

# Official Report

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2011) OF THE NINTH 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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157<sup>TH</sup> Sitting

Thursday, 7<sup>TH</sup> July, 2011

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*The Assembly convened at 2.14 p.m.*

*Prayers*

*[Mr. Speaker in the Chair]*

## **ANNOUNCEMENT S BY THE SPEAKER**

**Mr. Speaker:** Hon. Members, the most recent edition, Issue One XCII, of The Parliamentarian, which is the journal of Parliaments of the Commonwealth, has as its lead story “*Twokrama, Guyana’s Rainforest Project to Study Conservation Development and Climate Change.*” I am proud to say that the story is written by one of our own, the Hon. Member, Mr. E. Lance Carberry. It is a very good article and I will commend it to you. I do not know if Mr. Carberry has a copy of the journal. Do memembrs have copies? (*Members raised their copies.*) Okay. Sorry, I thought I was the only person who was so privileged.

First, I would like to congratulate the Hon. Member for an excellent document and to say he does us all proud.

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

**CARIBBEAN COMMUNITY (FREE ENTRY OF SKILLED NATIONALS)  
(AMENDMENT) BILL 2011 – BILL No. 12/2011**

The following Bill was introduced and read the first time:

A Bill Intituled:

“ AN ACT to amend the Caribbean Community (Free Entry of Skilled Nationals) Act.  
*[Minister of Foreign Affairs]*

**PUBLIC BUSINESS**

**GOVERNMENT BUSINESS**

**BILLS – SECOND READING**

**PROTECTED AREAS BILL 2011 – BILL NO. 11/2011**

A Bill Intituled:

“AN ACT to provide for the protection and conservation of Guyana’s natural heritage and natural captal; the creation, management and financing of a national system of protected areas; the maintenance of ecosystem services of national and global importance including climate regulation; the establishment of a pretected areas commission; the establishment and management of a pretected areas trust fund; the fulfillment of Guyana’s international environmental responsibilities; public participation in protected areas and conservation; and related purposes.”

**Minister of Agriculture [Mr. Persaud]:** Mr. Speaker, as I rise to present the second reading of the Protected Areas Bill, I have not read the article to which you referred, but I am quite sure it would be an accurate reflection of one of Guyana’s pride. So, I also want to join in commending Mr. Lance Carberry for certainly showcasing something that our country ought to be proud of.

The presentation of the Protected Areas Bill comes at a time when globally there is renewed focus on the theme of “sustainable development” given what we see and, perhaps, what we have experienced, and what others are experienceing across the world. The impact of destruction to our environment has led sometimes to horrific climate change events. There is also the need for

countries - especially countries such as Guyana - which are endowed with rich natural resources and some rare biodiversity, to place increased and heightened emphasis not only on how to utilise and manage our natural resources, but more so the areas we possess and do have rich biodiversity. We also know, and it has been quite established, that without a healthy eco-system there cannot be lasting and sustained economic and social development. So if we were to ignore policies and action to preserve a healthy eco-system, here in Guyana and across the world, we would, in fact, be endangering our long term economic and social development. Within that framework we in Guyana are proceeding to put in legislation the protected areas system.

What is the definition of a protected area? I know we have put a very long title to the Bill, but put simply it is a geographically defined area which is managed for conservational biodiversity, as well as the maintenance of the eco-system. At the international level there is a lot of emphasis being placed on the creation and establishment of biodiversity, again, within the context of sustainable management of our eco-systems, be it forests, savannahs or wetlands. We know that there are close to 100,000 protected areas globally, covering just about 12% of the earth's landscape.

Further to that, when we look at the Convention on Biodiversity it clearly prescribes targets and also promotes the declaration and management of protected areas.

In Guyana, as we know, we are part of the Guyana Shield. This Shield is significant globally for biodiversity, given the high species richness, as well as the high levels of endemism. What we have seen over the past years - the decade and a half or so - is increased pressure on our natural resources, as well as the need for us to continue to expand economic development. There are potential threats to our natural environment. For instance, forestry, mining, to a lesser extent agriculture, and infrastructure, all pose threats to our biological diversity.

We decided that we needed to have a comprehensive approach. This comprehensive approach is embodied in the Protected Areas Bill. Further to that, this Bill will fit into a legislative framework. This legislative framework is defined first and foremost in Article 36 of our Constitution. It states:

“The well-being for the nation depends upon preserving clean air, fertile soils, pure water and the rich diversity of plants, animals and eco-systems.”

In addition to our fulfilling that constitutional requirement – and this Bill is in furtherance of that Article – the Protected Areas Bill is also consistent with the EPA Act of 1996, which provides for the management, conservation, protection, and improvement of the environment. It also comes after 1994, when the Government approved a National Environmental Action Plan. This project was for the establishment of a National Protected Areas System, with support from the World Bank Global Environmental Facility.

Further to that, in 1996, the National Assembly passed the Iwokrama Bill which was enacted. We also saw in 1999 there was an amendment to the Kaieteur National Park Act to increase the area to 63,000 hectares. That led to the National Biodiversity Action Plan being developed.

Again, in 2000 the Kaieteur National Park Act was further amended to take into consideration the concerns expressed by indigenous groups about the resource use areas.

In 2001 we saw the development of the National Protected Areas System Strategy.

After then a number of communities, for instance Konashen, indicated its desire to become a protected area. That was in 2004. In 2007 Konashen was given protected area status.

Around that time in 2007, the Government initiated a process to develop protected areas legislation. In the development and drafting of this legislation, extensive consultations were held which targeted communities, as well as national stakeholders. That process continued until 2010. Then in 2011, just recently, in addition to the national input and the consultations that were held, the Government, working very closely with international conservation organisations, such as the World Wildlife Fund and Conservation International, made substantial input into the finalisation of the Bill that is currently before the National Assembly.

A pertinent question will be asked. Why are we legislating protected areas when we need to exploit our natural resources and provide revenue and employment to fuel sustained economic development. The answer to that is very simple. Protected areas have been proven to contribute positively to economic development. In fact it has been established that there is a direct correlation between protected areas and poverty reduction.

Guyana intends to achieve the Convention on Biodiversity target of 2010 which is 10% of land mass. If one looks at the area being proposed, that is minimum in terms of the landmass area.

Also, those areas declared will not be prevented from engaging in certain types of economic activity neither will it prevent those communities from enjoying resources.

We can also go further and look at the direct economic benefit, or the inflows, that protected areas attract. We can look at what happened in Guatemala, or is currently taking place in Venezuela even right here in Guyana. Before our bringing the Protected Areas Bill to the National Assembly, Guyana had received in excess of Euros \$2 million for the work we have done in terms of declaration of protected areas, in terms of giving those areas status. We have seen significant financial flows, particularly from the German Development Agency. Those resources went directly to the targetted communities. We have also seen greater interest internationally being given to Guyana, a country where we not only preach, but practice sustainable development. In addition to that we have also seen resources, albeit in smaller quantities, coming from WWF, CI, and other groups, in support of our efforts to move in the direction we are seeking to proceed here, in developing national protected areas and also giving them legislative status.

Another question persons may ask is why we have decided to go the route of having protected areas legislation. Will this conflict with our REDD+ Strategy, or what we consider our larger Low Carbon Development Strategy with the corner stone being the incentives for avoided deforestation? I wish to point out that there would be absolutely no conflict or any duplication. Rather, as we have seen and known, and even as adumbrated by the Convention on Biodiversity, protected areas are created not only for rear and endemic species but also protects landscape, sacred sites, cultural sites and archeological sites. This certainly is wider than what the REDD+ Strategy would focus on, and that is the issue of avoiding deforestation. It goes outside of the state forest area. Our REDD+ Strategy is distinct and separate from the National Protected Area Trust that we have before us here in the National Assembly. As I said, it is one on avoiding deforestation, and spans primarily the entire state forest.

