

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2012-2013) OF THE TENTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

57TH Sitting

Wednesday, 22ND May, 2013

Assembly convened at 2.30 p.m.

Prayers

[Mdm. Deputy Speaker in the Chair]

MESSAGES FROM THE PRESIDENT

Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill 2013

Mdm. Deputy Speaker: Hon. Members, we have this afternoon, shortly before we commenced this Sitting, received a Message from His Excellency President Donald Ramotar. In keeping with our Constitution, I now invite the Hon. Prime Minister to read the Message from His Excellency.

Prime Minister and Minister of Parliamentary Affairs [Mr. Hinds]: Thank you, Mdm. Deputy Speaker. With your leave, I read this message from His Excellency the President. His Excellency the President wrote:

“I am taking the unprecedented step as President of the Cooperative Republic of Guyana to hereby address this message to the Members of Parliament of the National Assembly of the Tenth Parliament of Guyana on this day May 22, 2013 with the objective of appealing to all Members to put Guyana first despite what differences we may have.

I am calling on the parliamentary political parties and their representatives in the Parliamentary Special Select Committee on the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill, No. 12 of 2013 to do all that is possible to complete its review on this Bill and return it to the House expeditiously.

I have noted that this Bill was read for the first time on April 22, 2013 and was sent to a Parliamentary Special Select Committee on a motion moved by an Opposition Member before its second reading.

It may be important to consider that many other countries in the CARICOM region have also experienced challenges as small and developing countries in meeting the recommendations established by the Caribbean Financial Action Task Force (CFATF)/International Cooperation Review Group (ICRG) in order to reduce structural, legislative and administrative deficiencies in the anti-money laundering and the countering the financing of terrorism architecture and to meet the international standards established to protect the international financial and banking systems.

However, most noteworthy, at crucial times in any of these individual countries' process of review it is instructive to note that their legislatures, comprising both government and opposition, have been able to rise to the occasion and protect national interests and jointly support the amendments to their statutes to reduce these deficiencies.

I, therefore, call on the Members of the National Assembly of the Tenth Parliament to do all that is possible to re-engage at the Parliamentary Special Select Committee and to bring the Anti-Money laundering and Countering the Financing of Terrorism (Amendment) Bill, No. 12 of 2013 back to the House at a special sitting on May 24 or latest May 28, 2013, to exclusively address the second and third reading of this Bill.

It would be remiss of me to not emphasise the experience of one of our neighbouring countries whose status was downgraded twice, in the same review process as we are now doing, and the impact it had on that country. Their legislature unanimously, except for one dissenting voice, approved the statutes which were required to bring that country into compliance with these treaty obligations.

This experience is instructive as to the repercussions that will impact on the ordinary people and the economy of Guyana if we too are downgraded and moved to a different category.

I, therefore, reiterate that as Guyanese and as political leaders we have a moral responsibility to support Guyana's compliance with these obligations and the passage of the AMLFT (Amendment) Bill will bring Guyana in compliance with over 90% of the CFAFT/ICRG recommendations.

Guyana's destiny is in your hands.

I anticipate that as Guyanese first and leaders of our political parties we shall not be found wanting.

The Guyanese people are watching and trusting that Members of Parliament will stand for country first.

I do not expect that this support will limit, nor does my message intend to restrict in any way the opposition political parties' right to criticise or dissect what it sees as deficiencies but I do emphasise that the passage of the AMLCFT (Amendment) Bill will in no small measure contribute to reducing these deficiencies.

I end this message with the hope that as honourable men and women you shall do what is right on this issue for our blessed country, Guyana.

Donald Ramotar

President

Republic of Guyana"

[Applause]

ANNOUNCEMENTS BY THE SPEAKER

Absence of the Speaker

Mdm. Deputy Speaker: Hon. Members, I was informed that the Speaker is not in the country and, as such, as you can see, I will be presiding over today's Sitting and, as usual, I need your cooperation.

Leave Granted to Members

Mdm. Deputy Speaker: I also wish to announce that leave has been granted to the Hon. Member, Dr. Bheri Ramsaran, up to 28th May, 2013 and Hon. Priya Manickchand for today's Sitting.

PRESENTATION OF PAPERS AND REPORTS

The following Reports were laid:

1. The Motor Vehicles and Road Traffic (Amendment) Regulations 2013 – No. 2 of 2013
[Minister of Home Affairs]
2. The Annual Report of the Guyana Power and Light Inc. for the year ended 31st December, 2011
[Minister of Finance]

Minister in the Ministry of Finance [Bishop Edghill]: Mdm. Deputy Speaker, any other business in the name of the Minister of Finance will be dealt with by me.

STATEMENTS BY MINISTERS, INCLUDING POLICY STATEMENTS

Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill 2013

Mdm. Deputy Speaker: I have been advised by the Clerk that there is a statement from the Hon. Minister of Housing and Water, Mr. Irfaan Ali.

Minister of Housing and Water [Mr. Ali]: Mdm. Deputy Speaker, we had sent a request for an adjournment to raise a matter under "Request for Leave to Move the Adjournment of the Assembly on Definite Matters of Urgent Public Importance."

Mdm. Deputy Speaker: We have not yet reached that item on the Order Paper. We are going through the Order Paper as it is fixed and we are now at the item – Statements by Ministers, including Policy Statements.

Mr. Ali: The statement is to be read by the Hon. Attorney General.

Mdm. Deputy Speaker: Well this was my information.

Mr. Ali: Okay.

Mdm. Deputy Speaker: Hon. Minister, please proceed.

Attorney General and Minister of Legal Affairs [Mr. Nandlall]: Thank you very much. On the 22nd April 2013, the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill, Bill No. 12 of 2013 was laid by me and read for the first time in this honourable House. This was during that hectic period when this honourable House was considering the national Estimates of Expenditures for the year 2013.

The Bill was read a second time on the 7th May 2013 – some two weeks thereafter. On that occasion, I articulated the importance of the Bill, the significance of its timely passage and the likely regime of consequences which will ensue if the Bill is not passed.

Despite our best efforts and appeals, the Opposition Members, using their votes on the floor, voted for the Bill to be sent to a Special Select Committee. I argued against this option, pointing out, then, that though this is desirable in most cases for us to do so, this situation simply did not permit that to take place. Again, my exhortations were in vain.

At or about midnight on the 7th May, the Honourable Speaker of the National Assembly convened a meeting of the Committee of Selection and constituted that Special Select Committee.

The Special Select Committee held four meetings on 8th, 13th, 16th and 20th May, 2013. At the first meeting, the modalities of how the Committee will conduct its business were worked out. At this meeting the Opposition Members of the Committee insisted that notices be placed in all the daily newspapers inviting members of the public to submit their contributions in writing. The Government Members agreed.

The Opposition Members further requested that specific agencies be written to inviting them to make their submissions. These included the Bank of Guyana, the Director of Public Prosecutions and several other agencies. Again, the Government agreed.

The Opposition Members next requested a long list of documents of the Caribbean Financial Action Task Force (CFATF) recommendations, reports and correspondence with Guyana on this matter. Again, the Government Members agreed.

The Opposition Members next requested the names of the experts whom the Government will have in the Committee to assist the Committee with its work. Again, the Government agreed to supply those names.

The Government made a singular request which was that having regard to the urgency which is attached to this Bill that the Committee sit daily so that it can complete its work within the time prescribed and so that the Bill could be read a third time and passed at this sitting of the House. This singular request of the Government was rejected and the meeting was adjourned.

Before the second meeting, the Government complied with all the aforementioned requests which the Opposition made. In the meanwhile, the Private Sector Commission (PSC), the Georgetown Chamber and Commerce (GCC) and the Corentyne Chamber of Commerce (CCC) all issued public statements calling upon the National Assembly to pass the amendment and expressed apprehensions regarding the impact on our nation and commerce, in particular, if these amendments were not enacted on or before 27th May. His Excellency the President and several Members of Government issued similar calls and expressed like sentiments.

At the third meeting, work began on the Bill in the Select Committee and, indeed, work progressed well. Several clauses of the Bill were examined and certain changes duly made.

At the end of that meeting, the Government again reiterated its position that the Committee should meet daily until its work is concluded. Again, this suggestion was rejected and the meeting was adjourned to 20th May, upon the Opposition's request.

On the 20th May, after the meeting was called to order, your Honour, as a Member of the Committee, indicated that the Hon. Leader of the Opposition had written to His Excellency the President that very day requesting an explanation why the President did not share with the

Opposition and, indeed, the Opposition as a whole a letter addressed to His Excellency the President, dated 10th April, 2013, from the CFATF, which letter requested the President to share the same with the Hon. Leader of the Opposition as well as Members of the Opposition.

Your Honour further indicated that A Partnership for National Unity's (APNU) position was that unless a satisfactory explanation was proffered by His Excellency the President, the APNU would not participate in the work of the Committee any further. At that point in time, the APNU Members left the meeting. An attempt was made by the Chairperson, the Hon. Ms. Gail Teixeira, to explain that His Excellency the President had, indeed, dispatched a response to the Leader of the Opposition that very day but the APNU Members were disinterested. The President's response was later read into the Minutes of the meeting.

Mr. Khemraj Ramjattan, the Hon. Member from the Alliance For Change (AFC) entered the meeting for the first time at that stage and indicated that he came to pick up his documents. He also left. The meeting was thereby terminated for want of a quorum.

The effect is that Guyana will be unable to effect the recommendations made by the CFATF before the CFATF's Plenary which will take place between the 26th - 30th May 2013 in Nicaragua, at which forum Guyana will be evaluated to determine its compliance with certain key and core recommendations made by the CFATF.

It has been argued that this Bill and Guyana's obligations came as a surprise to many, but this is an inaccuracy. This monitoring process is an ongoing exercise and Guyana has been submitting reports at the requisite periodic intervals. These reports are all published on the CFATF's website.

The recommendations which were made were done so over a period of time and all the recommendations did not come at once.

