

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2010) 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

121ST Sitting

Thursday, 18TH March, 2010

The Assembly convened at 2.15 p.m.

Prayers

[Mr. Speaker in Chair]

ANNOUNCEMENTS BY THE SPEAKER

Mr. Speaker: Hon. Members, I think I speak for every person present when I extend best wishes for a speedy recovery to the Member of the National Assembly and our colleague, Mr. Keith Scott.

REPORTS FROM COMMITTEES

Mr. Speaker: Hon. Members I present to the Assembly the Minutes of proceedings of the 19th Meeting of the Committee of Selection which was held on Thursday 11th March 2010.

Mr. R. Persaud: Mr. Speaker, I wish to present the report of the Special Select Committee on the Impact of Global Food Price Increases.

ORAL QUESTIONS WITHOUT NOTICE

Mr. Trotman: Sir, if it pleases you, my apologies. I had written to you this morning expressing my intention to ask an oral question without notice on a matter that is considered urgent.

Mr. Speaker: Yes. Would you proceed?

Mr. Trotman: Yes. This question is directed to the Hon. Prime Minister. It pertains to the Integrity Commission. Could the Hon. Prime Minister state the name of the Chairman of the Integrity

Commission and if so, the date of the last meeting when such Chairman attended and presided over the Commission? Thank you.

Mr. Hinds: Mr. Speaker, Hon. Members, I think it is widely known – I think it was reported in the media – that Bishop George who was the last appointed Chairman of the Integrity Commission did resign. We on this side interpreted it that he may have been prompted to resign by comments from persons on the Opposition side which seemed to suggest that they were not ready and willing to provide the kind of support that he might have thought he needed to continue on the job. It is our Government's position that that Commission, having being in place and the Chairman having resigned that the Commission, has been continuing. That Commission has three members, in our view, properly appointed.

Mr. Speaker: Hon. Prime Minister, this is a special item on the Parliamentary Agenda. It is a brief question and it requires a brief answer. It is not fair for you to take the opportunity to go into a long history about the Commission. The question is simple and short.

Mr. Hinds: Okay.

Mr. Speaker: The question is about the Chairman. Is there a Chairman and if so when did he last preside?

Mr. Hinds: The last Chairman has resigned and the Commission last met on Tuesday 9th March 2010.

Mr. Speaker: Is there another question Mr. Trotman?

Mr. Trotman: Will you entertain one or two supplementary questions?

Mr. Speaker: I can allow a supplementary.

Mr. Trotman: I yield to Mrs. Holder my supplementary question.

Mr. Speaker: Was Mrs. Holder about to ask a supplementary question?

Mrs. Holder: Yes I was. I wanted to ask the Hon. Prime Minister whether, in view of the resignation of Bishop George since April 2006, legally the Integrity Commission is properly constituted without a Chair.

Mr. Speaker: Hon. Member, with respect, I do not think that is a fair question to ask the Prime Minister. Is there anything else?

QUESTIONS ON NOTICE

Mrs. Holder: This question is also to the Hon. Prime Minister. Is he satisfied that the cameras operated by the State Media to record the Parliamentary proceedings are positioned in such a way that they only capture frontal views of the Government and not the Members of the Opposition benches?

Mr. Hinds: Mr. Speaker, the assumptions of that question are incorrect and I would like to submit that I cannot provide an answer to a question which is based on wrong assumptions.

Mr. Speaker: We are responsible for the placement of cameras in the House. That is within the Speaker's and the Clerk's jurisdiction. Cameras are placed on the western side because there is no place on the eastern side. For them to get the front of the Opposition they will have to come somewhere on the western side but they will obstruct me. So we have a space problem. If we can have some kind of guidance or suggestion by Members where cameras can be placed in order to get a better view, we can look at it. Even when the cameras are on the eastern side they obstruct Opposition Members' ingress and egress. The Chamber is too small. That is the problem. I do not know what ideas we can have.

Mrs. Holder: Thank you, Mr. Speaker, but at the time I had submitted this question the cameras were more positioned behind the Opposition Members. I see that they have moved further in the southern direction.

Mr. Speaker: If you do not mind me interrupting, I think one time when there was the budget presentation, there was an overflow of cameras in the Chamber and that caused a little bit of problem. I do not think as a matter of regular sittings... I see normally one or two cameras are here and they can get a reasonable view of the Opposition except perhaps the front benches. But that can be looked at, I suppose. I am sorry to interrupt you.

Mrs. Holder: Well, Mr. Speaker, I do not think it would be unreasonable for me to speak on behalf of the Opposition Members to ask that the state media find a way of not only showing the backsides of the Members of the Opposition.

To the Hon. Prime Minister: from 1997 to September 29, 2009 (13 years) there were several exchanges of correspondence on behalf of residents of Ganges Street, Prashad Nagar on the one hand, and the Guyana Power and Light Inc. and the Environmental Protection Agency on the other, complaining about the noise nuisance, dust nuisance and degradation of their community's scenic environment. A petition dated September 29, 2009 from Ganges Street residents stipulating the noise/dust/smoke nuisance and health hazards was sent to the Hon. Prime Minister, the Director of the Environmental Protection Agency, the Chairman of G.P.L., the Mayor of the Georgetown City Council and the Chairman of the Central Housing and Planning Authority. To date all promises made to these residents by G.P.L. have not been fulfilled. Will the Hon. Prime Minister indicate to the

residents of Ganges Street, who have complained about these environmental nuisances and health hazards, whether their request for mitigation measures will ever be forthcoming and if so, when and how?

Mr. Hinds: Mr. Speaker, I will contest the assertion by the Hon. Member that promises made were not fulfilled, and I would want to go on and say that I have been advised by G.P.L. that in addition to mitigation measures that they were taking all along, that generation at Sophia was discontinued on Thursday 17th December 2009 and that by Monday 8th February 2010 all of the generation modules were removed from that location.

Mrs. Holder: Is the Hon. Prime Minister suggesting that the residents who submitted this petition late last year were unaware of this? They have submitted a petition and they are indicating that no mitigation measures are evident to them. Are you therefore saying that whatever has been done and not recognised by them is all that will be done?

Mr. Hinds: Mr. Speaker, we have great respect for the people who live in Ganges Street. Indeed some of our best friends and supporters live in that area. If there is any contesting it may be the sources from which the Hon. Member has been receiving these complaints. I say that for the fact that it should be a matter that could be determined readily, that there has been no generation from Thursday 17th December 2009 and that since Monday 8th February 2010, all of the modules have been removed from Sophia.

Mrs. Holder: I believe I have one other supplementary question. I think, gathering from what the Prime Minister has said, you may have, to some extent, reduced the nuisance as it relates to the generation aspect of it. However, I am told by many of the residents that that area is now used as a storage area. There are huge vehicles that now operate in that area with large logs and posts that create other environmental problems for them. The exhaust fumes from these huge vehicles that constantly go in and out of that area are indeed a health hazard. As you know, vehicles here do not have catalytic converters.

Mr. Hinds: Mr. Speaker, the focus was earlier on the generation modules that were there. I will take note of the further submissions by the Hon. Member and look into these other potential irritants.

Mr. Speaker: Hon. Members, Questions 3 and 4 are for written replies. Question No. 3 is in the name of Mrs. Holder and it is for the Prime Minister and Minister of Public Works and Communications, and Question No. 4 is in the name of Dr. John Austin and is for the Minister of Home Affairs. The answers to these questions have been circulated in accordance with our Standing Orders.

PUBLIC BUSINESS

(i) **GOVERNMENT BUSINESS**

MOTION

COMPLIANCE WITH THE INTEGRITY COMMISSION ACT

Mr. Speaker: Hon. Members, at the request of the Opposition, we are deferring the first motion on the Integrity Commission.

Mr. Persaud, did we forget you? You did not stand at the appropriate time.

Mr. R. Persaud: Mr. Speaker I saw the Clerk was not giving me the opportunity to stand.

Mr. Speaker: You have to stand, Hon. Member. You have to force yourself upon us.

Mr. R. Persaud: I was trying to be extra courteous.

Mr. Speaker: You have to force yourself upon us. Stand and keep standing and somebody will notice you. I note that you have no difficulty with people noticing you from time to time. You have to try that in the National Assembly.

The Hon. Member had requested the opportunity to make a statement under *Statements by Ministers*. I will give him that opportunity now.

STATEMENTS BY MINISTERS INCLUDING POLICY STATEMENTS

Mr. R. Persaud: Thank you very much Mr. Speaker. I rise to update the National Assembly on the ongoing national response to the El Niño phenomenon which has been persisting since August 2009 and which is anticipated to continue in the coming month. Since the 3rd quarter of 2009, generally near average or below average rainfall prevailed over most of Guyana with dryer conditions in the southern parts of our Country. In fact, rainfall data shows clearly that between May 2009 and February 2010, Guyana recorded approximately 30% to 50% below its long term average rainfall. This prolonged dry weather has impacted our water resources, and has been most seriously felt in the farming areas along the Coast and within our Hinterland communities. This protracted El Niño weather condition has not been peculiar to Guyana. In the Caribbean, particularly St. Lucia, Barbados, Grenada, St. Vincent and the Grenadines, and Trinidad and Tobago, we have seen that the agriculture sector has been adversely affected as a result of limited rainfall and the consequential reduction of irrigation water. Parts of South America and Asia are also scorched and affected by the drought, bringing hardships to millions. It is no secret that the global climatic environment is being increasingly characterised by extreme weather patterns. Scientists believe that this changing weather pattern is due, in part, to increased green house gas emissions which have precipitated global

warming. That, in turn, has given rise to more intense and unseasonal rainfall patterns, more frequent drought-like conditions and rising sea levels.

In the case of Guyana, rising sea levels from global warming pose an ominous threat to our low lying Coast and to our riverain communities which lie at or below sea level. However, we in Guyana have not thrown our hands in the air or bowed our heads in despair. We have taken bold and visionary roles in addressing the threat of climate change. Under the dynamic and insightful leadership of President Jagdeo, Guyana has been in the forefront of the global fight against climate change. We have, in this process, offered to sustainably manage our forest in return for climate service financing. This financing will be used to fund the Low Carbon Development Pathway and secure adaptation works such as drainage and irrigation, and sea defences. As we pursue this exciting developmental pathway, we have continued to fortify our adaptation and mitigation efforts through forward looking innovatives and responsible policies aimed at reducing the impact on all Guyanese from the ill effects of climate change. That is why, in recent years, the Government has been directing substantial resources towards reducing the risk associated with floods and droughts.

National projects mitigating floods and droughts have been mainstreamed into the Government's developmental agenda as evident in the increases in the national budget over the years. A climate change unit has been established in the Office of the President and the Reducing Emissions from Deforestation and Forest Degradation (REDD) Secretariat and the Forestry Commission. A National Climate Change Committee was set up inclusive of the Guyana Forestry Commission, the Guyana Lands and Survey Commission, the Guyana Energy Authority, the Environmental Protection Agency, the Hydromet Service and the University of Guyana. In addition, the Government organisations concerned with disaster management and preparedness, such as the National Drainage and Irrigation Authority (N.D.I.A.), the Hydromet Service and the Civil Defence Commission have all benefited from increased resources for capacity development.

Recognising the imminent threat of an El Niño condition, the Government of Guyana moved proactively – since last year - towards the establishment of a national task force to deal with irrigation issues across the country. The task force, led by the N.D.I.A., includes representatives from the Ministries of Amerindian Affairs, Health, Education, Water, Local Government, the Hydromet Service, River and Sea Defence, Guyana Rice Development Board, the Civil Defence Commission, GuySuCo, the East Demerara Water Conservancy, the Boerasirie Conservancy Agency, the Mahaica-Mahaicony Abary/Agricultural Development Authority, among other agencies. Vulnerable sectors such as rice, sugar, other crops and livestock are part of this task force since they are mostly affected by these conditions. Coming out of this initiative, communities have benefitted from a range of interventions and support to reduce the risks associated with drought-like conditions.

Agriculture accounts for a third of the country's Gross Domestic Product. This sector is highly vulnerable to severe losses and damages occasioned by the extremities of the weather. The N.D.I.A. and related entities, therefore, developed and implemented a water management and control strategy. Additionally, a contingency plan has been developed to recharge the conservancy levels at the E.D.W.C., the M.M.A., Tapakuma, Torani, and the Boerasirie water conservancies. The N.D.I.A. and sector agencies have responded by installing irrigation pumps in vulnerable farming communities, excavating irrigation canals and excavating holding and storage ponds. In addition to implementing scheduled irrigation supplies, the contingency plan also ensures that there is adequate supply of water at Shelter Belt, the main source of potable water in Georgetown and its immediate environs.

Part of the contingency plan has been to mitigate losses of our farmers. Currently the Ministry of Agriculture's efforts and programmes are aimed at mitigating agricultural losses within the vicinity of several hundreds of millions of dollars. Obviously, at this point in time, one is unable to accurately forecast the total impact. It is expected, however, that we may be able to do this by the end of the second quarter of this year.

It is significant to note as well the ongoing studies initiated by the Government on the possibility of introducing risk insurance that will include drought and flood components. The World Bank is currently analysing data collected only this month on the entire spectrum of agricultural activities including rice cultivation.

Vulnerable regions in Guyana have benefitted from various forms of support, including fuel for the operation of irrigation pumps, maintaining, cleaning, and excavation of irrigation canals, and providing tillers, generators, water pumps and digging of shallow wells in Hinterland locations. Since the El Niño conditions were predicted, the N.D.I.A., M.M.A. and other related agencies have made efforts to ensure adequate amounts of water were stored in the conservancies. All irrigation canals were cleared and pumps were mobilised. Efforts were made to support both coastal and Hinterland areas. In excess of \$250 million has been spent and another \$258 million has been earmarked to mitigate these conditions and to aid early recovery.

Mindful of the need for proactive initiatives to deal with the practical adverse impacts of climate change, the Administration has increased the capacity of the C.D.C. The C.D.C. is now reviewing the National Disaster Preparedness Plan which focuses on national prevention, intervention, preparedness and relief plans to cope with all types of disasters, including drought and flood-like conditions. The N.D.I.A. has been working closely with regional and neighbourhood democratic organs and other vulnerable agencies in mitigating the adverse conditions. For example, with respect to sugar which is extremely important in the national economy, the E.D.W.C., the Boerasirie Conservancy Commission along with GuySuCo have been providing water to vulnerable areas cultivating cane such as Enmore,

L.B.I., Wales, Uitvlugt and some private areas which are cultivated by Co-op societies. The impact could see a reduced first crop.