In addition to that, the protected areas, as I said, our goal is not to exceed at this point in time more than 10% of our country. Whilst the REDD+ or the LCDS can be considered an alternative developoment strategy which brings payment for eco-system services in lieu of rampant unchecked exploitation of these resources, it also allows within those particular areas mining, agriculture and forestry activities, all done under a strict multiple land use policy framework. On

the other hand, those areas that are declared protected areas are established with the primary focus on conservation. I make that emphasis to differentiate the REDD+ Strategy or the wider Low Carbon Development Strategy, because we do not want it to be misrepresented but rather for it to be absolutely clear, not only to the National Assembly but also to the wider public, that the two are complementary – that is the Protected Areas Bill or system and our strategy in developing protected areas with that of our REDD+. They will co-exist and bring incremental benefits to all Guyanese.

Mr. Speaker, we must also recognise that the legislation, and the focus on our strategy, is compatible with a number of international conventions, and also fit in with the current negotiations that are taking place within the UNFCCC, which we commonly refer to as the Climate Change Talk. As all of us are aware Guyana is a signatory to, for instance, the UN Convention on Biodiversity, and there are certain expectations of signatory countries. One of those is that we should have had by 2010 approximately 10% of our landmass declared as protected areas. We know of, and reference was made earlier to, Iwokrama; we also know of Kaieteur and Konashen. When we take Kaieteur, Konashen and Iwokrama we are talking about 5% of the landmass. Then considering the proposed Konuku and Shell Beach that is another 3.5%. With the passage of this Bill immediately we would have reached or attained close to 8.5% of our land as protected area. Certainly we are very, very close to that objective and target as defined in the Convention on Biodiversity.

If we look at the climate change talk within the framework, we will see how this legislation fits in and will support our efforts, and even our leadership globally, within the ambit of climate change negotiations. As we know, we are prominent advocates of the REDD+ Incentive that should flow from the REDD + Initiative. In fact the core decision last year in Cancun included forest conservation, but also it was based on conservation of biodiversity. Again, it will see us furthering the conclusion or the outcome of those negotiations.

Within the international arena we will make Guyana compliant with the conventions which will certainly give us greater credibility in our discussions, our negotiations. That is in terms of discussions within the climate change arena. Having given that framework and background I want to focus on the content of the Bill before us.

This Bill has three primary components, one of which looks at the creation of the Protected Areas Commission. This Commission will be given statutory, and some level of independence, in terms of its functioning. We have examples already - the Guyana Geology and Mines Commission, Guyana Lands and Surveys Commission, Guyana Forestry Commission and the National Parks Commission. This protected areas system will not only mirror some of these existing commissions but reflect international best practices for such entities.

The second component of the Bill looks at the creation or the establishment of the National Protected Areas System. The National Protected Areas System, as envisaged by the Bill, would include protected areas that are set up by Amerindian Village Councils once the recommendations have been approved, as well as private or leased land which enjoys the approval of the Protected Areas Commission.

The third component looks at the establishment of a Protected Areas Trust Fund . There are certain features I want to highlight in the Bill itself. The first one looks at the issue of Amerindian land and Amerindian areas. If we turn to Part IV, The Establishment of National Protected Areas and look at clause 26, it clearly defines a process that empowers and gives Amerindian Communities the right to make suggestions and recommendations, on the declaration of any Amerindian land. This will not be a process that is from top down, or for the commission or any entity to so declare an Amerindian area. It will have to come from the communities themselves. That is very clearly defined here. Clause 26 states: “a public authority, a village council, an Amerindian Community or any other person may submit a proposal to the Minister requesting the Minister to create a national protected area over an area of public land.” Then it says: “the protected area should contain a number of features” which is clearly spelt out in clause 27. Before making recommendations a number of steps will have to be accomplished. The Commission will have to be satisfied before submitting to the Minister. This is clearly defined in clause 28.

If we look in terms of participation, the Bill clearly prescribes and encourages, in fact mandates, participation of those communities in the submission of any recommendation in this regard. If we look at Part V of the Bill where it speaks specifically to the issue of Amerindian protected areas, clause 34 states,

“ A village council may apply to the Commission for village lands or any part thereof to be recognised as an Amerindian protected area.

Then if we look at clause 35 it outlines a number of requirements and steps which must be fulfilled, giving full recognition to the independence, powers, and authority of the village council, certainly recognising amerindian land areas as private land.

On this particular issue there is also an appeal mechanism. If the Commission does not accept the recommendation of the Amerindian communities to declare a particular area a protected area, as defined in clause 38(2),

“the village council shall have the right to appeal the decision of the Commission to the Minister. “

The village councils not only have the right to nominate or propose or to submit an application to the Commission. If the Commission in its own judgement, and based on the criteria established, feels that the area does not qualify to be so declared, the council itself has the right to appeal such a decision.

I also want to touch on Part VIII of the Bill, which looks at the Protected Areas Trust. As clearly outlined in the Bill, this Trust will have a majority of what we consider non-governmental presence. A majority of the membership of this Trust will comprise non-governmental representatives. So there cannot be the accusation that the Government or the Minister or the State itself is imposing or dominating. If we look at the composition of this Trust we will see that it clearly gives the majority, in terms of its membership and composition, to non-governmental representatives..

If we look at Part VIII of the Bill it outlines the bodies that can nominate, such as the National Toshias Council, the University of Guyana and the Private Sector Commission and the major donors to the Trust Fund are to act collectively. The Minister is only able to nominate two individuals to the board of trustees while we have another four, coming from the non-governmental bodies.

If we look at the operation and management of the fund, clearly there is a lot of emphasis on accountability and strict financial oversight.



If we look at Part IX of the Bill that is clearly outlined. We can turn our attention to sections 107, 108, 109 which speak about the submission of audit and annual reports. Within that particular section is clearly outlined how the Fund itself will function.

*2.44 p.m.*

In the Bill too, part X, if you look at it, not only outlines what the expectations are but, also, enclosed are certain rigid enforcement guidelines as well as offences which we think are necessary and fit into the activities or the breaches that we think could occur within the national protected areas. These are clearly defined in part X. Even the fines, the activities - what is expected and what is prohibited in those areas - are also outlined in this legislation. I have highlighted those elements because I think they will certainly give currency and support to the initiative and overall objective that we have stated here. But if we recognise that we live in an age where it is required – not only required, but it is important - that we give a lot of emphasis to sustainable development and sustainable utilisation of our resources... In fact, as I said in the beginning, the protected areas not only contribute to the better management of our ecosystems, but also contribute positively to economic, social development, poverty reduction and, in fact, it will allow us, too, to fulfil the Millennium Development Goal 7 which speaks to environmental sustainability in this regard.

This piece of legislation will once again not only remind us, in Guyana, but, certainly, position Guyana as a shining star, as a good example and as an international case whereby it is able to achieve the balance in terms of utilisation of its natural resources and, at the same time, maximising economic and social development.

In conclusion, I must recognise that we have seen a number of amendments tabled by the Hon. Member of the PNCR-IG and, certainly, in reviewing some of these amendments, we will have no objection in having several of these, at the appropriate time, being considered. But certainly the inputs and the contribution of the Opposition...In fact, as we have done before, the okay of all stakeholders is very important. For us, this is a non-controversial piece of legislation, and, at the end of the day, it will only take our country's development further and assure Guyana of an important place in the international community, especially within the context of our environmental leadership.

With those words, Mr. Speaker, I move that the Bill be read a second time. [Applause]

**Minister of Amerindian Affairs [Mrs. Sukhai]:** I rise to provide support to the tabling of the Protected Areas Bill No. 11 of 2011 by the Hon. Minister of Agriculture, Mr. Robert Persaud. I strongly support this very significant step by the Government of Guyana to seek to enact the proposed Protected Areas Bill which provides a legal framework with clear objectives and approaches with respect to conservation of our natural heritage, the setting up of protected areas system and accompanying protocols, guidelines and functions for the Commission which will manage and provide advice with respect to the establishment of protected areas and also the establishment of the trust fund.

Part I, clause 3 (c), of the proposed Bill, makes reference to enhance national pride and stewardship of Guyana's natural heritage at the national, regional, local, community and individual levels. The obvious call here is aimed at ensuring that Guyanese recognise the full potential and value of our country's natural heritage. It will be most desirable for all of us to attain full responsibility. We need to participate and to take the lead to advance conservation while we manage, in a sustainable way, the use of our rich and natural heritage – the holding area where our rich biological diversity, natural landscapes, seascapes and wetlands are located. This requires a greater acceptance and recognition by all of us to conform with the laws and regulations which seek to enhance the sustainability of such habitats even if it demands lifestyle changes in the way we treat our environment so as to ensure the effectiveness of the proposed Protected Areas Bill, an attainment of all the stated objectives, when it becomes law.