Indeed, over 90% of those recommendations consisted of minor legislative changes and it was agreed that those changes would be chronicled in a singular compendium, which would be presented to this House in a singular amendment, and that is the Bill which was presented. In addition, pursuant to earlier recommendations, Guyana expanded its money laundering and countering the financing of terrorism regime in July 2011 by appointing supervisory authorities

for the following entities: casinos, cooperatives and credit unions, friendly societies, dealers in precious metals, dealers in precious stones, money transfer agencies, insurance companies, financial leasing businesses, and trust companies

Also, all financial institutions, cambios and money transfer agencies have been filing reports as required by CFATF's standards.

It has also been contended publicly that the sanctions which may flow from Guyana's failure to comply with the CFATF's recommendations are unknown. Well, in life, most things are unknown to those who fail to acquaint themselves with the relevant facts. However, a little research will unearth that if this eventuality occurs Guyana would be placed on a list of jurisdictions deemed to be "non-cooperating" and "insufficiently compliant" with the Financial Action Task Force's (FATF) recommendations and member States will be called upon to apply countermeasures when dealing with that jurisdiction.

Additionally, non-cooperating members will be placed under the FATF's administration and will have to report semi-annually in Paris, France, at considerable cost to the country.

Trinidad and Tobago just came out of FTAF's review. They were not fully deemed non-cooperative. However, they passed the necessary legislation which is similar to the Bill. I read the debates in the House and speaker after speaker on both sides of the House emphasised the importance of rectifying Trinidad's status and they all recited a litany of instances and examples of the types of businesses which were affected by Trinidad's impugned status. They ranged from transactions with the international financial institutions to purchase by private citizens of the most miniscule item on the internet. Indeed, all forms of transactions which involved the payment or receipt of money in and out of Trinidad and Tobago were affected. So important was this piece of legislation that it received the unanimous support of the Parliament, except for one dissenting voice. It is manifest that national interest and patriotic sentiments overwhelmed and subsumed political considerations. The people of Trinidad and Tobago won in the end. Sadly, the reverse obtains in Guyana.

Thank you. [*Applause*]

**REQUEST FOR LEAVE TO MOVE THE ADJOURNMENT OF THE ASSEMBLY ON
DEFINITE MATTERS OF URGENT PUBLIC IMPORTANCE**

The status of Guyana’s Report to the May, 2013 Caribbean Financial Action Task Force/International Cooperation Review Group Plenary in Managua, Nicaragua and the status of the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill 2013, No. 12 of 2013

Mdm. Deputy Speaker: Hon. Members, this afternoon, just prior to the Sitting, I received a letter addressed to the Hon. Speaker, Mr. Trotman, but for my attention in my capacity as the Speaker (Ag) for today’s Sitting. It is very short and with your leave I will read it. It is signed by the Hon. Prime Minister, Samuel A.A. Hinds.

“Dear Madam Speaker,

The Government is seeking leave to move the adjournment of the National Assembly on a definite matter of urgent public interest at the Sitting of 22nd May, 2013 in keeping with Standing Order 12.

The Government wishes to advise the National Assembly on the status of Guyana’s Report to the May, 2013 Caribbean Financial Action Task Force/International Cooperation Review Group Plenary in Managua, Nicaragua and the status of the Anti-Money Laundering and Countering the Financing of Terrorism (Amendment) Bill 2013, No. 12 of 2013.

This matter, in our opinion, is one that satisfies the definitions of definite, urgent, and public importance, as can be assessed by the level of public concern this matter has generated from a wide range of national stakeholders, most significantly civil society organisations.

Sincerely Yours

Samuel AA Hinds, OE, MP.

Prime Minister and Leader of the House.”

It was copied to the Leader of the Opposition and Clerk of the National Assembly.

Hon. Members, I have looked at Standing Order No. 12, which is the Standing Order that the Hon. Prime Minister is seeking to invoke. I have looked at the ruling of former Speaker, Hon. Hari N Ramkarran, SC, MP, dated 15th March, 2004 and I am of the view and it is my ruling that the matter contained in the letter addressed to me by the Hon. Prime Minister does not meet the requirements of Standing Order No. 12.

Standing Order No. 12 speaks about definite. We can say that it is definite. It speaks about urgent. In his ruling, which I adverted to just now, the ruling of the Hon. Hari N Ramkarran, SC, MP, dated 15th March, he spoke about ‘urgent’ being suddenly in the matter of an emergency and should not have arisen over a series of weeks. In my view, this Bill did not arise suddenly in a matter of emergency.

The Hon. Minister himself just indicated that this is a process and had people taken the time to read on the internet, this information was available. This is a matter that is actively in consideration by a Select Committee of this House. As paragraph two states, the Government wishes to advise the National Assembly on the status of Guyana’s Report to the Anti-Money Laundering and Countering of the Financing of Terrorism (Amendment) Bill 2013. All three parties are represented in that Committee and, as such, would be in a position to advise their Members.

Having listened to the eloquent Statement by a Minister, the Hon. Attorney General, and, particularly, in keeping with the Hon. Hari N Ramkarran’s ruling of 15th March, which I would suggest to the Clerk is photocopied and circulated, I rule that the matter does not qualify as a definite matter of urgent public importance.

Before we move on, Hon. Minister of Legal Affairs, Minister Nandlall, I would like to indicate to you...I am sure that you are aware of it. I am reading now from the Handbook for Members of the National Assembly, dated 2008. It states on page 56:

“Copies of Ministerial Statements made in the National Assembly should be circulated to Members of the Assembly.

A Minister must therefore ensure that copies of a Statement made by him [I presume ‘or her’] are reproduced and made available to the Clerk of the National Assembly for

distribution to Members of the Assembly at the same sitting at which the Statement is made.”

I did notice, Hon. Minister, that you were reading from what seemed not to be a typed document.

Mr. Nandlall: You are perfectly correct, Your Honour.

Mdm. Deputy Speaker: I would be grateful if you could indicate to the Clerk, through me, when you would be in a position to make your statement available so that it can be circulated. I am not saying that it should be today. But could you indicate?

Mr. Nandlall: I will try my best to abide by the stipulation of that Handbook and have it ready before the end of today’s Sitting.

Mdm. Deputy Speaker: If not today...

Mr. Nandlall: If not, the earliest will be tomorrow.

Mr. Ali: Mdm. Deputy Speaker, with full and complete respect for your ruling, I am asking if you would allow me, as in other cases where similar rulings were made, to make a few comments on the issue at hand.

Mdm. Deputy Speaker: No, I will not, Sir.

Mr. Ali: Thank you.

PUBLIC BUSINESS

GOVERNMENT’S BUSINESS

BILLS – Second and Third Readings

CUSTOMS (AMENDMENT) BILL 2013 – Bill No. 2/2013

A Bill intituled:

“An Act to amend the Customs Act.” [*Minister in the Ministry of Finance*]

3.00 p.m.

Mr. Greenidge: I would like to urge the Minister that this Bill, given that there is a certain sympathy, that there has been some discussion on it before and there is a certain understanding, that we needed to arrive at a certain point prior to its readiness for presentation to this House. I would like to recommend to the Minister that the matter be deferred for consideration at a later date.

Thank you.

Bishop Edghill: Mdm. Deputy Speaker, I rise to move that the Customs (Amendment) 2013, Bill No. 2 of 2013, published on 8th January, 2013 be read for a second time. While I heard the Hon. Member Mr. Carl Greenidge asking for a deferral may I indicate to you Mdm. Deputy Speaker and this Hon. House that it was the Opposition which asked since January that this Bill be deferred for consultations and up until today's sitting, when I was approached again by the Hon. Member who spoke before me for the deferral, no substantive objection to this Bill was made. I do not believe this is a matter that should attract any significant controversy or I do not believe it is a matter that is set in any difficult circumstances. I would propose to highlight why this Hon. House should support this legislation and we should have a unanimous vote of yes to support it.

In February, 1995, Guyana introduced an environmental tax on imported beverages in specified containers. The environmental Tax Legislation, Bill No. 4 of 1995, dated 15th February, 1995, was enacted through an amendment of Section 7 of the Customs Act. The new Section 7A of the Customs Acts stipulates:

“That an environmental tax shall be raised, levied and collected at a rate of \$10 on every unit of nonreturnable metal, plastic, glass or cardboard container of any alcoholic or non-alcoholic beverage imported into Guyana. And every import of such beverage shall pay such tax to the Comptroller of Customs and Excise at the same time when customs duties are paid.

The objective of this tax was based on the grounds of environmental protection. I believe that all the Hon. Members of this House are aware that in Guyana we have a difficulty as it relates to plastic. I think here in Georgetown we see the brunt of it and sadly, as I travel around the country, I am seeing the effect of this in other regions as well. Non-returnable containers in

which beverages are imported have been deemed to pose a negative impact on Guyana's environment primarily as a result of their non-biodegradable nature and like I indicated we have the pile-up and the attendant higher waste management cost for public authorities. It was deemed as reasonable to expect that a cleanup cost should be borne by the businesses concerned. The issue here, however, is that the environmental tax as currently applied by Guyana has been determined by the Council for Trade and Economic Development of CARICOM to be discriminatory on the grounds that it applies on imports only and not on domestically produced goods. This amendment that we are proposing is to bring us in line and cause us to honour our treaty obligations. It is as simple as that.

The amendment is seeking to amend the first schedule of the Customs Act by the deletion of Section 7A and to implement the new legislation for the administration of the environmental tax. It is intended to bring Guyana into compliance with its obligations under the Treaty of Chaguaramas and the World Trade Organisation Convention, both of which Guyana is a party.

The current provision imposed environmental taxes solely on non-disposable containers of imported alcohol beverages. This is not only discriminatory, but in breach of Guyana's obligations under the Treaty and the Convention aforementioned thus exposing Guyana to the risk of litigation and sanctions under the originating jurisdiction of the Caribbean Court of Justice, notwithstanding unfair trade practices. I am sure that my colleague, the Hon. Attorney General, when he speaks to this matter will highlight that there is actually active legislation as it relates to this matter of which Guyana is involved.