The Guyana Water Inc. has also responded by deepening wells and along with regional authorities, has started to truck water supplies to strategic locations, particularly in the Hinterland regions. The Hydromet Service has responsibility for monitoring and providing early warning and prediction of weather and climate phenomena. This allows for the timely dissemination of weather forecasting to key stakeholders. The C.D.C. is also mandated to conduct assessments and make reports. This type of weather information along with the ongoing assessment led to the development of a comprehensive El Niño response plan. We have also made a number of other interventions aimed at assisting our farmers to deal with the challenging situation they now face. These interventions were unbiased and based on demonstrative needs across all regions. Let me list a few examples:

In Region 2, some 12,000 acres of agricultural lands were provided with irrigation when four tubes along with other infrastructure were installed to tap water from a number of creeks and lakes. Resources were provided by the Government to operate the irrigation pumps at Dawa and to support farmers who were themselves pumping water. Some \$146 million would have been spent to ensure that irrigation canals were adequately cleared and irrigation was provided.

In Region 3, a number of irrigation canals were excavated in key farming communities such as Canal Polder. Water is being pumped from the Bonasika Creek to the Boerasirie Conservancy and just recently a stop-off was completed at Tumong at the conservancy point which will facilitate two pumps to increase the water levels in the primary irrigation network so as to facilitate crops - mainly rice crops - totalling 6,000 acres. Further, 33 holding ponds have also been excavated in Leguan to provide water for cattle. And just recently 240 irrigation tubes were supplied to farmers in the Region while 5 excavators were used to excavate and clear waterways allowing the free flow of water.

In Region 4, because of the low level of the East Demerara Water Conservancy, and in order to sustain the integrity of the dams, a decision was taken to pump water from the Maduni Creek into the conservancy. In addition to recirculation of water by mechanical means, four pumps are being utilised to provide irrigation water to the East Demerara Sugar Estate and also to private farmers in order to ensure the sustainability of their crops. Necessary excavation works have been carried out around the Region and also drainage and irrigation tubes were provided to a number of farmers across Region 4.

In Region 5, the M.M.A./ADA, which has responsibility for drainage and irrigation management in that Region, has been working around the clock with affected farmers and farming communities. Some \$50 million was expended on the construction of a new 4.5 mile canal to source fresh water from upstream, via a creek flowing from the Mahaica River, to serve farmers between the Mahaica

and Mahaicony block. Numerous other emergency interventions have also been carried out and are being carried out in Region 5.

In Region 6, pumps at Sandaka, Manarbisi, and Mibicuri have been in continuous operation since the advent of the dry-spell with two additional irrigation pumps being used to re-circulate and supplement irrigation water in a number of farming areas.

2.38 p.m.

Additionally, mobile pumps have been deployed to tap irrigation water upstream at the Corentyne and GuySuCo linked canal. A number of irrigation tubes have also been distributed to farmers in an effort to assist them in taping fresh water for crops and livestock. The Ministry of Agriculture is also providing a significant amount of feed and nutrients to affected livestock farmers.

The Government has also allocated some \$49 million which targets interior locations, Regions 1, 7, 8, 9 and parts of Region 10 since there is much concern with regard to the availability of water in those communities. A Special Committee was established to look at the Hinterland El Niño situation and to discuss and implement measures to ensure relief and appropriate adaptation to the current water conditions. The Committee includes: the Ministries of Agriculture and Amerindian Affairs in collaboration with the Beacon Foundation and the North Rupununi District Development Board. The Ministry's New Guyana Marketing Cooperation and NARI have been tasked with the responsibility of working closely with the Ministry of Amerindian Affairs and several N.G.O.s to bring relief and provide assistance to the affected Hinterland communities. For example, some of the funds and resources were used for the purchase of planting materials such as cassava sticks and pineapple slips and peanut seeds, chemicals, water pumps, hoses, water tanks, veterinary supplies and feed.

Just recently a team from the Ministry of Agriculture visited Regions 1 and 9 to assess the impact of El Niño. An excavator was given to Region 1, while planting material and seeds were made available to villages such as St Angelems, Hotoquai, Whitewater, Kamwatta, Wauna and Yarikita. This will continue in all Hinterland regions.

One of the benefits of the outreach programme being undertaken by the Ministry, and we have had 200 such meetings over the last week. Even this morning, a few moments ago, the General Secretary of the R.P.A. and I were on the Essequibo Coast. These outreaches allow us to identify both research needs and the existence of institutional gaps. Two very good examples of how the outreach programmes contributed in this regard are:

Firstly, in the area of research many farmers have been complaining about the apparent increase in salinity in many of the irrigation canals across the coast. In response, the Ministry is acquiring additional salinity meters which will be used to monitor the salinity content of irrigation water. This

will also help with the gathering of important information to verify the sustainability of existing bodies of water for agricultural purposes.

Secondly, the current outreach programmes have allowed deficiencies within the local government systems to be identified and corrected so as to ensure that stringent and fair water management practices are observed.

As we do all of these things we are also mindful of the need to provide information and assurances to the Guyanese people. The Ministry of Agriculture, its agencies and the Ministry of Housing and Water and its agencies, including G.W.I., have issued a number of advisories and press releases to farmers and residents encouraging prudent water practices and offering specific advice in utilising and conserving water. Just recently the Ministries of Agriculture, Housing and Water issued a joint appeal advising citizens to avoid wastages at all times when utilising water. Also, through this arrangement irrigation schedules are also implemented and published so that farmers and other water users would be fully aware.

Through the media persons were able to learn about the El Niño Phenomena and what could be done to mitigate these conditions. We also mounted stakeholder workshops bringing stakeholders and farmers to update them with the current outlook for El Niño and the situations at various locations along the Coast and the Hinterland Regions. These workshops allowed us to make strategic interventions based on representation and consultation.

The Ministry has also issued a number of booklets focusing on some pests and diseases which are prevalent as a result of these conditions. Veterinarians from the Ministry have also visited livestock farming communities and will continue to visit farmers and areas affected.

More farmers are being encouraged to get involved in shade house and other related techniques, as well as drip irrigation, since this conserves water both for the short and long-term and also increases crop management practices. The National Agricultural Research Institute has been given the mandate to aggressively promote these practices. The Guyana Rice Development Board has encouraged a six-point practice which focuses on proper water management and farmers are able to see this practice at work during the Farmer Field School held around the country and they have assisted them in coping with the prevailing situation. These activities and more will continue and perhaps intensify when necessary.

The Government, specifically the Ministry of Agriculture, will continue to stay engaged until the situation abates. We will review and revise the existing contingency plan at the end of the prolonged dry spell which is now stretching about eight months. All challenges, interventions and lessons learned will be documented for future reference and evaluation of the efforts will be carried out.

In addition to emergency interventions at this time the focus is also on early recovery and support for those who experience loss, with necessary and timely interventions around the country, including the provision of planting material and other forms of support. The Ministry expects production in the coming period and the remainder of the year to make up for any possible dip in production that we might have experienced in the first quarter. In this regard, I would like to salute the resilience of our farmers. Their efforts over the past months have been nothing short of heroic. On behalf of the Government, I would like to commend all stakeholders who have been out in the fields working together so as to ensure that the adverse impact of El Niño on their livelihood is kept as minimal as possible. I also want to commend the technical officers who work beyond the call of duty every day to ensure we reduce the impact across our country.

We know that the prolonged dry weather will take its toll in exact losses but I am also supremely confident that history will judge us as having shown boldness, innovativeness and character in dealing with the present El Niño condition, of that I am sure. I thank you, Mr. Speaker. [Applause]

Mr. Speaker: Thank you Hon. Member. Hon. Members we can now proceed with the Motion in the Standing Committee on Oversight of the Security Sector.

Mr. Hinds: Thank you Mr. Speaker. Hon. Members I rise to move the motion standing in my name which is to take the necessary steps towards establishing the Standing Committee on Oversight of the Security Sector.

Over the last decade security has been a significant concern for us in Guyana, and not only us in Guyana, throughout Caricom and, indeed, all around the world. Here in Guyana this question of security has attracted much attention. It would be relevant here to make reference to the Disciplined Services Commission appointed in 2003 to enquire into our Disciplined Forces and it was charged with paying particular attention to:

- (a) The changing context of the operations of the Disciplined Forces, taking into consideration national and international developments;
- (b) The relationship with and responsibility to the civilian authorities;
- (c) The methods and processes of achieving greater ethnic balance – that is in our Disciplined Forces;
- (d) Operational efficiency and effectiveness, including inter-service cooperation and collaboration and
- (e) Financial and Public accountability. I refer to this, to indicate recent concerns here in Guyana on issues of security.

One can choose how far back he would want to go in identifying statements and reports on security, providing security and reviewing the provision of the security.

The point I want to make, things are steadily evolving and it is for us Members of the National Assembly to bring about changes in a timely way so that we keep abreast of development in our society. In this regard, I have no doubt that speakers on both sides of this House may refer in the debate to relatively recent reports. I can think of the Caricom Taskforce on Crime and Security, we can also think of the report that was prepared for DIFID (Department for International Development) on the Security Sector Reform Action Plan for Guyana. I want to assure this Assembly that this Government gave considerable attention to all of these. It has not agreed with everything but keeping everything in mind this administration has been taking a course which, in its judgment, is as good as any and better than many others in meeting our security concerns with the resources available to us.

We believe that it is timely to update and reform our Security Sector. This administration is committed to the reform of the Security Sector and so it was that early last year with the critical support of all Members of this Assembly a Constitutional Amendment was enacted, Article 1.19 (d), which established a Standing Committee of this National Assembly to be named the Parliamentary Oversight Committee on the Security Sector. This Committee was given powers to co-op or enlist the aid of experts or others of appropriate expertise, even from outside the membership of this National Assembly.

This motion today seeks to establish the constitution of this Standing Committee in the first two Resolve Clauses. The Term of Reference and mandate of this Committee are addressed in Resolve Clauses 3 and 4. Resolve Clause 5 calls for the consequent inclusion of this Committee into our Standing Orders by suitable amendment.

Let me give now some detail about the Constitution and the mandate of this Committee as proposed by the Government in this Motion. You may recall that we have already had some debate on the Constitution and the mandate of this Standing Committee on Oversight of the Security Sector during the debate to amend our Constitution to establish this committee. It would be recalled that different Members of this House pointed to different existing Committees as possible models for this Standing Committee. Some Members pointed to the Sector Committees as a model and others to the Select Committees as perhaps a better model from which to start. The Government side pointed out then that, whilst we speak about the nature of security and the security sector as well as the work envisaged for this Oversight Committee, it required a different approach from that of the existing Sector Committees. The Government then, and unto this time, thinks that the Select Committee is a better model from which to start. We believe that there will be need to have at least one Minister with responsibility for one or more Members of our Disciplined Forces on the Committee and the Chairmanship needs to reside at all times with the Government.

We have, however, varied the model from the usual membership from six Members from the Government side and four Members from the Opposition and have proposed that membership be in proportion to the seats held by political parties in the Government. It is important to know that this designation of membership seeks to avoid designation of Government persons and Opposition persons with the hope that as we approach this question of Security and National Security we may be moved more by an overarching sense of common membership in this Nation of ours.

In the second Resolve Clause we propose, as we believe, that Members of this Committee should take an Oath of Secrecy. It follows from what I have been saying that the Government could not support the amendment standing in the name of Hon. Member Mrs. Backer. I would say that as we look at the Terms of Reference, which are in Clause...

Mr. Trotman: Mr. Speaker, on a point of order, if there is an amendment circulated the other Members have not been preview to this amendment. I would wish to be apprised of it long before.

Mr. Hinds: I mentioned... Okay the Backer Amendment. Maybe I have been speaking to something that is not or something that may have been withdrawn.

Mr. Speaker: Hon. Members we have received the amendment in good time but due to an oversight it has not been circulated. It will now be circulated and if Members wish time to consider and contemplate the document before coming to a conclusion on what they will do about it, that time will be granted.

Mr. Hinds: Continuing, the mandate of this Oversight Committee is presented in the 3rd Resolve Clause. It has a listing of eight areas and in our study of similar legislation in countries with which we share much common history – the United Kingdom, Canada and India – we find that this listing is quite conventional. I would like to note that the eighth item listed here requires that annual reports be submitted to this National Assembly and that recommendations could be made to the National Assembly on legislation or any other action to be taken on matters falling within their purview.

I think that this is a very straight forward Motion. Much of the substance of this Motion had already been the subject of debate when the amendment was introduced. I would end my presentation here with the introduction of this Motion and call on all Members of this House to support it.

Mr. Speaker: Prime Minister, before you conclude, in relation to the first Resolve Clause, part 3 of that Clause, there are two issues which arise from that Clause. I am not sure, from the language, who is going to determine the location of the venue? You see it says here:

“The Chairman will remain with the Government side of the House which will determine...”

We do not know if the Chairman will determine, the Government side will determine or the House will determine. If it is any one of those three we have problems with it, but first we have to determine what is meant by it.

Mr. Hinds: It is our intention that once the Committee has been established they will look in more detail in their ways of operation.

Mr. Speaker: Well I hope that the Committee, when it looks into its ways of operation, will have regard to Standing Order 94.8 which says that:

“Meetings of a Committee may be held within the precincts of the National Assembly and if it becomes necessary a Committee may meet at any other place within Guyana with the consent of the Speaker.”

Mr. Hinds: I think it would be our intention to accord with that Standing Order.

Mrs. Backer: Thank you very much, Mr. Speaker, I rise to place very clearly before the National Assembly and, by extension, the people of Guyana, the People’s National Congress Reform’s position on this Motion which seeks to operationalised, if you will, the Oversight Committee on the Security of Guyana.

Let me say first and unequivocally that the People’s National Congress Reform–1Guyana has for the last decade... [Mr. Nadir: That is why he is in the hospital] ...Sir, if I may, I think it is very unfortunate that Mr. Scott is in the hospital and a colleague could be making a joke about him. I find that in bad taste; if I say so myself. I think he just said that, “That is why he is in hospital.” I think that is very improper.

Mr. Speaker: Hon. Members, if we pay less attention to what people are saying while they are sitting down and rely on me to maintain order of the House we will get on much better. If Hon. Members are going to behave in this rowdy manner we cannot get on with our business. I cannot pay regard to what Members of the House are saying when they are sitting down unless they are interrupting the proceedings. Otherwise we will have to shut down the House and try to make Law in some different way. Proceed, Hon. Member.

Mrs. Backer: Thank you very much, Sir. I had begun to say that for the last decade we have lobbied for oversight of Government policies vis-à-vis our Public Security Sector and for oversight of the Security Sector itself. We have done that in various forms in excess of a decade. We therefore would like to place on record our relief that it seems that oversight of our security sector and the Government policies on the security sector are a heartbeat away, hopefully, from becoming a reality.