Clause 3 (g) of the Bill sets out the objective which gives “appropriate recognition to the conservation efforts and achievements of Amerindian Villages and Amerindian Communities.” Such legal recognition, edged in law, should not go unnoticed. The People's Progressive Party/Civic Government once more is way ahead of any country with respect to directing the focus on the indigenous population within our country's legislative architect. Tell me which country with indigenous population is bolder than Guyana to frontally record, through legislation, the inclusion and commitment for addressing indigenous development needs and issues which, of course, include impact on land ownership, forest, rights issues, opportunities - social, political and economic. Today, ebbed in the proposed Protected Areas Bill is the will of this Government to provide legal recognition to the conservation efforts and achievements of

Amerindian villages and Amerindian communities. I must say that this is a commitment demonstrated and that seeks to foster and recognise contributions of our Amerindian population to national development, even as we speak, and to protection conservation and guaranteeing life forms within this global community.

At the national and international levels, we have another first. So too was the achievement of our Wai Wai brothers and sisters. They were the first Amerindians to have established the first community protected area which provided, and provides, for a community approach to conservation of the biodiversity, preservation of their traditions, ways of life, and thereby ensuring family livelihoods and community development - all in one package. The Wai Wai experience is an excellent example of governance that embodied conservation, managed utilisation for sustainability by the community and would stand to benefit, if they so choose, when the Protected Areas Bill is approved and made law.

The many discussions on the Guyana Low Carbon Development Strategy (LCDS), also by Amerindians, would quickly make reference to the Government joining the bandwagon with respect to sustainable use of our forest, the protection of our ecosystems and biodiversity. The efforts of the Wai Wai population will, very soon, receive stronger recognition under this proposed Bill when it is enacted.

The proposed Protected Areas Bill sets out the establishment of protected areas system. As established by Minister Robert Persaud, I, too, wish to note that according to the convention on biodiversity, protected areas are the cornerstone of biodiversity and conservation. The protected areas maintain key habitats, provide refuge, allow for species migration and movements and ensure the maintenance of natural processes across landscapes. Not only do protected areas secure biodiversity conservation, they also secure the well-being of humanity. Protected areas provide livelihood, today, for nearly 1.1 billion people and they are the primary source of drinking water for over a third of the world's largest cities and a major factor in ensuring global food security.

Guyana, as a country, has long recognised this. The time is appropriate for us to further advance our recognition and to take the lead on this critical and important sector which provides the

safeguards for the world population which yet remains, sometimes overlooked, due to the development demands in so many countries, particularly developing countries.

The Government of Guyana has not turned a blind eye to the possible threats to the environment which houses our rich natural heritage and, therefore, the Bill before us advances the legal mechanism which provides a regulated process for the establishment of protected areas. It also enhances our effort, as a country, to continue along a low carbon path in the current and for the future. An integrated principle of ecologically sustainable development among which the Bill states at clause 4 (f):

“the principle of local benefits - local people should be provided with training and education and offered opportunities in the national protected areas system.”

Again, the Low Carbon Development Strategy, which our country pursues at home, has endowed Guyana, with growing recognition internationally, as being in the lead with a model which provides alternative solutions to development. The LCDS, I must say, makes provision for protected areas. This has already been mentioned by the Hon. Minister of Agriculture. However, it is within this context that our Government seeks to strengthen an enabling legislative environment for the establishment of protected areas, the administering and management of these areas which are expected to bring to our country both cultural and economic benefits.

The Bill seeks to promote involvement in decision making, also, while it seeks to ensure the coordination and exchange of information among the wide cross section of stakeholders which, the Bill notes, includes public authorities, the Board of Trustees, Amerindian village councils and local and international Non-Governmental Organizations (NGOs) which form the core of stakeholder groups that should be engaged in meaningful engagements and dialogue on the issues of protected areas.

In Guyana, the Government is committed to the establishment of protected areas. This is demonstrated by the declaration of the Kaieteur National Park, the Iwokrama and the two proposed areas of the Kanuku Mountains and Shell Beach - proposed protected areas.

It is important to note the scope and the function of the Commission to be established, also, which seeks to include a provision to support and advise Amerindian village councils to enable

them to develop Amerindian protected areas when they so choose, to apply the principle of ecologically sustainable development, to assess whether an Amerindian protected area or a privately managed protected area meets the criteria for participation in the National Protected Areas System and advise the Minister accordingly. This, too, was mentioned by the Hon. Minister who has presented the Bill.

The legislative provision for protected areas, therefore, is important to Guyana. It allows for proper systems and mechanisms that will yield significant benefits and facilitate equitable distribution of benefits in our aim to reduce poverty and promote sustainable development.

In recent times, there have been evidence and significant climate changes around the world. Just this year, Guyana saw the flooding, which mostly affected Region 9, at levels never experienced before which negatively impacted the local Amerindian communities within that Region. As the detrimental impact of climate change threatens the planet, the need to have protected areas has become, and will become, more vital and will serve as a potential buffer to unpredictable impacts of climate change.

The Protected Areas Bill is a timely provision since it provides for the conservation of biological diversity, natural capital and safeguards to the ecosystems. It also allows for the recognition of the intrinsic values of biodiversity, a natural capital of Guyana, among others. Such areas of value and ecological diversity in Guyana are the Kanuku Mountains and Shell Beach. For this reason, these two areas are strongly being considered by the Government as proposed protected areas. These proposed areas are also contiguous to Amerindian communal lands. Much education and sensitisation efforts have been carried out in the Amerindian communities. They have been involved in the development of the management plans and which also seeks to embrace co-management of these proposed protected areas.

Upon recognition of the importance of protected areas, the Amerindian communities, in and around the protected areas of the Kanuku Mountains and Shell Beach, have actively participated in the delineation processes. During this process, the representatives of communities were able to raise their concerns, provide meaningful input to the respective proposed protected areas and their management plans. However, these proposed areas are not yet legally declared protected areas.

The National Protected Areas Bill will now provide for the advancement of these efforts which have been undertaken. Over many decades, and without legal framework, Amerindians have employed sustainable practices and protected their lands. The National Protected Areas Bill will now provide Amerindian communities, most of which are located in ecologically diverse areas, with the legal framework and clear guidelines for the application to the Commission for village lands or any part thereof to be recognised as Amerindian protected areas.

Part V, clause 36, should they wish to do so, the proposed Bill, also allows for greater opportunities for Amerindian protected areas to gain international recognition. The trust fund will also provide some benefits and greater recognition of indigenous peoples' spiritual and cultural values and traditional practices also.

It must be noted that the classification of national protected areas would be consistent with many international conventions, including the International Union for the Conservation of Nature (IUCN) guidelines for applying protected areas management categories and the principle of free, prior and informed consent are also embedded in the Protected Areas Bill as it relates to Amerindian communities and Amerindian protected areas.

The application of Amerindian village will be assessed by the Protected Areas Commission, taking into account a number of factors, including biological diversity and maintenance of biological diversity and ecosystems.

Mr. Speaker, I wish to lend support to this Bill with respect to it being tabled at this very appropriate time. What it means for the Amerindian protected areas is that it would further promote conservation of biodiversity and the ecosystems. It will also promote the exercise of local, economic, cultural and political advancement for the Amerindian, consistent with the Amerindian Act of 2006. This is a vital step in our country. The Bill adds to the legal framework and recognition of indigenous rights in Guyana.

So, Mr. Speaker, I wish to lend my support to the smooth passage of this Bill, today, by this House. [Applause]

**Mr. M. Williams:** In 1989, His Excellency Desmond Hoyte, President of the Co-operative Republic of Guyana, offered one million acres of pristine rainforest to the international

community through the Kuala Lumpur Commonwealth Heads of Government Meeting. That marked the commencement of work in the establishment of national protected areas in Guyana. As Dr. Faith Harding put it, during her tribute to late Desmond Hoyte on Monday, 22<sup>nd</sup> December, 2008, at the place of the Seven Ponds:

“It was his extraordinary offer to the world to save one of the world’s most important carbon sinks and to show how tropical forests can be conserved and sustainably used to provide ecological, social and economic benefits. This was leadership, national and international.”

