ORDER NO. 10(1)**

**Mr. Speaker:** Hon. Minister, may I interrupt you for one minute so that I can invite the Hon. Prime Minister to take us beyond 10 p.m.?

**Mr. Hinds:** Using Standing Order 10, I move that we suspend that Standing Order so that we could continue and conclude the debate on this motion.

*Question put, and agreed to.*

*Standing Order suspended.*

**Mr. Benn:** He undertook initiatives with respect to the changing of the arrangement with respect to mineral lands, some of which only now being realised in South Africa, with respect to the development of energy for South Africa, with respect to the dismantling of the legacy of apartheid and with respect to the laws, particularly. One thing I need to mention, which I read in the South African's newspapers, myself, and was encouraged about it... because when I went to D'Urban at the end of 1994, I stood in the dock - I went there for a technical problem - and I saw that there were large cakes, metre by metre, of petroleum wax. I asked the gentleman, whom I was with, what they were for, because it was along all of the wharves, and he told me it was for the making of candles. There was no power up there and it goes to the other countries such as Zimbabwe and also into the country side in South Africa.

In the Sunday newspaper there was a large article where the President of South Africa, Mandela, was talking about linking the hydropower resources and developing new hydropower development for the South African Development Community. There must be something intuitive in this man, in knowing what is critical for the economic and social development for each country. I say, again, it is power. In this modern time, electrical power, as he recognised then, is a significant pillar for the development along with all of the legislative reforms, and so on. The question of the ownership of land, the question of the ownership of mineral resources and access to cheap power for ordinary people were what was important.

Other countries have problems with power too. It is said that 50% of the people in rural India have no power; 70% of all of the people in total Africa have no access to electrical power, but all of these countries, and Mandela then in 1994, have paid attention to the critical issue of power and developing their mineral resources, their coals then and their hydropower and to link and to balance the delivery of energy by way of that hydropower amongst those countries.

Please do forgive me if I digressed on, perhaps, in a backhanded way, when I was suggesting that we needed again to pay attention to the question of hydropower, particularly, here in Guyana at this time.

Today, South Africa has its challenges like many other countries. The struggle has moved from a pretty basic one where there was fighting amongst the people and theft by one side against the other. The struggle has moved to a new plane. The struggle has moved to questions of health,

questions of improving lives, questions of equity, questions of whether there is greater inequality between the people, the questions of the building or development of the new black middle class. All of those are new questions.

We are faced with much of the same questions and that is why, as the Hon. Prime Minister did say, the question of... Of course, when Mandela died there were some people who were saying, "We were betrayed by Mandela; we have not got the benefits of the change that we expected". Maybe some people expected that everybody will have much of the same thing and would have been living it up and all of the difficulties, all of the problems in Soweto and Alexandra, would have been wished away overnight, but there is still work and there is still a struggle to do and to create wealth. As the Hon. Prime Minister, I think, did say, it will take a few generations, as it will take too in our own country, to realise the full and equitable development of our people and of the people too in South Africa.

I want to particularly look to...

**Mr. Speaker:** Hon. Member, before you do so, you will require some further time.

**Mr. Hinds:** I move that the Hon. Member be given 15 minutes to conclude his presentation.

*Question put, and agreed to.*

**Mr. Benn:** Some of us in the African diaspora in the Caribbean, in North America have been, perhaps, somewhat disdainful of African history. Maybe we did not learn or know enough of it. Maybe the revelation of the experience of Mandela, of his life, of his lineage, of his people, was something that gives us some reasons to be proud of, in spite of colonialism, in spite of imperialism, in spite of being despised, in spite of self abnegation. In speaking on the life and work of Nelson Mandela, of his comrades, of his supporters, in learning more and more of the struggle, one feels ennobled, one feels a special sense of mission and encouragement with respect to the work that we all have to do, that we are at a special place and time in history when we could have viewed in large measure, and experience, and seen the results of the sacrifices that persons, such as Mandela, have bequeathed to the world in full acknowledgement.

We have experienced Mandela, we have experienced - some of us in full measure - Gandhi, we have experienced Martin Luther King and we frolic on the question of Obama, and so there are

more reasons than ever to take courage, to take heart, to pay attention to how we develop a young nation-state, a multicultural ethnic, as Guyana, is along the lines and the struggle with a coherent ideology for a progressive new order as the South Africans with the African National Congress, the South African Communist Party (SACP), and Congress of the South African Trade Union Movement (COSATU).

Someone said, and maybe it was indeed it was Mr. Basil Williams, about icons and I, perhaps, inadvisably use the word saint. I think there is a problem for the socialist, communist, Marxist, those of the socialist international, those who have notions of being progressive, not by opportunistic reason, for developing and for paying attention under the new circumstances where there was a collapse of socialism in Europe and in other places, for the clear development of a new liturgy out of the introspection and the retrospection of the recent events of developing meeting places where we can discuss the way forward so that we do not leave perspective on our social, progressive, economic mission because this mission will always be there.

Mandela in his life's work, even after he left the presidency of South Africa, he became the sounding board, the adviser for the council of elders for the ANC and also for the entire movement in Africa itself. We perhaps need to use our own church-like and edifices and meeting places to discuss and to create and to examine on this lifelong and generation long mission of uplifting people. In so doing, the inspiration, the sacrifices, the effort of Mandela, of Sisulu, of Mbeki, the elder and also the younger, of Ruth First and Joe Slovo and all of those people, their example, of which we need to learn much more of, and also of the ancestors of these people in Africa and elsewhere, in India, in southern America, will give us great inspiration, will give us energy to take forward, to continue to uplift the burden to do the great work which is needed to uplift ordinary people out of poverty and to bring a new global human order which, I think, we will all accede to and which, I think, Mandela and many like him in southern Africa have worked for and continuing to work for.

With that I support the motion in full measure and encourage all others, without recommendation, to so do.

I thank you. [*Applause*]

**Mr. Nagamootoo:** I know that we are fast approaching the midnight hour and we did have an opportunity in this House to initially pay our tribute and respect to the late Nelson Mandela, former President of the Republic of South Africa.

I know the temptation is for us to delve into history, to have a recitation of historical facts and events but I believe that now that Mandela has been put to rest in his native village we have to, if we want, respect him and his memory, see how we can situate ourselves in his life and how we can redefine or define ourselves in his example. We can say all of the fine things about Mandela, as undoubtedly one of his own followers, President Zuma, had tried to do at his funeral and he was booed by a section of his own people because the question, which is before and was before the people of South Africa, was whether those who claim to have been lineal descendants of the struggle of Mandela had lived up to the expectations of the said Mandela.

Sometime ago, (while he was still General Secretary of the People's Progressive Party (PPP), Mr. Donald Ramotar, now President) I had sent him an article and I pointed out the reason I was sending him that article, that captioned, "South Africa had reached its tipping point". That was some years ago, Mandela had demitted office and there was a fear that there was no moral example by which the leaders, who succeeded him, would move by and that South Africa was engulfed in official corruption of all sorts. Poverty was pervasive, the disease of AIDS was widespread and there was, at that time, no notion as to how it could be curbed. The inequities and inequalities, which Mandela had fought against, persisted long after the ANC had come to power and therefore, if we were to talk about Mandela, only talk about him, we would fail him. We have to do Mandela and that is what I said in the tribute I had given on the last occasion.

I had come to see the face of South Africa long before I have read, perhaps, of the legendary Mandela way back in 1967. When I was in Europe it was not Africans whom I had met, which is part of the historical interest that produced Mandela to be the Mandela we pay tribute to this evening. It was the face of Indian, Indo-Africans. First time I met Aziz Pahad who was to become Minister of Education in the first Cabinet after apartheid was dismantled and served under Mandela and Esop Pahad, who under Mandela's successor, Mbeki, became his Minister of Information and Head of the Presidential Secretariat. He literally ran the Office of the President, after Mandela.

And people such as Mohammed Musa, who became ambassador to Egypt subsequently and then he became a junior Minister of Education in South Africa. I mention this to show that primarily the struggle on South Africa had not, in fact, been what we tried to make it out to be, an African struggle, meaning a black struggle. It has always been a multiracial struggle even in its antecedent that we speak about, the struggle of Gandhi in South Africa against oppression. So oppression does not peculiarly carry an ethnic face.

Later, the Hon. Clement Rohee and I, when we were in Ethiopia in Africa, in 1978, participated in a conference for the liberation of Southern Africa where all the more prominent leaders of the revolutionary movement had attended and it was amazing on that occasion that I met Joe Slovo. Joe Slovo, many did not know, at that time, was the founder, the leader and the commander of Umkhonto we Sizwe, the liberation army of the South African people. Joe Slovo was white; Joe Slovo was Jewish; Joe Slovo's antecedent was in Ukraine. Here was Mandela working side by side... Of course, Mandela, who was the commander of the guerrilla movement of the Underground Resistance Movement, was working with a white commander, so that what happened in 1994 did not come as what is being made out in the world that Mandela suddenly seized on the moment for multiracialism.

Multiracialism was part of that struggle against apartheid, and how multiracial are we? How multiracial do we want our country to be?

When Mandela formed his government in 1994 he made Mangosuthu Buthelezi his Minister of Home Affairs who fought against him and who was the tribal leader. He was not fighting apartheid as a system, he was fighting tribalism as a social disease, almost, in the country of his birth. He incorporated Buthelezi into his Cabinet as he was to bring in Mr. de Klerk from the National Party, white minority.

*10.23 p.m.*

There it was, in this combination, the evolution of the struggle into the fruit of struggle, which was the deliberation of all the people of South Africa, was able to be seen. If we want to talk about Nelson Mandela we have to begin to ask ourselves whether we are capable of doing Mandela, of building a multiracial government, a multiracial society that is based generally on all. It is not to fight racism and tribalism and apartheid but to be able to go after the root causes

of all these problems, the inequality of wealth, the need to redistribute the wealth of the societies. Those are notions; those are values that we have to deal with in talking about Mandela.

He was not just a person, he was a concatenation of values and unless we take grip of those values a recitation of history would not help us here, who know more about what happened in the past. That is not going to help us. It is those who know where we ought to go or what we ought to be that will make us good followers of Mandela.

I want to say this because I know that many people felt that when Chris Hani was assassinated the reason was to remove the credible choice of an authentic South Africa for a good succession, a valuable succession. Those who claim to be Mandela if they had a chance they will kill the succession that will make our country multiracial and make our country united. There are things which had happened in South Africa. As my friend is heckling me, I will let him know that things did not happen in South Africa by rote. There were those who were identified for elimination because of what they felt they were capable of doing for South Africa in the post Mandela period. As I say this, I want to make two points because we do not seem to grapple the essence of the South Africa that Mandela set out to reconstruct.

One, with regard to Joe Slovo, whom I have mentioned and had the honour of meeting, there was something that genuine revolutionaries will always embraced but perhaps not accept. His writings had become very critical in a historical period in Guyana when we had to decide whether we want to initiate talks with Burnham and the People's National Congress to form a government of national unity. He had become one of the key influences in all of our discussions, those who were genuine revolutionaries. Joe Slovo said that people had asked him the question whether the arms struggle would have succeeded in unseating the apartheid regime and he said his answers have always been no. When asked: Why did you undertake arms struggle in South Africa and violence as a means to undermine the government? He said that they were shooting their way hopefully to the negotiating table. They were trying to use revolutionary violence as a means of forcing the Government of South Africa to sit down and talk to South African revolutionary, to the ANC. That was why.