This amendment seeks to apply a tax on every unit of nonreturnable containers of alcoholic beverages on both imported goods and goods manufactured in Guyana. We are proposing as well, through this piece of legislation, to reduce the rate of the tax from \$10 to \$5 in an effort to allow the tax to remain revenue neutral. We are also seeking to remove the applicability of the taxes when the goods aforementioned are exported and not used in Guyana. This provision, while it imposes an additional tax of \$5 on domestic manufacturers of alcoholic beverages, will encourage the said manufacturers to retrieve and re-export the said goods since when such goods are exported the tax no longer becomes applicable. This is anticipated to have two benefits. One, upon the re-export of the said containers to refund a tax may be paid to the domestic manufacturers resulting in no increase in the cost of locally produced beverages. Second,

attempts to retrieve and re-export the said items will have significant environmental benefits and result in job creation.

While it is true that we have companies in Guyana that may have concerns about this particular, amendment consultations were held and time was asked for consultation. However, the bottom line is that we cannot continue to delay. As a matter of fact another country in CARICOM was deemed to be non-compliant and has since taken steps to bring themselves in line. I am sure some of the other speakers to this amendment will highlight this.

Like I said before, I believe this is a matter that should attract the support of all Members of the House since it only brings benefits to be people of Guyana. I am sure with proper understanding and proper review coming out of today's debate this amendment will attract the full support of all Members of the House.

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

Mr. Greenidge: Mdm. Deputy Speaker, I think it is somewhat unfortunate that the Minister did not take the opportunity to defer the Bill before us. The story he related about the history of this Bill is worthy of some attention. Let me say first of all that whilst it is clearly true it was a Member of the Opposition that sought the approval of the House to defer consideration of this Bill on the last occasion let me just remind the Minister, or maybe I am telling him for the first time because he did not know, that request on the part of the Opposition was done at the request of the Minister of Finance. It arose because the Minister of Finance had not concluded his deliberations with the private sector. That is an obligation he had. He failed to do it. Do not let us be told that we have an obligation to implement or to agree to a second meeting at this stage simply because we had asked for the deferral. We did not ask for it by virtue of wanting something ourselves. We were facilitating the Government because at that time, as now, hanging over the head of the Government was court action. The court action arising from the lawlessness that has always characterised the manner in which this Government operates. The Minister gave us the story, which sounded very good, of legislation which needs to be passed in order to satisfy CARICOM requirements. There is no legislation in CARICOM. We have no obligation in CARICOM to implement this so-called environmental tax. It is not an environmental tax first of all and, second, there is no obligation to implement it in the manner that the Minister suggests.

CARICOM became involved in this exercise because in implementing customs legislation the Government discriminated against foreigners who were exporting to Guyana. That is the source of the problem. The legislation that is before us has arisen in a bid to correct a lawless act. It is not the first time either that the Government has passed legislation knowing that that legislation is not in conformity with the CARICOM Treaty. That is the source of the problem. The reason why the request for the deferral arose was because the Government wanted to be sure that when they laid the legislation to correct that they would have the support of both sides of the House. What is more we told them, certainly on the A Partnership for National Unity (APNU) side, that we wanted to ensure there was time for the private sector to consider the matter and be satisfied and be sure it was not going to be disadvantaged. The Minister of Finance assured us he would allow for the time and wanted us to bear in mind the Caribbean Court of Justice (CCJ) hearings. The point is there was an agreement at the time and that was premised on the report the private sector would have commissioned; a report that was to address, perhaps, a more efficacious means of dealing with this impost. That is the background to this exercise. I think it unfortunate that the Minister – maybe he is not aware of all the – should be suggesting that there is bad faith on this side.

More specifically, the idea there is no substantive criticisms of the legislation is wrong because, as I said, the private sector's intent was to have someone look at the proposals with a view to coming up with some alternative means of treating with the matter.

If I may say, the issue that is captured by the Bill is only environmental in the sense that it discriminates between two categories of containers. I would suggest, notwithstanding the problem of the CCJ's hearing in June – and we are still not yet in June – that the Minister conveys to his colleagues our suggestion, not only that the matter be deferred but that they reflect upon the structure of the tax itself so it could be properly called environmental. I have explained that first of all it is really not originating from an obligation in CARICOM; it is the manner in which it is imposed that gives rise to that. I am saying as far as environmental is concerned a tax that simply levied upon imports of a particular category of goods cannot be called environmental unless it has some sort of a discriminatory mechanism that penalises the items/imports that are less degradable than those that are easily bio-degradable; that is what is commonly an environmental tax, one that enhances the goal we set, that is to ameliorate, to attenuate the

impact of solid waste and non-biodegradable items on our environment. A tax that simply imposes a duty on all containers cannot be described in such a manner. So this is a rather generous interpretation of the meaning of the word.

I am suggesting that whilst we wait for this matter to be properly concluded with the private sector that the Minister takes the opportunity to put in place a proper environmental mechanism. Just in case the Minister is not aware, again, there are a number of mechanisms that are associated with environmental taxes. Apart from the general principles I have stated there are specific programmes throughout the United States that have been applied since the 1970s; there are programmes throughout the European Union and in the rest of Europe from which they can draw. I lived for quite a while in some of these jurisdictions in which there was, first of all, an educational programme so that the public is made aware of the needs of an environmental programme and their role in that exercise.

Second, that mechanisms are in place to encourage the separation of waste, the imports, and activities by the manufacturers so that preference is given to the use of bio-degradable containers. As I said, there are a range of mechanisms. I have them here but I am not sure that it is appropriate to detain the House on this at this stage. We can do it if the Minister seeks to bring the Bill at another time and does not take these into account. What I am saying at this stage is that this is not an environmental tax; it is an abuse of the term.

The question of its urgency is one that I think is subject to interpretation. I do not deny there is a court case at the CCJ and the Government will have to address that matter. If it loses the case it will lose money. But the problem that give rise to that does not reside here in the House. The legislation that caused the Government to be subject to such action is caused by the Government's insistence on passing legislation which does not conform to its international obligations and, more specifically, to its treaty obligations under the Chaguaramas treaty. The court case which carries the threat of financial sanctions is something we should try and avoid. But there still remains the need for the Government to conclude its discussions with the other parties and also for them to ensure that we are satisfied so that the legislation can go through without fear of opposition.

The key word I have been hearing all afternoon seems to turn on patriotism. Suddenly the Opposition is being called on to be patriotic and to pass this legislation, or this type of legislation, without a murmur just to show they are patriotic and have the interest of the country at heart. I think a more reasonable requirement would be for the Government to consult before bringing the legislation so we have no difficulty in supporting the proposals they bring before the House. I am tempted Mdm. Deputy Speaker, to recite Samuel Johnson's aphorism in which he refers to the tendency of certain elements to have resort to patriotism. You know the expression Mr. Nandlall, "patriotism is the last refuge of a scoundrel." That is the story that faces us today. You have a serious matter before us and instead of trying to resolve it in a manner that is constructive and expeditious we are being offered a recipe with one option: support what the Government wants in the time it sets or you are deemed to be unpatriotic.

We cannot support the Bill at this time. Let the Minister bring it back in due course.

Thank you very much. [*Applause*]

Minister of Foreign Affairs [Mrs. Rodrigues-Birkett]: Mdm. Deputy Speaker, I rise to speak in support of the Customs (Amendment) Bill before us. This Bill will bring us into compliance with a number of our obligations, regional and international. To say that there is no obligation on the part of Guyana as it relates to this particular tax and its application is not the truth. Let me read from the revised Treaty of Chaguaramas which came into force in December, 2005. Bear in mind the environmental tax was included in the Customs Act of 1995. That revised Treaty was passed in this National Assembly through Act No. 8 of 2006. This is what Article 90 says which deals with internal taxes and other fiscal charges. I quote:

“Save as otherwise provided in this Treaty, member states shall not, (a) apply directly or indirectly to imported goods of community origin any fiscal charges in excess of those applied directly or indirectly to like domestic goods or otherwise apply such charges so as to protect like domestic goods.”

There is an obligation on the part of Guyana to not discriminate. It is not true to say we do not have an obligation to CARICOM.

The Hon. Minister Edghill outlined clearly what is the problem we are trying to fix. Basically, we are bringing this amendment Bill to make this tax non-discriminatory. Mr. Greenidge spoke about the name of the tax and I am sure that we can argue. This tax was there, like I said, since 1995. However, I am sure there are ways we can look at how we expend the resources obtained from this tax. This has been the subject of all of the Council of Trade and Economic Development (COTED) meetings that I have attended in the last five years or so. In 2005 what the CARICOM Secretariat did was to look at this very tax that was being implemented in nine member states. They found that six member states, including Guyana, were applying the tax on a discriminatory basis. Since that study in 2005 member states sought to address the matter. At the Heads of Government meeting in July, 2012 in St. Lucia this matter became so urgent, so important, that it was elevated from the COTED to the Community Council to the Heads of Governments because two countries were still not compliant – that is Guyana and St. Lucia. Both countries at that meeting committed to addressing this issue. In October, 2012 St. Lucia addressed the matter and so that leaves Guyana. If this amendment is successful today, one has to be optimistic, then all of our countries in CARICOM will be compliant as it relates to this particular matter of environmental tax.

As we continue to promote Guyana as a destination for investment and a country that adheres to regional and international obligations it is my humble submission that we cannot delay the passage of this very important amendment. Indeed, Mdm. Speaker, you would recall when I came to this House with the amendment to the Caribbean Community Free Entry of Skilled Nationals Act in July 2011 I had informed this August House that CARICOM did an appraisal of all our member states as it relates to our obligations on the single market. Guyana led CARICOM in terms of meeting our obligations; we were deemed substantially compliant. There were a few issues and on top of that list was addressing the environmental tax. If we are able to address this matter today we would certainly be in the 90% of adhering to our obligations under the CARICOM Single Market.

Apart from our regional obligations under the revised Treaty of Chaguaramas, you would recall that we signed the economic partnership agreement in 2008. I came to this National Assembly in May, 2012 and the House unanimously approved the ratification of the economic partnership

agreement. Under Article 27, dealing with national treatment on internal taxation and regulation, this is what is stated in the epoch, and I quote:

“Originating imports shall not be subject either directly or indirectly to internal taxes or other internal charges of any kind in excess of those applied directly or indirectly to internal taxes or other internal charges of any kind, in excess of those applied directly or indirectly to like domestic products. Moreover, the parties and the signatories Cariforum states shall not otherwise apply internal taxes or other internal charges so as to afford protection to like domestic products.”