Dr. Harding, a former Minister of Government, quoted Daniel Hoyden, who said:

“Increasing attention now being paid to climate change is starting to make Iwokrama look like a project ahead of its time.”

Guyana was indeed ahead of the rest of the world. Though much is not said about those efforts these days, the fact remains that it was the People’s National Congress which recognised the direction in which the world ought to go in terms of avoided deforestation and protected areas.

The party, while in Government, acted on that recognition. It was that action which now allows us, as a nation, to celebrate in this regard. We must recognise and show appreciation to those countries, organisations and individuals who worked to lay the foundation for us, starting with the Guyana Commonwealth Rainforest Project which later became the Iwokrama Project, the Commonwealth, the United Nations Environmental Programme and individuals such as Winston King, Dr. Walter Chin (now deceased), Monica Van Sertima, Tyrone Ferguson, Aubrey Norton, Rashleigh Jackson, E. Lance Carberry, Dr. Swaminathan and others. It is for persons such as these that national awards are reserved.

The Guyana National Protected Areas System has thus been talked about for over two decades. In the period 2001 to 2005, a great deal of work was, indeed, done as alluded to by the Hon. Minister in his presentation. Some consultations were done with communities; scientific assessments were conducted; zone areas draft protected areas legislation and lobby with the World Bank were all undertaken. The work that was done was Government’s ticket to access a substantial Global Environmental Fund (GEF) grant to this country to set up the Guyana

National Protected Areas System. Unfortunately, something went wrong and the GEF funds never materialised.

During the period 2008 to 2011, Government's focus changed to the Low Carbon Development Strategy and the agreement with the Kingdom of Norway. We have now returned full circle to the National Protected Areas System.

The People's National Congress Reform – One Guyana takes this opportunity to thank those dedicated Guyanese who did the groundwork and waited for more than twenty years to see a Protected Areas Bill presented to the National Assembly for debate.

In addition to those already mentioned, other persons made their contributions through the Environmental Protection Agency, Conservation International Guyana, the Guyana Marine Turtle Conservation Society, Iwokrama, the communities of the Rupununi, as alluded to by the Hon. Minister of Amerindian Affairs, the Kanuku Mountains area and the Shell Beach in Region 1.

I now turn my attention to the Bill before the National Assembly today. On the surface, the Protected Areas Bill seems innocuous. There are, however, a number of issues which, upon closer examination, warrant greater explanation. Some of these issues are of serious concern to the PNCR-1G. I shall now proceed to deal with these.

I shall like the Hon. Minister, in whose name this Bill was tabled, to tell the National Assembly and, indeed, the nation whether this Bill No. 11 of 2011 is not, in fact, a mechanism for the implementation of Government's Low Carbon Development Strategy. The Bill itself does not say that it is. Several provisions, however, suggest that it is, hence, the need for clarification in the interest of transparency.

Clause 24 (h), (i) to (iv), gives the first real indication in this regard. The whole of part VIII which deals with protected areas trust, in my respectful view, helps to convey the perception that this Bill is, in fact, the mechanism for the implementation of the LCDS. The absence of a definition of word "Minister" with respect to this Bill also presents opportunity for much speculation. Is the Minister going to be the same as the Minister has turned out to be in the case of the broadcasting industry, for example?



The Protected Areas Trust is to be established as a body corporate with a maximum of nine trustees.

Clause 91, (1) and (2), provides for the nomination of persons for the Board of Trustees. Taken together, the Minister, the National Toshias Council, the University of Guyana, the Private Sector Commission and the major donors to the trust fund acting collectively can nominate a total of six persons. There is absolutely no provision outlining how the remaining three persons are to be nominated.

Then comes clause 95 (1) which states:

“A Trustee who has been appointed by the President may be removed at any time by the President by notice in writing to the Trustee.”

Where does this come from Hon. Minister?

Clause 97 (1) follows, essentially allowing the President to appoint replacements for persons who he may have removed after appointing them without authority in the law.

*3.14 p.m.*

I am hopeful that these are genuine printer's errors. Surely, the omission of a definition for word "Minister" cannot be incidental to the insertion of the words "the President". In any event, and to be on the safe side, in the view of the People's National Congress Reform - One Guyana, there is and can be no role for the President in the Protected Areas Bill. Any attempt to include any provision to allow any role for the President in this Bill will be objected to, by the PNCR - 1G, in the strongest possible terms.

There is also the obvious omission of the method by which a Chairman of the Protected Areas Trust will be identified. The roles and functions of the Chairman have also not been provided for. Another notable omission is that of a provision which gives the trust autonomy. We believe that this is a matter which needs to be addressed with urgency. Clause 98 (2) does not pass the test of fairness. Persons serving on the first Board of Trustees are only allow to serve for a maximum of five years while those to follow can serve up to a maximum of six years.

As I have pointed earlier, the Environmental Protection Agency, a product of the Environmental Protection Act 1996, Act No. 11 of 1996, was involved in the work leading up to this Bill being tabled in this National Assembly. The Amerindian community, pursuant to the provisions of the Amerindian Act 2006, as alluded to by the Hon. Minister of Amerindian Affairs, also made a major contribution to that work. Reference is made in this Protected Areas Bill to principles of these Acts along with others. I refer to clause 28 (1) (e), in this regard. I have not, however, found any reference in the Bill before us which speaks to projects in protected areas being managed in accordance with sections 10 and 11 of the Environmental Protection Act. In fact, there is no mention of the Environmental Protection Act in this Bill.

I shall now like to spend a few minutes on parts V through VII. Sir, it is a contradiction to have a National Protected Area System and to have separately Amerindian protected areas and privately-owned protected areas. Only areas which are deserving of being given one of the seven IUCN protected areas designations should be part of National Protected Areas System. All other areas of conservation interest, that is to say, for example, a stand of *Eta* palm within Amerindian title lands or wildlife inhabitant in a forestry concession, should be given the designation of a community-owned or a community managed conservation area. When he gets to respond, the Hon. Minister may wish to explain to the National Assembly Sir, what an Amerindian or privately managed protected area is. The IUCN defines a protected area as follows and I quote:

“A protected area is a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.”

If the reason for protecting the area is in keeping with the IUCN definition of a protected area, should it not be classified as a national protected area, but located within the boundaries of privately-owned or Amerindian titled land? If it is not a national scale protected area but it is relevant to Amerindian cultures and or traditions, then it should be classified as an Amerindian conservation area in the same way that the Wai Wai has a community-owned conservation area, as alluded to by the Hon. Minister of Amerindian Affairs. The Amerindian community may have the requisite skills to establish a Conservation Area Management Authority or vest this in its council, as suggested by the Hon. Minister of Agriculture, but would it have the skills and the capacity to manage and finance the conservation area? It is a question that the Hon. Minister did

not address. So the Hon. Minister may wish to tell us of the measures to be put in place in this regard.

Clause 37 (c) speaks of an agreement which will specify the number of years that a protected area will be an Amerindian protected area, after that, what, Hon. Minister? In fact clause 37(c), when carefully examined, appears to conflict with clauses 23 and 24 of the Bill. Be that as it may, I should deal with some specifics based on the provisions of this Bill.

The Bill provides for Amerindian protected areas, clause 35 (1) (l) states to us that an application shall include, and I quote: “A village resolution passed at a Village general meeting...”

Clause 73 deals with the management authority for a protected area entering into an agreement with each Amerindian community which has traditional rights in a national protected area. It also deals with the recognition of the spiritual relationship with the Amerindian community and identification of sacred places and measures to ensure their protection. These provisions do not reconcile with some of the provisions of the Amerindian Act. Section 58 (3) of the Amerindian provides that:

“If a protected area is established on lands occupied or used by an Amerindian Community -

(a) there shall be no alteration or abrogation of any traditional rights over such land unless the Amerindian Community which has the right gives its consent in writing; and

(b) the Amerindian Community which has traditional right over such land shall be adequately consulted about the management of the protected area.”