We were not alone in clamouring for oversight. The Guyana Human Rights Association, various experts and commissions that have been commissioned by the Government have all spoken to oversight. Our very Disciplined Forces Commission that the Hon. Prime Minister mentioned, when they had public hearing, several people and organisations spoke on the need – in various forms – for civilian oversight and indeed one of the recommendations of the Disciplined Forces Commission, which continues its very painful and slow process at the Committee stage also recommends oversight of our security sector. So this is not something that the P.N.C. alone has been clamouring for. As I said, we are happy that it seems that this oversight will soon become a reality.

For the historians who are here and the historians of our nation at large I would like, with your permission, Sir, to very briefly trace the history of what is about, to become a reality today. We are well aware of the fact that coming out of the stakeholders' meeting in March, 2008, which meetings were called as a result of the two massacres: firstly in Lusignan in January of 2008, followed by the one in Bartica in February of 2008. There were stakeholder meetings held at the Office of the President. Coming out of these meetings was a press release and it states, and I am quoting from the then Attorney General, The Hon. Doodnauth Singh, when he piloted the amendment to the Constitution in January, 2009, which again the Hon. Prime Minister mentioned. This is what he said, that coming out of the meeting these various groupings included both political parties and civilian authorities agreed to the following:

1. To establish as a matter of urgency a new Parliamentary Sectoral Standing Committee on National Security with ministerial representation.

So that was the idea behind the Committee, that it would be a Sectoral Standing Committee with Ministerial representation, which of course is different from the other Sectoral Standing Committees in our Constitution. Subsequent to that round of meetings, the nitty-gritty, as it were, about the whole being, what this Committee would look like went to the Parliamentary Management Committee. At that Committee over a period of time, in an effort to move the process forward, the P.N.C.R.-IG. and, I suspect and am willing to be corrected here, the A.F.C. representative agreed that although we had committed at the level of the stakeholders' meeting to a Sectoral Committee with ministerial representation in an effort to move the process forward – it was agreed that it would be a Parliamentary Standing Committee of the National Assembly. That was agreed upon. When the Parliamentary Management Committee finished discussing what this Security Sector Committee would resemble and look like, there were two things that they could not agree on. Firstly, who would Chair this Committee and, secondly, the scope of this Committee.

When the amendment to the Constitution was presented by the Hon. Prime Minister in January of last year we reiterated that position through our two speakers, Mr. Murray and The Leader Mr. Corbin, when we said that that was our position. We said, that we would have thought that as the Hon. Prime

Minister was tabling the amendment which led to the insertion in the Constitution at the same time the scope, the remit and the composition of the Committee would have been brought to the House. To paraphrase what Mr. Corbin said: *We do not want to buy a pig in a bag.*

3.08 p.m.

Despite our recommendations, because we even suggested that we could have had a slight adjournment maybe for a day or two. The government as usual to quote from Mr. Nadir: “you can have your say, we will have our way”, they said that is because of implications by not taking on board our recommendations. It shows how correct we were because it has taken the Government 14 months, from January 2009 to March 2010 to bring something which we generally said could be done in two days which is the scope and the composition. Despite that enormous gestation period, we are happy and almost excited that this Security Oversight Committee is about to have life breathed into it. Having said that I am giving you a brief sketch of the history of the Motion or reminding the house, we have some problems with the Motion standing in the Hon. Prime Minister’s name that is before us. I have in my name seconded by Mr. Murray tabled some proposed amendments which I understand may now be before all Members of the National Assembly. As I go through the Motion I would at the same time by implication be speaking about my amendments. If I can start at the first RESOLVED clause,

- “Being it resolved that this standing committee shall be constituted as follow: (1) of less than six and not more than 10 members.

Our position is very clear; we have no problem with the proportionality in second roman of the 1st RESOLVED clause. We are saying not have less than six and not more than 10. Let us agree on a figure now. We are suggesting that in keeping with the other Standing Committees that the figure be 10, very simple. Not less than 6 not more than 10, our proposal and at the appropriate time will move the amendments suggest that it should be 10, that is very clear. The rationale is that if you want full participation you should select a figure like six. What representation will you have? Because if we go to six the Government will then have four, the P.N.C.R. would have one and the A.F.C./G.A.P./R.O.A.R. will have an half each or three quarter and a quarter. That will be problematic and because of the nature of the Committee we want as many people as we can have. This is going to be a critical Committee. It is a historic committee in many ways and we wanted to have adequate representation from all sides of the House, so we say let us go with 10, which is our proportion. Mr. Nadir is saying that I am forgetting the U.F. but we could find a place for him in the six.

The 3rd WHEREAS clause is very problematic and not surprisingly, the Speaker in the person of you realises the problem. The offence against Standing Order 94 (a) and our... Well let me go with it...

we have two problems with it Sir. The first is that we are totally against and we will rationalise why we are against it: The Chairmanship of the Committee remaining with the Government side of the House. And why are we against this Sir? I am just tempted to pick up the Hansard and quote from Mr. Murray because he put it so elegantly and eloquently but I have not obtained his permission to do so. Well, you know that everybody is suing everybody now and I do not want Mr. Murray to sue me.

In essence we always tell ourselves and other people who will believe us that there are three separate arms of Government. What will happen is that putting Chairmanship in the hands of the Government, when it comes to us scrutinising our security forces generally such as: government policy, the security sector and our disciplined forces, we will have most probably a Minister of the Government who takes instructions from Cabinet coming to preside over a Committee that is scrutinising Government and by implication the Cabinet. So where is the division, that is not a blurring of lines, that is a clear line that if we agreed to this, it will be crossed. There is no blurring about that. That alone should put this matter to rest. And we believe, although we do not want to go back, we do not want to do a Teixeira or a Rohee, we do not want to go back, but we want... [Member: Mr. Ramotar] ...no, he is the Presidential hopeful, I do not want to touch him as yet, I want to touch him separately, and he is so big you have to touch him separately.

The reality is that we believe this is why the government shied away from having a Sectoral Committee because we all know, in a Sectoral Committee there is no ministerial representation at all, much less to chair. And this is why we accepted that from the beginning. Ministers may want to be involved and that is why when the initial statement came out from the stakeholders, it said a Sectoral Committee with ministerial representation. It did not say with ministerial chairmanship of the Committee, it did not say that. I know the Hon. Prime Minister, I can see you are almost ready to get up to say something, but there is nothing here that says a minister will chair. Well, if there is nothing here that says that, we urge him, we challenged him to amend it, to say that very clearly. We would not be ideally satisfied with a government member chairing at all times, we feel as with Sectoral Committees... because we see this Committee as a hybrid Committee that Chairmanship should rotate. One year for the Government, one year for the Opposition and we feel that that is eminently fair. But, we come on the movement of the Committee and when I say movement I mean the physical movement of the Committee because this is what is proposed. The location for the venue for meeting with the necessary secretarial support staff will be determined as you have rightly said, is it the Chairman, is it the Government, is it the Committee, is it the entire House?

But as you have rightly pointed out it offends against our Standing Orders, even if our Standing Orders had been silent. Common sense dictates that a Parliamentary Committee unless they are going to do a site visit somewhere should meet within the confines of the Parliament. What did the Hon. Minister have in mind? Let us say that I was a Member of the Committee, would I get a notice that the

meeting is to be held at the Office of the President or to be held at the Central Intelligence Agency building near to the Zoo? And I am not saying anything about the proximity of the two locations or that it should be at the Ministry of Home Affairs and it would be chaired by Minister Rohee. We can have a situation where the Committee is chaired by Minister Rohee for all times because they do not want to accept rotation.

The Hon. Minister has it at his house, sorry at Home Affairs. How could you go in to the then and I am using '*then*' advisedly of the Hon. Minister and proceed to take him to task which we are entitled to do under this Committee. Whether it is in a man's home or a person's home you are somewhat restrained but that is not the main reason, the over-arching reason is that it is a Parliamentary Committee, the Standing Orders say it should remain here and we believe that it should remain here. We believe that based on your interventions not on all ours but based upon your intervention the Government may be constrained to amend roman three of the 1st Resolved clause, so that is our position. It should be 10 members, the Chairmanship should rotate, the Chairmanship should never reside in a Minister although we accept that Ministers can be Members of the Committee and the Committee, unless it is going on a site visit, should meet within the precinct of the Parliament.

We come to the 3rd Resolved clause. We have proposed amendment, and the thrust and the intent of this amendment is to widen the scope and functions of this Standing Committee. Such a Standing Committee will have to deal with things perhaps as they happen, not only past things, this should not be a reactive Committee, that when something happens you bring reports and we condemn or we praise and we move on. We must be in vanguard of helping to oversee strategy as they unfold. Not only after they have unfolded and have been implemented, then we come in after. The horse is gone and now we come to look at the stable door. So, we feel that this 3rd Resolved clause is much too limited and as I said our proposal as I move at the appropriate time widens it so that the Committee shall have the authority to examine the Public Security Policies of the Government and the policies and administration of all the entities that describe the security sector. That is our proposal because the Central Anti-Narcotic Unit – C.A.N.U. does not fall within the Discipline Forces. So, what are we going to do with C.A.N.U.? Drugs are a major problem... the inflow and outflow of drugs in Guyana is a major problem. It is a major threat to our National Security, should C.A.N.U. be outside the ambit of the scrutiny of a Security Sector Oversight Committee? I would think not, in fact, to have them outside we respectfully submit, would be ludicrous.

The 4th Resolved clause is quite a strange one that the Committee's authority would not include an examination of ongoing operational matters. Of course there might be a one-day operation and we are not saying that those things cannot happen or we must have knowledge before-hand. You can have ongoing operational matters that can take months, for example, when the Guyana Defence Force went in and stayed as it were in Buxton that was an operational matter that was ongoing for many months.

Other things may come with our border... of course we may have special security operations on our borders. Are we saying that because they are ongoing this Committee must not have oversight? Mr. Speaker at the appropriate time we may move that, the entire Resolve Clause be deleted because it takes the Motion nowhere. In fact it seeks to restrain if it were the ambit of this Committee. Because, oversight is exactly what it says, it is oversight of things that may have been passed and we look at it that it is not going to happen again, of things that are current and of things to come. That is oversight in its wide term and that we feel is the thrust, is the spirit if you will that we should approach this historic Committee with. Before I sit, to us, as I have started off saying, we are happy that the Security Sector Oversight Committee is about to become a reality, we want to emphasise that. We know the spin doctors, they are going to say that we are against it but at the same time you want it to be as wide as possible. When it is reported on channels 65 and 69 and *getting it right or wrong*, please remember that we want it as wide as possible but what we see here is an attempt by the government to narrow, to constrain as it were the functions of this very critical and important Committee.

I know that my Hon. colleague Mr. Rohee - and I am very happy to see that he avoids the goats - he still seems to be in good health, he had expressed something that goat did not bite him and I am pleased that the goats have not yet gotten to him. I am also aware that he is afraid of rams and there are two rams here. This is *hearsay* and not admissible but I understand that he is afraid of certain rams but not goats. **[Interruption]** No not Ramsammy but there are a lot of rams. Somebody may want to have a name change. But, my colleague as he stands, I know will say that we are in the vanguard of Caricom Constitutions. This is a first for Caricom. Barbados has a kind of an oversight but it is *wishy washy*. I accept that, I looked at it last night... **[Mr. Murray:** They do not have our problems.] ...exactly, they do not have our problems. Yet, when we look around we must learn from what other countries have, we each have our own unique problems. What we do not want to see as Mrs. Riehl said during her budget presentation. If she was living ex-guyana, and had pick up our Constitution, she would have been duly impressed, Ombudsman, Public Procurement Commission etc. etc, but, none are functioning. Our thing is while we accept that this is a forward-looking and a forward move by all of us not just only the Government, let us not stymie its work by seeking to put that kind of constrains that the Government is seeking to do by virtue of the Motion.

In closing, we ask that we look at this Committee, deal with it, become part of it in the spirit of full and frank disclosure of our security policy. We understand and we agree with the oath of secrecy because we understand the security sensitive and we have appreciated certain things that we would not have access to at the very inception. We appreciate that and agree with that but we do not want the Government to keep hiding behind that particular door and say that everything is secret. That should be the exception rather than the rule. Sir, with those words, we in principle support the Motion and at the appropriate time I will move the amendments of the People's National Congress Reform, I thank you. [Applause]

Mr. Nandlall: Thank you very much Mr. Speaker. I rise to speak on what obviously is a matter of great importance to any country. I do not think that anyone can dispute that the security of a State is and has always been a matter of high priority on the agenda of every country. It involves the sovereignty and the protection of the individual freedoms of the citizens of that State. The importance which every State Accords to the concept of security is normally reflected in their Constitution. Our Constitution is no different, Article 9 of our Constitution reads:

“Sovereignty belongs to the people who exercise it through their representatives and Democratic organs established by or under this Constitution.”

then article 32 of the Constitution reads:

“ it is the duty of the State, the society and every citizen to combat and prevent crime and other violations of the Law and to take care of and to protect public property.”

and article 33 of the Constitution says:

“that it is the duty of every citizen to defend the State.”

So, no one can dispute the importance of security. Over the last 10 to 15 years security has seen a greater importance not only in Guyana but almost in every country in the world. Locally, over the last 10 years we in this country have witness what many have described as an unprecedented crime wave. One can cite specific examples, with a horrendous crime spree which took place just after the 2001 jailbreak. One can make reference to the Agricola massacre, the Lusignan tragedy, the Bartica massacre. These are events, which have not only left a blot on our nation but they have etched a psychological scar in the mind of every Guyanese who lived through those times.

In the Caribbean the position is not much different. Trinidad and Jamaica are grappling with unmanageable murder and kidnapping rates. In the United States, after September 11, 2001 with the blowing up of the twin towers in Manhattan, New York where approximately over 4000 people were killed. Security as we know it in the world has changed drastically. Every nation went to the drawing board because it was universally recognised that the conventional method that were being used to combat crimes over the last 20 to 50 years have failed abysmally, that the modes and methods used have either become obsolete or completely ineffective.

The problem was confounded greatly by the increased in narco and international drug trades, coupled with the by-products of such activities for example; money laundering, kidnapping, gang war fares, violent crimes and murders. As a result, countries around the world have been forming themselves into unions and into different organisations to deal and grapple with the question of crime, because it is universally recognised that crime is a global phenomenon and must be confronted with a by-

participant and a multi-participant approach, which no one country can fight crime alone. As a result, organisations have formed themselves into different organs to take a multifaceted approach to crime.