3.30 p.m.

Even though I recognise that the importation of beverages from Europe is not significant, just around 2% or so, the passage of this legislation, will nevertheless bring us into compliance with our obligations under the Economic Partnership Agreement (EPA), as far as it relates to how we apply the taxes. It is my view that it is only a matter of time, as imports increase from Europe that this would also become an issue.

The Hon. Member Bishop Edghill, spoke about our obligations under the World Trade Organisation (WTO). Let me say that when we appeared before the WTO for the Trade Policy Review in 2009, member states of the WTO raised this issue of the Environmental Tax and asked that we address it and bring it in line so that it would be non-discriminatory. At that time we committed to review the tax as well. So in other words, we are looking at our regional obligations under the revised Treaty of Chaguaramas; we are looking at our obligations under the EPA; we are looking at our obligations to the WTO as well.

Let me say, for what it is worth, that the bulk of the beverage imports in 2011 came from Trinidad, about 55% or so, Suriname came second with 22.5% and the United States of America with 9%. I should also note that in 2009, importation from CARICOM member states accounted for about 89%, but that was reduced in 2011 to about 83%. We have seen some new exporter countries, if I could say that, added to the list over the last two years. We now have beverages coming in from Turkey, Panama, Mexico, Vietnam, Denmark, Poland, the United Arab Emirates (UAE) and Singapore. In the last two years, we have seen these new exporting countries added to

our list and so I can only imagine that as our country develops, so does our liquid appetite as well.

It would be disingenuous on my part, if I pretend to be unaware of the concerns of our local manufacturers and producers on this matter. I am aware of their concerns, specifically, as it relates to the “unfair” competition from other member states, where cost of production is much lower than Guyana because there is an abundance of a specific input needed in the production process. This matter I am sure would have been elucidated and debated in all of the member states that had the same concerns as we have in Guyana, with respect to competition.

There is a view that even after transportation costs and other costs are factored in that these beverages can still be so cheaper than what we produce here locally. We are also well aware of the many voices across the Caribbean Sea, speaking about the issue of Caribbean Airlines vs. Liat when it comes to some of the subsidies being given to the former. The issue of cement is one that is a very fluid issue in CARICOM as well.

These are all valid issues, voiced by our local manufacturers and indeed, other entrepreneurs in other member states as well. There is one thing; we cannot address those issues by being non-compliant with our obligations, as we too are exporters. We are part of regional and international bodies and we abide by those regulations included in those international bodies. We therefore have to find legal mechanisms to assist our local producers here to, as far as possible, cushion these effects. Our Government is open to discussing how we can do that and it is for this reason that we are proposing that, instead of the \$10 that we apply right now through the imports, that we apply \$5 instead.

It is a fact that in our country, we have to continue to implement every measure that can improve our productivity and our competitiveness, hence the importance of the Amaila Hydro, which hopefully would give us reliable electricity and consequently reduce the cost of production. Aid for Trade for example is very important, since this world is an unequal one and trade must not only be free but it must also be fair. So assistance to countries like ours in developing the necessary infrastructure remains a very important topic.

In 2013, the truth is, we cannot pick and choose in terms of the obligations we would adhere to and those we would not adhere to or else the very objective that we are trying to achieve in seeking a level playing field, utopian as that might sound, will be undermined.

With the advent of the CCJ, the wriggle room so to speak, has become much smaller, if existent at all in some cases. Member states are being taken to court: Guyana along with the CARICOM Secretariat was taken to the CCJ on the issue of cement and now on the Environmental Tax; Suriname was taken to the CCJ on the application or non-application of the Common External Tariff (CET) on flour from extra-regional sources; Barbados has been taken to the CCJ with respect to the alleged maltreatment of a national of that country. So this is where we are today in 2013. We therefore have to adhere to our obligations as far as possible, in keeping with our reputation too, as a trusted partner in the regional and international community. We are seen as a county ripe for investment, with sound macro-economic fundamentals, as evidence in our consistent growth. This amendment today is just another step in the right direction as we promote our country as a destination for foreign investment and joint ventures, while at the same time strengthening our relations with CARICOM neighbours.

As I close, let me say this, at the last court held there was a discussion even amongst member states whether member states or the community can take Guyana to court on this matter. So it is a very serious issue and I would really like if we can approve this amendment today. Some of the concerns that Mr. Greenidge voiced, I am sure we can find a way. We did have engagements with the private sector. Indeed, the individual who was slated to look at doing some work for them, as you know Mr. Greenidge is now part of the Government of Grenada so we are doubtful that anything can come out of that in the near future.

I was told earlier that APNU had indicated that they will oppose this Bill and I hear now we speak about a deferral. I believe that we can pass this amendment and we can find ways of putting some of the measures in place with our private sector here to cushion the effects.

I ask for your support. I thank you. [*Applause*]

Mr. Ramjattan: Thank you very much Mdm. Deputy Speaker. This Bill that is before us shows the holistic approach that ought to be taken by the Government. The repercussions of not having it passed ought to also be understood by them. In that context then, when a request is made for a

deferral to whatever date in future and the Government persists in pushing ahead with the Bill, it brings me to the point that they do not appreciate the necessity for consulting and the necessity for us understanding all the issues.

Now they are pleading with us, "Please it has implications for the Treaty, rights and obligations under the CARICOM regime". Also, they pleaded with us that indeed, we do have litigation at the CCJ level that might very well jeopardise this country.

I want to let this Parliament know that we appreciate those arguments. We also in the Alliance for Change (AFC) want to say that a tax is a tax. That is what is going to happen here. This Government only wants to tax. The taxed with which this Bill here is concerned is in connection with extracting from every bottle - or whatever the package - that comes into this country, a \$10 tax. When now there are implications in relations to this tax because of course, other persons in Suriname and Trinidad having to pay this tariff for allowing their goods to enter Guyana, has an implication.

What this Government now wants to fast track is going to put in jeopardy our manufacturers by stating that, "Look, instead of the \$10, we are now going to charge the people from outside \$5 and our manufacturers will have to pay the other \$5. That is not how I view an investment climate. I view it that if there is a certain percentage that we need for the environment, let us drop it to that and it will be across the board. It has to be low enough to also make accommodations for our businessmen.

I spoke to a number of the businessmen and they are not in support of this Bill. They are not. None of them are in support of this Bill. They are saying that it is an additional tax. This Government will come and say nothing about the sentiment of what the businessmen feel about this Bill, but they will go and say how the private sector feel about the Anti-Money Laundering and Countering Terrorism Bill though. They are going to play that over and over on the National Communications Network Inc. (NCN). They are not saying that none of the businessmen that manufacture the bottles and plastics and so on are against it. That is how the Government discriminate and it comes now and says that it has to be discriminatory and it has to now do a couple of things that will make it still get that set of money. That is, it is going to be revenue neutral.

I want to ask the question and I noticed it here: Government – Details of Revenue Estimates, page 7 of volume 1 of the Estimates for 2013, which we so thoroughly went through the last couple of weeks; On Environmental Tax, this Government collects \$1,100,000,000 almost every year. When we see what is happening in Georgetown, all that garbage and all that what is called environmental hazards. A little rain fell the other day and the whole city stank. We have to start thinking holistically as to what it is that we are doing with this tax that we are collecting. That is also an important question.

The businessmen who we spoke to, the Private Sector Commission, and those in the Chamber of Commerce, even in other places, privately at cocktails asks where is that money going to Mr. Ramjattan? I have to say that I really do not know where it is going. The trouble is that we have this kind of quality argument now coming; “oh we are going to breach our obligations if we do not get this National Assembly to pass it.” We in this National Assembly like in so many other matters, want explanations before it is going to pass. That is why we asked for a deferral. But, they said - “No, let us go ahead with it and we are going to talk about it after.” Do you think we are going to talk about it after knowing how they behave? They are not going to talk to us. They are going to laugh and say, “Well it pass and the President will assent to it and then it becomes law”. Then they will go to the CCJ and say whatever it is.

I want us to understand that on this side of the House, the Alliance for Change, we will not be pressured by those arguments at all. We will bring the entirety of the issue to the public of Guyana. Let the ordinary cane-cutters know what this Bill means to them. Let me tell you what it means. When the Government put that \$5 per bottle on the Guyana’s manufacturer, do you know what the businessmen told me? They said it is the consumers that will have to pay more. But they do not want to tell them that it is an implication, no they do not want to say that. The manufacturing class have all indicated to me that this is what will be the implications because they (manufacturers) do not like to take losses, so this \$5 a bottle will go down to the consumers. Consumers will have to pay more. Every little school child, that wants a little beverage or whatever for his/her nutrition, will have to pay more now.

The implication is not being broadcast on NCN, who they have broadcasting all kinds of other issues that are not important. Then they come here and they would say the AFC, yet again, blocked another beautiful piece of legislation.

The Alliance for Change in the context of what has happened and the fact that we have consulted the stakeholders cannot support this. We do not feel, too, that this urgency of the argument about CCJ and commitments have been made with the cogency and the conviction that we think that it ought to be to change our minds. To that extent then, this is not going to get the support because as I said a tax is a tax and this is what this Government loves. To taxes its people or indirectly cause them to suffer from higher prices as a result of taxation. For the sake of the people out there - the consumers and the manufacturing class - we are not going to in any way support it.

Thank you very much. [*Applause*]

Mr. Nandlall: Thank you very much. Madam, I was not scheduled to speak, but having listened to Mr. Ramjattan, I feel compelled to speak.

Mdm. Deputy Speaker: Hon. Member your name did come in before Mr. Ramjattan started to speak.

Mr. Nandlall: On stand-by, I was not supposed to speak. Mdm. Deputy Speaker, the Opposition's position, as I understand it, is that they want a deferral of the Bill; that is what I understand sum total of their arguments are.

When you listen to Mr. Ramjattan, if we are to defer the Bill for one month, as the request is being made to do, nothing will change; the problems that Mr. Ramjattan is referring to will remain. The Private Sector will continue to be in the same circumstance that they are now a month from now. The cane cutter will continue to be in the same circumstance he is now a month from now. So that argument simply does not make sense.