Why would we want to wring the hands of the indigenous peoples of Guyana into comprising their rights accorded them under this Act? I wish also, to point out that there is a significant difference between the public meeting and a consultation with a community. Evidence of events in the past suggests that not all of us understand this fact.

Further, section 47, (3) and (4), of the Amerindian Act provides that:

“...the consent of at least fifty one percent of those present and entitled to vote at the Village general meeting.”

It is what is required to deal with land matters.

On the question of spiritual places, the Amerindian Act is clear, in section 13 (h), that that Sir, putting together with section 58 (3), in my respectful view, nullifies the question of an agreement defined by clause 73 of this Bill. It will be interesting to see whether the provisions which address recognition of the Amerindian people’s spiritual relationship with protected areas and the identification of sacred places, and their protection, will be applied retrospectively. The Timehri International Airport is a name which springs readily to mind.

The Protected Areas Commission seems to be in a bit of a problem even before it begins its work. This Commission will have, at its disposal, experts to render advice to it, yet clause 38 of the Bill allows for those experts to have their judgement questioned, while clause 39 permits their rights to be overruled by the Minister acting in his own judgement.

Clause 63, Sir, sets up a Site Management Authority. The role of the Board, here, is not at all clear to us and the Hon. Minister may well clarify when he responds. This authority seems to have been given powers that make it larger than the Amerindian Act, and I refer to clause 72 of the Bill in this regard. This clause, in my view, conflicts with section 57 of the Amerindian Act which provides that:

“Nothing in this Act shall, except where expressly stated, be construed to prejudice or alter any traditional right over State lands and State forests save that where leases have been granted traditional rights shall be exercised subject to the rights of private leaseholders existing at the date of commencement of this Act”.

Where, then, the authority gets off investigating in order to verify the existence of traditional right? Why are we trying to subordinate the rights of the indigenous peoples of this land? I wish the Hon. Minister will address that when he gets up to respond. Clause 71 deals with where the management plan could be inspected. A management plan has to derive from consultation, not public meetings, with the Amerindian and non Amerindian communities linked to the proposed protected areas. The Kanuku Mountains and Shell Beach protected areas processes should be

replicated since it is in fact a good model. In these models of consultations, the involvement of local communities, the community elected a community representative group. These groups were integrally involved in the field surveys, biodiversity assessments, zoning and drafting of the management plan. This process, if done transparently, ensures that when the management's plan is posted for comments there should be no community represented by the community representative group which can claim ignorance of the process or unfamiliarity with the plan. It certainly beats the exercise of deliberate judgement.

Clause 84 makes a mockery, in my view, of the Board and Commission, as well as the spirit of consultation. The Minister gets a *light bulb moment* and decides to vary some boundaries. He holds a public meeting, and that is it. So then, why are we here? First, we omit to define the word "Minister" then we insert the words "the President" and now we demonstrate that, notwithstanding the Board and the Commission, the Minister, again, acts in its own deliberate judgement. This, Sir, cannot be good.

While the PNCR - 1G supports, in principle, a Protected Areas Bill, we are firm in our view that the one before us needs to be referred to a Special Select Committee so that the many questions and inconsistencies could be ironed out. I reflect on the fact that something went wrong causing the GEF funds not to materialise post 2005. I recognised that the Kingdom of Norway had deposited, with its Fund Managers, some, I believe, US\$70 million payable to Guyana for carbon credits. It is public knowledge that Guyana has been unable to draw from these funds. It is reported that Guyana has not produced project documents consistent with the requirement of the fund. Guyana has not, to the best of my knowledge, prepared any document, outlining how we, as a nation, intend to reduce our carbon emission either. The Government, therefore, seems to be inclined one to three proposed legislation before the House as a master project document in order to draw from these funds quickly.

Time is running out. The Amaila Fall Hydropower Project as an alternative source of energy is already a failure, and our alternative fuels are not getting off the ground. Not a single Abbey palm has been replanted at the Wauna Oil Palm Project since 1992, and Skeldon factory is giving Guyana Sugar Corporation (GuySuCo) major headaches, placing ethanol production into the question. Along with that, Government has scrapped the *physic nut* plantation as an option in the alternative fuel drive. So much for biofuel! The elections are around the corner and Government

wants to be able to put its hands on that money, so there may not be enough time available, Sir, for Select Committee work to be done on this Bill.

It seems that Government intends to treat the protected areas trust as the management agency with respect to the Reducing Emissions from Deforestation and Forest Degradation (REDD+) funds. Therefore, all REDD+ funds will be deposited into this trust, it would appear. If that is so, and I hope it is not, then the only way that Amerindian communities will be allowed to benefit from these funds will be through the process of becoming or having parts of their communities become protected areas. This makes a complete mockery of Government's pronouncement that Amerindian communities could choose not to sign on to the LCDS. In this regard, Mr. Speaker, I refer you to clause 40 of the Bill. All of this, Sir, goes right back to political control.

In closing, Mr. Speaker, and with your leave, at the appropriate time, I will like to move some amendments to the Bill and the Hon. Minister has already signalled that he is prepared to support a number of the proposed amendments. I am, however, a bit concerned that the amendment which deals with the institution of measurements in conjunction with the Wildlife Division, to regulate harvesting and exploitation of species which are vulnerable or threaten, has not been considered favourable by the Hon. Minister. I ask him to use the next few moments to reconsider and have include, among the approved or the agreeable proposed amendments, this particular one, if no other.

Mr. Speaker, with that, I thank you. [Applause]

**Mr. Ramjattan:** If my voice could be excused, I would just, on behalf of the Alliance For Change, want to make it quite clear that the points made by my colleague, the Hon. Member Mr. Mervyn Williams, the Alliance For Change fully supports. As a matter of fact, if I had to behave like a certain judge in the court of law, in the appellate level, I would have simply said that I concurred with my learned friend.

I want to additionally, however, make the point, as it came into the National Assembly. There was a comment which was being made by the Hon. Ms. Pauline Sukhai that this Bill was, indeed, a Bill that saw the sunshine of consultation throughout the Amerindian areas. I want to indicate to this House that, as part of my recent campaign activities, we have gone in the certain areas within the Amerindian community and have asked several questions about Amerindian

consultations, LCDS, this Bill and the Amerindian Bill, and all of that, and to a large extent that is not quite accurate that, indeed, this, along with other Bills, had the consultation or meaningful consultations.

What we had was largely members of the Government making an outreach to those areas, telling them what it is that they are going to do and in no way explaining to them the advantages or disadvantages such Bill, as this, will have, and the effect it will have on them. As a matter of fact, on very many occasions, certain areas in the indigenous community indicated to us that they were not shared anything like any Bills, or anything of that sort. Then there were some areas, as I understand, which have a language problem. They do not understand the English that well. Patamona is one of them. They have indicated how could it be, and especially a very complicated Bill of this nature.

Yes, indeed, the Alliance For Change has always been supportive of a protected areas regime, but to have a Bill coming up at this very late stage, the almost eleventh hour of this Parliament, from 2006 to now, and there were talks about LCDS for such a very long time, even the very first year of President Bharrat Jagdeo's second term,... It has come at this eleventh hour and, again, by virtue of that, I take the point of my colleague that there might just be some motive here to go and get some funding or argue the case that at least we have a Bill, please start putting in to the projects that is not badly designed..., so that we are going to have the World Bank offloading some money which, of course, will go for elections gimmickry.

The Alliance For Change, realising the very futuristic... or the implications for future of this Bill, will like to see all these concerns, as raised by my friend, be dealt with in a Special Select Committee. We had a very important Bill that was laid here, the Freedom of Information Bill, long time ago, in the National Assembly, re-laid in the National Assembly by the Alliance For Change, then they came the eleventh hour, presented a Bill and then said that we are going to go into the Special Select Committee. This is as important to one. It touches on Amerindian; it touches on biodiversity; it touches on the environment, and then it is brought at the eleventh hour. Why not send it to a Select Committee? The Alliance For Change urges that to be the approach.