I want to say this: For those of us who had been through revolutionary life for 50 years and more, that has been a choice. Perhaps it is not a clear choice but a choice available in Guyana. If we do

not learn from the South African experience that we could talk without having to fight our way to the negotiating table, we are missing a valuable chance.

In a society, such as Guyana, we need not descend into violence in order to tell us that we can talk, we could negotiate and we could have a settlement through peaceful means. We need the Mandela example because this is a fractured society; this is an ethnically divided society; this is, from an economic point of view, a polarised society. If we do not see that then we are pulling a wool over our eyes and we are just wantonly mentioning the name of Mandela because it may help us to win some sympathy among people, that at least we embraced someone of worth.

I speak with passion on this issue. It is not that I want to speak at length but I believe that we will be doing the memories of Mandela a great disservice if we do not avoid the pitfalls that would have become the outcome in South Africa if there was a full-fledged war. Those choices we had taken while we wanted to decide whether or not to talk to the PNC in the 1980s. There were talks earlier, but some of us had said that we have to talk before we end up in another direction that would have led in a worst social catastrophe in Guyana. This is the first point.

I read with interest a statement made by the PPP General Secretary, again I refer to the Hon. Rohee, in saying that perhaps the time is not too late for us to think about a state of national democracy. I believe that those are very guided words because those were words also that South African revolutionaries were talking about, not to win power for a particular race, but it is to be able to have a state of national democracy where all classes, all strata, all races are involved in the management of the society. It will be a superior state, rather than to have minority rule over a big minority of either African or either Indian or even Amerindian or any other race. We are all minorities here in this country and therefore one needs not only to talk about a state of national democracy but one needs to fundamentally define it and to approach it from a way that we could begin to have the type of negotiation that will prevent this country from going into a pitfall of social negativity and violence because we can see with the example of South Africa that it worked.

Also I need to mention another aspect. I refer to it as the “tipping point”. When I refer to the tipping point in South Africa... Elections are coming in a short while in South Africa and even though these elections will be held under the shadows of the mighty Nelson Mandela we would

see how the ANC would fear in these elections. We would know whether the ANC had, in fact, been doing what Mandela set out to do to, to deal with the poverty in the society, to deal with the corruption that is now becoming pervasive and to deal with the social issues. I can only mention what had happened during the *Mbeki's term*. He was a lineal descendant of Mandela. His father and Mandela were in jail together, perhaps for all the period. He was a very brilliant man, but there was a big scandal, a scandal that shook the government of South Africa after Mandela demitted office and Mbeki took over. It was a scandal about the billion-dollar purchase of arms from Italy. For those of us who want to study history must know that even the man I met as a friend, I invited him here, Mr. Essop Pahad had to resign from the Office of the President because there was a notion that the scandal was being covered up.

It had rocked the South African Government in such a way that afterwards, with that scandal and the confusion as to whether HIV causes AIDS and the reluctance to deal with it as other countries have been dealing with it, through medication. There was also that issue, which came forward, that put at risk the tradition of a clean government, a lean government of Mandela. Worst, yet recently, there was the big scandal of President Zuma over the building of a swimming pool at the state's expense. What is new? What do we need more to learn? We have to learn that Mandela is a compass; he is a guide, and therefore if we want to talk about Mandela in this National Assembly then we have to give an account of ourselves, whether we have acted in restraint of the very fact that we know that there were things about which South Africans were not happy for their own party that they have elected by popular vote not so long ago.

This is a good occasion for us to talk, but for me the motion is a very comprehensive motion, very well put, all the fine words, which we need to say about Mandela, are here, but we also have to know that we could have Mandela on a pedestal. Let us take for example the former Prime Minister of Israel who died, Ariel Sharon. We did not see outpouring of sympathies and the mourning in the world. Why? [**An Hon. Member:** Bring the motion...] I am not saying that this is about this Parliament. I am saying that the evil that you do, live after you and therefore you have to take note that if you follow a path that lead you to massacre, that lead you to racism under a doctrine, called it Zionism or whatever...The *Sabra and Shatila* massacre of innocent refugees of Palestine and Lebanon would haunt the world forever. Therefore it is about a leader of one country and, of course, there is another former leader of another country...

The world is watching; people know these things; they know the nuances of greatness and the nuances of value. It does not matter how much we talk; it does not matter how much we claim affinity hoping to have a little rub off from Mandela that will make us marketable. We have to be able to do those things that would realise what true devoted revolutionaries, such as Mandela, have set out to do. Therefore I want to say that we could be influenced by everything we say; everything that the speakers here will say. Everything that will happen beyond midnight here perhaps we could be influenced by all those learning from history because Mandela also was influenced by Abraham Lincoln.

There is a book, which came out not so long ago, *The Team of Rivals*, and in it there is a notion that in the time of Abraham Lincoln the people who opposed him and challenged him to become President of the United States of America he brought them into his Cabinet. That was to repeat itself by President Obama when he brought in Hillary Clinton and now John Kerry who opposed him. He showed that it was possible that people can come from different political persuasions and have different political opinions and views but in terms of working with them for the good of the nation he did not have to quibble over that. He brought together a team of rivals and, perhaps, that was what Nelson Mandela also did in South Africa when he formed his Government he brought together a team of rivals. They were not only rivals, some of them were, in fact, enemies, but he has probably felt it was good for South Africa.

The Alliance For Change supports this motion. We place on record the fact that Mandela was indeed a mahatma in his own right and that he can help to influence our political process in Guyana and that every day, from now on, when we mention the name of Mandela we must have in our mind that we do so in order to transform our country, in order to make Guyana united and prosperous.

Thank you. [*Applause*]

**Mr. Rohee:** The motion, I understand from our Chief Whip, is a consensus motion which, of course, already has the basis for the agreement with the full sitting of the House but we have our responsibility, our duty, to speak to the motion and to look at one man from different perspectives, look at one man through the eyes of, first of all, the world, region and our own

national situation. I think the key thing here we ought to be examining is: What lessons can we learn from Nelson Mandela? What lesson can we learn from this man as an individual?

I have two concrete examples that I would like to demonstrate in this respect. I had the honour and privilege of meeting Nelson Mandela on two occasions. The first time was in St. Lucia at a CARICOM Heads of Government meeting when he came to meet with Heads of Government and to have an exchange of views with them. At that time there were two issues which CARICOM Heads of Government were seeking to grapple with. One was the question of a diplomatic presence of South Africa in the Caribbean and which country should have hosted a diplomatic mission of the new South Africa. The second was which country should have been the stopover for South Africa Airlines. The Ministers of Foreign Affairs in those days discussed this matter at length but could not have reached an agreement and so it was left to the Heads to settle the matter.

When they met in caucus they themselves could not reach agreement and they decided that they would have discussed the matter with President Mandela in order to evince some kind of solution from him as to how he saw the questions, both questions. When they sat in caucus with President Mandela and they spoke to him about establishment of a South African embassy in one of the CARICOM countries, he sat quietly and listened. He was accompanied by *Alfred Nzo* who was at the time the Minister of Foreign Affairs. After the discussion had wound up so to speak he had to say the following: That when he was in prison in Robin Island he received a letter from a child in *Soweto* who wrote asking him that when he came out from prison she would like him to take steps to ensure every residents in *Soweto* would have drinking water running through the taps. He related that story in such an interested and graphic way that at the end of the discussion it became clear to those of us who sat and listened to him that he had different priorities. That the priority at the time was not so much the establishment of a diplomatic mission of the new South Africa in CARICOM but to provide his people, responding to this child, with pure drinking water from a running tap.

The second experience was when I attended the Commonwealth Heads of Government in Edinburgh in which there was the question of the admission of countries in Africa that were not colonies of Britain but which wanted to become members of the Commonwealth. The then Prime Minister, Tony Blair, turned to Mandela and asked him what were his views on the subject,

because traditionally and by convention it is only former colonies of Britain in Africa, apart from Canada, which would be accepted as a member state of the Commonwealth. Mandela used some very persuasive arguments that at the end of the day it was agreed that steps would have been taken for those countries of the Commonwealth to become members of the Commonwealth. That actually happened at the next meeting of the Commonwealth Heads of Government. That demonstrated, first of all, the national perspective and focus of this man, Mandela, and how he has established his priority for his people and, secondly, the international dimension of his thinking with respect of broadening international relations *vis-a-vis* representation in the Commonwealth.

Mandela was therefore no stranger to the Caribbean or even Guyana.

Someone mentioned the early 1950s irrespective of the South African question being debated in this country and in the then House of Representatives. I think that mostly Guyanese would recognise and accept that it is not only by name but by deed Nelson Mandela is a name that resonates throughout the length and breadth of this country. Why that has happened? This has happened because Guyanese leaders, our fore parents, were able to make the connections between the struggles of people in various parts of the world for national and social liberation for independence with the struggles we were waging here in Guyana and they were able to, so to speak, spread the gospel. When the leaders introduced, for example, a day - I see a lot of people trying to bring it back now - called Ghana Day it used to be held in the Bourda Green many years ago. It was part and parcel of the global reach, the global vision of the leaders in those days and how they were able to link and connect Guyana with the struggles for independence of these African countries, but also others as well. Let the separation of Guyana and the struggles of similar people in other colonies, notwithstanding we are geographically separate, the fact of the matter was that people in these countries, including ours, were struggling for our emancipation, our independence.

I have here with me a copy of the *Hansard* of the 16<sup>th</sup> November, 1960 where a motion on the boycott of trade with South Africa was introduced in what was called the legislative council. On the 16<sup>th</sup> of November, 1960, six years prior to our country becoming independent, a debate took place on this motion which pointed out that since 1951 Dr. Jagan had tabled a motion asking the council to denounce race and segregation in South Africa. That was important because it

demonstrated that the international character of the leaders in those days brought into this building, which we are now sitting, having now inherited the seats from those were there before us making the link, making the connections,... I would like to quote from a debate that took place in 1952, on the 25<sup>th</sup> of July. I quote from the *Hansard* in which Dr. Jagan was speaking.

“But let me assure you Hon. Members that what is happening in South Africa today is not merely a racial question, it is above all an economic problem.”

*10.53 p.m.*

The Hon. Mover has given us a number of Acts which were passed by the South African Government but when we examine all of them, whether it is the Group Areas Act, Prohibition of Mixed Marriages Act or Population Registration Act, we would see that what the South African Government did was merely use political power, which it had, to deny economic rise to the masses of the people of South Africa. He went on further to state:

“It is not, as I have said before, merely a matter of racial segregation. Above all, it is a means of using political power to keep the masses of the people in a subservient state, in a downtrodden state, to keep them half-starved and ill-educated. That is the position we are dealing with in South Africa.”

I feel proud as a Guyanese of this generation to know that so many decades ago our predecessors in this hallowed Chamber debated the issue of South Africa. I think it is important for us to honour those who were here before us and I think the motion, quite correctly, does that. It puts it in historical context.