Fifty years ago in the legal academic circles, a debate was ongoing and it was a debate because after the Vienna Convention internationally, you had an international movement towards treaty making and the debate which begun then was the battle of sovereignty against treaty and countries preparedness to go into treaty. It is irrelevant because you do not know. [*Interruption*]

The competing claims have always been, that if it is that you are going to enter into treaty, it is a sacrifice of your sovereignty. Every treaty that you enter into, you lose a degree of your independence as a sovereign nation; that is a fundamental truth and a legal fact of international law.

Mr. Ramjattan must be aware and I am not sure, but I will tell him that Guyana has been a signatory to the Treaty of Chaguaramas from the inception. In fact, Guyana is a founding member of that treaty. There is no doubt that an obligation devolves upon Guyana to carry out the terms of that Treaty and those obligations include the passage of a legislation of this type. Guyana does not have a choice...

Mdm. Deputy Speaker: Hon. Attorney General, I think Mr. Greenidge is rising.

Mr. Greenidge: On a Point of Order Mdm. Deputy Speaker, I did point out before that the legislation to which the Minister made reference and the Attorney General is making reference says absolutely nothing about an Environmental Tax. *[Interruption]* It is a Point of Order, you are misleading us. It says nothing about an Environmental Tax.

The legislation discriminates against CARICOM exporters and that is what the Chaguaramas Treaty and the subsequent amendment address. The Government should not come here to tell us that the legislation to which he is making reference says anything about this tax before us. It says nothing about an Environmental Tax. Thank you Mdm. Deputy Speaker.

Mdm. Deputy Speaker: So your Point of Order is ... Hon. Minister...

Mr. Nandlall: I did not use the term Environmental Tax. I am saying that the tax, which is here, which is contained here, the measure, which is being proposed in this amendment is part of our obligations under the Treaty of Chaguaramas. It was ... *[Interruption]*

Mdm. Deputy Speaker: Please allow the Hon... *[Interruption]* Hon. Attorney General, please address your comments to me. Members, please allow the Hon. Attorney General to make his presentation. I do see that there is someone else listed from the Opposition to speak subsequent and if there is a divergent view, I am sure that that member will adequately ... Your point of order have been noted Mr. Greenidge. Hon. Attorney General please proceed.

Mr. Nandlall: Thank you for your protection Mdm. Deputy Speaker. I do not understand why; I did not conceive that there was going to be a dispute as to whether Guyana has an obligation to impose this measure. It is beyond dispute. Every country in the Caribbean has done so. The last to do so was St. Lucia. If the records are checked you will see Guyana having this as an outstanding item on the quota agenda for the last six or seven year. Every time we go we have

been able to get a deferral for the same reason articulated by Mr. Ramjattan. We recognise that it will cause some hardships on local manufacturers. We are not unmindful of the ramifications that it will have on our commercial sector. We are also very acquainted with the disparity which exists in the cost of manufacturing and production in Guyana, as opposed to Trinidad for example, principally because of the rate or cost of electricity. It is not a magic. It is for that reason we have deferred the Bill on every occasion that we were compelled to do so, until we simply ran out of excuses.

The truth of the matter is that with the advent of the Caribbean Court of Justice, CARICOM treaty now has a forum to which they can go to enforce these obligations. Prior to that, countries had no way or no effective way of imposing the obligations which flow from the Treaty of Chaguaramas. One of the principle reasons why that court was established was to confer upon that court a treaty jurisdiction to enforce all treaties and obligations which arise under CARICOM Single Market and Economy (CSME) and CARICOM, et cetera at that court. As a result of that, my friend used a very articulate terminology, the wriggling room; the wriggle room quickly evaporated and we had a series of litigation commenced in the Caribbean. We had the TCI matter, the Hummingbird case in Suriname brought by Trinidad and now we have this matter brought by Rudisa, the beverage company, from Suriname.

While I hear my learned friend Mr. Ramjattan and I agree that this is going to have an adverse consequence on local manufacturers. We know that that is not a secret. We have been negotiating with the local manufacturers for a very long time and that is why the original tax was \$10 and we have reduced it to \$5. That came as a result of a request from the Private Sector; as a result of our consultations with the Private Sector. The Private Sector even asked us to allow them to retain some expert from the Caribbean to offer some kind of advice and so on. However, no report has been forthcoming and this was about six months ago.

My friend is asking for time to consult. The truth of the matter is that this Bill has been before this House since January; five months have elapsed. How many months do you want to consult? You have had the Bill; you have been exposed to the Bill; the Bill has been laid in the National Assembly five months ago and we have not heard, apart from Mr. Ramjattan's speaking about his engagements at cocktails and I have no doubt that he goes to a lot of those and the banter

which goes on with businessmen, I heard no evidence of any serious and proper and mature consultation. You do not consult this type of serious business at cocktails.

Mdm. Deputy Speaker: Correction: the Hon. Ramjattan did also say he met with members of the Private Sector Commission and then after he went to cocktails.

Mr. Nandlall: Okay. So did he meet them at the cocktails?

Mdm. Deputy Speaker: No, he spoke about meeting them beforehand.

Mr. Nandlall: And from there they proceeded to the cocktail... *[Interruption]*

Mdm. Deputy Speaker: No, he did not say that. If we want to be fortuitous this is my forte, so we can banter, but I am saying on a serious note...

Mr. Nandlall: And I am sure they were consuming both local and foreign beverages....

Mdm. Deputy Speaker: He spoke about a meeting... Hon. Attorney General, are you with me?

Mr. Nandlall: Yes Madam.

Mdm. Deputy Speaker: He spoke about two instances: meeting them in a business environment, I assume and then cocktails. So you can proceed.

Mr. Nandlall: The point I am making is that the argument which is being advanced that there is more time, there is need for consultation, is one that is hallow simply because the Bill has been here for five months now. Secondly, we have had consultations with the business community, not in 2013 alone, this is an ongoing issue, as my Hon. Colleague said for over six or seven years now. So Banks DIH, Demerara Distillers Limited (DDL) and the local players in the industry are absolutely aware of this Bill. No, they are not happy and we are not happy either, but that is the cost of entering into treaty. My friend, Mr. Ramjattan says that this National Assembly will not support this, but this is not from volition of the Government; this is not Government driven. This has to do with discharging our obligations under the treaty.

I gave the Caribbean Court of Justice and undertaking. I told the Caribbean Court of Justice a draft of this Bill is before court as an exhibit and I said that it has been laid in the Parliament and that ... It is no story, I am telling you the truth; this is public knowledge. It is now in the

Assembly's discretion as to whether the Bill will be passed or not because I outlined the configuration of the National Assembly. I say all of that to explain and to illustrate that this has nothing to do with the Government being the driving force, it has to do with if we want to remain as part of today's world, where treaty plays an important and a pivotal part, then we have to make a choice. It is either we ... *[Interruption]* The principle act here is ...

4.00 p.m.

This is the Customs Act and it is "this" thick, it deals with about a million different matters and there is a lawyer saying to repeal the Customs Act.

Mr. Ramjattan: ...Principle provisions that ask for a tax.

Mdm. Deputy Speaker: Mr. Ramjattan that cannot be a Point of Order.

Mr. Ramjattan: I did not ask for a repeal of the entire Customs Act.

Mdm. Deputy Speaker: Mr. Ramjattan, I am ruling that that is not a Point of Order and that you need to sit.

Mr. Nandlall: You are out of order, Mr. Ramjattan.

Mdm. Deputy Speaker: Hon. Attorney General, please resume.

Mr. Nandlall: Your Honour, the point is if as a country we are going to say to the world at large out there, both regionally and internationally, that this National Assembly is a powerful institution, and indeed it is, and therefore we are not going to comply with our obligations under treaties, under international arrangements, then we have to make that as a position clear to the outside world. *[Interruption]* I am going to sit until the place is quiet. This is an ongoing commentary. I cannot speak.

Mdm. Deputy Speaker: Hon. Members, what will apply to one will have to apply to all. My position is, as I said before, that it is not a church, but is also not a fish market and I would expect that Members are all mature enough. While no house of representatives is as a church, people will have their cross talk; I would expect people to regulate themselves to the extent that

people are not disturbed. Hon. Attorney General, I believe that people will try to show me that they can regulate themselves.

Mr. Nandlall: Normally, Your Honour, when Your Honour is here... but you are not here. In conclusion, the point I want to emphasise, I do not think that we in this Assembly have much of a choice in this matter. We can withhold our support and deal with the consequence as a country because we have a lawsuit there that is pending, damages are being claimed. Passing this legislation now is not a defence. All that it would have gone to do is to mitigate the damages which will flow and I got some kind of undertaking that that would have been done, but all that will happen now is that this National Assembly will flex its muscle, Guyana will flex its sovereign muscle and Guyana will be shafted as a country under the obligation... I withdraw that word.

Mdm. Deputy Speaker: Thank you.

Mr. Nandlall: Guyana will suffer the requisite detriment and it will be penalised in damages for violation of its contractual obligation. That is all. With those few remarks I wish to say that I support... I hope that my friends from the Opposition would recognise that all the objections that they have we share. The sentiments that they are expressing we can relate to. We have been dealing with them. We have been talking with the private sector but we simply have to come to the end of the road and it is either we stay in CARICOM or we exit CARICOM. It is a simple as that. Thank you very much, Your Honour. [*Applause*]

Mdm. Deputy Speaker: Hon. Members, I think at least when the Speaker or Deputy Speaker acting as Speaker is on the floor we would expect that the House would be calm. We have three more speakers and it is 4.05 p.m. We did start the Assembly about half of an hour late so I am seeking consensus from the House whether we want to proceed with the other three speakers or we want to take the adjournment now and come back. Take the adjournment? I sense that the consensus is that we adjourn now but before we do that I want to invite all Members of the Committee of Selection to meet in the Speaker's Chambers immediately on the suspension and the purpose of the meeting is to nominate Members to the Special Select Committee on Interpersonal Violence. Immediately as we adjourned could those Members please come? The sitting is now adjourned.