Thank you very much. [Applause]

**Prime Minister and Minister of Public Works and Communications [Mr. Hinds]:** I rise in support of the Protected Areas Bill – Bill No. 11 of 2011. This Bill brings Guyana in line with certain international concerns and satisfies Guyana’s responsibility as a member of the international community. I could concur with much of what Hon. Member Mr. Mervyn Williams said at the beginning. He spoke about how former President Desmond Hoyte and other members recognised Guyana’s need to participate in the international concerns about environment and retention of biodiversity, habitat, and so on. I was, therefore, quite surprised that the turn his address took was nothing more than nit-picking. I can only say that he seems to be frustrated in the presentation that he was making. He seems to be searching for things to complain about. I recall what he said that this Government has not said anything about alternative energy programmes, as if he did not hear about the LCDS, if did not hear about the Amaila Fall Hydropower Project. But then he went on to speak again about the Amaila Fall Hydropower Project and may be declared that it was dead before it was born, and so on. So I really do not understand how he could have made that sort of presentation, following the beginning of his address.

As I support this Bill, I am conscious that I am the Minister with responsibility for mines and that our mining sector, small and medium scale, as well as large scale, will all be looking for support, for us to support the growth and development of the sector. New arrangements and new laws always bring change and a need to adjust and, hence, there are concerns anxieties and apprehensions. We can well understand that, and in my preparation I have focused on mining and how this new Protected Areas Bill may affect mining. I would want to encourage our miners that, even though there are, maybe, new challenges in this Protected Areas Bill, it is a good thing for Guyanese and Guyana, and that they can adjust to conform with the requirements of this Protected Areas Bill.

This Bill opens the door to, and creates, the expectations of new areas to be declared, and set up, as protected areas, but, we, in Guyana, would not be starting from scratch. There are existing areas that would form a starting core of protected areas and the procedure for declaring new areas takes account of the existing situation at the proposed area and provides opportunity for people to be heard, and also time for adjustments. With this Bill, for the foreseeable future, no more than an additional five to ten per cent of Guyana’s area may become inaccessible for



mining as carried out at the small and medium scale level of mining, but large scale mining would remain possible in those areas if a very strong case can be submitted.

Yes, miners would face a few more hurdles if they want to mine in some areas and they will have to achieve higher levels of mining, but this is not a new challenge to miners and mining. Miners and mining regularly move from the most easily and accessible and recoverable deposits to the more distant and more difficult ones. The passage and the implementation of this Bill, I see, would be positive for miners and the mining industry, in that it provides what is termed, in many cases, regulatory certainty. At present, everyone, even miners, has different ideas about what locations in Guyana we should endeavour to keep in its natural condition.

*3.44 p.m.*

Indeed, if one totals up the ideas of different persons, one may get a very large number - 50% or more - but in establishing this Bill and a particular procedure, we are anticipating that in the foreseeable future, no more than an additional 5% to 10% of Guyana's areas would be included in protected areas and not readily accessible to mining.

There is, we recognise, growing pressure on the natural environment as the population of mankind increases evermore rapidly in absolute numbers, and as populations in developing countries such as ours, hanker for the same material comforts and well being that populations in developed countries enjoy. More and more, pressure is being put on the natural environment of our world to deliver ever increasing quantities of food, fuels, building materials, minerals, metals and such like. Mr. Speaker, persons of our age group over our lifetime have seen Georgetown expand, taking in surrounding fields and we know that the same thing is occurring throughout the world. Throughout the world, any remaining natural environment free of mankind's impact hitherto is in danger of being converted into fields for agriculture, crops and pastures for livestock, and also for residential and recreational areas for new and expanding villages and towns. For persons of our age, we have been seeing the loss of the natural environment so much so that we Guyanese in Guyana and mankind around the world can wake up one day and find that the world has lost, forever, various areas of natural environment which we had assumed would always be there. And it is this concern that the Protected Areas Bill responds to.

This Protected Areas Bill allows nationwide discussion and decisions on the areas to be protected and the arrangements for those areas to be identified for protection and to be protected. The Protected Areas Bill is timely for we Guyanese in Guyana are anxious for development and understandably, we are in a rush to develop. It is timely now to have guidelines proclaimed and established by law for the transparent guidance and test of the development ideas of everyone, whoever they may be.

It is in such a light that I see clause 4 – Principles of Ecologically Sustainable Development. In there, we have the principle of balanced decision making, integrating both short term and long term considerations which would include integrating the interest of this our generation and future generations and that is the principle of intergenerational equity. There is the precautionary principle which calls on us to react to any possibility of irreversible loss as if there is certainty of irreversible loss. There is the principle of the protection of the natural endowment of Guyana, the principle of intervention to correct market failure and the principle of local benefit: local people should be provided with training and education and offered opportunities for employment.

As I have said and as previous speakers have said, this Bill has been drawn up to make what is expected of Guyanese and Guyana in the various international fora. Our People's Progressive Party/Civic (PPP/Civic) Administration has always held that we must and will pursue what is good for Guyanese and Guyana, keeping before us the stage of social and economical development of our people and country, and, at the same time, we must take account of the world. We, less than one million, live in a world of nearly seven billion. We have to live in that world. And what is the aim of our development? It is to catch up with and converge with the world. I think that our attitude to the many contradictions between what Guyana has been and the world is today and is heading, is well illustrated by our attitude to the change in arrangements of the marketing of our sugar which our President had cause to refer to only a week ago during the course of the last meeting of the CARICOM's Heads of Government. It is true that we made the most trenchant criticism – criticism of substance of the Economic Partnership Agreement (EPA). We fought for and won a commitment to set periods of review and adjustments as and if necessary and then we have been the first to take legislative action to give EPA the force of law in our country. And it is with this same spirit that we approach the international call for countries to set aside 10% of their area to be protected areas. Our PPP/C attitude and manner can be seen

again in our Low Carbon Development Strategy (LCDS) programme where we combined in a win-win arrangement, reconciling Guyanese' need for growth and development and the world's needs for the remaining forests to be managed in ways that do not exacerbate but seek to mitigate the problems of increasing concentrations of Carbon dioxide (CO<sub>2</sub>) in the air and the consequent global warming and climate change.

I am making the point that we are not just going out running after the international arrangements and international contributions that we may receive. We are not falling at the feet of the developed world nor are we standing apart, aloof, antagonistic and disengaged. We, less than a million people at an early stage of development, must stay in partnership with the nearly seven billion other members of the human race. This PPP/C Administration has led the way in international for a for market payments for standing forests. We are aware that in managing forest sustainably, we are already far down the road of conserving biodiversity and we have sounded the call in various international fora for separate considerations for biodiversity conservation.

This Protected Areas Bill establishes that we are earnestly addressing considerations of the conservation of biodiversity. I recall here the Hon. Member, Mervyn Williams, I think, seemed somewhat confused, wanting to say that this Biodiversity Bill is going to be an implementation of the LCDS. I think he has mixed up his understanding of the LCDS and the Protected Areas Bill.

When enacted, this Protected Areas Bill will have some effect, we must recognise, on mining and miners. And, as the Minister responsible for mines and minerals, I, therefore, wanted to know and miners of all sizes want to know how mining would be affected. So let me now address issues that miners are worrying about. These are some of the questions miners have been asking:

- How much of Guyana do we see being proclaimed as protected areas?
- What additional areas will be lost to mining?
- How can areas be proclaimed as protected areas, by whom and by what procedures?
- What are the classifications planned for the various protected areas?
- What activities will be allowable in each classification?

- Can there be any rethinking and reassigning later of protected areas when new information comes along?
- And do we have any idea of the prospective areas to be so proclaimed?

There are answers to all these questions in this Bill. Mr. Speaker, allow me to address some of those questions. I have learnt, and there have been references earlier, that there has been a target set at the level of the international community of 10% of a country's area being declared protected areas of one class or another. And I have also learnt that there is some move to have this figure increase to about 17% by 2020. But again, I would hasten to say that we already have a number of areas that are essentially protected areas so we are not looking to an additional 10% to 17%. We are really looking, maybe, at an additional 5% at this time. I think Minister Robert Persaud came up with the same figure and probably by 2020 it may be no more than a total of about 10% additional areas being classified as one form of protected area or another.