In the Caricom region we have for example the Caricom task force. In Europe, almost every country is now a part of an organisation, calling themselves the Democratic Oversight of the Security Services for Europe. They meet at regular intervals. In the United States, there are various organisations involving the United States, Mexico and Canada leading this fight against crime and criminal conduct. It is in this context that it has been also recognised by countries that internally it is no longer the responsibility of governments alone to fight crime. A multi-faceted approach must be established within every country to deal with the question of crime and it is in that context that parliamentary oversight of crime has become an integral part of parliamentary democracy all over the world. It is recognised that to confront crime in every country, all the representatives of the people must come together to tackle this problem. And it is in that context, that this Motion must be situated. So important is this concept of parliamentary oversight on the question of crime, that the Council of Inter-Parliamentary Union has prepared a handbook titled "Parliamentary Oversight of the Security Sector" and I suppose they expect that every Parliament will use this handbook as a guide, to guide them in the way they function.

Mr. Speaker, I would wish to briefly refer to the foreword of that handbook, written by Anderson B. Johnson, Secretary General of Inter-Parliamentary Union and Ambassador Theodore H. Winkler, Director of Geneva Centre for Democratic Control of Armed Forces. This is what these two gentlemen said:

"from time in memorial National Sovereignty and Security have been considered essential to a viable State. Nowadays the part that is played by those whose job it is to provide security is under-going considerably change. New types of armed conflict and growing ties between States have prompted innovative responses and new thinking about the very concept of security. The attack of the 11th of September, the aftermath has only underscored this lead. Effective parliamentary oversight has thus become all the more crucial to ensure that these new responses are devised and implemented with full transparency and accountability. In its absence there is a danger of security services misinterpreting their mission and acting like a State within a State, either placing heavy strains on scarce resources or exerting excessive political and economic influence."

I am going to quote Mr. Trotman just now. So, here again the importance of Parliamentary Oversight is emphasised and I wish to refer also to a document prepared by the Parliamentary Centre of Canada on the question of how important parliamentary oversight of the security sector is to a national democracy and this is what the Canadians have to say on this matter, it is important and relevant and I wish to read it into the Hansard, this is what they say:

“the experience of the last 20 or so years with states emerging from conflicts is that you cannot have development without security or security without development. It is becoming widely recognised that security or freedom of the individual and society from harm and conflict is a precondition for achieving longer-term economic and social development. It is also becoming widely recognised that longer-term security can only be assured if it is democratic-controlled of the security sector which in the broadest sense includes democratic controls of the military, the police and the intelligence services. If any or all of these devices left outside of democratic-control the risk remains that the use of a force or intelligence gathering may be exercised arbitrarily by one or more groups within society, risking a return of insecurity and conflicts.

3.38 p.m.

One only has to look as far as the recent history of Sudan or Haiti to appreciate the problems associated with the arbitrary use of force. A strong and effective security sector is one where the military, police and intelligence services operate with professionalism and with a democratic system of civilian oversight that ensures accountability and transparency.”

Then the question is posed: What is the role of Parliament? This is what they say:

“Depending on the country, there is a variety of oversight functions that Parliament is afforded by law and exercises to various degrees of practice with respect to the security sector. In many countries, Parliament has the power and responsibility to debate, approve, enact and oversee the implementation of security sector laws and policies. In some countries, Parliament is afforded the additional power to elect, to debate and select the Commander of the Armed Forces. In most countries, the Executive branch implements security sector policies, laws and action plans. They also plan the annual Budget and set the priorities for the security sector. This responsibility is well placed in the domain of the Executive to ensure that the use of force and the protection of civilians are carried out effectively and competently. The role of Parliament is to act as a representative check and balance ensuring that the development and implementation of the security sector laws and policies are reflective of the nation as a whole and addressing the diverse needs and priorities. An important responsibility of Parliament in this regard is overseeing...”

And it goes on to explain a number of things.

I read that into the record and made that as part of my presentation to underscore the importance of two things because the author in that article clearly delineated the responsibilities and functions of the Executive, and then emphasised and outlined the role of the oversight aspect of Parliament over the

conduct of the Executive. I wish to make that point emphatically because in the presentation of the Hon. Member, Mrs. Deborah Backer, she seemed to have blurred that line. In every country, the security of the State and the security of the people will always remain with the Executive. That position will never change. Parliament and the Opposition can participate in the oversight in terms of scrutinising the manner in which the Executive exercises that power over the security sector. It is not a transmission. The establishment of this Committee must not be used to denude the Executive of its sole and monopolistic control over the security of this State. That I gather is what Mrs. Backer wants us to do.

There is another dimension that I wish to highlight that this Committee will bring. Many times in this House, we on this side have been accused by the Opposition of wanting to control and denude Parliament of its functions although the record will reflect that under our administration, we have made this Parliament the strongest one since, perhaps the independent history of this country. Never before has there been so much oversight in this Parliament. We are gradually making this Parliament the best deliberative forum in this country. The establishment of this Standing Committee is another step in that regard.

Many times reference is made to Article 13 of the Constitution. It says:

“The principal objective of the political system of the State is to establish an inclusionary democracy by providing increasing opportunities for the participation of citizens and their organisations in the management and decision making processes of the State with particular emphasis on those areas of decision making that directly affect their well being.”

The establishment of this Committee is giving direct effect to Article 13 of the Constitution of Guyana because we are making Parliament an inclusionary democracy. Mr. Khemraj Ramjattan likes to accuse us of “control-freakism”- a term that he coined. Well, here it is that we are devolving power, we are engaging the Opposition in constructive discussions to enhance and scrutinise the security policy of this country. This Government should be complimented for that. I have already said that I will never shirk from criticism, but we must receive credit when credit is due and we will demand that credit. This is an initiative for which we must be complimented.

A lot has been said about who will Chair the Committee. The present position of the Government is that the Chair should remain with the Government. The Executive, as I pointed out earlier is always in charge of the security of the State. The Constitution resides that responsibility with us - the Executive. We will not abdicate that responsibility. That is why the Chair of this Committee and any Committee like this will remain with the Executive- the Government. Nothing is wrong with that. The Opposition has its role. It can contribute, scrutinise and criticise, but it cannot take over the

constitutional responsibilities over the security sector - a responsibility that resides solely with the Government. We will not give that up.

An issue was raised about where meetings are going to be held. Every time a sinister interpretation is put to anything that we craft in this Parliament, the way I see it, without speaking to any of those who crafted this motion ... [Mrs. Backer: Look at Standing Order No. 94 (a)] ...I will deal with that. What does it say? It says that the meetings can be held at a place other than the Parliament depending on where the Chairman decides. Now in the ordinary course of things, the meetings are going to be held here. However, let us say that the particular situation requires the Committee to move to Essequibo or to some part of the country where the army is stationed because the issue under review requires that the Committee go there, and suppose the Committee is required to go to the New River Triangle because of the peculiar circumstances - what then?

Mr. Speaker: A Resolution is not needed for that Hon. Member.

Mr. Nandlall: Mr. Speaker, your permission will be sought. The Standing Orders will not be breached.

Mr. Speaker: But a Resolution is not needed for what you are saying.

Mr. Nandlall: No, we are not passing a Resolution.

Mr. Speaker: That is why the Hon. Member assumes that there is some other purpose.

Mr. Nandlall: Putting the Resolution in cannot harm it. That is the point I am making. It cannot offend the Standing Orders. I humbly submit that it will not offend the Standing Orders. It will be exercised in harmony and in compliance with the Standing Orders. Whenever the Committee has to move outside of Parliament, your permission will be sought and I know your permission will not be unreasonably withheld. It is not an attempt to breach any parliamentary rule or procedure. It is one that is put there to deal with the eventuality that may arise which may require the Committee to hold their meetings outside of this Parliament. I have no difficulty with amendments being made. However, the amendments have to be reasonable. They have to make sense.

[Mrs. Backer: And that is unreasonable?] No, you are attributing to us, a sinister motive...

[Mrs. Backer: Who is us?] ...the Government! That is what you are accusing us of... of removing markers of this Parliament to a place outside of this Parliament as though we are going to engage in some sinister design.

I believe that this is a very important motion which is before this House. The establishment of a Committee of this type is very progressive. It is important because it brings the Executive and the Opposition working together with the goal to deal and grapple with the security problems. It sends a

very significant message to the armed forces and the disciplined forces that the political directorate of this country is working together and is supporting them as they grapple with crime. It sends a message to the people of this country that their political leaders and representatives are together battling crime. And most importantly, it sends a message to the criminals that the political directorate in Guyana, the people in Guyana and the armed forces in Guyana are working together and will crush them. That is the important message that this Motion sends. With those few words, I wish to say that I support this Motion in its present form and I commend that it be adopted by this Hon. House. Thank you very much. [Applause]

Mr. Speaker: Hon. Members it is now 3.55 p.m. Mr. Raphael Trotman, if you speak you will only speak for 5 minutes.

Mr. Trotman: Mr. Speaker, I promise to be no more than 15 minutes. Would the House accept that?

Mr. Speaker: If that is the length of your contribution, Hon. Member, I think...

Mr. Trotman: Yes, please Mr. Speaker. Thank you.

Mr. Speaker: I understand that there is some objection to that.

Mr. Trotman: There is?

Mr. Speaker: If there is objection, we have 5 minutes more. Please speak for 5 minutes. We will then suspend and come back.

Mr. Trotman: Thank you, Mr. Speaker. As has been pointed out by Members of the House before me, this debate is not new to this House. Everything stated this afternoon has been repeated time and time again both within the Chambers of this August Assembly and outside of it. What I am impressed with is the passion with which Hon. Member, Mr. Mohabir Nandlall brings to the debate. Everything he has said for the most part and I will disagree with him on a few matters, we have been arguing about - the purpose of oversight, the necessity of oversight of the security sector, the reasons why it should be implemented immediately and not belatedly as is now the case. I am happy that at least one Member of the Government side now appreciates, quite frankly, the necessity of parliamentary oversight of the parliamentary sector.

Hon. Member, Mr. Nandlall, quoted from a publication which I referred to on Sunday in an article that I had written, and he and I spoke about this only this morning. There is a compendium to that which I believe he is not in receipt of and I may furnish it to him later on. We have been discussing the issue of a Standing Committee for the security sector for well over a decade. I recall last January when the constitutional amendment was moved, this House debated extensively on the whole business of the Security Sector Standing Committee. Those of us on this side of the House, and particularly

this last row, argued that we should have gone forever and that date in January, and done what we are doing today, almost a year and a half later. We pushed for the establishment of a Committee with terms of reference and had even suggested terms of reference. In a memo, I believe, circulated to the Members of the Management Committee in June or July of 2008, I had done some work on this matter which I believe had been genuinely accepted. When I say I am not about to speak for half an hour it is because we had dilated on these issues time and time again.

We are indeed very happy that this Committee is finally seeing the light of the day in that it is being given life. We have had reports from the Caricom Task Force on Crime and Security, the Border National Security Report, the Joint Committee for the Formation of a National Security Strategy, the Disciplined Forces Commission, the Security Sector Reform, utterances and statements from various Ministers of Government and experts on security- all of them saying that this is the modern way to go. We are, as I said, having that gestation period brought to an end today after twelve years of consistent banging by those of us on this side.

We believe that any good parliamentary Committee on the security sector should do several things as I outlined in my paper of 2008:

- (i) it should oversee development of policy;
- (ii) it should review decision making;
- (iii) it should review the implementation of the decisions; and
- (iv) it should be able to engage in evaluation of those policies.

I referred in that document to the very publication pointed out by my learned friend –Parliamentary Oversight of the Security Sector – Principles, Mechanisms and Practices- a Handbook for Parliamentarians, and as well to the OECD Handbook on Security Sector Reform.

We believe therefore that our Committee and all Committees I agree, while having certain salient features throughout has their own uniqueness. For the purpose of Guyana, and because of the historic differences and historic tensions generated by security in this country, we accept that ours has to be different. It is because of that when we had met at the Office of the President and discussed this idea after the Lusignan and Bartica massacres, it was agreed that there will be ministerial representation on this sector Committee. Way back then it was accepted that this would not be the normal Standing Committee.

That brings me to the point of whether or not a Minister of Government should Chair this Committee and whether the Subject Minister for security should Chair it. This is a very vexed issue. I believe, as I said last year January that it is more important that we have this Committee functioning than the type of Committee that we want. I believe that we will get there eventually. I am somewhat

uncomfortable about a Minister chairing this Committee. But then again my discomfiture is not to the extent that I believe it would undermine the work in totality if a Minister chairs it. Quite frankly that is my position.

For us therefore, we would like to see the Committee examine security policies generally. I pause to say that if the Minister of Home Affairs does find himself as the Chairman, should handle matters only insofar as they relate to prisons, police and I believe the fire service. The issues of deployment and use of the Guyana Defence Force remain matters under the purview of the Executive of Guyana. That is something I do not believe that these terms of reference address because the Hon. Member, Mr. Clement Rohee, is not the Subject Minister for the Guyana Defence Force. That is a matter that has to be addressed adequately. We would wish to have the right to review legislation and even make recommendations. We wish to have the right to examine and report on expenditure.

Mr. Speaker: Stop at a convenient point, Hon. Member.

Mr. Trotman: Thank you, Mr. Speaker. And we wish to have the right to access management and administration of branches and components of the sectors. May I wrap up rather than stop at a convenient point if that is pleasing to you?

Mr. Speaker: Yes.

Mr. Trotman: I will wrap up. I will go on to say that we wish to see a reviewing of the defence and national security policies and doctrine, reviewing of procurement of moterial, deployment of G.D.F. personnel internally for law and order operations and internationally for peace keeping operations, the safeguarding of the rights of Members of the disciplined forces and of civilians with whom they come into contact. And in keeping with what the Hon. Member was speaking to earlier, and without the need for a special Resolve Clause to undertake visits to locations both scheduled and unscheduled. These are the things we anticipate that this Committee will do. We welcome it. At the appropriate time we will make our decisions on the amendments before us. We believe that even though late, it is good that it is here. I wish to remind the House that in 2007 the Hon. Member, Mr. Everall Franklin, and myself moved a motion for a National Security Committee to be adopted, but that motion was withdrawn when we were told that something was coming. In one of the things we recognised was that Members should all take the oath under the Officials Secrets Act. Nothing that has been said here today has not been dealt with before. With those short words, I want to say that I am more interested in the actions rather than the talk. I look forward to seeing this Committee in its full implementation hopefully within the confines of this establishment. But if we do have to venture out, I trust that those who constitute its Members will firstly understand their patriotic duty to Guyana to ensure that they do not violate secrets to ensure that this country's integrity remains some sacrosanct and secured. Also

that we can reform, build and continue to work to ensure the security sector is one for which we can be proud. Thank you very much. [Applause]

Assembly suspended accordingly at 4.01 p.m.

Assembly resumed accordingly at 4.55 p.m.