Sitting suspended at 4.05 p.m.

Sitting resumed at 5.15 p.m.

Mdm. Deputy Speaker: Hon. Members, the sitting is now resumed. Please be seated. We will continue the debate on the Customs Amendment Bill.

Mr. Nadir: Thank you, Mdm. Deputy Speaker. I rise to give support to the Customs Amendment Bill that is before us at this time. We have been hearing of the arguments why we need to pass this bill at this time and we heard the criticisms and one of the criticism against our measure to pass this bill today was that we have put this on a fast track because of obligations and possible penalties. This is far from the truth as the Hon. Member... Let me congratulate her for not only the eloquence with which she delivered her contributions to this debate but also in the historic facts which she brought out in this debate and that is the Hon. Member, Minister of Foreign Affairs, Mrs. Carolyn Rodrigues-Birkett. She reminded us that we first introduced the environmental tax in 1995 so this bill is coming after almost 18 years of us having this tax and I have been around a little while and know the number of battles that we have fought, especially on behalf of our local manufacturers so that we have lasted 18 years with this tax. 18 years of the consumers of Guyana paying \$10 for these containers, offering 18 years of protection and giving 18 years of time for our local private sector to become even more competitive in terms of the packaging of beverages. For this bill, introduced almost five months ago, we were told, the Hon. Minister of Finance sought deferral. Yes, he stood up and sought deferrals, why? Because Members of the Opposition, in the consultation that we had with them, had asked him to defer the bill and every time he stood up he did mention that it was “at the request of the Opposition” that he has been asking for this bill to be deferred. The Hon. Member, Mrs. Rodrigues-Birkett, mentioned the Revised Treaty, Article 90, speaking of no discrimination between the imported goods that will fall under this regime and the local goods. We had signed on to the Treaty of Chaguaramas so long ago, as I have said over and over again, Guyana, Antigua and Barbados under the “three Bs” – Barrow, Bird and Burnham – after the collapse of the West Indian Federation introduced Caribbean Free Trade Association (CARIFTA), the forerunner to this common market that we have under CARICOM so we have some obligations. Over the last 18 years many countries in the region use this tax in a discriminatory way. Guyana was not the only country but especially over the last five or six years as the Hon. Member, our Attorney General,

mentioned there has been concerted effort for all of the countries in CARICOM to put their business in order and at the highest level last year we were told by the Hon. Member – and it needs repeating – Minister of Foreign Affairs, that the heads of government have committed to ensure that this tax would no longer be applied in a discriminatory way when it comes to CARICOM producers, local to Guyana or regional to CARICOM. Guyana now remains the only country... All of the excuses that we have been using on behalf of our local manufacturers to delay such an amendment have now run out, as of last year in fact, and St. Lucia being the last country to bring their laws in conformity with Article 90 of the Revised Treaty of Chaguaramas which was, as the Minister told us, sometime in 2005... Was it Minister?

This is not an issue where this Government is not engaging in consultations. The Opposition asked for consultations, they had their consultations and for me this is not a case where the Opposition is asking for a month's delay so that we can pass this bill with unanimity. In fact, listening to the Hon. Member, Mr. Khemraj Ramjattan, and he said it, he is opposing the tax. He wants an amendment to remove it out of the Customs Act; to remove it all together. I must remind Members that the tide raises and lowers all ships so whether we remove it totally every producer, be it Guyanese or regional, will be at the same level but we have a challenge in that the \$1 billion in revenue that comes now to help with so many things, including the cleanup of the environment we will have to find other means of raising. We will have to find other means. Does this mean that the VAT will go up to 16.5%? We have been hearing since the budget the Opposition calling for us to cut taxes, cut revenue measures, and at the same time increase expenditure. That could only happen if we have a deficit that will balloon every year. I know the ramifications of that. We have been down that road before. Some people are going to say that we can use National Industrial and Commercial Investments Limited (NICIL)'s money or that we can use Guyana Geology and Mines Commission (GGMC). There are some resources called working capital. One does not touch it. One continues to let it work so that one can take the returns from that and live off of that. It is like the person who feels that every day, when he works the minibus and he brings home \$8,000 he can spend all of it. No. He literally would eat out the bus. If we touch certain revenues of this country we are going to eat out the productive capital of our country.

This issue of us wanting to ensure that we come in compliance with our treaty is not fast tracking, it is coming at the end of 18 years of protection that this People's Progressive Party/Civic (PPP/C) Government has offered Guyanese manufacturers; 18 years. It cannot be denied.

Even externally we heard this same argument when the banana protocol was being established and the European Union gave the banana exporting countries of the Caribbean a time line was to get their houses in order. The same thing we face with sugar, but we had 18 years.

Significantly not contained under this tax are cardboard containers. It is biodegradable has the Hon. Member, Mr. Greenidge, spoke to the issue of measures that can encourage us to use biodegradable material. Cardboard containers are biodegradable but here one has no taxes charged on containers that are returnable and it is a clear measure that we are saying to our manufacturers locally and also overseas that if one can put one's products in containers that are reusable then one would not pay the tax and the environment would be better off in the end. We have basically two big manufacturers in Guyana that this would have a small impact on; two of them. I will tell you today that the return price for an empty glass bottle from some of those manufacturers are as much as \$40 per bottle; eight times what this tax is and that programme works to some extent. This amendment is saying to our producers "find ways that you can use returnable containers and that have that programme". I and the Hon. Member, Mr. Greenidge, I think, share the same view in terms of letter the market encourage our producers to do the things that are right and that is particularly what is happening here with this tax. The tax is being lowered from \$10 on the containers that come into Guyana to \$5 on all containers coming in or used locally. The consumers will be paying \$5 less in particular; \$5 on half of the imports. 51% of the containers used, as the Hon. Member Mrs. Rodrigues-Birkett mentioned, are on the imports so half of the containers used will attract \$5. Our local producers will pay \$5 on the containers that are not returnable and we have the issue of dealing with the \$1 billion in revenue if we have to eliminate this altogether. We cannot continue to say 'other countries are breaching this area, that area, that area and that gives us license to do our own thing'. It is either we decide that we are going to be part of the common market or look elsewhere for another relationship or we come in conformity of the rules under the Treaty of Chaguaramas and we have been working assiduously at that; assiduously at coming in conformity. While many of us may talk about the

slow pace of CARICOM and the integration movement none of us will agree that it is time to do away with CARICOM.

Today, versus ten years ago has the difference of a sanctioning mechanism in the CCJ. What we are doing is exposing all Guyanese, all of our people, to the fines a nation will have to pay should we get verdicts against us and penalties imposed upon us. The country would have to pay to protect a few persons. This thing looks very innocuous but the implications are so enormous and most significant. We are Suriname are the only contiguous countries in CARICOM in spite of the fact we probably touch somewhere in the lower parts of our countries, but I could remember that the Surinamese Minister – Mrs. Rodrigues-Birkett can bear me out – was threatening to impose a tax on Guyanese imports to Suriname in response to this measure that we have. Remember that one of their largest producers of beverages, Rudisa, sells 21% of the beverages consumed in Guyana today. Sorry, 21% of the imports of those beverages come from a Surinamese manufacturer so this has implications and I am in no doubt whatsoever that Suriname will seek to introduce countervailing measures against us if a bill like this is not approved by this Parliament. We are facing that also but at what cost? The cost is not going to be borne, not by the few beverage manufacturers... I think that the Minister of Health and the Minister of Sport have been telling us to use less sugar and more water. At what cost? It is a cost that the entire nation has to bare and is already paying because of all these defences.

The answer lies, for our manufacturers, in the ensuring that we can get together with Government, the law makers, and have concerted effort, as Minister Rodrigues-Birkett said, to find legal mechanisms to cushion these effects and I do not doubt that with all of the brilliant lawyers... The Speaker himself, after a particular debate in the House, was prepared to grant silk to quite a few Members in the House. I do not doubt that if we are saying... Trinidad provides 51% of these imports. ...take Trinidad's Government to court on the issue of subsidised fuel. This is a powerful argument that one cannot discriminate against a local producer versus a regional one in terms of taxes. At the same time one also cannot subsidise ones local producers to the detriment of another regional producer and there is a very good case, I feel – we may not win it – that could be made out that the fuel which Trinidad's and Suriname's, use for power, manufacturers get at a subsidised cost ought to be increased because it is an uneven playing field and there are so many other precedents that are around in terms of WTO, especially, and the

European Union that deals with these issues. This is not rocket science arguments. These are arguments that have come up in many common markets, custom unions, free trade areas. Minister Rodrigues-Birkett is so right in saying that our best defence is a good offence by looking to ensure that there are legal mechanisms which we can employ so that we can give our local producers a comparative advantage when we have to deal with other producers that get subsidies from their governments.

The Bill, while very simple, has all of these implications for our relationship with CARICOM, our trade because Guyana has a trade surplus with the Caribbean and this is a small measure that can bring penalties on Guyana that will be reciprocated that other countries will try to use; maybe not these kinds of barriers but other nontariff barriers to trade in order to slow down Guyana's export to the region and all of our people... Guyana's rice to Jamaica, as an example, our fruits to Barbados and that was a task in response to all of this. At one time the Barbadian officers used to have to the packaging centre here for every shipment and we had to carry the cost. Minister Rohee went through that argument for years. We had to carry the cost. Our rice in Jamaica was turned back at the port of entry for all kinds of reasons. It took Minister Rohee years to establish an agreement with the Jamaica Bureau of Standards, licensing our National Bureau of Standards here to certify the rice when it reaches and once it reaches to Jamaica it is accepted.

They have enormous implications and while it might not be a tax penalty, the nontariff barriers that could be imposed upon us could equally stifle our exports to the Caribbean. The common market has taken a long time to reach where it is today and on the environmental tax, in particular, for 18 years many countries had it but we have all agreed that it will be eliminated.