It is interesting to note...and we note that even within recent days the issue of sport and South Africa was inextricably linked insofar as the effort to dismantle apartheid. In that very debate I had referred to, the questions of sport in South Africa and participation of West Indian sportsmen in South Africa also came up. In that debate, Dr. Jagan publicly expressed his view that a West Indian cricket team should not play in South Africa under the conditions which existed there, unless its all coloured team was accepted in full equality. Interestingly enough, this public statement was fully criticised by some locally.

Further, what was of interest was that the then Secretary General of the African National Congress, Mr. D. Macau wrote to the People's Progressive Party (PPP) stating the following:

“We were greatly impressed when we read an article by Dr. Cheddi Jagan in which he objected to Worrell's tour of our country.”

He was speaking here of Sir Frank Worrell.

“We are happy to say that through our joint efforts we were able to make sportsmen understand that the tour would not be in the interest of our struggle. We should express our gratitude to your countrymen for agreeing to call off this tour.”

That statement alone, which emanated from our country, then known as British Guiana, put us in the international limelight, so much so that outstanding fighters in South Africa recognised that in faraway British Guiana they had allies in the struggle for their own emancipation.

Mandela was a man from which many drew inspiration as a result not only of his personal struggles and contributions, but also that of other freedom fighters in South Africa. It was not only the struggle but the principles which guided them in that struggle. I think one of the lessons that we can draw from the experiences of the South African freedom fighters is that they stayed with the struggle until the end, save and except for one point in time when some of those who were in the African National Congress (ANC) left and formed the Pan Africanist Congress (PAC). Even when that happened, the PAC was a much more radical breakaway from the ANC. Even when they did so, according to Mandela's biography, he took painstaking efforts to maintain some relationship with the PAC.

The independence struggles in India played a very important role in the struggle against apartheid in South Africa. Gandhi's presence in South Africa and Mandela's world vision all helped to make the South African struggle become mature. Mandela was even at one time not supportive of joining with the Indian National Congress (INC) which was waging a serious battle on behalf of Indian South Africans who were equally ostracised and who the South African government in those days were seeking to create various levels of citizenship between black South Africans and Indian South Africans. It was only after Mandela saw the struggle that was waged by the INC that he recognised the importance of alliances. He recognised the importance

of the ANC building an alliance with the Indian National Congress in South Africa because he recognised that both had a common enemy and there was absolutely no point whatsoever in the ANC fighting the INC. This is where he was able to build some very strong allies in the struggle at the local level.

The struggle of the liberation fighters in South Africa, led by the ANC of which Mandela was an integral part, attracted worldwide attention. I think it was because, principally, the struggle that was being waged by the then leaders of the ANC, Mandela found not to be coinciding with the wishes and aspirations of the South African people and he decided many times to challenge the leadership with a view to encouraging them to change the course of action and to change their strategies and tactics. He was defeated on many occasions and he recognised the importance for him to build allies within the ANC for his position in order for him to win the day within the leadership of the organisation.

Having done so, he further recognised that to win support for the new strategy and tactics that were adopted by the ANC and with the eventual formation of the Umkhonto we Sizwe, like the Vietnamese people, he needed international support and solidarity to be successful. This is where he handed to Mr. Oliver Tambo the responsibility to mobilise international support in respect of the arms struggle that was being waged in South Africa, while he handed the responsibility for the arms struggle to be waged locally to Mr. Joe Slovo.

My reading of the history of the South African struggle tells me that for a man to be in prison and to be able to conduct successfully the international relations of the ANC, at the same time to conduct successfully the arms struggle and to win the support of other African countries, is a remarkable achievement. There are many of us who believe that mobilisation of international support for our cause, even in these present conditions, and the mobilisation of the people to rally them in defence of specific issues can be done easily. This is painstaking work that is required with the support of strong and reliable comrades to be able to get the work done. It also requires unity of purpose. These are some basic lessons we need to learn from the ANC's struggle in South Africa. Tambo did a fantastic job and I believe that it was because of this that Mandela held him in such high esteem. It does not mean to say that the others did not do a good job as well.

Some people feel that the struggle in South Africa was black and white. I do not support the view that the struggle in South Africa was black and white, cut and dried or compartmentalised. It was a very fluid, dynamic and complex struggle that required skills and tenacity in order for the ANC to arrive at a situation where they were able to force the apartheid regime to the negotiating table.

What was important in this struggle was that under Mandela there were the elements of flexibility and compromise and, at the same time, firmness of purpose so that while the leaders were able to exercise a tremendous amount of flexibility, given the complexity of the struggle in South Africa - we need to remember that the western world firmly supported apartheid for the longest while - to breakthrough that situation was no easy task. The elements of flexibility and compromise together with firmness and unity of purpose are ingredients that eventually led to the victory of the ANC and the freedom of Nelson Mandela.

There were many leaders that emerged, but there was a *primus inter pares* and the *primus inter pares* among all of the others who made equal contributions was Mandela. How did he emerge to be accepted as the leader, so to speak, of all the others who were even there before him? It was precisely because he was able to apply strategy and tactics that resonated with the aims and aspirations at every given point in time of every stage of the struggle with the South African people.

Mandela made the point that unlike many revolutionaries...there are different types of revolutionaries. There are revolutionaries who are red inside and white outside. I call them the turnip revolutionaries. Mandela, unlike many revolutionaries of his time, had a quite unique introduction into politics. He was not a politician. In fact, he avoided politics like the plague, at the beginning. He never wanted to get involved in active politics. He avoided the ANC. He avoided the communist party of South Africa. He avoided many other movements in South Africa. He avoided the trade union movement for a while. It was only because of constantly going to meetings and observing what was going on that he eventually recognised that his place was with the ANC.

In his book that many have quoted from, this is what he had to say about his introduction to politics:

“I cannot pinpoint a moment when I became politicized, when I knew that I would spend my life in the liberation struggle. To be an African in South Africa meant that one is politicized from the moment of one’s birth. Whether one acknowledges it or not, an African child is born in an African only hospital, taken home in the African only bus, lives in an African only village and attends African only schools, if he attends school at all.”

He went on:

“I had no epiphany, no singular revelation, no moment of truth, but a steady accumulation of a thousand slights, a thousand indignities and a thousand unremembered moments produced in me an anger, a rebelliousness, a desire to fight the system that imprisoned my people. There was no particular day on which I said, “Hence forth I will devote myself to the liberation of my people; instead, I simply found myself doing so, and could not do otherwise.”

**Presiding Member [Ms. Shadick]:** Hon. Minister, your time is up.

**Mr. Hinds:** Hon. Member, I propose that the Hon. Member be given 15 minutes to continue his presentation.

*Question put and agreed to.*

**Mr. Rohee:** I come back to the question: what is the relevance of Mandela to Guyana? What lessons can we learn? I can only point to the following:

First of all, the need for respect and tolerance of each other’s political goals and objectives, providing – and this is the important *caveat* – that it does not impinge, deny, impose an injustice or take away the fundamental rights of any individual, any group, race or class of people. While it is important to recognise the plurality of political parties in a democracy, it is important that one party does not trample on the rights of another. I repeat, once again, for the sake of emphasis the need to be firm on matters of principle, flexibility and the question of tactics.

Hon. Member Nagamootoo spoke about multiculturalism and multiracial issues. We have our own national peculiarities in this country but I believe that we have to be careful that we do not

overestimate or underestimate this question of race and politics in Guyana, that we do not accept the connection between race and class in our country. As was said in a statement that was issued by the People's Progressive Party, we do not see race in compartmentalised situations. We have a very fluid process where social and political formations tend to go off in different directions, depending on interests, social interest and class interest. Mandela lived through that experience and he was able to see his country become free in the process, becoming the first democratically elected President of his country.

There are some who, in our local conditions, used to make the point that the People's Progressive Party could never win the majority of votes in this country because of racial polarisation. I think it was Dr. Jagan who made the point that even if all East Indians were to vote for the People's Progressive Party, as some people claimed, we could not win a free and fair election. This happened because there were people from other classes and social strata who came across to the PPP and it is important that we see our politics in this dynamic way.

There have been several instances and sittings in this Chamber when both Government and Opposition took a united stand on issues related to South Africa and Africa as a whole. Regrettably, most of the occurrences have been on international issues, that is to say when the opposition and governing party would come together, it would be mainly on international issues.

The *Hansard* would show that in 1978, with the unilateral declaration of independence by Mr. Ian Smith in Rhodesia, the then Legislative Council took a united position in denouncing the unilateral declaration of independence of Rhodesia which is now Zimbabwe. When Rhodesia invaded Zimbabwe, the Legislative Council on all sides took a united position as well. When Guatemala invaded Belize, the National Assembly took a united position. The same was in relation to apartheid in South Africa. On the issue of the Israeli occupation of Palestine, this National Assembly took a united position on it as well, not forgetting that the Turkish invasion of Cyprus was also denounced in this National Assembly.

There are some issues that have arisen in the course of our engagement with South Africa and the course that Guyana sought to take on this matter. It is to be recalled that we had some differences on the question of the marketing of Guyana's bauxite by the Phillips brothers in South Africa. There were many debates on this matter. Eventually, the then government

disengaged with the Phillips brothers, who it had signed a contract with to market Guyana's bauxite internationally.

We also had some differences in respect of...I think the Hon. Member made a mistake when he spoke about GD\$50,000. I think he really meant United States dollars. [Mr. B. Williams: I said US dollars.] No, you said Guyana dollars. There is some misinterpretation still that we opposed this gesture. The records will show that we did not oppose the gifting of the US\$50,000 to South Africa freedom fighters. We supported it. What we did say was that there were freedom fighters in other parts of the world – Vietnam, Nicaragua – and they also needed assistance. Because of the divisions at the time within the Non-Aligned Movement on what positions the Non-Aligned Movement should take in respect of Vietnam, on whether Vietnam should be seated in the United Nations (UN) and the Non-Aligned Movement, the then Government did not find it fit to support. [Mr. Ali: Read the records, Mr. Rohee.] My Colleague is encouraging me to read. I will read just one paragraph. I know it is getting late. I will come back to that when I find it.

*11.23 p.m.*

That is basically the position that the party took in relation to the Phillip Brothers who was the agents of Guybau and the contribution made by the then Government to the freedom fighters in South Africa.

This motion that is with us this evening at this late hour is a good one. I think when the history is recorded of our commitment to South Africa, future generations... This is the section here. This is what Dr. Jagan said in a debate in the National Assembly about the "Condemnation of The Samoza Regime and the Recognition of the National Government of Reconstruction of Nicaragua" 5<sup>th</sup> July, 1979. It states:

"We have a lot of experience in this Government. When I spoke to the Prime Minister in the old days of Vietnam, I asked him what about support for Vietnam. After they came back from the Non-Aligned Movement 1970 they said they were going to give \$50,000 in aid. We said okay. What about Vietnam? What about Brazilian Freedom Fighters? They said they do not have money. We said that Vietnam does not need money; all it needed was the normal support. But they did not have the guts to say that even as late as 1970.

When I dealt with the point of sanctuary for African freedom fighters, I said, Okay, good. But this is a far way from Africa. The comrades do not want to be all the way in Guyana, they want to be nearby. What about the freedom fighters nearby in Brazil?"