Mr. Rohee: Mr. Speaker, I rise in support of this Motion which I believe, like the others who have spoken before me, has had a long period in gestation before it came to where it is right now - that is before the House. I think it is a Motion that we can say is "better late than never." It is true that it took considerable time before arriving in these Chambers, but I believe we need to look to the future now. I would not wish to get too much into the history - the genesis of the spirit and letter of this Motion. Simply to say that when we look at the experiences of other countries around the world, and I refer particularly to the BE IT RESOLVED clause with reference to the Chairmanship and the composition of the body of the Committee, I think that what we have here is peculiar to our circumstances. What each country has in terms of the constitution or the establishment of such a Committee would be peculiar to their circumstances as well. We need not go as they would say forum shopping to find the perfect situation either in terms of the composition or the leadership of the Committee. We will never find a happy situation or a situation where all and sundry are comfortable.

Some of the experiences we have looked at, for example in the case of Canada, have a similar body established in their Parliament. In that body, the Minister of Public Safety plays a very important role. There is no reference as to whether the Minister Chairs the Committee, but the workings of the Committee and the operationalisation of the Committee has been cast in circumstances in which the Canadians are comfortable with. The body in the case of the Canadian Parliament seeks to confirm the law and ministerial direction which gives the impression that the Canadian Minister of Public Safety gives general direction to that Committee.

In the case of Australia, the Committee which is of a similar nature, is chaired by the Prime Minister and includes the Deputy Prime Minister and a whole host of Ministers including the Minister of Finance. There are many examples we can make reference to, but the last example that I would like to refer to is that of the United Kingdom Security Service Act of 1984. They have nine Members on their Committee and they are all appointed by the Prime Minister. The Prime Minister is the linchpin of that Committee's functions. The report which is issued by that Committee according to the rules is a matter solely for the Prime Minister.

There is a point that I want to refer to where in the Canadian case, the body is located within the Canadian Security Intelligence Service. The Canadians have found it necessary to locate that body within the Canadian Intelligence Services because of the sensitivity of the information dealt with. I

would say based on these few experiences that I have referred to, each country sets up the body based on a combination of factors – the experiences, the custom and practices. And as the Hon. Member, Mr. Nandlall, pointed out and I fully endorse the view he espoused, that when it comes to security matters, I do not think any sensible or rational State would want to see the authority or such a defining institution, given to any other authority other than the State. I would not want to make a song and dance over that and I doubt whether any one from the Opposition would want to argue against that.

5:02 p.m.

I think it is in that spirit that the statement to the effect that the taking of the oath of secrecy by Members of this body was something that most Members who spoke felt was necessary. That told me the Members who spoke recognised that this body will be dealing with a tremendous amount of sensitive matters. The role of the State and the Government representatives are going to be very critical not to diminish the role of other parties who will be seated on that body.

I think that the Chairmanship issue which will remain with the Government's side is *sine qua non* to ensure the all round steadfastness and security consciousness and also to ensure that that body is on a course which does not collide. Let us bear in mind that the Chairman which will come from the Government side, who we have not yet been able to identify, will be an individual who will be a Member of the Cabinet and who will be best informed to guide the work of the Committee. I do not think that we should make too much noise or ruckus over this issue of the Chairmanship. We have always been speaking in other contexts about the question of the trust and good faith. I think we have to reach at some point in time to the stage when we stop picking and choosing what we do in respect to trust and good faith when it comes to work in the Parliament and Committees under the purview of the Parliament.

On matters pertaining to what is spelt out in the Motion, I think a tremendous amount of trust and good faith must be exercised by all and sundry if this Committee was to succeed in the objectives which we have before us this afternoon.

The question that was raised by the Hon. Member, Mrs. Backer, on the issue of examining ongoing operational matters of the disciplined forces - that is to say the exclusionary nature of that aspect of the debate Resolve clause, I think would be treading on dangerous grounds for persons. I, myself, find that from time to time as Minister of Home Affairs, you will be treading on dangerous ground when you seek to intrude on operational matters which you have very little training about. I think it is best to limit ourselves to the policy issues, even the generic issues related to the policies rather than intruding on or into the operational issues.

On the question of the sittings, if I may use that word, of the Committee, the venue for meetings I think, should read *mutatis mutandis* with the Standing Orders No. 94 (8), I think it is. We have had a situation before where the Parliament has had to meet because of renovation works taking place at other venues. I do not know the details of how it works, but I would assume that if the Parliament moves to another venue because of some exigency of the situation that emerges at that time then the Chairman will have, in those conditions, to approach the Speaker for that Committee to meet at that same place where the Parliament is meeting. Because this is a Committee that addresses security issues, I think it is not inconsistent if a security situation should arise that would require the venue of the meeting to be someplace else other than where the Parliament is located. However, I think the underlying factor here is that the permission of the Speaker must be sought for this Committee to meet anywhere than the location of the Parliament. I think after years of political and parliamentary experience, the Government would be taking an unwise position to act in contravention to the Standing Orders of the National Assembly. Again, it is a question of trust and good faith. I am not saying that anyone implied or said this, but not to see in this formulation, some sinister motive that the Government may be impugning when it referred to venues of meetings of the Committee.

I think it was the President himself at a couple of the meetings that were held at Office of the President made it very clear to those who were present there that the Government would wish to have the Chairmanship permanently in the hands of a Government Minister. I think that was said at that meeting and I think it was said on several occasions. I do not think that we need to reopen that debate again.

With respect to the amendments or the proposed amendments that we have before us from the Hon. Member, Mrs. Backer, I do not support them because it is seeking to introduce or imply some political dimension into the discussions. We need not revisit that debate about rotation because that matter was settled at the time when the issue was raised at the Office of the President and most of the persons there agreed to that.

Further to that, I have the Minutes of the Parliamentary Management Committee dated Wednesday 3rd March, 2010 at 3.45 p.m., which was held within the precedence of this building. At that meeting, the question of the Terms of Reference of the Parliamentary Oversight Committee on the Security Sector was raised by the Chairman who reported that the Committee has not yet been appointed. At that point, a Member from the Government side made mention of the fact that while the Special Select Committee on the Draft Standing Orders had included a clause for the new Committee, it could not include the Terms of Reference since this was not the responsibility of the Management Committee. That representative or Member of the Government further indicated that the Government had made a proposal which stated that the Terms of Reference of the new Standing Committee should be similar

to that of the Sectoral Committees with the exception of its composition. This could be agreed by all Members.

What is most important in the record of that meeting is that a Member of the Main Opposition Party, I think it was the Hon. Member, Mr. Winston Murray, in response, stated that the National Assembly had already approved the amendment to the Constitution to establish the Committee and that the fundamentals were already agreed to. So that was not a debate. There was no need for a debate over the fundamentals. He went on to say that there was no need to await the completion of the work of the Special Select Committee on the drafting of the Standing Orders on the Draft Standing Orders. He, himself, had suggested that a motion could be brought to the National Assembly by the Government to bring the Committee into being. It was with that recent historical experience that this Motion has been brought to the National Assembly.

I think the way forward for the establishment of the Committee is very clear. I think that there are areas of convergence and those areas are very significant between all sides of the House. There are areas of divergence as well. However, the areas of divergence are not of a very fundamental nature because as I said they are based on our own experiences, customs, practices and so forth. Let us give the Committee a chance to settle down and get off the ground. I agree with the Hon. Member, Mr. Trotman. Let us be short on words and get the Committee going. The Hon. Member, Mrs. Backer, also said that. We are a heartbeat away from making this a reality. I would respectfully suggest - let us buckle down, get our teeth into the matter and let us move on to ensure that this Committee is placed on solid ground and that it fulfils the mandate given to it by this House to the full satisfaction of all those who will serve on the Committee. With that, I commend this Motion to the House. [Applause]

Mr. Hinds (replying): Mr. Speaker, Hon. Members, I think my colleague sitting next to me has done a good job on rounding up this debate. It is only for me to endorse some of the things he said: that all Members of this House have said that they welcome this motion. They welcome this step in operationalising this Committee and therefore let us go forward.

I think much has been said already to the issue of the Chairmanship. I think there are a number of references that we have in our studies as the Hon. Member speaking before me had pointed to. He said that in a number of countries with whom we share some history, we have Chairmanship in the hands of the Government and even the hands of Prime Minister who is head of Government. Also, we see that in a number of jurisdictions the meetings are located away from Parliament. I want to say again that maybe it was in our enthusiasm to get going that we may have overlooked the need for us to respect that Standing Order which would call on us to seek approval of the Speaker and the House to locate a Parliamentary Committee at another place. We have accepted that and in the course of the motion, we would suggest an amendment to bring us in line with that requirement.

I look forward to your support, maybe somewhat hesitant, but yet still some critical support for this motion as it is put to the House. Thank you. [Applause]

Mr. Speaker: Are you moving an amendment Hon. Prime Minister? I am not inviting you to.

Mr. Hinds: Yes, I will move an amendment.

Mr. Speaker: Well I think now is the time to do so.

Mr. Hinds: Thank you, Sir. I would like to make an amendment to the first “BE IT RESOLVED” Clause:

Question put and carried.

Assembly in Committee.

(iii) the Chairmanship will remain with the Government side of the House...”

Delete “which will determine”, replace it with “and”. It will now read:

“...and the location of the venue for meetings with the necessary secretarial support staff to allow the Committee to function in a...”

We want to delete “more” and replace it with “sufficiently”:

“...in a sufficiently secure environment based on their mandate and responsibilities;”

And here we add a section:

“To be determined in accordance with the Standing Orders.”

Mr. Speaker: Hon. Members thank you. That is the conclusion of this debate and I would like to now put the motion. We have two sets of amendments - we have some amendments by Mrs. Backer and some by the Hon. Prime Minister. We will put the amendments of Mrs. Backer first one after the other. The first one deals with the first “BE IT RESOLVED” Clause:

I propose, Hon. Members, that in the first “BE IT RESOLVED” Clause, the words in sub-paragraph 1 are to be deleted and replaced with the words, “ten Members”.

Amendment put and negatived.

The second proposed amendment deals with the first Resolve Clause - delete the words in paragraph (iii) and replace them with the following:

“The Chairmanship shall rotate between the Government side of the House and the Opposition side of the House and the venue for all meetings shall be at the Parliament Buildings.”

Amendment put and negatived.

We move now to the third Resolve Clause - BE IT RESOLVED that the first paragraph be deleted and replaced with the following:

“That the Standing Committee in the discharge of its functions shall examine the public security policies of the Government and the policies in administration of all the entities that comprise the Security Sector and shall have authority to.”

Amendment put and negatived.

Mrs. Backer: Sir, there is one other amendment at the bottom, delete the...

Mr. Chairman: Sorry.

Mrs. Backer: It is not well put. That is my mistake on how it is constructed.

Mr. Speaker: Hon. Members there is a third amendment the fourth Resolve Clause; it is proposed that the fourth Resolve Clause be deleted.

Amendment put and negatived.

We now move to the amendments proposed by the Hon. Prime Minister.

Firstly, in the first Resolve Clause sub-clause (iii) the words “which will determine” be deleted.

Amendment put and agreed to.

It is also proposed that the word “and” be substituted for those words which are deleted.

Amendment put and agreed to.

I put the question that the word “more” be deleted and substituted there for with the word “sufficiently”.

Amendment put and agreed to.

It is proposed that the following questions be added at the end of the section.

To be determined in accordance with the Standing Orders”

Amendment put and agreed to.

Hon. Members that concludes the amendments and I will now move the motion.

Motion as amended put, and agreed to.

Motion carried.

Assembly Resumed.

Hon. Members we can now go on to the conclusion of the consideration of the 2004 Report of the Disciplined Forces Commission. I have given consent in accordance with the Standing Order No. 28 (2) to move the motion. Hon. Prime Minister you may now proceed.

Mr. Hinds: Mr. Speaker, Hon. Members, I think that all Members of this Select Committee are somewhat embarrassed to come here again to ask for a further extension, but we would say that we have been meeting steadily. I think we have had some forty or forty-one meetings last Monday. When we looked for a day on which to locate these meetings, Monday at the time was the day that seemed to be having the most opportunity and maybe it was so for a particular reason. Mondays often end up being holidays as is coming up again two weeks from now, that is Easter Monday, which may have in some way added to the delay. I want to assure you Mr. Speaker and Hon. Members of this House that we have been working steadily and assiduously at this task that has been assigned us.

In the Motion there, in our estimates, we expect that we should conclude and have our Report ready for presentation by the middle of May 2010. Mr. Speaker, Hon. Members I do hope that this House will support this Motion.

Mr. Carberry: Thank you Mr. Speaker. It is really sad that we have to come back to this House once again seeking a further extension of time for this Committee. This Committee was established in the first instance since the 8th July, 2004. The mandate of this Committee was very clearly stated. I find it most interesting because it is germane to what I have to say. I will read it. This is Resolution 48 dated 8th July, 2004:

“It is further resolved that this National Assembly refers the reports of the Disciplined Forces Commission to a Special Select Committee for review within a period of four months and thereafter, to report to this National Assembly as to the manner in which such of the recommendations which are accepted ought to be accepted, including which Committee of the National Assembly will monitor such implementation.”

I did not interpret that to mean that we were establishing a second Disciplined Forces Commission but it appears that what has happened is that the Committee has *transmogrificated* into a second Disciplined Forces Commission.

Mr. Chairman: Careful, Hon. Member.

Mr. Carberry: It is a transmogrification that has taken place from being a Select Committee. This Committee has seemed to constitute itself as a Standing Committee now, not a Special Select Committee. I believe that some folks are being led to believe that it is a social club, that this Committee has now become a Monday afternoon social club.

Mr. Chairman: You are insinuating there that I will be asked to provide refreshments sooner or later.

Mr. Carberry: I understand that they are very well refreshed. I believe that in all seriousness, we in this National Assembly in establishing the Disciplined Forces Commission wanted to see serious reform take place in the Disciplined Forces. We expected that this Committee would expedite its work so that in fact those reforms would take place. This Committee was established in the 8th Parliament. In the 9th Parliament, they were asked to take account of all of the work that was done in the 8th Parliament.

5.32 p.m.

Now in the 9th Parliament, if we are not careful, we are going to move into the 10th Parliament with this Committee. When I look at the extensions, this Committee came to this House on the 4th August, 2008 and asked for an extension to the 15th December, 2008. Then it came to the House again on the 22nd December, 2008 and asked for an extension to the 6th August, 2009. It then came again to this House on the 6th August, 2009 and asked for an extension to the 30th November, 2009. On the 9th December, 2009 it came asking for an extension to the 31st January, 2010. Now on the 8th March, 2010 it has asked, and today of course, on the 18th March, it is asking for an extension to the 14th May, 2010.