We have looked at the sensitivity analysis with respect to price and it might... Every single analysis has a flaw here or there. I am not unaware of the ingenuity of our own local producers and I am confident that there would be a positive response by industry to this measure and we have seen industry respond in the face of claims of dirty beer bottles, dirty containers, too much liquid. We have seen our producers here go to cans, recyclable tins. We have seen smaller beverage bottles. We have seen them retooling. Recently one of our local producers put up external fermentation tanks to increase the throughput of the factory by moving from indoor – because the technology has changed – to outdoor fermentation tanks. I do not doubt that these innovative measures are going to be employed by industry in order to counteract the effect of

this \$5 on the local producers. It is always going to be “not yet”, “yes but” so the “*yes buters*” and the “*not yeters*” today I am asking to just, even if they do not want to say “yes”, say “sigh” because this is something Guyana needs to do now. After 18 long years of delay, of excuses, we have reached to the end of the rope and we need to do this now. I implore the National Assembly to pass this amendment which has been introduced over the past five months.

Thank you very much. [*Applause*]

Lt. Col. (Ret'd) Harmon: Mdm. Deputy Speaker, I rise to speak on this amendment to the Customs Act and from the outset I would wish to say that the arguments coming from this side made by the Hon. Members, Mr. Carl Greenidge and Mr. Khemraj Ramjattan, are persuasive and ought, in the normal course of things, to persuade any right thinking jury sitting and listening to these submissions that they ought to come down on the side of the arguments made by the Opposition.

5.40 p.m.

It is heartening to hear, on the other side, my colleagues speak about respect for treaty obligations that bind the country, in relation to other countries. However, I believe that charity begins at home and, therefore, when we are talking about respecting treaties, let us, first of all, talk about respecting our own Constitution; let us talk about the establishment of the Public Procurement Commission that the Constitution requires; let us talk about respect for the constitutional agencies which the Constitution requires. Let us speak about those things. Charity begins at home.

I believe that good sense ought to have prevailed and that the Government side, having listening to the presentation by the Hon. Member Mr. Greenidge, should have considered that the situation, as it is, needs to be reorganised. “Let us reflect on what Mr. Greenidge has said and let us come back on this thing. Let us try to consult on it a bit and arrive at a position which can guarantee unanimity in the House.” But that is not to be. In fact, I was prepared to speak on this amendment from the first time it came up because, as like the Alliance For Change (AFC), we held consultations with the Private Sector Commission and these were consultations held at the office of the Leader of the Opposition. We held consultations with private business persons who are not active in the Private Sector Commission and we held consultations with the ordinary

Guyanese people who will be affected by this tax. All of them have said to us that they have a problem with this. When a government says that it has no problem that the private sector has a problem with the tax; when a government says that it has no problem that the people of a country has a problem with the tax, then that government is not listening.

The last speaker spoke about 18 years that this thing has been in the making. I want to go back there because he took us there. Since he took us there, 18 years ago, I would wish to refer this House to the debate itself in 1995 when this particular Act, the amendment to this Act, was raised in the National Assembly by the then Minister of Finance Mr. Asgar Ally. The question of this environmental tax formed a part of the budget debate in that year and when the actual tax came up to be debated there were so not much said on it, because a lot was already said in the budget debate, but that little which was said I would like to refer this House to it. Even though there was so little said it has big significance for us all in this House.

The *Hansard* of the 22nd February, 1995 states this of what the Hon. Minister of Finance said. He said:

“I want to assure this House that we have taken heed of the points made by the Hon. Minority Leader and the Opposition spokesman on finance that these funds be put in a special fund for environmental activities. It is our objective to have this environmental fund put in place so that the proceeds from this levy can be put into a fund for that purpose.”

He went on to say:

“In terms of the environmental tax, we are going to be setting out clear guidelines on this matter.”

We have heard figure such as \$1 billion per year collected on this tax so, for the 18 years we are talking about \$18 billion, but I wonder if the Hon. Minister of Finance can say whether there is a specific fund called the environmental fund. Where is this money? Where is it? Where are the guidelines for the use of this fund after 18 years? What has happened here is that this has become a cash cow for the Government, so all it is doing is raking in taxes all of the time. This, in our

respectful view, is just going to be another way of taxing the already overburdened Guyanese people.

Further, this is also what the Hon. Minister said:

“We, on this side of the House, wish to repeat the strong reservations we made during the debates on these matters. Let me say, from the outset, that we agree with the honourable spokesperson on finance...”

That was the Hon. Dr. Kenneth King at that time.

“...who adverted to the impact that this was going to have on our obligations under CARICOM.”

This was nothing new. The Hon. Member Dr. Kenneth King indicated that and the Hon. Minister of Finance Minister Mr. Asgar Ally said that he was aware of it and that they were going to take measures to ensure that it did not impact on us negatively. [Mr. Nandlall: Did Mr. Kenneth King say that?] That is what he said, since 18 years ago and you have done nothing about it. You are now coming to ask us to pass an amendment. Even before the tax was put into place you were told about it, you were told this thing would have an impact on your CARICOM brothers [Mr. Nandlall: We all said that.] Yes. You still went ahead and did it. [Mr. Nandlall: We were protecting the private sector.] Now protect them still. You want to put a spin on it. Tell us where the money is. I ask that the Hon. Minister tells us where that money is. Where is that \$18 billion? Where has it gone?

In 1995, the Opposition trusted the Government do what is right. Dr. King’s words were “I welcome the Minister’s return top good sense”, but in 2013, having regard to all that has happened - the fact that our Bills cannot be assented to, the fact that we are being ridiculed on a daily basis - are we prepared to say that good sense still prevails? It has gone through the window.

Let me speak a bit on this environmental tax business that we are talking about. I had the good fortune of being in Trinidad in November of last year, at a conference, and a Container Tax Bill was being debated at the same time, so I had the opportunity of going into the Senate, where it was being debated, and saw one of my colleagues Mr. Faris Al-Rai, who was at law school with

me, speaking on this matter. [Mr. Nandlall: Good guy.] Good guy, but you would not like what he said because he is a Member of the Opposition.

This country, such as many other countries in the region, subscribed to an environmental action plan that was adopted by the United Nations Conference on the Environment and Development in Rio de Janeiro, in June, 1992, and that conference commits us, the participating states, into changing consumption patterns to encourage specific consumer-oriented programmes, such as recycling and deposit refund systems and the use of economic instrument, including environmental charges and taxes and deposit refund systems to influence consumer behaviour as an aspect of developmental national policies and strategies to change unsustainable consumption patterns.

Although several clean-up activities of the environment, clean-up campaigns and social programmes, have been initiated, they have all been short-lived and are of limited success. The “Pick it Up” campaign itself is one such current activity. The results, of course, have been continued, wanton pollution of our roadways, drains, parks, open spaces, rivers, coastline and the sea by solid waste. This not only renders our environment aesthetically unclean, but it distresses the habitat, it destroys our eco systems, creates flooding and threatens human health. I am sure the Hon. Member Mr. Carl Greenidge can attest to the fact that his porch was affected by the recent flooding in Bel Air Gardens.

The common feature of legislation in this regard, legislation in the country, such as Barbados and Trinidad, where there are container taxes, is that these were taxes which took a long time in a gestation period. In the case of Trinidad, it took over 12 years before it actually got to the point of a debate in the House and in the Senate. The fact that we have no precise legislation for the use of the funds, which were allocated for this purpose and we are seeking to add a further taxation on the Guyanese people, it is a burden which we are not prepared to support.

It is a known fact that when a tax is reduced... [Mr. Neendkumar: Mr. Harmon, this speech will be left *[inaudible]* and it will haunt you.] I know you long enough, so I would not comment on that statement you are making. It is a known fact that when taxes are reduced the companies, which benefit from that, see it as a windfall, as a profit, so they do not pass it on to the people, but when taxes are increased it is passed on to the people. That is what the Hon.

Member Mr. Ramjattan was saying, and that is our experience. Even though it is levelling off, instead of taking \$10 at the point of entry on certain goods coming in, it is spreading out, taking \$5 for containers that have stuff inside of them and \$5 for containers that do not have anything, and it is going to the manufacturers and producers. Even though it is the same \$10 the burden has been shifted from one section to another, so that the persons who now have to pay an additional \$5 are not paying that themselves, they are passing it on to us, the consumers, so that we, who are already overtaxed by Value Added Tax (VAT), and so on, will have to face the burden of additional tax. We cannot have that.

Now, when it comes to the issue, which is before the Government, that it faces an action by a company that has sued it in the Caribbean Court of Justice (CCJ), and contrary to what the Hon. Minister of Legal Affairs and Attorney General wants us to believe, I have a copy of the action here and the specific relief that the company has asked for against the Government. There are four specific reliefs that the company has asked about and I will read two of them, because I believe the first two are of [*inaudible*] moment. The second relief orders the State of Guyana to revoke and remove from its domestic laws section 8 of its Bill No.04/1995 inserted in its Customs Act, chapter 82:01, at section 7(a), the Guyana Fiscal (Amendment) Enactment Act No.3/1995. That is what Mr. Ramjattan was talking about, just now. That is what it is asking the court to ask the Government to do, and to abstain from the imposition of the environmental levy tax and collecting of every unit of nonreturnable container of any beverage imported into the State of Guyana.

Secondly, the order asked that the State of Guyana compensate the applicant – this is the big story here – for loss suffered by them as a result of the imposition by Guyana of the environmental levy tax and collected from CIDI on the import in Guyana of nonreturnable containers of beverages of community origin in breach of the revised treaty in the aggregate sum of US\$4,658, 445 for the period 2007 up to and including October, 2012, and this is what we are running from.

What we are asked here to do, as a National Assembly, is to help the Attorney General in his defence in this action. We are being asked here to ratify a breach of the law for 18 years on the basis that a company has sued us for \$4.8 million. Well, this is more than the money the Government collected anyhow, over the 18 years.

I wish to say this: Old people say that when your ears hard you does feel. The Government was told since 1995 about what is the likely impact, but it went ahead nonetheless and now it is coming here to say to us that we must support it in this regard. For those reasons and the others, which have been raised by my other colleagues on this side, I believe that we cannot support the amendment. [*Applause*]

Bishop Edghill (replying): What I thought, at the beginning of this discussion and debate, would have been a very simple matter it has developed into something that has produced a lot of confusion, in my own mind, because I am sitting here all afternoon listening for the arguments to support why even the request of the deferral should have been granted. I must admit there is no argument in any serious manner that has been presented to support that request for the deferral.