It is not that these steps were opposed. It is not that these gestures were opposed. The position that was taken was to qualify the gesture to mean if you are giving sanctuary to South African freedom fighters, if you are giving aid to freedom fighters in one part of the world, you should give aid to freedom fighters in other parts of the world. That was the principle of the position of the PPP in those days, and I do not think you can fault the PPP for that. As we have learned in this Parliament, we all have different views and different positions, and the record speaks for itself.

In closing, I wholeheartedly stand here as a proud Guyanese knowing that in this hallowed Chamber decades before we eventually came here to take up seats – I would not want to say before we were born – there were individuals before us who raised the flag of support and solidarity and recognised the struggle of the South African people, led by Mr. Mandela. In a similar fashion, we, true to that legacy, continue to do so in the best interest of our relations between Guyana and the Republic of South Africa.

Thank you. *[Applause]*

*[Mr. Speaker in Chair]*

**Mr. Greenidge:** Mr. Speaker, I rise to offer a few comments in support of the motion before the Assembly. Prior to that, I would just like to tell the House that having listened to a certain presentation which I would not isolate, I am reminded of a saying by the people of Lesotho, which I do not think is too alien to us. It says, "Talking is not doing."

As I turn to the motion before us, in keeping with the time, I shall like to start with a comment by the way of sport. In keeping with the times, soccer fans called him the "Black Panther". He was born in Mozambique and he was the most captivating player of the 1966 World Cup. He has since been recognised as the centre of gravity of that tournament.

In 1998, a panel of 100 experts gathered by Fédération Internationale de Football Association (FIFA) named him as one of the sport's top 10 greats. And in that very year, Mr. Mandela took

the last of his three wives. Within a few days of Mr. Mandela's death, that of the great Eusébio da Silva Ferreira was announced by his long-time club, Benfica. These are a few of the links between Mozambique and one of its most famous sons of the Republic of South Africa, Mr. Nelson Mandela. I will come back to the others later but I think this opening is important because...sufficed for me to note that these two great sons of Africa were both the products of a world which, at the time of their birth, regarded Africans as not worthy of much except music and sport, and, in the case of sport, they were only seen as capable of athleticism, physical prowess and power. In fighting that attitude in its most extreme form, a form which invests in South Africa, Mandela took up a mission which, by the time he left us, attracting a range of monikers such as Great Man of the Millennium and so on, in the same way Eusébio attracted such titles in the arena of sport. But I am getting ahead of myself.

Two interventions, in particular, made great emphasis of the overemphasis given to race in relation to the issue of apartheid. I would like to say a few words in relation to this arena. Apartheid was a regime of dispossession, human brutalisation and the total dominance of one race based on the theology of separate development of one race from others based upon, apparently, a theology of religion and, supposedly, separateness. I say theology because the separateness was respected more in the breach than in reality. Of course, regimes of brutalisation were known outside of Southern Africa, even on that continent. In that regard, Leopold's Belgium Congo was described as a colonial regime of slave labour, rape and mutilation in Joseph Conrad's *Heart of Darkness* and, most recently, *King Leopold's Ghost* by Adam Hochschild describes very graphically the history of brutality that was visited on that nation.

More recently, there have been extensive discussions and calls on Germany to apologise for the 1904 to 1908 programme, a period during which the Germans attempted to wipe out the San, Herero and the Nama people of Southern Africa. So in passing, let me remind Colleagues that in contrast to slavery, it is important to understand the difference and the reason for the connection.

I take this opportunity to mention this point, particularly bearing in mind the contention that the experience of Southern Africa should have been equated, in terms of material assistance, with that of Vietnam. Let me just remind Colleagues that slavery was a regime not only of racial dispossession as of dehumanisation in which human beings were treated as property – a piece of furniture - the lives of which could be snuffed out without either explanation or with the benefit

of recourse to the law. Those victims had no rights because they were chattels, no culture, no control over their destiny, their energies, and, more importantly for the time, no control over their labour power. Slavery in the Caribbean was specific to the Americas but it was part of a wider, more universal system in which the market forces, as we know them, were not allowed to operate. Over 16 million Africans were murdered over the course of their violent movement from the continent of Africa to the Americas as part of a triangular exchange.

Again I mention this so that we understand that in dealing with apartheid, it was not any other old system of market exploitation. There was no market to speak of. It was not a system of segregation, as I see one entity attempt to define them, but a system of brutalisation, domination and dispossession. It has very important connections with slavery. It was not as extreme as slavery, and I think we need to understand that. It is important because I will later come to point out how it is that the African, Caribbean and Pacific grouping came to play an important role in the fight vis-à-vis Europe in relation to this question of apartheid – an aspect I have heard nobody mention so far.

I see that we have a whole set of experts on Africa and, even better, African history; I think that is good. But in remembering the significance of the connection between these forms of exploitation, it would be useful for us, in case we had forgotten, to have a look, for example, at the Diary of Thomas Thistlewood, written between 1721 and 1786, just to give you a feel of the day-to-day implications of the treatment of people as chattels. This is the point I was making. One can compare that with Mr. Mandela's *Long Walk to Freedom* and also Ronald Segal's *The Race War*. The other piece that would be useful in setting a context for the treatment of apartheid is, of course, A.R.F. Webber. Webber, in 1917, wrote the first complete Caribbean novel entitled *Those That Be in Bondage: A Tale of Indian Indentures and Sunlit Western Waters*. It is a fascinating piece about the politics, social domination and physical brutalisation of Indians in Guyana under the regime of Indentureship.

As the system of apartheid evolved, a number of political groups in South Africa – African National Congress and others mentioned by Colleagues, including Steve Biko's South African Students' Organization – opposed apartheid using a variety of tactics, both violent and non-violent. Mr. Nagamootoo made mention to that range. This resulted in activists being severely punished and brutalised again.

In 1955, Mr. Mandela was among the 150 activists imprisoned on charges of treason, as mentioned earlier, but the charges were simply for signing the Freedom Charter – a document that merely called for civil rights and that Government is based on the will of the people.

In 1960, the year of the famous massacre in Sharpeville, police killed 69 people and wounded 180 people when 5000 demonstrators staged a non-violent protest against the past laws.

In 1976, police in the Soweto Township opened fire on 15,000 secondary school students who were marching to protest a ruling which required that they be taught in Afrikaans, a language that neither they nor their teachers knew. Steve Biko, I might add, the leader of the protest was beaten to death in prison and a period of massive protests and increasingly repressive government followed that incident. So there is a historical context to this exercise that we are looking at. It is not simply a theoretical one.

The events I have described paved the way for daily news reports of the causes of death of key activists in the same manner that the body counts resulting from U.S. action in Vietnam triggered.

In 1962, the laws in South Africa were changed to permit imprisonment without trial and some things followed from this. Murder in police custody, unlike those that took place under slavery, had to be justified. At least they had to be explained. Some rationale had to be given. The reported causes of death are very interesting. In fact, the most frequently reported causes of death became increasingly bizarre as the years went on. Let me just mention six for you:

- Shot whilst escaping: well you may think that is reasonable because a prisoner might attempt to escape so he was shot;
- Suicide by hanging: that is also possible;
- Fell from a police car;
- Fell 13 or 14 storeys to his death: the explanation of Biko was not that he was beaten to death, but that he happened to have fallen out of a window. I am telling you what is being reported by the police. They used batons as well, no doubt.
- Fell against a chair: that is a cause of death; and

- Self strangulation.

There was another category namely “No Official Explanation”. There were a number of those. But after the regulations of 11<sup>th</sup> June, 1987, no explanation was required. These were emergency laws and, therefore, the leadership... The normal South African, Sesotho, Botswana, who were in South Africa and might have been part of that movement, were disposed of with impunity, but in the case of the leaders, some explanation had to be given by the police. These were the ones that were provided, just to give an idea of how that system worked and what had given rise to the process that persuaded Mr. Mandela to leave behind one form of struggle only, namely the non-violent struggle, and to broaden the armoury they employed. My colleague spoke on that so I will not say more.

I would say, however, that the struggle itself was multifaceted other than violent/non-violent in terms of, for example, ethnicity. Our colleague, the Hon. Mr. Moses Nagamootoo, spoke on that one. It also included the use of a variety of mediums – the use of poetry by Fahalele, Wally Serote, Oswald Mtshali, as well as a number of white radicals. It also included drama and I remember in the early days *Serafina*, as one of the musicals being taken to the United Kingdom in order to show, and they did so very effectively, in a humorous way the absurdity of both the rules and the draconian impact of the apartheid system on ordinary people in carrying out their duties and living their lives.

The struggle included music. Pardon me if I say a little more than you might expect on this particular matter. What I am saying here is that in mobilising the medium for communicating the message, for transmitting to potential supporters and people in and outside of Southern Africa, the reality of apartheid, a lot of different things were used - drama and so forth.

Music is an interesting one not only because the world has an attitude towards Africans and their music. Those who contributed in this way included both traditional - I mentioned some of those - and some controversial messages. In this genre, I do not know whether you may be aware of the name Ms. Brenda Fassie whom *Time Magazine* in a three-page spread called the “Madonna of the Townships” contributed the triple-platinum song that was very popular, called *Vulindlela*, Opened the gates. In the period beyond 1984, she was associated with what the South Africans

called the bubble gum style and out of that came a very popular song called *My Black President*, dedicated to Mr. Nelson Mandela, and the freedom song.

These forms of transmitting the message mobilising sympathy went along with the combination of dance and song that... I do not know about in Guyana but elsewhere one of the things we see almost every time there is a South African strike or political demonstration is people dancing and singing. I think people assume that this is just another set of Africans. The music is playing and they twitch to it, but in South Africa, that genre of protest came out of the mines where people were placed. In slavery, they were forbidden to speak common languages except English. They were unable, in many instances, to get rest and break as normal laws would allow and, therefore, they developed various forms of resistance. If one follows the history of calypso, one will see an interesting similarity between the way that music and dance evolved and how calypso evolved as social commentary, starting off as criticism and caricature of the slave owners. That gave rise to songs and dances of resistance under the rubric of what became in South African pop music and culture the gumboot style.

Ms. Miriam Makeba, of course, was a major factor in helping to sell that story. The important point about the music, dance and medium is that Mr. Mandela and his team of leaders were able to hold a set of messengers, in addition to the politicians, who could deliver a message for them, people whose core values and behaviour they may not have always embraced, but Mandela was able to inspire them to lend support to the message that he and his political movement were trying to sell.

Mr. Speaker, it may appear to some people listening that these issues – drama, music and so forth – are tangential to the issue of Mr. Mandela. Let me say to you that I think that far from being tangential, they are central because there are many leaders who have the characteristics and abilities I have pointed out just now that Mr. Mandela had: the ability to compromise and to negotiate. But what makes him so different from the others? I think in understanding how he was able to serve as a glue for this spirit, sometimes convicting... As the Hon. Mr. Moses Nagamootoo was saying, Mandela could sometimes bring within his camp those who not only had different views, but who might also have been enemies. It is a capacity that our leaders need to learn.

Ms. Miriam Makeba was associated with a song called *Sangoma* which also had a track by Ms. Brenda Fassie called *Soon and Very Soon*. The title alone gives you an idea of the message that these people were transmitting to the communities. *Now Is The Time* was also one of the albums produced, in this case, between Ms. Brenda Fassie and Mr. Papa Wemba, who is perhaps one of the most popular and well-known Congolese artistes across Africa and certainly in Europe. This album became a best selling release and won numerous African awards.