This Committee has had forty-one Meetings. I am asking myself and I am sure many Members of this House are asking themselves: When is this Committee likely to conclude its work? Apart from everything else, it is shameful that in 2004 we all agreed that it was urgent that there should be reform of the Disciplined Forces. Now on the 18th March, 2010 we have still not concluded the work, not of the Disciplined Forces Commission, but of the Special Select Committee which is now a Standing Committee.

I hope that this is the last and final time that this Committee has the nerve to come to this National Assembly to ask for an extension. I am tempted to be a little bit more caustic, but I would restrain myself at this time and ask the Members of this Committee to please for the sake of our own image as a National Assembly, bring this “Members Only” club to a close.

It obviously is a “Members Only” club. It has very restrictive memberships. Restrictive membership meets on a Monday afternoon and they in fact, are so happy in each other’s company that they have been operating now from 2004 to 2010 - six years. That is a lot of time for them to come to a conclusion. I am asking that this is the last time that they are coming to us to ask for an extension. I do not know what sanctions we have, but the resources of the National Assembly are very limited. Why do we want to misuse it in this way?

Please Sir, could we ask this Committee which is under the Chairmanship of the leader of Government business, none other than the Hon. Prime Minister, to ask him if he would be so kind as to expedite the work of this Committee and to ensure that the “Members Only” club come to an end on the 14th May, 2010. [Applause]

Dr. Ramsaran: Thank you Mr. Speaker. Like the Prime Minister, I too express some embarrassment that we are going on and now asking for extra time. I would like to assure Mr. Carberry that this indeed should be the last time.

Mr. Speaker: It is very rash to make such promises, Hon. Member.

Dr. Ramsaran: I do hope that we can keep that timeline because as the previous speaker indicated, this might be a “Members club.” I detected some apprehension. Is he seeing a little situation developing where some of his Members are becoming too cozy with the Government? There are some ripples with big and small ones in the ranks of the P.N.C. Of course, there was a rumour that we were expanding the Civic. I do not know if Mr. Carberry knows something that I do not know. It is not a “Members club.” I would like to tell you that none of the delays are due to delinquency in terms of absenteeism. I would like to inform the nation and the taxpayers who support us here, and the House, that attendance has been very satisfactory. Unfortunately, we have had some Mondays lost to holidays which kind of threw us off track.

Mr. Speaker and Members of the House, we do not have a “Members Only club.” We are discussing some tacky issues. One that is taking in a lot of our attention is the issue of Ethnic Balance. We are having some very profound views and recommendations being made. The Report itself is very voluminous and adytum. We are looking at it. I would like to promise you that we will continue working as diligently as we have. This side of the House will continue to try to influence in whatever way we can those Members of the “club” that Mr. Carberry referred to, with the aim of bringing this to a quick conclusion. I would like to beg your indulgence and beg your support of this Motion and we will get on with our business probably a bit more rapidly. Thank you. Mr. Speaker.

Mr. Speaker: Thank you Hon. Member. Are there any other speakers?

Mr. Hinds: Thank you Mr. Speaker and Hon. Members. I think in responding to Mr. Carberry, I would say that maybe it is that we have taken on board this question of serious reform and there has been serious consideration on this matter. I would also like to assure him that good things are happening. Much of the reform that is in the Disciplined Forces Commission has been occurring and I will join in assuring him that I will do all I can to have this work completed in time for reporting by the time specified in the Motion - the 14th May. Thank you, Sir. [Applause]

Question put, and agreed to.

Motion Carried

ADOPTION OF THE REPORT OF THE SPECIAL SELECT COMMITTEE ON THE COURT OF APPEAL (AMENDMENT) BILL 2008

BE IT RESOLVED:

That the Report of the Special Select Committee on the Court of Appeal (Amendment) Bill 2008 – Bill No. 12 of 2008 be adopted.

Mr. Speaker: Hon. Members we can now proceed with the adoption of the Report of the Special Select Committee on the Court of Appeal Amendment Bill 2008. Hon. Attorney General and Minister of Legal Affairs you can now move the Motion that the Report of the Special Select Committee on the Court of Appeal (Amendment) Bill be adopted.

Mr. Ramson: Cde. Speaker, I raise this evening to invite this House that it adopts the Report of the Select Committee which was laid over in the House on the last occasion which was last Thursday, in accordance with the appropriate Standing Order.

Mrs. Riehl: Mr. Speaker, the Court of Appeal (Amendment) Bill No. 12 of 2008 is a very important Bill with far reaching consequences for any hapless citizen of this country who finds himself before a judge or jury of this land. It is the Bill, if Members recall, that empowers the Director of Public Prosecutions to appeal acquittals by a judge or jury. It is instructive to note that the D.P.P.'s right of appeal goes right up to the highest Court which we now have - the Caribbean Court of Justice. The hapless accused as I said, having been....

Mr. Speaker: Did we not go through all of that in our debate?

Mrs. Riehl: ...yes Sir, I know. This is just merely a few preliminary lines before I go into the crux of my presentation. It is interesting to note that there is no automatic bail or release for that accused. Having said that this is a very important Bill, one would have expected that in its course during the Select Committee that sense of importance as to what is happening there will come forward. Suffice

it to say, nothing of the sort. I wish to go through the motion of listing what had happened during the nine meetings of this Select Committee.

The history of the work of this Committee is almost as important as the Bill itself. This Bill was debated in this Assembly on the 24th July, 2008 and sent to a Select Committee of this Parliament. After the 24th July, the next we heard of the Bill was on the 22nd December, 2008. Five months later, the first meeting of the Select Committee....

Mr. Speaker: With respect, Hon. Member, I do not want to stop you, but how is that relevant to the Report that we are debating before us?

Mrs. Riehl: I will show you the relevance as I develop. I just want to trace this. It is only nine meetings. It is not the Disciplined Forces.

Mr. Speaker: It is nine meetings and all the Meetings are recorded in the Report.

Mrs. Riehl: No, I do not see one and two. The point I wish to make is that the last two meetings of this Select Committee was just hurried through and I need for you to allow me these few minutes to go through this.

Mr. Speaker: I have no problem allowing you.

Mrs. Riehl: I do not think this is going to the meat of the Bill. It is going to the work of the Select Committee. There were nine meetings and the first Meeting of this Committee was done to elect a Chairman - the then Chairman Mr. Doodnauth Singh was elected. That was since December 2008. The next we heard of this Bill was on the 15th October, 2009 - the second meeting of this Select Committee. Another Chairman who took the place was the current Attorney General. The third meeting was held on the 6th November, 2009 which was in fact the first working meeting of the Committee held on the 6th November, 2009. The meeting was called and we agreed on how we will proceed. We decided that we were going to meet fortnightly at 3.00 p.m. on Fridays.

Mr. Speaker: I note here that the Chairman expressed a warm welcome to Members. Is that indicative of the atmosphere?

Mrs. Riehl: That warm welcome will soon be dissipated by the time we reach the other meetings.

Mr. Speaker: Yes, Attorney General you were saying...

Mr. Ramson: On a point of order, Cde. Speaker. I believe that this House ought to be guided and observe the Standing Orders. The Standing Order to which I refer is No. 64.

Mr. Speaker: The what?

Mr. Ramson: Standing Order No. 64. I do not see any licence to proceed in the manner in which the Hon. Member is seeking to take us, if those words identified in one, means anything. It does not allow for any kind of regurgitation of any history of what took place in the Select Committee. It says here quite clearly:

“When the Bill has been reported from the Select Committee,”

Which has been done:

“...the assembly may proceed to consider the Bill as reported from the Select Committee upon a motion.”

...which I have just moved under paragraph 9. There is no paragraph 9. There is a paragraph 8 of Standing Order No. 103. Then there are certain procedures that have to be adopted, but it does not include the procedure by which route the Hon. Member is seeking to take us. I object to any discussion on what took place in the Committee. It does not permit that kind of thing.

Mr. Trotman: Mr. Speaker may I be heard in assistance, on the point raised by the Hon. Attorney General? In his own words, he says that: “Upon a Motion brought to the House for the adoption of the Report”. When a Motion is before the House, there is a presumption and the practice has always been that we have debated it. Albeit not in any lengthy shape or form, but we have always had debate and discussion and traditionally, Members pat each other on the back about the work done and they were able to find consensus and so forth. In and of itself, once a Motion is on the floor, we expect that there be some debate on that Motion and then it is adopted. I do not know that it could be so perfunctory to just lay it and there is no discussion at all. Thank you.

Mr. Speaker: Hon. Members the issue here deals with relevance. We had a Special Select Committee which sat and which produced a Report. I will permit a debate on the Report. The meat or the substance of the Report really has to do with its decisions and recommendations. I appreciate that Mrs. Reihl is making some remarks, but those remarks are not relevant to the conclusions of the Report. If you recall, all past Reports here have had two speakers, one from the Government and one from the Opposition. Sometimes Members of the Opposition say we did not agree with the proposals in the Report, but we had great fun discussing. A lot of thanks and encomiums flowed across the House. I appreciate that this is an important Bill. It has very serious issues and it has matters which agitate the mind. Nevertheless, that does not mean that I will entertain discussion which goes beyond the Reports which are contained in the document. That goes for the Government and it goes for the Opposition. You may continue Hon. Member.

Mrs. Riehl: There were nine meetings altogether of this Committee. The P.N.C. Members attended seven meetings of that Committee, all three of us, without any failing and contributed to what

happened in those meetings - the only people in fact who contributed, if honesty is the word in these things. At the first working meeting, the Attorney General said to us that this was unfamiliar terrain and that sort of thing. We helped him along and we advised him. We decided on how and when we will meet. We also told him that he can put out notices in the papers or write to certain entities. If he is honest he will say things. We moved very well. You like to hear the nice parts, but not the terrible parts of how we worked. We moved...

Mr. Ramson: Cde. Speaker, I am still objecting. I do not need to hear nice parts or bad parts. I am saying that the procedure does not allow for it. This kind of latitude that has been given....

Mr. Speaker: Allow the Hon. Member please, Hon. Members.

Mr. Ramson: I need to be protected from this kind of unrelenting cacophony of bucolic interventions from the other side. I am saying, as I understand the Standing Order, that whatever might have been the practice in the past, or whatever policy might have been adopted, those things do not come within the parameters of the Standing Order that is relevant. There is a provision which allows for certain things to be done, but I am not going to advise the very people who are out to ensure that there is a protraction of these proceedings. I do not need to be given any encomiums. It does not matter to me. It does not take me to the bank.

Mr. Speaker: Hon. Members let me repeat what I said. I do not think that the Hon. Members heard me. The issue in this debate is relevant. The relevant document is the Report before us. All sixty-five Members of the National Assembly can speak to the Report, but the speeches must be confined to the recommendations or lack of recommendations in the Report. That is the way the debate can be constructive. If we are going to spend our time dealing with who advised who what, who did not advise who what, what positions were taken in the Committee, what positions were not taken in the Committee, we are not going to finish tonight. The recommendations are contained in the Report and they are all at certain pages which are set out. Those are the matters which are relevant. I will once again ask Members to please let us have your contributions on the recommendations.

Mrs. Riehl: Should I just take my seat now, there is none. That is why I laid out the procedure that this was a very important Bill. Out of the nine meetings, the one meeting that the P.N.C. Members never went to, we had a straight record then, at that one meeting, this Bill was taken from its beginning to its end. That was the 8th Meeting. That meeting was postponed at the behest of the Chairman on the pretext that certain Members had to attend a funeral. It was rescheduled without any consultation on the Friday before the Parliamentary debate on the Budget speech.

On that eighth meeting when all the Opposition Members were absent, the Bill was taken from its beginning to its conclusion and a Draft Report was made out. That is the Draft Report we have. There

is no recommendation safe and except the inclusion of one extra offence which was not listed, where the D.P.P. can appeal. That is on some issue of terrorism. There were no other recommendations although the G.A.W.L. made extensive written submissions and came and defended it - neither a word nor an issue was taken on that Report. That is the Report. I cannot say that any recommendation is here which we did. What happened in this Select Committee - you said that Select Committee people usually pat each other on the back. That has in fact been the *modus operandi* of most of the Select Committees. I commend the Ministers who were chairing these meetings and that we always, very agreeably, worked out the issues such as the changes we could make. That is why I was laying the foundation of how we operated up to the 7th meeting. Then the 8th meeting, the one single meeting in which we were absent, the Bill was taken through all of its clauses. Nothing was taken into consideration. If you want me to confine myself within the ambit of this Report, I do, because the Minutes of this meeting are part of the Report. This is the Minutes of the 8th Meeting:

“Absence of Members of the P.N.C.R. It was announced that the Committee was in receipt of a letter from Mrs. Clarissa Reihl stating that P.N.C.R.1-G. Members would not be attending the meeting due to other parliamentary commitments.”

This was the Friday before the Budget debate commenced on the Monday. This was not one of the scheduled meetings of how we agreed to go fortnightly. This was one arbitrarily fixed after the one that was cancelled. Then he further said and this is from the Minutes:

“Further, he posited that, in his view, the P.N.C.R.1-G.’s letter was bereft of plausibility, therefore, he was not inclined to defer the meeting. The other Members present agreed to proceed with the meeting.”

Fair enough, that was the 8th Meeting. The 9th Meeting lasted eleven minutes and the Draft Report was tendered - no changes whatsoever. We have always and as I said commend Ministers. I worked with several Ministers in the Select Committees. I share your view about patting each other on the back because they are very reasonable. When you invite views from the public or from some entity, at least you have to consider those views. This is what the Hon. Minister said about the views that he got from the Women Lawyers and other people who sent in their views. We had several written ones. The Chairman and I am quoting again from the Minutes:

“He, however, stated that since there were no viable suggestions on amendments of the Bill, both in the National Assembly and at the Committee level, saw the need to speedily pursue its completion.”

He speedily completed it in one meeting after this Bill languished in the Select Committee for a year and a half before it got off the ground. This makes a sham of the Select Committee process. It calls

into question, the Hon. Minister's *bona fide* as it regards the process of the Select Committee which is supposed to scrutinise and refine legislation and take into consideration views made by outsiders, whose views we solicited in the first instance. None of this was done. One meeting and the entire Bill was converted into a Draft Report. This is not my usual *modus operandi* in this Parliament - it is simply not fair. We have been there all the time, every meeting. You can check the records which is part of this Report. I have nothing more to say, Sir. [Applause]

Ms. Manickchand: May it please you, Sir. I wish to support whole heartedly the adoption of this Hon. House of the Report of the Special Select Committee of the National Assembly on the Court of Appeal Amendment Bill, Bill No. 12 of 2008. I believe we have a unique opportunity in Committees to ventilate our views on various issues that arise in the matters under consideration.