We can see, in clause 23, the lists of components of the national protected areas system and we have, in there, listed the Kaieteur National Park, Iwokrama, the Botanical Gardens and the Zoological Park which, already, are existing. We have had reference to the fact that in addition to state lands being considered for protected areas, parts of Amerindian villages and parts of privately owned lands could also be proposed for classification as protected areas.

Clause 24 presents the objectives of the protected areas system and in clause 24 we can read one set of criteria by which protected areas would be considered. We can see, also, in clause 32, the considerations which the Minister should take into account.

Miners should find some assurance with regards to mining properties which they already have in clause 30. In the statistically unlikely event that area miners now hold may be included in areas protected, clause 30 affirms respect for existing rights. Allow me to read clause 30:

“The Minister shall carry out an investigation to determine what rights and claims exist over the area and may take steps to settle such claims and terminate such rights as permitted by law.”

So nothing unlawful is being anticipated here. With respect to whether areas of mineral and petroleum interests are to be included in proposed protected areas clause 31 calls for consideration of mineral and petroleum information known at the time. And clause 31:

“The Guyana Geology and Mines Commission shall provide the Minister with adequate information regarding the mineral and petroleum potential of the area and the Minister shall take this information into account before making a declaration.”

Miners and others who would want to know the classes or levels of protected areas would find the classes listed in clause 42 – Types of Protected Areas. The restrictions in each of these various classes are described in clauses 43 to 62 so it is clearly laid out there. There are seven areas of protected areas listed in clause 42 and we can read them:

- “Strict nature reserve;
- Wilderness reserve;
- National park;
- Natural monument;
- Management area for habitat or species;
- Protected landscape or seascape; or
- Managed resource protected area.”

And these classifications would be managed consistent with the International Union for Conservation of Nature (IUCN) guidelines. This is another occasion where I thought the Hon. Member, Mervyn Williams, may not have understood quite clearly – may have misread. I remember hearing him say something about calling for these areas to be managed consistent with the IUCN and here it is in clause 42 (2), the requirement that they be managed in conformity with the IUCN.

I had thought that we might have had someone from the other side making the case for the miners very strong so I had prepared to respond to the issues on mining. I will recognise that at least in six of these seven classes, mining is not anticipated. Maybe in the managed resource protected areas there could be some mining but purely artisanal, manual or with limitations on

the equipment that may be used. Whatever the case, mining in a protected area must conform to clause 122 – Prohibition on Mining – which says:

“Any person, except persons under the Amerindian Act, who mines, quarries, drills or removes any minerals, stone, gravel, earth, sand or other substances or prospects for such substances in a natural protected area commits an offence under paragraph (a) of the fourth schedule.”

So here we see quite clearly that no mining is anticipated in any protected area except there is a recognition here of the rights that Amerindians have under the Amerindian Act for artisanal mining.

I think my miners would also want to note clause 127 which allows for emergency protection order and that is in response to wild mining. Miners who mine with no regard for the environment could find that they cause action to be taken under clause 127. However, I think miners who mine well need not fear an application of clause 127.

Guyana is in a very early stage of acquiring the geological information and knowledge of the mineral and petroleum occurrences within our territory. As I related earlier, clause 31 requires that the Minister take account of known information. It may well be argued that clause 31 matters little when little or nothing is known of the potential of an area. I would recognise that we could not just go out and get information because getting that sort of information could be very costly in money. It could require expenditures upwards of US1 million per square mile, in prospecting, and it could also require delays of a number of years to carry out that programme. So we have a practical answer in Part VII, clauses 84, 85 and 86.

Clause 84 allows the Minister to vary surface of our protected area, but the overall surface area should not be reduced and, at least, one public consultation should be held beforehand. This is another clause which the Hon. Member, Mervyn Williams, criticised just now. I do not really understand and I still do not understand why he has been critical of this clause. It allows for adjustment and one can read, in developed countries, instances where adjustments are called for as time passes, society develops and new situations occur.

Clause 85 allows excision and here it specifically limits this approach to come from the Guyana Geology and Mines Commission, presenting new information that it did not have when the area was first proclaimed as a protected area. And it requires that the Minister responsible for mining to declare that it is in the public interest to exploit such resources, taking into account the principles of ecologically sustainable development.

**Mr. Speaker:** Your time is up Hon. Member.

**Minister of Home Affairs [Mr. Rohee]:** Mr. Speaker, I wish to ask that the Hon. Member be given another 15 minutes to continue.

*Question put, and agreed to.*

**Mr. Hinds:** Similarly, clause 86 describes the considerations and procedures for total declassification, again, when it is warranted or new information is presented by the Guyana Geology and Mines Commission (GGMC). So this Bill includes clauses which respond to the proper question that Guyana now has very limited information and there is a danger that in proclaiming protected areas, we may be sterilising significant endowments. But here in these clauses we have the approach that as new information is obtained, adjustments may be made.

So I have no hesitation as a Member of this Government and as Minister responsible for mining that this Bill has been well thought out and, in particular, it took account of questions that miners have been asking. And it has made reasonably balanced accommodations or arrangements for those questions. Therefore, I join in calling for full support in the passing of this Bill. I thank you. [Applause]

**Mr. Persaud (replying):** Mr Speaker, first let me commend the previous speakers, notwithstanding there were some off target observations and also there were some helpful suggestions. Let me, also, especially thank Minister Pauline Sukhai as well as our Prime Minister for adequately and comprehensively dealing with some of the issues that were raised. Having recognised those comments, I just want to focus on a few areas and a few misrepresentations that were made.

First of all, the issue in terms of Amerindian rights as regarding a declaration of protected area, I thought in my preliminary remarks that I would have adequately addressed that. But I want, for

emphasis, to point out and it is clearly defined in the Bill, it is there that anyone, even a primary school student, can understand what is stated there. However, I will make it abundantly clear and we all know that the laws of Guyana make it illegal to interfere with Amerindian rights regarding the areas that have been designated.

Secondly, to the notion of Government trying to wring the hands of anyone or any group is certainly out of place and can just, perhaps, be a statement for the current season we are in, so I would not dwell on that too much. Also, the rights that are enshrined in terms of the process by which an area is declared comes from the Amerindian communities and the Bill clearly prescribes consultation and consultation must not be seen as an event. Consultation is a process and the Bill provides for that, and that was merely an example or a way in which we can address that matter.

*4.14 p.m.*

The second issue that I want to deal with is the issue of consultations. I said in my preliminary remarks that the period 2008 to 2010, saw extensive consultations in Amerindian communities. Even if we step back a little, and I am reminded by Minister Carolyn Rodrigues- Birkett, a former Minister of Amerindian Affairs, that, in fact, in the consultation that led to the promulgation of the Amerindian Act of 2006, the issue of Protected Area was fully, adequately and comprehensively ventilated in. There were layer upon layer of consultations. I am not sure where the Hon. Member Mr. Ramjattan went and to whom he spoke on this matter. **[Mr. Patterson: Paramakatoi]** Okay. But I rather suspect that he probably was not aware of what he was speaking about and was, more or less, misrepresenting the views, concerns or statements of members of those communities. I would not pay much more attention to that issue, other than to say that there was comprehensive and extensive consultation that led us to where we are in this process today and there will continue to be sustained engagement, as provided for in the Act, with Amerindian communities in particular.

Regarding the issue of respecting rights I was a bit taken back. On the one hand that the Hon. Member is, perhaps, suggesting that due regards is not being given to Amerindian rights but, on the other hand, one of the proposed amendments - 38 (2)- is taking away the Amerindian rights. This is what 38 (2) says:



“The village Council shall have the right to appeal the decision of the Commission to the Minister.”

Here, the Hon. Member has a proposal to remove that right from the Amerindian communities. I just point this out as an area of contradiction. We have to be consistent. If we are talking about protecting and enhancing rights, we cannot, on the one hand, suggest that due regard is not being given and, on the other hand, suggest...That is the reason why I point to this proposed amendment and that is the reason why we would not support an amendment to take away the rights of Amerindian to appeal in this regard.