Of course, *N'kosi Sikelel' iAfrica*, the song of resistance of South Africa and the South African freedom fighters is now known as the National Anthem of South Africa, again showing the influence of Mr. Mandela and the tools he used on the continent itself. In other words, it is not a case of a leader whose influence was geographically limited to the country in which he was fighting the struggle, which could not be said of many of the others who fought wars of independence. I will come back to that in a little while.

The National Anthem *N'kosi Sikelel' iAfrica* is probably more widely known than any other anthem today, with the exception of the stars and stripes. However, unlike the stars and stripes, it is a politically popular anthem and linked to Mr. Mandela and his people's successfully shared struggle against the second most heinous form of racism this world has experienced.

The switch to the international stage from the national struggle is really... I am just emphasising one of the special features of Mr. Mandela's contribution to the exercise of overthrowing apartheid. As was mentioned earlier, it is true both India and China as countries, long before they were independent, contributed together with the struggle domestically, in Guyana for example, to the abolition of Indentureship. The same could not be said of the abolition of slavery as such. But in relation to apartheid, there were many individuals, non-state actors in and out of South Africa, as well as a range of states – not simply a state from which these people emanated – contributed to tightening a ring of sanctions around South Africa, raising awareness of the actions of the Government of South Africa and, in the process, building a resistance to apartheid. Many of them were inspired by Mr. Mandela and his team of leaders. I am not going to go through those names again because people have been mentioning them. The point I want to make is that the capacity to hold the struggle together in immeasurably difficult circumstances was also a result of Mr. Mandela and his leadership being able to project what we now call, in another context, a rainbow leadership – a leadership of many political and ethnic colours. That is important.

11.53 p.m.

Respected individuals, including superstars, Harry Belafonte, for example, took up the struggle. He was part of the American Committee on Africa and the African Unification Front. There were also radical movements, including the Black Power Movement, in the 1970s.

Those of us who lived through that era would not forget the teaming up between Miriam Makeba and Stokely Carmichael, whose origins lie in the Caribbean. They brought radical rhetoric and music to the struggle. They helped to bring in a sense theatre and rhetoric to the struggle as well. The song *Pata Pata*, as my Colleague was mentioning to me earlier, and the *Click Song*, were, for many people, the first time they recognised they had a culture that, in terms of language, for example, was radically different to anything else that we knew - the formation of the music itself and its structure, and this is even without mentioning the interesting and outstanding harmonies associated more with the United States and Gospel than with Africa. It is, in fact, the male harmonies in the Cold War in Southern Africa that in fact also help to make the world understand that there was something that was interesting and carried a message with it.

Apartheid was not slavery, but the severity of its impact, its racial basis, could be easily comprehended, or should I say, should be easily comprehended by the people of the Caribbean, whatever their ethnicities. Along with the African America, which I have already mentioned, we have, over the years, provided support to the movement, born of the share of experience. The contributors included prominent Guyanese such as Guyanese musicians, Eddy Grant, for example. His song *Gimme Hope Jo'Anna* is regarded by many as the very anthem of apartheid's demise. That song made UK's top ten in 1988 and was banned for its troubles by the South Africa Government.

Let me also say that states also supported the struggle for apartheid. Let me remind the House that at the time when lip service was being paid by many Governments in this region to the struggle against apartheid, there were Governments in this region which were actually providing material support. As I said, the *Cisoto* says that there is a difference between talk and doing. There were some in this region that did not merely say that they would help once they did not have to provide material resources, but they actually contributed to facilitating the continued activities and sanction breaking by South Africa. That is what I was referring to when I heard a

Colleague suggest earlier that all Caribbean Governments provided support to the apartheid movement. That is not the case.

Mr. Speaker, you know I would not miss the opportunity to draw the attention of the House and remind the House, even though I am not going to repeat the cases already made, of the contribution of Guyana...

**Mr. Speaker:** One second, Minister Rohee what is it,... role as a paparazzi. I do not know that the persons whose photographs you are attempting to take have given permission for their images to be...

**Mr. Rohee:** [*Inaudible*]

**Mr. Speaker:** I see. Sorry for the interruption.

Mr. Greenidge, perhaps it would be wise to have an extension for you at this point in time.

**Ms. Ally:** Mr. Speaker, I would like to move that the Hon. Member be given 15 minutes to conclude his presentation.

*Question put and agreed to.*

**Mr. Greenidge:** Thank you very much, Mr. Speaker and Mdm. Chief Whip. I was saying that I would not miss the opportunity, of course, to highlight the contribution of Guyana, the People's National Congress (PNC) Government, under the leadership of Forbes Burnham, in this regard. I would just like to say that in addition to providing material support to the liberation movements, which material support was mentioned earlier, directly or through assistance to Cuba, for example, over flights by both South African Airways and El Al of Israel, at the time, an ally of South Africa, were banned from Guyana's airspace. It was one of the many reasons, of course, that that regime was vilified by many Organisation for Economic Co-operation and Development (OECD) countries. The other was, of course, the position taken in relation to the so called cricketing rebels that arose out of those who bucked the Gleneagles Agreement.

In speaking of the contribution of Guyana, I think I can do a little better than to simply adopt the words of Ali Masjid, who, in 2010, offered a contribution on Guyana's liberation movement. I would make this available, Mr. Speaker, so I would not read it from beginning to end. I would

just highlight very quickly that he pointed to the fact that between 1970 and 1975, John Carter played a critical role as the Chairman of the Commonwealth Sanctions Committee, which helped to chart the Commonwealth's policy on both Zimbabwe and apartheid in South Africa.

In London also, Guyana was a prominent member of the Southern Africa Committee. The Commonwealth Secretary General, Sir Shridath Ramphal, former Foreign Affairs Minister of Guyana, played a powerful and unremitting role in this particular arena. The United Nations (UN) General Assembly, on the occasion of the 35<sup>th</sup> Assembly, Guyana's (Permanent Representative) PR, Noel Sinclair, served as Chairman of the 4<sup>th</sup> Committee, which dealt with the issue of decolonisation. In that forum, Guyana championed the cause of decolonisation and resolutely lent support to the liberation movement.

Rashleigh Jackson himself, later appointed Foreign Affairs Minister, made a very important set of contributions in this regard. Cecil Pilgrim, to whom I will make reference shortly again, then Cuba's Ambassador in Havana, worked almost inseparably with the African liberation leaders, who, in turn, became national leaders on the occasion of the triumph for their revolution. He paid special attention to the ANC in South Africa and he developed a close relationship with Alex La Guma and his wife Blanche Valerie Herman. Subsequently, as Guyana's High Commissioner to the United Kingdom, Pilgrim represented the non-aligned movement at the Convention for a Democratic South Africa (CODESA). He was also a member of the Commonwealth Observer Mission for the first free elections in 1994.

When the Government of Guyana was informed of that role, I must say, in passing, that, it objected to him being involved. Luckily when the Commonwealth Secretary General, Chief Emeka Anyaoku, brought that information to the attention of the Government of Guyana... It was not to ask the Government's permission. It seemed to have thought at the time that that was the purpose. Pilgrim, in recognition of the role that he and Guyana had played in the liberation of Southern Africa, was included as member of that team in defiance of the position of Southern Africa.

Let me quickly turn to the African, Caribbean, and Pacific Group of States (ACP), an arena in which I have had some experience. It is no secret that from the time of its establishment, the ACP group had arrangements internal to it in which the Caribbean and the Pacific were the

closest of allies. They worked very closely together with Nigeria, in fact, in the establishment of the ACP.

What perhaps is not as well understood is that the Caribbean and Southern Africa shared a special relationship beyond that between the Caribbean and the Pacific. I took the trouble earlier to outline the similarities between apartheid and slavery so that one could understand part of the reason for that almost automatic bonding when these people, many of whom I have never met before, met within the confines and the arena that was called the ACP group in the framework of Lomé. So, I do not need to go through the bond and the reason for the bond.

What I want to say is that many of the radicals, including those with close association with South Africa itself - some of the them were mentioned - regarded the ACP, as it was formulated, as simply a manifestation of what Marlowe called the Faustian Deal. It is where a deal is struck with the devil.

In fact, the ACP group proved to be a device via which considerable pressure and embarrassment was brought on Europe, in relation to emphasising the urgency of bringing to an end not only its support for racist South Africa, but also its material support to South Africa and its actions in the rest of Southern Africa.

Under the guise of the imperatives of the Cold War, Europe, like the United States, banned, as was mentioned earlier, and treated Mandela, his organisation and his colleagues as terrorists. This was the case in Europe.

The ACP group, in the course of its discussions on what is called “Man as the Centre of the Universe” – this was the principle that pulled them together in putting the Lomé Convention together – got around to a discussion on policy dialogue. The Europeans wanted to speak about the policies of the African, Caribbean and the Pacific countries vis-à-vis their people. The African, Caribbean and Pacific countries turned that dialogue into a discussion on the European support, the European Economic Community (EEC) support for the South African regime across Southern Africa. Lomé I and Lomé II: the debates went on and nothing could be shown for it. Lomé III: the Europeans decided that they will make mention of this question of human rights. It was the first time that it was going to appear in there. In Lomé IV, it appeared in an annex.

The Lomé Convention is a legal document, as is the Cotonou Convention now, enforceable against the signatories to it. That is why each country has to sign. By putting the declaration of human rights as an annex, there was no obligation for the Europeans to implement. One could not do anything about it. By the time you got to the Lomé Convention and Lomé's replacement, which is the Cotonou Convention, the ACP group had managed to bring into the body of the Convention, under Article 5(1) and (2), the principles pertaining to respect for human rights. It was directed, almost exclusively, at European support and collaboration with the South African regime. So, paragraph 5 (1) and (2) committed the parties to greater respect and to proceed to remove all obstacles to the achievement of full human rights in Southern Africa and elsewhere.

Today, of course, the Agreement finds a home in Article 195 of the Cotonou Convention. It is also the case that the Europeans, or the world, having seen the collapse of the apartheid regime, the first time in which the sanction itself was invoked against a member state was against Sudan, an African State. This is one of the ironies of agreeing to laws and principles and not seeing all the way down the line as regards their implications.

By that time, South Africa, of course, had been confronted with a whole set of sanctions. You had the case of Cuito Cuanavale, which was mentioned by a colleague already. The South African regime, in a sense, levied for the eventual dismantling of apartheid. In that collapse, it is clear that the world has decided that the major catalyst there was Nelson Mandela. His effectiveness in fighting apartheid earned him sobriquets, as I mentioned before, such as Man of the Millennium. Many regard him as the greatest African ever.

When you look at the work that Mandela did, the contributions and the negotiations, it is hard, perhaps at first, to understand why it is that he would warrant such descriptions. He was clearly a negotiator with special abilities, a capacity to compromise and to be flexible. It sometimes backfired. That is true and I do not think that anybody would deny that. Perhaps the comment I would make – I am not drawing any lessons as my Colleagues were – is a Nigerian saying, which says “In the moment of crisis, the wise build bridges and the foolish build dams.” We had a discussion about dams before. Perhaps this is relevant here.