6.02 p.m.

I believe though, that sometimes there are misconceptions about what "ventilate" means. We have at those Committees persons who sit there and have various views and are allowed to air those views. Whether those views are adopted is another matter. While there could be a consideration and there ought to be indeed of what each Member of that Committee says, I believe that at the end of the day it is the majority of persons who will make a decision as to what ought to be in or out of the particular Bill. That would be reflected in a report.

I have to say for myself that when I Chair Committees and we have had quite a number, it irks me when persons are late or absent because on your agenda you have this list of things that you want to get done by a specific date. When you have to adjourn only because people did not come and you do not want to offend another side, especially when the entire side is absent, it could really get in the way of the progress of work. It is not something that we want to do on this side of the House, especially, when we are made to answer as to why things are not finished.

I wish to indicate that while there may be issues that might have been raised, those issues would not necessarily be adopted by the majority of the Members of the Committee and, hence, would not be reflected in the report. I could well understand that persons whose views were not taken on board may be a little perturbed and upset at that, but we live in a democracy and the majority rules. That is how these Committees function. [Interruption]

Mr. Speaker: Hon. Members, please.

Ms. Manickchand: I heard you say earlier and I agree with you Sir, that you cannot hear heckles or words coming from persons who are sitting, but I am hearing some of them. I do not want to get controversial, but we are saying that majority does not rule and minority voices have a say. Why is it that people believe that only what they say is reasonable? A majority of persons are saying that what

you are saying is not reasonable - this is reasonable and that is usually what is included. What we have, usually in the House, is that the Opposition's views sometimes are not implemented and automatically the Government's view becomes unreasonable and automatically the majority's view becomes something that is unreasonable. That cannot be logical in any language. I wish to commend this Report for the adoption by this National Assembly and do so move. [Applause]

Mr. B. Williams: If it pleases you, Mr. Speaker, unfortunately, we on this side of the House would be unable to support this Report. We cannot because we do not have any contribution in this Report. In fact, this Report, were it to pass this House, brings into question the whole purpose and philosophy which underpins a Select Committee. Why should we go to a Select Committee when the main Opposition in the Parliament does not have the opportunity to contribute? In fact, the Report does not contain anything whatsoever in relation to the position of the Opposition.

Our procedure on the proper apprehension of this Report begun with the Chairman stipulating the time to begin, we were all there. I was present at every meeting. We thought it was a good order. We turned up at 3.00 p.m. In most meetings I never really wanted to turn up at 3.00 p.m. Then at the next meeting, the Hon. Attorney General turned up at 3.25 p.m. and we did not have a problem with that. We waited for him and he was twenty-five minutes late. That is in keeping with what my Hon. Friend, Mrs. Clarissa Riehl, said about the type of approach that is within the Select Committee or the Committees in Parliament. It is quite unlike what we have here in the Chamber when we meet, generally. Our procedure which is reflected here is that we would invite memoranda and invite persons to come. We had the D.P.P. and G.A.W.L. Personally, I would have wanted more persons to come, but that was not in keeping with the so called "majority opinion."

This Bill has epoch making and far reaching consequences for the people of Guyana. Should we not, in this Parliament, have had the opportunity to "ventilate" on it, as the Hon. Member was speaking about? We never had that opportunity. We heard two presentations and when we were to meet to assimilate these presentations among ourselves, the meeting was adjourned. We had statutory meetings and those were called off. Do you know when this meeting was held? It was on the eve of the Budget presentation. We sent a letter out of respect for the Chairman and other Members of the Committee. I was aghast and flabbergasted to know that something as reasonable as that, that all three Members who have consistently attended meetings because of the situation and it was not a statutory meeting, and we could not adjust our programme, we asked for a postponement. I was shocked to know that it was not forthcoming.

What is it that we are trying to engender in this country? What is it that we are trying to achieve? In which direction are we going when we have laws like this? When we are talking about a Committee that is examining a law that could impact the entire nation that is designed in their opinion on one side to enhance justice, when the state of justice in this country as it is, in my humble opinion,

dysfunctional? How are we going to move forward when the best course is “upmanship?” You come in and push your agenda and complete the work of a Committee within five to seven minutes. By the time we got there and we were not twenty-five minutes late, it was over. How could that have been possible?

Therefore, it is our belief that this Bill be recommitted so that the proper attention could be paid to the submissions made by citizens of this country in relation to it because we have not cogitated on it. The G.A.W.L. wasted their time in attending. The D.P.P. would have wasted her time in attending because we have not, as a Committee, sat and deliberated on their representations. Therefore what are we doing? As a Committee, we never said: “Look, the G.A.W.L. and D.P.P. said this. What is our position on it?” We never had this intercourse. That is why we are talking about the efforts that you Sir, personally, made to try and make this Parliament a real Parliament - to try to make this Parliament a democratic one. This could not fit within your model, Mr. Speaker.

I do not want to use words that are prohibited by the Standing Orders, but what words would be best used to describe this is if there is a real intention to move pass this. It is not bollix, but it is an illusion of democracy. At best, this is an illusionary democratic practice. It could not happen. We need to engender a firm democratic practice in our Parliament – the highest Court in our land – if this country is to move forward. We would not have minded if we had the discussion after the presentations by the citizens and then the Hon. Member robustly refuted everything we said or shut it down without entertaining it. At least we could have said that we had the intercourse and the Hon. Attorney General used his majoritarian position of Chairman of the Committee to knock us down. We do not mind that. We are non-suited. We are preempted. We do not have a chance to get into the forum. We never had the opportunity to represent a large segment of this country. In fact, most people in this country would want to know that we sat as responsible people around the table and meaningfully looked at the Bill.

I do not think that the Hon. Attorney General could believe that he is the repository and fount of all knowledge. It is not a situation where as in England, justice was determined according to the length of the Chancellor’s foot. I, personally, would not want to have to measure the length of the Hon. Attorney General, Hon. Mr. De Santos’ and Mr. Doodnauth Singh’s feet, but justice has to be objective.

The person who is the leader of the Bar in Guyana has to have a higher duty and standard. He is the repository and protector of our justice system. He has a prior and perpetual retainer for justice and I am going to appeal to him. Maybe the question of brinkmanship might have gotten the better of the situation. However, to me, in terms of fairness for the People’s National Congress and the people of Guyana, it would entail that we revisit as the Hon. Member chairing the Sexual Offences Committee has done because I opened this package and I see that even though something similar had happened in

her Select Committee, she has circulated, after I intervened, and reopened the meeting by virtue of what this notice is that I received, to go back because they had concluded.

Ms. Manickchand: I just wish to say very clearly that the same thing did not happen and it did not call for this because this is going to become an issue...

Mr. Speaker: Hon. Member, you cannot interrupt a speech to correct somebody. If you want, when the Hon. Member is finished, I will give you a minute to clarify anything he says that is not correct.

Ms. Manickchand: I will take that. Thank you, Sir.

Mr. Williams: We are going to have another meeting even though the Hon. Member of the Sexual Offences Committee, to all intents and purposes, felt that she had her last meeting. I am in a spirit of conciliation. I am in a conciliatory mode. I am not in a war mode. You will know when I am in a war mode.

Mr. Speaker: I have never seen you in a war mode, Hon. Member. Please do not bring it to this House. Please remain in your conciliatory way because we like that way.

Mr. Williams: I will urge the Hon. Attorney General, who is not a stranger to me and who has collaborated with me before on important matters. He, in fact, was one of my attorneys in a weighty matter in the past. I am saying that he is not bereft of reason. Anything that is worth doing is worth doing well. This cannot be said to be in that category of something well done. It will be partisan and one-sided if it were to go through in this manner. I would urge upon the Hon. Attorney General to recall and recommit this matter back to the Committee so that we could go through this and do the people's business. He could use his majority although that is not really the ideal in what we are trying to achieve in this new kind of Parliament. We are trying to see if consensus can happen. I do not want to go into the merits of the Bill, but I would say that it is sufficiently serious for the people of Guyana that we have a holistic discussion on it - the pros and cons - so that the people who made contributions and submitted memoranda would not feel that their time was wasted.

On that note, the People's National Congress Reform cannot support this Bill because it does not have our input and secondly; we are urging the Hon. Attorney General, in the sense of fairness to recommit the Bill so that it would be easier for us to assist its passage through this Hon. House. [Applause]

Ms. Shadick: Mr. Speaker, it was always my understanding that when a Bill is debated, read for the second time and then sent to a Special Select Committee, it goes there for any amendments to improve that Bill. It is not to kill the Bill. I never understood that we went to a Special Select Committee to kill the Bill.

I attended all except one of the meetings of this Special Select Committee and that was the first working meeting where they decided on a modus. There were times when I sat there and was disagreeing because the Attorney General was allowing persons like Mr. Basil Williams to regurgitate all the arguments that he had made during the debate. What was happening was that the Opposition was saying that this Bill should not be there. I kept trying to remind the Chairman that we should go through the Bill to see how we needed to amend it.

With due respect to the two groups who appeared before the Committee, did have things to say. In fact, the D.P.P. wanted wider powers which the Bill did not give her and the Committee did not think that she should have. The G.A.W.L. came with the same argument that this Bill should not even be there. I do not know that we could have gotten anything useful out of those things. For the Hon. Member, Mrs. Riehl, to say that the last two meetings were hurried through, with all due respect to the Deputy Speaker and the Hon. Member, she was not present at the last two meetings so I do not understand how she knows that they were hurried through. I sat here and heard a Member say that Mr. Moses Nagamootoo had walked out of the Meeting. The Member who said that never attended any of the Meetings of the Special Select Committee so how can he say that?

We went through this Bill clause by clause. The procedure for a Committee says that three is a quorum. I know that when I walked into the last meeting, the Members of that Committee from the Opposition side were in the Parliament Office compound, but they never went into the Committee Room until we had finished. It was a short report and all we had to do was to confirm the report. If it took eleven minutes, so be it.

I do not see anything wrong with the procedure that went on in the Committee and I would like to give my support to the motion that the Committee be adopted, the setting and the Bill be read for a third time.

Ms. Manickchand: Thank you for the time, Sir, but I believe the record would clear anything that was said earlier. I would just decline the minute.

Mr. Ramjattan: Mr. Speaker, after this extremely important Bill took five months to get off the ground, I got what one could state as a belief that it would be a farce. It was not going to happen the way it happened with the Forestry Bill with Hon. Minister Robert Persaud and so many other Bills for which I sat as a Member of the Special Select Committee, I decided that I would not participate in the farce.

Now that we have heard what Mrs. Clarissa Riehl and Mr. Basil Williams have indicated by wanting to find verification of what they said, I asked your staff member to get for me the Verbatim Records – the Hansard - but it is not available to know what had transpired. I wanted to make a speech as to

what really transpired having heard hearsay from what they are telling me. It is not available - he just indicated that to me.

All that I have heard, even from Mr. Nagamootoo, as to how he had to walk out as a result of the Attorney General indicting that when a Bill comes from Parliament it must pass through the Special Select Committee and then go on and no one should object to it. All of that is what transpired. Why should I participate? That is the reason why I absented and excused myself. I do not want to participate in a fraud.

Mr. Ramson: This is precisely the kind of excursion into the unregulated process that I drew to your Honour's attention when I took the first objection. Try as I might to find the possibility of allowing myself to be persuaded that there is room to take the Bill back to some place which is not permitted by the Standing Orders to which I referred, I can only say that whatever might be their understanding of the rules, I am bound by the rules. I do not see any opportunity for me to accommodate their wishes without myself being in violation of the rule. I wish to move that this Report of the Special Select Committee be adopted without amendment and that the Bill be now read a third time and passed as indicated after adoption of the Report.

Question put, and carried.

Motion is carried.

Mr. Ramson: May I ask this Hon. House to adopt and have the Bill read a third time with the Report as adopted.

Question, put and Carried

Bill read a third time and passed with the report as adopted.

Motion is carried

Ms. Teixeira: On behalf of the Committee of Appointments, I am very pleased to bring before this House the motion for its consideration of two aspects. One is in relation to the list of entities seeking permission of the House which requires a two-thirds majority for the entities that the Committee of Appointment will consult to obtain their nominees – one person from each of these entities. Also under the Constitution, to name the nominees of the National Toshihos Council and the Amerindian organisations.

The Committee of Appointments, I think, has gone a far way. On the Indigenous People's Commission, we had agreed, prior to the recess, for the entities to consult the University of Guyana Amerindian Research Unit, the Environmental Protection Agency, The Ministry of Amerindian

Affairs, The Private Sector Commission, Ministry of Labour, Human Services and Social Security, Ministry of Health and Guyana Council of Churches. We had agreed to this. We had many discussions and came up with an agreement which there has been no shifting on between the Members of the Committee.

The second component in relation to the Toshaos is that we had had nominations of the National Toshaos Council from the Elections in 2007. Regrettably, as a Committee, we did not complete the process of the Indigenous Peoples Commission (I.P.C.) and therefore, the new Toshaos Council met once again and nominated three new persons to be their nominees in accordance with the Constitution. I ask that the House note that the Toshaos Council indicated in a letter in 2007 that they wanted their nominees to be Toshaos and Amerindians. The Constitution does not make that as clear as they would like it. On principle, the Committee of Appointment agreed to support that view and to support their nominations. The four Amerindian organisations in 2007 had submitted their names and we went through a process in the Committee to move from five Members that they had nominated, to two. We feel that this is a very important movement by the Committee that was done with no acrimony in the last meeting that we had.

6.32 p.m.

In fact the Government side... I do not anticipate this being a problem except to signal to you, this House and the Public, that we as a Committee agreed that the entities, once adopted by this House, will be given three weeks to respond to us. We, therefore, hope that we will be able to return to this House in the near future to be able to move to the final stage of the nomination process of the Indigenous Peoples' Commission, so that this Commission can be appointed. Thank you.

Dr. Norton: If it pleases you Mr. Speaker, I rise to offer some brief comments in support of this Motion, Nomination of Members of the Indigenous Peoples' Commission. Despite the many disagreements and long months of impasse, at one stage from as long as June 2008 to January 2009, there was always a determined effort to arrive at a consensus. This has brought us here, where we are today, presenting the motion to this Hon. House.

The Indigenous Peoples' Commission is one of the four rights commissions established by Article 212G of the Constitution of the Republic of Guyana. All the primary functions of this Commission are stated in Article 212T. The debate and contentions during the meetings of the Committee on Appointments among its Members, that is between the Members of the Government and the Members of the Opposition on the other hand, were with respect to the composition of the Commission. This is particularly so with respect to Article 212S (2) (a) and (b) of the Constitution.