Another misrepresentation was the bold statement that the Government has not submitted any project proposal to the Guyana REDD + Investment Fund (GRIF) Steering Committee that has been approved. Perhaps the Hon. Member should have asked whether proposals have been submitted and whether any has been approved and he would have been advised that yes, Project Proposals were submitted and on 14<sup>th</sup> June, 2011, the first proposal was approved by the GRIF Steering Committee. **[Mrs. Backer: And what happened?]** If you check with the Inter-American Development Bank (IDB), you will see that it is in the final stage of finalising the project proposal. If it was a secret, I would not have told you. That is just to remove the notion that there is no progress being made on tapping the resources that the country has earned from its Memorandum of Understanding (MoU) with Norway.

The other issue that I want to address looks at whether or not traditional rights and the Prime Minister dealt adequately with traditional rights and so in the interest of time, I would not discuss that. The Hon. Member, in his proposed amendments, asked that special consideration is used and we are very inclusive and very receptive to views and suggestions. The Hon. Member asked that Government rethink the decision not to support the inclusion of Clause 3 and I will tell him why it cannot. It would be a contradiction of our Wildlife Policy if we encourage the harvesting, exploitation and the export of what is defined in the amendment as vulnerable or threatened species. We cannot support it and that is the reason why we cannot allow this amendment. We do not encourage harvesting or exploitation of it. **[Mr. M. Williams: Could you not regulate it?]** No. We cannot regulate it when it is not allowed at all and that is provided for within our current regulations. As a point of information, currently, we are in the process of

finalising further legislative work to deal with the issue of wildlife management and trade. That is the reason why this particular amendment was not supported.

In terms of the LCDS, I was at pains to point out and to show how the protected Areas Strategy complements the Low Carbon Development Strategy or what we call the REDD + Initiative because they are separate but contribute to that overarching goal. We must not see this as an enabling mechanism and it is consistent with our international and national requirement but also, as I pointed out, with our Constitution in terms of sound, ecological management. I did that at the onset so as not to create any confusion in this regard.

Having said that, I wish to point out that the Government's side has no difficulty, as I said, in supporting some of the amendments proposed and at the appropriate time, we will so indicate. For the reasons that I have outlined, I have made reference to two and I can go through those that we are not supporting and explain why. Take, for instance, the first 'Savannahs'. The word 'savannahs' is covered in the...

**Mr. Speaker:** We will do that in Committee, Hon. Member.

**Mr. Persaud:** Okay, Mr. Speaker.

Having said those, I think that all of us in the National Assembly should be proud of this initiative at the end of the day. It also comes at a time when President Jagdeo's global leadership is well recognised in this regard. On 1<sup>st</sup> July, 2011, Guyana commenced Co-Chairmanship of the REDD+ Partnership Fund with Germany and a six-month programme has already been approved. Just recently, the President was named Ambassador for all of the tropical rainforest in the world. We also know about all of the accolades that he won such as being considered by the United Nations (UN) as a Champion of the Earth. Certainly, it fits into what our country has been doing and this does not take away recognition from earlier governments and earlier presidents. In fact, we can go back to when Dr. Jagan spoke in the 1970s about ecological justice and to the work that was done, subsequently, during the People's National Congress (PNC) Administration. We would not want to take away that. I think that all of us should be proud that we live in a country where there is multi-party support in terms of promoting sustainable development so that, today, we can all be proud, as our friend has done by writing in the

magazine and publications, to showcase what we have done as a people and as a country. With those remarks, I move that the Bill be read a second time.

*Question put and carried*

*Bill read a second time*

*Assembly in Committee*

**Mr. Chairman:** Hon. Member, Mr. Williams, I hope that you are in the next Parliament because you are a fine parliamentarian. However, in the next Parliament, when you are proposing amendments, please number them.

**Mr. M. Williams:** Very well, Sir.

### **Clauses 1 and 2**

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

### **Clause 3**

**Mr. M. Williams:** Sir, I rise to move that the amendments with respect to clause 3 (a) be the insertion of the word “savannahs” after the word “seascapes.”

*Amendment put and negatived*

**Mr. Williams:** Mr. Speaker, I propose that in clause 3 (g) the word “and” be deleted and replaced by a “comma” and the words “and other non-Amerindian communities” be inserted after the words “Amerindian communities.”

*Amendment put and negatived*

**Mr. M. Williams:** I move that clause 3 (m) now read, “to institute measures in conjunction with the wildlife division to regulate harvesting and exploiting of species which are vulnerable and threatened.”

*Clause 3 agreed to and ordered to stand part of the Bill.*

### **Clause 4**

**Mr. M. Williams:** Sir, I beg that in clause 4 (f) the words, “and offered opportunities for employment” be deleted and replaced by the words “relevant to job placement opportunities.”

*Amendment put and agreed to*

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

#### **Clause 5**

*Clause 5 agreed to and ordered to stand part of the Bill.*

#### **Clause 6**

**Mr. M. Williams:** I move that in clause 6, there be a definition for the abbreviation “SGP.”

*Amendment put and agreed to*

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

#### **Clauses 7 and 8**

*Clauses 7 and 8 agreed to and ordered to stand part of the Bill.*

#### **Clause 9**

**Mr. M. Williams:** Sir, I move that in clause 9 (c) the words “and use of” be inserted after the word “in”

*Amendment put and negatived*

**Mr. M. Williams:** I move that in clause 9 (e), the words “classification and” be inserted after the first “the” in the clause.

**Mr. Chairman:** Hon. Members, before I put that amendment, I would like to remind the House that a definition for the abbreviation “SGP” was not determined.

**Mr. M. Williams:** I will be grateful for the Minister’s help in this matter, Sir.

**Mr. Persaud:** The abbreviation SGP means Special Grants Programme.

**Mr. Chairman:** Mr. Isaacs, that has to be included in the amendment that has been made to clause 6.

*Amendment put and agreed to*

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

**Clauses 10 to 24**

*Clauses 10 to 24 agreed to and ordered to stand part of the Bill.*

**Clause 25**

**Mr. M. Williams:** I propose that the word “is” be deleted and replaced with the word “be” and that the word “as” be deleted.

*Amendment put and agreed to*

*Clause 25 as amended, agreed to and ordered to stand part of the Bill.*

**Clauses 26 and 27**

*Clauses 26 and 27 agreed to and ordered to stand part of the Bill.*

**Clause 28**

**Mr. Williams:** I move that in clause 28 (2), the words “and involved” is inserted after the word “consulted.”

*Amendment put and negatived*

*Clause 28 agreed to and ordered to stand part of the Bill.*

**Clauses 29 to 37**

*Clauses 29 to 37 agreed to and ordered to stand part of the Bill.*

**Clause 38**

**Mr. M. Williams:** I move that clause 38 (2) is deleted.

*Amendment put and negatived*

*Clause 38 agreed to and ordered to stand part of the Bill.*

**Clause 39**

**Mr. M. Williams:** In clause 39 (1) I move that the words “or in his own judgment” and the second “by” be deleted.

*Amendment put and negatived.*

*Clause 39 agreed to and ordered to stand part of the Bill.*

**Clauses 40 to 74**

*Clauses 40 to 74 agreed to and ordered to stand part of the Bill.*

**Clause 75**

**Mr. M. Williams:** I move that in clause 75 the words “not less than every 5 years be deleted” and replaced by the words “every 5 years.”

*Amendment put and agreed to*

*Clause 75 as amended, agreed to and ordered to stand part of the Bill.*

**Clauses 76 to 122**

*Clauses 76 to 122 agreed to and ordered to stand part of the Bill.*

**Clause 123**

**Mr. M. Williams:** I move that in clause 123, the words “except authority” be deleted.

*Amendment put and agreed to*

*Clause 123 as amended, agreed to and ordered to stand part of the Bill.*

**Clauses 124 to 131**

*Clauses 124 to 131 agreed to and ordered to stand part of the Bill.*

## **The Schedules**

*1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> 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.*

## **ADJOURNMENT**

**Mr. Speaker:** The Assembly is adjourned to Thursday 14<sup>th</sup> July, 2011.

*Adjourned accordingly at 2.37 p.m.*