Mandela was surely a very great orator. The Prime Minister cited from his trial. I do agree that that is one of his great strengths. From the same intervention, he had a comment that said that he

was looking forward to revolutionary democracy in which poverty, want and insecurity shall be no more. Some people are judging him by that particular declaration. The truth is that the continent has generated many greats. In terms of orators, for example, Nkrumah, Léopold Sédar Senghor, Kenyatta, Nyerere, Samora Machel of Frelimo and the neighbouring country come to mind in terms oratory. There were others who contributed, perhaps even more, to the Pan African movement. They were not necessarily leaders, but Ahmed Ben Bella of Algeria is amongst those. It is part of the revolution in which Frantz Fanon played such an important role as an intellectual leader.

Guinea-Bissau, for example, had a leader that had a successful and very brutal thirteen-year Guerrilla War to get the independence for Guinea-Bissau and Cape Verde. Zimbabwe and Dr. Mugabe and their struggle should not be forgotten in that regard. Sekou Toure of Guinea also should not be forgotten.

There were many independence revolutionaries. Mandela was one of many. It is the case that many of them were killed, even before they finished their revolutions and many of them suffered from being demonised because they had the audacity to fight their colonial powers. There were many inspirational leaders, Nyerere as well as people like Sankara, Cabral and even...

**Mr. Speaker:** Hon. Member, you have two minutes remaining.

**Mr. Greenidge:** Thank you, Mr. Speaker. The intellectual spokesmen also include Leopold Senghor of Senegal. Mandela himself acknowledged the strength of many of these other leaders, including Machel of whom he said, “We mourn in Mozambique for the loss of a statesman, soldier and intellectual, who we claimed as our leader too. He was taken from us even as a new South Africa was struggling to be born amid the death rows of the colonial and apartheid order.” The question is: why then, if there are all these others, does Mandela warrant the attention and adulation that he gets?

Let me quickly try to capture what I think are the features. I think that the sense of adulation was felt when I met him, for example, when the ACP and European Union (EU) invited him to address them at the Joint Council in Luxembourg. It is also, I think, important to say, quickly, that his greatness clearly was contributed to, in great measure, by the wives that he took. I made mention of the link with Mozambique. I think, while the time may not permit, I would not be

forgiven for not mentioning the role of the wives in that regard. Since time is limited, let me say that Graça Machel, again, who we worked with when I was at the CTA, is surely one of the most charming women. Apart from charm, there is a capacity in her own right, a presence in her own right.

Clearly, you get the impression from these women that Mandela had the characteristics of a leader who would not be uncomfortable with people close to him or around him, who would not merely support him, but who would just as soon challenge an idea that he raised as to offered different ideas to him. He exhibited an unusual degree of selflessness. His attitude to the incidence of rugby after he had been elected, having lunch with his prosecutor, declining an opportunity to serve a second term as President of South Africa, whilst he was at the height of his popularity, are all things that mark him out on the continent of Africa. There were signs of a special being. His dignity, clarity of expression, amazing lack of rancour in dealing with what clearly was a very brutal and inhuman regime, manned by a set of people that were clearly cynical and similarly murderous was quite remarkable.

Perhaps, the words of one of the commentators from the Rhodes University best captured Mandela's right to this adulation he gets. He said, "We would do well to remember that no radicalism can be counted as adequate with situation if it allows that situation to constrain its vision and to distort its conception of what is ethical." So, there is a dimension of Mandela's behaviour that has to do with his ethical behaviour.

Mr. Speaker, I thank you for the opportunity to be able to complete that exercise and to say to you that I would like to invite Colleagues to support the motion. It is a motion which is very fulsome in its praise of Mandela and of the roles that many others have played in achieving the freedom of Southern Africa and South Africa, in particular. I would like to invite Colleagues to embrace the motion.

Thank you very much. [*Applause*]

**Mr. Lumumba:** Mr. Speaker, I stand to support this motion. Before I proceed, I would like to quickly read the 5<sup>th</sup> December letter that the President of Guyana sent to his Excellency Jacob Zuma, President of South Africa. It reads:

“Dear President Zuma,

On behalf of the Government and people of the Republic of Guyana and on my own behalf, I wish to express to you and to the Government and people of the Republic of South Africa our sincere condolences on the passing of Former President Nelson Mandela.

This loss is not just one for the people of South Africa, but for Africa as a whole, and the world at large. Nelson Mandela was a giant in defence of human rights and for a free and just society, not only for his beloved South Africans, but for the oppressed the world over.

The world is much poorer after his passing for he was one of the most outstanding statesmen of all time.

The struggle he led with other distinguished anti-apartheid fighters has entered into the annals of world history as one of the most defining periods in our world.

However, it was not only the struggle, but the manner in which it was conducted which will always remain an example and an inspiration for others working for social and economic justice everywhere.

He was truly the Father of his Nation, tirelessly devoting his life to serving the people of South Africa with humility and dignity in leadership, and an unwavering commitment to preserving that hard won unity and the pride of liberation.

Highly loved and respected the world over, his memory will forever be cherished. For Guyana, this is particularly so, as we recall the strength of character which he continually displayed during those long, dark years of incarceration, a grave injustice. As we mourn now with South Africa, we rejoiced then, when he won his freedom and took his rightful place as leader of his country.

Mr Mandela’s name and work will endure throughout the ages. I have asked that the President of South Africa Jacob Zuma, convey our sympathy to his family. Our thoughts and prayers are with them at this difficult time.

Please accept Excellency the assurance of our hearts consideration.

Donald Ramotar

President of the Republic of Guyana”

Mr. Speaker, indeed this is a great moment. I would like to be a bit more personal because I was personal in the matter. I was one of the leaders of the six Pan-African Congresses, where I was able to sit with the leaders of the world, all the black leaders, all the black activists and all the black radicals, where we began to define the movement forward.

Member of Parliament (MP) Moses Nagamootoo made a very interesting point when he spoke about the ethnic mix. I was one of the leaders of the North American Delegation. I was surprised because we were very black focussed. I was surprised when we saw white women, in particular, in freedom fighting uniforms, carrying weapons, working with the People's Movement for the Liberation of Angola (MPLA) and the Pan Africanist Congress (PAC). That really surprised us because, at that point in time, we saw the movement as a black movement. It was interesting to find that there were white radicals involved in the struggle for the freedom and liberation of South Africa.

My house in Colorado served many times as a place of meetings for members of the ANC. The ANC was banned from America. Because they were banned, only supporters could participate. There were many Guyanese involved in that movement. That is going back to the days of Russell Mc Cannon, a Buxtonian who was an advisor to Kwame Nkrumah, to June Ward, who I first met in Dar es Salaam at the 6<sup>th</sup> Pan African Congress and Ralph Gomes. As a matter of fact, I first met Dr. Roger Luncheon in Washington, D.C. at the African Liberation March, which I used to coordinate with Kwame Ture.

I want to remind Member of Parliament Greenidge that the last time Miriam Makeba and Kwame Ture came to Guyana, I brought them. The then Government under Mr. Hoyte never repaid me my \$25,000, but that is okay. That is old story. **[Mr. Neendkumar: Was he the Minister of Finance?]** We do not need to go down that road.

In this struggle and this unity discussion, we must give credit where credit is due. We must give past President Burnham credit for allowing the Cuban troops to move through Guyana at a

critical moment. Guyana played a critical role. If the Cuban troops did not go to Angola, South Africa would probably still be in the hands of the apartheid regime. We must always remember that.

I know Guyanese soldiers or ex-soldiers who live in Guyana, who were combatants who participated in the struggle in Angola. One, in particular, is very ill at this very moment in time - the Brigadier knows who he is - and I would hope that this Government and the Opposition come together as one to really take care of him. He is ill. I am not going to call his name, but we know who he is. We should see what we can do to ensure that he gets better health. [Lt. Col. (Ret'd)

**Harmon:** One of the many.] I do not know about many. I know about who is alive now.

We speak about Mandela, we speak about unity and we talk about leadership. It is very important to note that the theme song for the ANC today is *Bring Me My Machine Gun*. It is very important that we understand that the ANC was prepared for military struggle to the end. We must understand that there are different views as to why Mandela is so loved. No other human being, in particular a black man or a black person, has ever been loved by so many world leaders. It never happened before. It is very strange; it is very historical and it is very important that at some point we analyse it.

Some views are that Europe and America were concerned about the retaliation and there were certain amounts of pressures that were put on Mandela for him to appease the situation.

As we read last week, only recently President Zuma has handed over some land to the black folks in South Africa after years of being in power because it is possible that South Africa might explode. I have been to South Africa in the recent times. We can understand what is happening in Alexandra and Soweto. There are terrible things happening in those areas. Time might be running out.

Even though we love Mandela and we understand his strength, there are things beyond that which we all have to look at.

*12.23 p.m.*

So even though we love Mandela and understand his strength, there are things beyond that we all have to look at. Brother Nagamootoo made an important point. I want to make this point that we

have some issues such as the hydro-dam, the airport as we are trying to find homes for 300 people, the hospital and the roads. We seem to be in a situation here where, even though we are talking about Mandela and what he means by unity, we do not behave in a united manner. It has almost been two years and we cannot come together on anything fundamental to move this country forward. So we cannot get up and make fine speeches and talk about Mandela, and we want to be like Mandela, and when we leave that door none of us believe in Mandela. If we believe in Mandela, and if we love Mandela, we have to say from tomorrow we are going to accept Mandela's principles, bury the hatchet and move forward to build this country. This is not a PNC, APNU or a PPP thing; this has to be a Guyanese thing. The public is tired of this. We are going to get a budget in a few weeks and it will probably be voted down for all kinds of foolish reasons, not any logical reasons.

I am saying the time must come when we have to sit down, we have to negotiate, if we have to quarrel, we must quarrel in a room and come out united as one people. This is a country of 700,000 persons, and if we cannot organise and unite 700,000 persons where are we going? What example are we setting for our children and our future generation? I do not want to do a whole lot of talking tonight. All I am saying is if we are in the spirit of Mandela do like Mandela. Mandela had a reason to wipe out every white person in South Africa and he did not. What are doing? What are we going to do? What are our challenges? Member of Parliament Basil Williams spoke as an Attorney, Mr. Moses Nagamootoo is an Attorney, Mr. Greenidge is an Economist. What are we going to do? Are we going to fight all year or are we going to sit down and agree to something? Are we going to say no to hydro so electricity rates go up and we keep getting blackouts all year round?

Mr. Speaker, I am appealing to this National Assembly for the last time. We are also running out of time just like in South Africa they almost ran out of time.

Thank you. [*Applause*]

**Ms. Ferguson:** Mr. Speaker, Hon. Members, it is my honour this new day to stand and make my contribution towards this timely motion standing in the name of the Prime Minister and Minister of Parliamentary Affairs.

A lot has been said about this great icon of which some have identified the late Nelson Mandela. However, I want to make my presentation in a different format. According to the first “And Whereas clause Guyana has long recognised Nelson Mandela as the genuine and legitimate Leader of the South African people, a freedom fighter to support arms struggle after years of nonviolent struggle against apartheid; the internationally known and loved political prisoner imprisoned for 27 years for campaigning against the barbarous and iniquitous system of apartheid which pervaded every aspect of life in South Africa”. If we are to make a parallel to this particular clause in 1964 when the late Nelson Mandela arrived in Robben Island, where he spent 18 of his 27 years in prison, there he was more or less confined to a cell, his bed was made the floor.