In dealing with Article 212S (2) (a) where the P.N.C.R.-1G. pointed out that on the principle of parity, the Committee should not consult with more than five entities which in turn would provide five nominees. This is equal to and is in keeping with the five persons nominated by the four indigenous N.G.O.s and the National Toshias Council as is stated in Article 212S (2) (b). According to Article 212S (2) (a) as much as ten members can be nominated by these entities, all with voting rights. It is felt by the P.N.C.R.-1G. that if more than five members are nominated by these entities, then they can out-vote the five members nominated by the indigenous peoples N.G.O.s and the National Toshias Council. The argument was that this being an Indigenous Peoples' Commission then the least one would expect is that the members nominated by the Indigenous Peoples themselves should be in the majority or at least equal to the members nominated by the non-indigenous entities. I say this for the record that this is not taking into consideration at any time at all – never – whether these nominees are indigenous or not. This would create a situation, we hope, very similar to that which exists at the moment in the Women and Gender Equality Commission where a vast majority of its members are women.

This position of the P.N.C.R.-1G. was taken even after considering and agreeing with a statement made by the Hon. Mrs. Holder of the A.F.C. that there is need to adapt the principle of wide consultation, and suggested that the Commission could benefit if there is widespread participation. The Hon. Member also expressed the view that the Guyanese public had a right to participate in the business of the Indigenous Peoples and the Commission. This Commission, however, from the P.N.C.R.-1G.'s position, still remains the Indigenous Peoples' Commission and should reflect as such. The P.P.P./C., however, felt that the Constitution provides for up to ten persons under Article 212S (a) and, therefore, the Committee should consult with at least ten entities. There was the impasse, after which was the compromise to consult with seven entities and that the number of entities should equal the number of persons to be nominated as members of the Commission. There was some amount of compromise as well with respect to selecting the entities. The final seven nominees were selected from a total of 13 nominees.

The P.N.C.R.-1G. had some difficulties agreeing with the P.P.P./C. on the number of Ministries that were listed as entities. The function of this Commission is clearly spelt out in the Constitution and the P.N.C.R.-1G. is of the view that certain Ministries of themselves should be and can help in executing these functions, and that there is no need for these Ministries to be on the Commission as members in order to do the same. Take for instance the Ministry of Amerindian Affairs. One might ask if there is need for that Ministry to be on the Indigenous Peoples' Commission for it to promote and protect the rights of Indigenous Peoples; or for it to raise the awareness of the contributions of and problems faced by the Indigenous Peoples - all the function of this Commission - or for it to promote empowerment of Indigenous Peoples, especially with regards to the village council in local government system and the scope and authority of the National Toshias Council, or for it to make

recommendations on economic and educational policies to advance the interest of indigenous peoples. This, we think, should be part and parcel of the job of the Ministry of Amerindian Affairs, Commission or no Commission. We asked, why should the Ministry of Labour, and Human Resources and Social Security be on the Indigenous Peoples' Commission in order to educate employers and the public, and make recommendations to improve employment practices related to the Indigenous Peoples of this country? That, again, should automatically be one of the main duties of this Ministry.

With respect to the five members of the Commission to be nominated by the indigenous N.G.O.s and the National Toshias Council, Article 212S (2) (b) of the Constitution, there was not too much difficulty for this Committee to reach an agreement with the nominees. There were some hints of potential disapproval when myself, as a sitting Member of Parliament and as a member of this Committee, that is the Committee on Appointments, was appointed by the National Toshias Council to be a member of the Indigenous Peoples' Commission, being a Toshiou then in my own right. But there was no follow up to that disapproval. However, I am no longer a Toshiou as well as another nominee for the National Toshias Council. And probably because we were never appointed as members of the Commission, the National Toshias Council could have gone to the polls again to select new members as their nominees for the Indigenous Peoples' Commission. This they did without any prompting, influence or guidance from this Committee of Appointments and they have sent in their new nominees who were all accepted by the Committee. Besides that, the first meeting of the National Toshias Council, it was agreed on unanimously that their nominees must always be Toshias and had even requested an amendment of the Constitution to reflect same. This was probably one of the reasons why the National Toshias Council elected new nominees.

In the case of the two nominees of the indigenous N.G.O.s of which there were four, here again there was no difficulty in arriving at a consensus. One of the N.G.O.s submitted the names of its leader and its leader's wife as their nominees - neither was selected. The other three N.G.O.s only differed in their female nominees which was obligatory, that is one member had to be a female according to the Constitution. The male nominees of the three N.G.O.s were accepted and the female nominee who was chosen by a lone N.G.O. was supported by the P.P.P./C. P.N.C.R.-1G. had no difficulty in accepting her as the nominee. In reality, there was hardly any controversy in the nominees, *per se*, of the Indigenous Peoples' Commission. This is quite unlike what took place with a bright and upcoming star, the all powerful nominee of the P.P.P./C. for the Rights of the Child Commission, where in spite of open expression of total disapproval, including a picketing exercise by the Opposition and civil society, the P.P.P./C. defended and persisted with that nominee.

There was always some concern, as was expressed by the P.N.C.R.-1G., about the putting into place of the secretariat to allow the Commissions to function once they were established. This probably

prompted the Hon. Member, Mrs. Holder, to question the Prime Minister on Notice Paper no. 443 as to why there was no provision in the 2010 Budget for the setting up of the secretariat to facilitate the work of the several rights commissions. However, we are happy to be informed by the Chairperson of the Committee of

Appointments that the construction of facilities for the two new Commissions is completed. The Chairperson further stated that you, Mr. Speaker, and the Clerk of the National Assembly were advised accordingly and that you could proceed with the elections of the Chairpersons and Deputy Chairpersons for these two Commissions. Thank you very much. [Applause]

Ms. Sukhai: Thank you Mr. Speaker. Today marks another milestone in the legislative reform process energised by the People's Progressive Party Civic commitment and conviction to ensure the safeguard of our people's fundamental rights, and to ensure that the mechanisms to do so are constitutionally enshrined. Presenting the Motion, Nomination of Members to the Indigenous Peoples' Commission, to the National Assembly by the Committee of Appointments, whose composition embraces both Government and Opposition representatives, signals that there was consensus on the composition of the Indigenous Peoples' Commission, which is essential for the process moving forward towards the establishment of the Indigenous Peoples' Commission.

Both the National Toshias Council (N.T.C.) and the N.G.O. which were asked to submit names or their nominees have done so within the constitutional requirements. The five Amerindian nominees consisted of three females and two males. I wish to enlighten the House that the N.T.C. nominees, three in number, were nominated by an approved process conducted by the N.T.C. which comprised of elected village leaders of whom the majority are males. The composition of the N.T.C. nominees consisted of two females and one male. This is an indication that the Amerindian village leaders have expressed confidence in the leadership roles of women within their community by supporting two females. The agreement of the Committee on Appointments, therefore, for me, is evident in the Motion before this Hon. House. I wish also to point out that the Committee on Appointments followed the constitutional requirements of inclusion of a broader spectrum of representative groups as listed in the Motion. While Mr. George Norton pointed out the objection of the P.N.C.R.-1G. as to the number of Ministries which were proposed to form part of this identified entity, I could only hear subtly the call that obviously the Ministry of Amerindian Affairs fell within that remit. And again I wish to highlight it that he, among others, seems to be on a campaign trail to minimise or even eradicate the role of the Amerindian Affairs Ministry or other Ministries on the Commission.

Mrs. Backer: Mr. Speaker, on a point of order, that is a grossly inaccurate statement and Minister Ramsammy – because I see my Chair, Ms. Teixeira, is gone... at all times the People's National Congress said and it is documented that the Ministry of Amerindian Affairs must be a part of the

Indigenous Peoples' Commission. We had quarrels on other Ministries, never on the Ministry of Amerindian Affairs – never, ever! It is a misrepresentation and she should withdraw it.

Mr. Speaker: Alright Hon. Member.

Ms. Sukhai: Mr. Speaker, you will forgive me. I was not a Member of the Committee on Appointments and if that was the case then the Member had ample time to demonstrate that in his presentation. When the Hon. Member referred to the objections against Government Ministries, obviously I, on this side, would speculate that he also meant the Ministry of Amerindian Affairs.

As we move on to seek the approval of this Motion and the consequent establishment of the I.P.C., the Amerindian population of our nation stand to significantly gain and benefit from the increased option available from such a Constitutional Commission for furthering their cause and which complements the existing legislative mechanisms, bringing greater enforceability, support, and Constitutional oversight of Amerindian issues and development.

With the expectant establishment of the I.P.C. after the approval of this Motion, the functions, as mandated by this Commission, speaks to the promotion and protection of the rights of Indigenous Peoples, conferred with the task of promoting awareness building and empowerment of the Indigenous Peoples with regards to the village council in the local government system and the scope and authority of the Council of Toshias. We envisage that the Commission, according to its mandate, will promote consultation and cooperation with Indigenous Peoples, especially with regard to their participation in national decision making and other decisions that affect their lives. Besides the constitutional mandate to promote the key area identified above and identified in the constitutional Commission's function, the I.P.C. is mandated to make recommendations on a number of critical areas, for example, governance, economic development, training, and technical assistance. But more importantly the Commission must make recommendations on cultural, heritage and language development of the Indigenous People. The Commission has a role to monitor and make recommendations where necessary and appropriate.

I wish to congratulate those entities named by the Committee of Appointments and encourage that in the conduct of their work, they uphold fairness and conviction in the execution of their roles to the best of their abilities. I also wish to congratulate the five nominees of the Amerindian N.T.C. and those also put forward by the N.G.O. I therefore, lend my support to this Motion. [Applause]

Mrs. Holder: Quite frankly, Mr. Speaker, for me to be verbose, speaks for the sake of speaking. I can stand here and talk, and talk, and talk. But I think we have had enough talking for one day. I would much prefer to go home and relax. But before I do so, let me put on the record, on behalf of the Alliance For Change, a party I am proud to represent. I would like you to know that we fully support

the Report and would like to take the opportunity to congratulate the five appointees; Tashaou Yvonne Pearson, Tashaou Doreen Jacobis, Tashaou Marco De Souza, Mr. David James and Ms. Matilda Saigo. They have a tremendous task ahead of them. The Constitution is very explicit in what is expected of them in terms of advocating on behalf of the Indigenous People. As the Hon. Member, Mr. Norton said, speaking before me, it is important that as a country we understand that we do not necessarily get the best representation from those who look like us but those who mean well by us. It is for that reason that I proposed - and was grateful for the support that we got in selecting the entities in the second WHEREAS clause - to contribute representatives that we believe will do an excellent job in advancing the constitutional amendments pertaining to the establishment of the Indigenous Peoples' Commission. With those few words, I am pleased to say that we are supportive of the Motion. Thank you. [Applause]

Ms. Teixeira (replying): Mr. Speaker, these little victories that we have across the House sometimes get lost in the newspapers and the times when we fight, claw and spark at each other make front page. We are learning how to work together and to make compromises. Sometimes this is lost. Obviously the process is a long one - a learning one - in which many circumstances within and outside the Committee determine how fast we go forward. The I.P.C., after all the experiences of 2003 and now this Committee appointed in the Ninth Parliament, I think we have grown tremendously in acquiring a certain expertise and understanding of the role we are playing, how we broker some issues of great sensitivity and concern to not only us in this House but outside the House, for example, to measure the success we have had - and I think Dr. Norton is correct.

There were a number of compromises made that actually took quite a long time to get to that; but we got to it. Sometimes at some of the meetings there were heated discussions and other times very cordial discussions. This is, I think, in the process of us learning how to work on these issues. That is why, as a Member of this House, I am particularly proud of the committee system that we have in this House and our own learning experiences with it. We are learning on both sides of the House. I will put it that way. I will just give you the example. Dr. Norton spoke about the Constitution providing for up to ten nominees. The P.N.C.R.-1G. expressed... Dr. Norton came with its views as to why it wanted five nominees. The Government came with its views of why it wanted ten nominees and we negotiated over many meetings. P.N.C.R.-1G. went up to seven and we came down to seven and we were able then to determine the entities. This is what we are talking about - our responsibility in trying to find answers. There are going to be times, I am very aware, when we are going to agree to disagree and that we are reaching areas where we cannot. An example is with the Ethnic Relations Commission (E.R.C.). But we now have a glimmer of hope in the E.R.C. where we believe that we may be able, with some initiative on both sides, to be able to come back to this House in a reasonable time - no promises being made. But I think there is a glimmer of hope on the horizon and, therefore, I would like to see that reach fruition.

The issues to do with the actual nominees and the process that the National Toshias Council went through with no prompting or reminding from the Committee, is an important thing of their ownership of the process. The fact that again that should not be overlooked is that the Constitution calls for one woman out of the three nominees from the Toshias Council. We have, in fact, two women as was noticed before which is again an indication of a certain recognition of the roles women are playing in these different bodies. But I do take the caution of Dr. Norton that we also want to make sure that gender balance is also protected or looked at, as in the Women and Gender Equality Commission, and the Rights of the Child Commission the majority are females and very few men. As I said, in this motion, a lot of work, the spirit of compromise and all the passion that goes into fighting and presenting our different parties' interests and positions... I think that in the totality of it, the five representatives from the Toshias and the Amerindian N.G.O.s are a reflection of a democratic process, and that the process of reaching the entities to call on to send their nominees was also one that can withstand the scrutiny and transparency by those outside this House and inside the House.

I want to recognise the fact that in the Committee that there had been more so a greater spirit than in 2009 of trying to find areas to work. I want to thank the Members on both sides of the House for enabling us to reach this point. Let us hope, as I said before, the entities that we now have to consult will submit their nominees with some alacrity, so that we can return to this House and the third Human Rights Commission could be appointed. The next Commission that could be set up is the Human Rights Commission and, therefore, to remind, as we did in the Committee, the Leader of the Opposition to think about putting up six names that is acceptable to the President. As Chairperson of the Committee of Appointments, I know the Speaker is very correct in cautioning us not to be too firm on making promises on different issues. But I do believe and I do hope that in 2010 we would be able to complete all the Rights Commissions and the Rights Secretariat, and that we will complete our tasks at this stage in the 9th Parliament. We also are, in the second round of the Service Commissions which the Committee will now be addressing.

As the mover of the motion, I thank the Members for their tremendous support to reach this stage and I look forward to our moving into the next stage very quickly. Thank you. [Applause]

Motion put, and carried.

ADJOURNMENT

Mr. Speaker: There has been a request from both sides of the House that the final item on the Order Paper be deferred to another occasion - when we meet - for the Hon. Members to decide. That brings us to the end of our business for today.

Mr. Hinds: I move that the House be adjourned to a date to be fixed.

Mr. Speaker: The House is adjourned to a date to be fixed.

Adjourned accordingly at 6.59 p.m.