I must let Hon. Members know that during his time of imprisonment - and we must not forget this, and it must be placed on record - the founder Leader of the People’s National Congress, the late President Forbes Burnham, was the engineer who launched a national signature campaign for the release of Nelson Mandela and made African liberation his battle cry. In this regard the late President urged the national media to wage a sustained campaign to educate and inform the Guyanese public, and wider Caribbean public by extension, about the horrors of apartheid and the unjust incarceration of Nelson Mandela and other African freedom fighters.

What is most import here is that while in prison Nelson Mandela was able to more or less win the prison officials in Robben Island. He became the master of his own prison cell. There he would have shown strong leadership skills to his supporters who were fighting on the outside. What we all should take from this great icon is that he would have made a number of powerful statements. One such statement or quotation I want to refer was made during his treason speech in 20<sup>th</sup> April, 1964. This is what Nelson Mandela said:

“It is an ideal which I hope to live for and to see realised. But, my lord if needs be it is an ideal for which I am prepared to die.”

Mr. Speaker, Hon. Members, if we are to look at the various quotations given by this great man we would have seen that he knew exactly what he was about. From the time he would have started the struggle against apartheid to the time of him being released from prison the quotations speak a lot.

In a press statement carried on 26<sup>th</sup> June 1961, this is an ANC press statement, given by him, I quote:

“For my own part I have made my choice. I will not leave South Africa nor will I surrender. Only through hardship...”

We would have seen exactly what played out while he was in prison in Robben Island. He was made to work hard in the quarry.

“...and militant action can freedom be won. The struggle is my life. I will continue fighting for freedom until the end of my days”

Another quotation that really touched me was after his release from prison. This is what he said before his supporters, the entire South Africa and the entire world to some extent:

“I stand here before you not as a prophet but as a humble servant of you the people; your tireless and heroic sacrifices have made it possible for me to be here today. I, therefore, place my remaining years of my life in your hands.”

During his inauguration as the first black President of South Africa on 10<sup>th</sup> May, 1994 this is what he said:

“The time for healing of the wounds has come. The moment to bridge the chasms that divide us has come. The time to build is upon us.”

As a young aspiring leader I implore on my other colleagues here in the National Assembly that in order for us to take Guyana forward there are many, many things we can emulate from this great man. We would have seen here in our own society how the politics would have more or less divided our Nation. If this man can stand during his inauguration speech and say:

“The time for healing has come. The moment to bridge...”

Whatever differences we have, I think, we in this great land can take some of what Mr. Nelson Mandela has left us with.

Mr. Speaker, Hon. Members the last clause:

“Be It Resolved,

That this National Assembly formally offers its profound condolences to the entire Mandela family and to the Government and people of the Republic of South Africa.”

We know it has been one month since we all mourned his loss, since the great man has been laid to rest. On behalf of A Partnership for National Unity and my own behalf I would like to take this opportunity to extend our condolences to the family, and we support the motion standing in the name of the Hon. Prime Minister.

Just before I take my leave in the interest of time, I have referred to Mandela’s inauguration speech, but after becoming President, we would have heard from my colleague here, he would have taken those who would have fought against him and placed them in his Cabinet. Comrades we would have seen that after his release from prison he did not build hatred. What he did was move on because he knew for a fact that they had a country to build and to develop. In these few words Mr. Speaker, Hon. Members, I and my colleagues on this side of the House do support this motion.

Thank you very much. *[Applause]*

**Mr. Neendkumar:** Thank you very much Mr. Speaker. I rise to support this Nelson Mandela motion that is in the name of our Hon. Prime Minister.

Sport was a tool with which Nelson Mandela united a deeply divided South Africa and as a consequence, began to heal the scars of apartheid. Nelson Mandela was indeed the father of the powerful Nation, South Africa. He was a revolutionary who was born and grew up in a poor and humble background, and became one of the greatest sons of the soil. Sport was a persistent theme in South Africa’s journey from apartheid to emancipation. First, sport was a lightning rod for the globalisation for the anti-apartheid movement. However, Mandela who did not have any hatred for his enemies, but he who had his strong belief in reconciliation, used sport as a means of healing the deep division that plagued South Africa.

The 1995 Rugby World Cup Final was a high point for post apartheid South Africa because of President Mandela’s public support for a predominantly white national team – a gesture that became a transcendent movement in South Africa’s transformation to a multi racial democracy.

Mandela emerged into bright winter sunshine and stepped onto the lush green field. He wore his cap and long sleeved green rugby jersey which was un-tucked and buttoned right up to the top – a style all of Nelson Mandela. Within seconds 65,000 white rugby supporters were joyously shouting Nelson, Nelson, Nelson. It was Mandel’s cap and the team jersey that demonstrated what sport is capable of achieving. Mandela showed the incisive understanding of the role sport plays in the lives of millions.

In the year 2000 Mandela said:

“Sport has the power to change the world. It has the power to inspire. It has the power to unite people in a way that little else does.”

In the dark days of apartheid, the old imperial games of cricket and rugby were central to white South African identity. It was forbidden for black and white South Africans to play together. Only white were selected in the national team to represent South Africa. The African National Congress while operating in exile recognised the symbolic power of this and campaigned for global boycott of teams selected on racist lines. The boycott was perhaps the most effective of all sanctions hitting white identity hard and brought iniquities of the apartheid regime to the attention of the entire world. South Africa’s exclusion from the Olympic Games was as symbol of global revulsion but it took the united action from Asian and African countries to overcome European resistance within the International Olympic Committee.

Basil D’Oliviera was denied the opportunity to represent South Africa because he was not identified as a pure white. He was later qualified and selected to play for England. In 1968 Basil D’Oliviera was identified to represent England against South Africa in South Africa. However, the racist Pretoria orchestrated his omission from the England team. Basil D’Oliviera’s omission from the MCC touring party to his homeland prompted an outrage and massive protest. He was again selected to the touring party for South Africa and the then racist white South African Government cancelled the tour describing the MCC squad as team of the anti-apartheid movement.

The powerful anti-apartheid campaign only came to an end when Mandela was finally released from prison after spending almost three decades of his life in the most inhuman conditions. The Progress Youth organisation (PYO) organised countrywide lectures and seminars that sensitised

and brought apartheid awareness in Guyana. In the 1980s the PYO organised a big lecture at Friendship House on apartheid. The speakers were the late Chief Justice Mr. Rudolph Harper, who was then the President of the GOA, Dr. James Rose and Dr. Cheddi Jagan.

Sport, which was used as a toll in the struggle against apartheid, became a symbol of change when Mandela was released. The South African team competed under the Olympic large in Barcelona in 1992, and the cricket team played in the West Indies in the same year with the Pretoria, a flower replacing the springbok on their badge. Major sporting events were drawn to South Africa including the 2003 World Cup, and most recently the 2010 FIFA World Cup which brought Mr. Mandela's final public appearance. He was driver around Soccer City in a golf buggy, visibly frail but greeted by a global audience hungry for a piece of the modern-day saint.

Many things matter more than sport as South Africa comes to terms with life after Mr. Mandela. But when black and white play together they can take comfort that the simple act of Nelson Mandela is part of his great legacy.

Mr. Speaker, I urge this House to support this motion in the name of the Prime Minister.  
*[Applause]*

**Ms. Teixeira:** Mr. Speaker, I have the honour of speaking on this motion and the regret of being the last person speaking. I know everyone is very tired. I want to begin by emphasising the nature of this motion. It is important because it is a consensus motion. I want to recognise and thank Mr. Granger, the Leader of the Opposition, for accepting the overture to let us work together on this motion, and for his assigning Mr. Bulkan as my counterpart to be able to bring this motion to the language that would be acceptable between the APNU and the Government side.

I am very proud as a Guyanese woman, as a Guyanese, as a Member of the People's Progressive Party/Civic that Guyana, this country of ours, has a history that goes back over 50 years in the struggle to end apartheid. We can quibble about who did what, but when history is looked at - and we go back to this same house the 50s, the 60s, the 70s, the 80s and the 90s - this House, the legislature of Guyana, whether it was initiated on the side of the then Government, the PNC, or the then Government, the PPP, the record shows the consistency and the principle and progressive position taken by successive Governments of this country. If we want to try to

measure and quibble over who did what more we will be the lesser for that, because what we should be proud of as Guyanese is that Guyana was a country that was forthright from the 1950s right up to the day, in taking a position on South Africa to end apartheid, to have Mandela released and to support post apartheid South Africa. We should be proud of that as Guyanese. We do not need to quibble about who did what more than the other.

There are some very special things that I have not heard some people speak about. I would like the opportunity and your indulgence to just emphasise some very special things.

Mandela was an extraordinary, unique personality on the global arena and in South Africa. But there are some very unique and special things about South Africa itself. Comparisons and analogies between Guyana and South Africa shows there are similarities, but there are also intense differences, not just about apartheid.

One of the powerful things about South Africa is the existence of long, tried and tested organisations with mature political leaders. The African National Congress formed on 8<sup>th</sup> January and 2013 is the 102<sup>nd</sup> Anniversary of the African National Congress. The South African Communist Party was formed in 1921. I think that was about 91 years ago.

The Indian National Congress, the Congress of South African Trade Unions, the more recent Council of South African Students that was formed in the 80s, are long, deep organisations which were ingrained and entrenched in South African society, and, therefore, were able by mature leadership, political leadership, organisational leadership, to sustain a people to fight against one of the worst systems the world has seen.

Apartheid was and is a crime against humanity, as slavery is a crime against humanity. How would a people over 100 years and more been able to sustain themselves? I encourage people to look at the website of the African National Congress because there is the history starting from 1901 through. It will give us a sense as Guyanese, as politicians and Members of this House that there was not consistency in the way the ANC operated - there were good times, bad times, times when they were inactive.

There were times when from the 1930s and 1940s with leaders like Oliver Tambo, Walter Sisulu, Mandela, and Govan Mbeki and Joe Slovo they were able to bring reinvigoration into the

movement. But it still took them from the 1940s to 1990 to be able to abolish apartheid. Therefore, when one looks at South Africa and the role of Mandela the question is how powerful were the organisations that represented the people and led the people?

The fact is that the international alliance was also an important part. In the 1970s, as speakers pointed out, the ANC was a “terrorist organisation” the South African Communist Party banned. Internationally, as Mr. Odinga pointed out, they could not travel, get visas etcetera. Many ended up in the late 1970s being exiled in some countries like Canada and some parts of Europe. It was the NGO societies, the NGO bodies in the early years that took positions on apartheid, not governments. And that is why Guyana’s role in the 1950s through is so significant because Guyana did it as a colony.

To sidestep a little, we paid the price as a people. It is Guyana, under the PPP and later the PNC that paid the price for some of these progressive, pro-liberation positions we took. When Guyana supported Cuba, when Guyana supported the struggles of Vietnam and the African Liberation Movements we paid the price politically. The PPP was called Communist, the PNC Socialist - we paid the price. We were looked at politically and internationally by the western powers up to the 1970s with tainted eyes. So we must not get caught up trying to prove who was more revolutionary than the other in support of the ANC. We paid the price as a people. Therefore, the position that Guyana took on allowing Cubana Airlines to use Guyana as a technical stopover was something that was supported by our people, and by the PPP and PNC in Government. And we paid the price. The fact that the PPP's position in 1978 of critical support was fundamentally premised on supporting the PNC Government on its progressive policies, in particular its foreign policies, on the Non-Aligned Movement, ACP, South Africa, the liberation movements etcetera, whilst we criticised the PNC for the rigging of elections.

So the issue of the way in which the ANC mobilised support internationally was important. And the fact is that it took long dogged years to be able to wake up western powers and many countries which did not want to support. And that is why the link between Cuba and Mandela, and Cuba and the ANC, is one that is an unshakeable bond and will continue I think for many, many years to come.

But the issue is of mature political leaders who consistently stood by their people and gave them as wise leadership as they could at that time is unprecedented.

The former struggle: we talked about Umkhonto we Sizwe, but the ANC, SACP, INC, and COSATU had a multi-pronged approach to struggle - peaceful protest, defiance campaigns, armed struggle, underground grassroots, and community defiance. It was multi-pronged because when they started in the 1960s with Umkhonto we Sizwe it was uni-linear in the sense they were trying on that level. The problem for the ANC and Umkhonto we Sizwe was how to get their fighters back into the country. There were problems with that logistical and otherwise. They discovered by the 1970s that they had to have a multi-pronged approach, and on top of that layer was the international campaign, bringing up South Africa at every single forum that was possible. And the churches, the religious bodies globally, nationally and regionally, took very strident positions. And we have to recognise the role of faith based organisations in supporting the struggles of the ANC and the South African people. But the former struggle and this multi-pronged approach required well oiled, well organised, machinery that was well-led, while controlling what were adventurist and extremist elements.

*12.53 p.m.*

When we talk about Mandela, after the abolition of apartheid and becoming the President, one of his greatest problems was the Inkatha and the gangs that were funded by the Afrikaners. Also, Buthelezi and others were also carrying out their own civil war and violent attacks on South Africans and black South Africans. It was not as simple as white and black, it was much more complicated and he made a wise decision as a wise leader of a wise organisation.

When one looks at the letter that the Africa National Congress (ANC) put out on 5<sup>th</sup> December, at his death, which is on their website, they say, “Our nation has lost a colossus, an epiphany of humility, equality, justice, peace and hope of millions here and abroad.” They continued to say he worked tirelessly for the ANC and for a free South Africa. He hated racism and bigotry and sought a united, non-racial, non-sexist and democratic society where all are equal.

The part that some persons have spoken about, the future, that he passed on the baton to the younger generation of his beloved movement, the ANC, to carry on with the vision of bringing about an equal and just society. The ANC continues in this task as set forth by him and those of

his generation, living and deceased. Indeed men and women, such as Nelson Mandela, when they pass, they leave a vision of a new and better life and the tools with which to win and build it. At no point did Mandela and or the ANC state that the struggle was over.

One of the most fascinating documents and events in all the struggle of the ANC is the Freedom Charter of 1955, 26<sup>th</sup> June – the Congress of the People at Kliptown. For its period of 1955, it is one of the most progressive documents to emerge, not only in the developing world, but the developed world in 1955. It is a charter that talks about all people being equal; of all races. It talks about “South Africa belonging to all the persons who lived in it, black and white, and that no Government can justly claim authority unless it is based on the will of the people. Therefore, we the people of South Africa, black and white together, equals, countrymen and brothers, adopt this Freedom Charter”. It goes on in different areas to talk about equality, freedom, justice and so on.

This was 1955 and it is this document that becomes the foundation of the political philosophy between 1955 and right through to present day South Africa. One of the writers who spoke on this document, Hutchinson, talked about what the document represented; that a new world had unfolded when this charter was made by over 3000 delegates coming from the ANC, South African Communist Party (SACP), Indian National Congress (INC), all races and all classes that met in Kliptown.

This was in an era of the global movement of colonised people for freedom, justice, end to racism and independence. It was also this era where we saw the struggle for US civil rights of Afro-Americans and also Guyana’s struggle for independence, as well as many other countries.

Mandela became, as it is said in their own document, the epitome of all that was good and righteous and just in South Africa. My deduction of it, which might be quite simplistic, is that I truly believe the world needs heroes. I truly believe that people need heroes; people to look up to; people to respect. Mandela epitomised the dirth in the world of those kinds of leaders who can transcend national boundaries. All that he represents was not only his. He came to represent an entire movement of all the people who struggled to end apartheid. He epitomised and embodied all of them, but he may not have been the only one; there were many who lost their lives.

Mandela as the statesman, who had the courage and did the unusual thing, particularly in many developing countries, and that is to retire/resign as President in 1998 and to pass on the mantle. As someone pointed out here in the House, there are always risks when countries lose these great mega leaders. How do they adjust afterwards? I believe when one reads the statements by Desmond Tutu, in relation to Mandela and what he embodied. Basically what Desmond Tutu speaks about is the whole issue of representing what was good and that he represented what was good and that people needed this; the whole issue of vindicating the evil or the injustice in the world.

Desmond Tutu said this in an article in 2006, "Let South Africa show the world how to forgive" by Noble Laureate, Bishop Desmond Tutu, it was 1<sup>st</sup> February, 2006. He talks about the example of post World War II, where there were the Nuremberg Trials and the victor's justice. He talked about in contrast with Chile's response in the restoration of democracy in Chile, where the Chilean people, granted a blanket amnesty to all those who had committed terrible atrocities in the struggle for democracy in Chile. He posits the South African way and he said, "Our country chose a middle way of individual amnesty for truth. Some would say, 'What about justice?' We say Retributive Justice is not the only kind of justice, there is also Restorative Justice. Because we believe in Ubuntu, the essence of being human; that idea that we are all caught up in a delicate network of interdependence. We say, 'A person is a person through other persons.' I need you in order to be me and you need me in order to you." This was Bishop Desmond Tutu.

The South Africans talked and in documents they refer to the National Democratic Phase for the post apartheid regime. The People's Progress Party (PPP) also struggles in the post 1992 period with defining and evolving what is its own definition of the National Democratic Phase. Both are countries that have emerged from particular pasts and are struggling to find their paths.

I believe that this motion, simple as it is, represents an important aspect of who we are as Guyanese. That is that despite all that happened in 2013 in this House - the acrimony and the bitterness and the no movement and little movement - on an issue that had a whole past for parties on both sides of the House, a whole past of individuals, some were named by different persons speaking tonight, a whole past of who we are as individuals that we were able to reach consensus. It may not look like a major victory, but for me it is an important step forward as a people, as a Legislature.

In closing, my personal honour in speaking on Mandela, my whole life for 40 years has been involved in many different ways with South Africa anti-apartheid and so forth. For me personally it is an honour to be able to speak on this. I want to say this that when we look at the history of South Africa, and again I repeat, go to the website, where it is written up there in simple ways. Contrast, the very long and protracted struggle of a people and organisation, such as the ANC versus what is called the Arab Spring, which was driven by the social media; persons by remote control, sending messages to persons to do things, a headless, so called revolution that has taken place in North Africa and the Middle-East and which is disintegrating in a variety of ways.

Therefore, the lesson of South Africa and the lesson that Mandela brought to us was that extremism does not have a place. Even when the ANC fought - armed struggle - it was a righteous struggle because all else had been exhausted. Even when they did that they never attacked civilians. They recognised that the multipronged approach was going to make the change. The last leg of the whole struggle, between 1986 and 1990, when all of these prongs came together and were intensified, over 300,000 South Africans were detained, houses were bombed, persons killed and yet the South African regime was holding on. All the data show that the economy was spinning down. The world depended on the gold and minerals of South Africa and many countries between 1985 and 1990, who had called the ANC and Mandela terrorists, suddenly started to have a direct interest in being able to reverse the fortunes of South Africa and to reverse apartheid as a system that would no longer be able to hold its merit for those who wanted profit and it did not care where the profit came from and how it came.

Mr. Speaker, I am thankful that we are ending this morning on, I believe, a positive note, in terms of being able to have achieved something in this House. If Mandela is the means for us to have done that, then God rest his soul. May he rest in peace and may he always be guidance for those of us of what is a wise Statesman. The world needs heroes like Mandela. Thank you.  
*[Applause]*

**Mr. Speaker:** Thank you very much for that contribution. Hon. Prime Minister, I, with pleasure invite you to close this debate, thank you.

**Mr. Hinds (replying):** Mr. Speaker and Hon. Members, it is for me to extend thanks and appreciation to all those who spoke on all sides. We did have a number of different views put to us and that can only be good. Enough has been said: there is much to reflect.

And let us reflect and I join my Colleague, who last spoke, in hoping that this may somehow open the door for us to find a new way forward and turn the leaves of our own past 50 years. I therefore ask you, Mr. Speaker, to put the question.

**Mr. Speaker:** Thank you Hon. Prime Minister. Before I put the question I would like to say, in my many years as a Member of Parliament, this has been one of the most fantastic and poignant debates I have ever had the opportunity to listen to, unfortunately, not being able to participate. Every speaker brought a completely different and new perspective to the life and times of Nelson Mandela.

I had a fantastic treat listening to the literally and cultural side from Mr. Greenidge; the aspect of sports - listening to Mr. Lumumba and his own personal feelings; Minister Rohee, Mr. Nagamootoo, Ms. Teixeira and everyone. It was fantastic. The words that I am left with at the end of this night are the words of in fact, Mr. Lumumba, "We too are running out of time." Simple but profound words that we ought not to just pass a motion and walk away and say that that is on the Continent of Africa and that we too with a population of less than 800,000 persons, cannot wake up and see what needs to be done.

With that said, there is another matter that has been brought to my attention. Though somewhat uncorroborated, it is a report quickly making the rounds that the young man, Colwyn Harding, who is hospital, was this evening assaulted by four persons holding themselves out to be members of the security forces; trying to relieve him of a cell phone. I do not know if it is true. But, Hon. Minister of Hon. Member Affairs, I am personally imploring you to take responsibility for the welfare, safety and security of this young man. I do not know that he was a prisoner or under arrest. Minister of Health you said that you will ensure that he gets the best care.

We know what he is suffering from now. The investigations will reveal how he got to where he is. But in the meantime, I left these Chambers briefly at about 7.15 p.m. and there is anger in the streets, I can tell you, about this incidence, if it is true.

Minister I am asking you, as a person, to ensure that this young man is protected because I would hate to think that he is made to suffer anymore than he already has. Mr. Prime Minister, please move the motion, thank you.

*Question put, and agreed to.*

*Motion carried.*

**Mr. Speaker:** The Clerk and I will ensure that copies of this motion are not only circulated not only amongst the parties, but are communicated, as suggested by Ms. Teixeira, to the Parliament and the President of South Africa, via the Ministry of Foreign Affairs. We will ensure that it is done to the satisfaction of the House and of course, will give credit to the House and also be in keeping with the importance of what it is we sought to achieve here. Thank you.

## **ADJOURNMENT**

**Mr. Hinds:** Mr. Speaker and Hon. Members, I move that the House be adjourned to next Thursday, 23<sup>rd</sup> January. Thank you.

*Adjourned accordingly at 1.13 a.m.*