It was raised by the Hon. Member Mr. Carl Greenidge that we do not have a treaty obligation to implement this particular measure and I think it was adequately addressed, both by the Attorney General and the Minister of Foreign Affairs. I would want to indicate to us that we should seriously look at this matter in a very reasonable and responsible manner because we know full well what the issues are before us and making arguments for the sake of arguments is insufficient, especially when we have been elected to this honourable House to represent the interest of the people of Guyana and when a matter of public interest, an interest to the people of Guyana, is being considered.

The facts are that, right now, the people of Guyana are paying \$10. This amendment is asking that there be a change and the people will pay \$5. There is no rocket science into seeing that. The tax, as it is, right now, is discriminatory and this measure is to correct that in keeping with what are our treaty obligations. There could be no excuse for that. I sat here and I wondered what we are saying to the people of Guyana and to our CARICOM brothers and sisters, because if we withhold support to this amendment we are actually saying that honouring treaty obligation is not necessary or important. Guyana as a leading light in CARICOM, one of the founder Members of CARICOM, I think our whole character, as a country, is under question here in the way we behave this afternoon in the National Assembly. I think we are also articulating very carefully, for the people of Guyana, that special interest comes before national obligation. That is very dangerous because the way we act, this afternoon, in the National Assembly, we will be carefully articulating for the people of Guyana that special interest comes before national obligation. As I

am hearing that we have encouraged the lawlessness, the Government, through this amendment, is seeking to create what should be considered to be correct and produced an environment that is non discriminatory. I think that is what we are asking for all Members of this House to support.

I have listened to several Members, on the other side, who spoke to this motion, including the Mr. Carl Greenidge and Mr. Ramjattan and Mr. Harmon, just now, who are all fully aware that there is a matter that is before the CCJ. I am concerned that while I am hearing arguments from the Hon. Members about the people of Guyana paying more because the local companies would be required to pay the \$5, it would be the people of Guyana who will have to pay should judgement be granted against to us. If, currently, we lose this case at the CCJ I think the Government of Guyana will have to pay in excess of US\$5 million, which is about more than G\$1 billion. I am wondering if Members of the Opposition will support the supplementary that will have to come to this House to facilitate such a payment.

I have listened to this matter being tied to all kinds of issues - the Public Procurement Commission (PPC), Rights Commission and assent to Bills. I would have been happy to hear some substantive arguments, as they relate to some serious objection, as they relate to the proposed amendments. This proposed amendment, I can assure, will be revenue neutral.

We have checked it out and we have looked at it and we would want to indicate that while there may be some slight increase for locally produced beverages, because of the \$5 that will be asked for now, in terms of the revenue collection, there is no cash cow here. This is a revenue neutral measure that is being implemented, and that must be said, and that must be stated here this afternoon.

This Bill is before this honourable House for the last five months...

Mdm. Deputy Speaker: Just bear with me for one second. Hon. Minister Ali if you want to get involved in the exchange you would be required to return to your rightful seat. I have no problem with you entering the little exchange, but you will need to go back to your proper seat. I am now making a general request. Please allow the Hon. Minister to proceed with as little interruption as possible.

Hon. Minister, please proceed.

Bishop Edghill (replying): I have listened to the presentations of the Hon. Member Mr. Carl Greenidge and Mr. Harmon, which were the two presentations that came from that side of the House, that sought to explore some aspects of an environmental tax and I would want to say that this Bill has been before the House for the last five months. A request came from Members of the Opposition for a deferral, the Minister concurred. Over the last five months none of those suggestions were submitted or made to the Minister. My question is that if we defer for another month or we defer for another year or we defer indefinitely, what will happen during that time that did not happen during the five months?

This issue is one that, I believe, requires the support of all the Members of the House. While it is true that Members on the other side of the House have concerns about other issues that seem to be being raised at this time, whether it is the PPC, the assent of Opposition Bills and the Rights Commission as raised by the Hon. Member Mr. Harmon, I think this piece of legislation should be considered on its own merit; it should be considered based upon what the facts are, what the realities are, what obtains presently, what we are seeking to correct and what are the likely outcomes. All that I am asking, at this particular time, is that in an atmosphere of nationalistic pride and in an atmosphere of where we gather in this august House as legislators to provide leadership on behalf of the people of Guyana, where we sit in this House as men and women of honour who took an oath that says we will operate without fear or favour, ill will or malice, that we, from a standpoint of a pure conscience, knowing all the facts that surround this particular issue, be magnanimous and we rise above the current political tensions and expectations that exist and examine this piece of legislation on its own merit and provide support, so that we can see the safe passage of this amendment this afternoon.

Mdm. Deputy Speaker, I thank you very much. [*Applause*]

6.10 p.m.

Question put.

Mr. Hinds: Division.

Bell rang.

Assembly divided: Noes 31, Ayes 27, as follows:

Noes

Mr. T. Williams

Ms. Marcello

Dr. Ramayya

Mrs. Garrido-Lowe

Mrs. Hughes

Mr. Nagamootoo

Mr. Ramjattan

Ms. Ferguson

Mr. Morian

Ms. R. Williams

Mr. Jones

Mr. Adams

Mrs. Baveghems

Mr. Sharma

Mr. Bulkan

Mr. Bond

Ms. Kissoon

Mr. Trotman

Ms. Selman

Mr. Allicock

Ms. Wade

Mr. Felix

Ms. Hastings

Mr. Scott

Lt. Col. (Ret'd) Harmon

Mr. Greenidge

Dr. Norton

Mrs. Lawrence

Mr. B. Williams

Ms. Ally

Dr. Roopnarine

Brigadier (Ret'd) Granger

Ayes

Mr. Jaffarally

Mr. Damon

Dr. Persaud

Rev. Dr. Gilbert

Dr. Mahadeo

Mr. Seeraj

Mr. Neendkumar

Mr. Lumumba

Mr. Chand

Ms. Shadick

Mrs. Chandarpal

Mr. Nadir

Ms. Teixeira

Bishop Edghill

Mr. Whittaker

Mr. Baksh

Ms. Webster

Mr. G. Persaud

Mr. Benn

Dr. Anthony

Mr. Ali

Dr. Ramsaran

Dr. Westford

Mrs. Rodrigues-Birkett

Mr. Nandlall

Mr. Rohee

Mr. Hinds

Motion negatived.

EVIDENCE (AMENDMENT) BILL 2013 – Bill No. 7/2013

A BILL intituled:

“AN ACT to amend the Evidence Act.”

MOTOR VEHICLES AND ROAD TRAFFIC (AMENDMENT) BILL 2013 – Bill No. 8/2013

A BILL intituled:

“AN ACT to amend the Motor Vehicles and Road Traffic Act.”

FIRE SERVICE (CHANGE OF NAME) BILL 2013 – Bill No. 13/2013

A BILL intituled:

“AN ACT to rename the Fire Service Act, the Fire Service and for related purposes.”

POLICE (CHANGE OF NAME) BILL 2013 – Bill No. 14/2013

A BILL intituled:

“AN ACT to rename the Police Act, the Police Force, the Police (Discipline) Act and for related purposes.”

[Minister of Home Affairs]

Bills deferred.

TELECOMMUNICATIONS BILL 2012 – Bill No. 18/2012

A BILL intituled:

“AN ACT to provide for the establishment of the Telecommunications Agency and for a regular, coordinated, open and competitive telecommunications sector and for matters incidental thereto or connected therewith.”

PUBLIC UTILITIES COMMISSION (AMENDMENT) BILL 2012 – Bill No. 17/2012

A BILL intituled:

“AN ACT to amend the Public Utilities Commission Act.”

[Prime Minister and Minister of Parliamentary Affairs]

Mr. Hinds: Mdm. Deputy Speaker, Hon. Members, I would like to ask that these two Bills be deferred. I would like to say to the House that we are continuing to review the Bills that were introduced into to this House some two years ago and we have scheduled meetings, all three days of next week, Wednesday, Thursday and Friday. We would be meeting with the representatives of Atlantic Tele-Network, Inc. (ATN) and Guyana Telephone and Telegraph (GT&T) Company. We are expecting to move these two Bills forward early in the coming month.

Bills deferred.

PRIVATE MEMBERS' BUSINESS

MOTIONS

THE MARRIED PERSONS (PROPERTY) (AMENDMENT) BILL 2013 – Bill No. 9 of 2013

“BE IT RESOLVED:

That this National Assembly, in accordance with Standing Order No. 52(1), grant leave for the introduction and first reading of the Married Persons (Property) (Amendment) Bill 2013 – Bill No. 9 of 2013:-

A Bill intituled AN ACT to amend the Married Persons (Property) Act.” *[Mrs. Backer]*

Mdm. Deputy Speaker: We now move to Private Members' Business and the first item there is the Married Persons (Property) (Amendment) Bill 2013 – Bill No. 9 of 2013. As I am presiding in today's sitting I will respectfully ask that that Bill be deferred. I trust that leave will be granted.

Motion deferred.

HONOURING THE 21ST AUGUST, 2012 AGREEMENT BETWEEN THE GOVERNMENT OF GUYANA AND THE REGIONAL DEMOCRATIC COUNCIL, REGION #10

WHEREAS the people of Linden have from the time of the announcement by the Government that there would be an increase in electricity tariff, consequent to the government's intended withdrawal of the subsidy, indicated through their pronouncements in the national media, peaceful picketing exercises and other forms of peaceful protest that the community did not have the economic capacity to pay the steep and unconscionable increase in the cost of electricity and therefore saw the decision as an unjust imposition on the people of Linden;

AND WHEREAS the Government continued to take action to impose the increase in the cost of electricity on the people of Linden in total violation of the people's right to be involved in decisions that directly affect them as is explicit in Article 13 of the Constitution which states that, "The principal objective of the State is to establish an inclusionary democracy by providing increasing opportunities for the participation of citizens, and their organizations in the management and decision-making processes of the State, with particular emphasis on those areas of decisions-making that directly affect their well being";

RECOGNISING that the Government was not responsive to the concerns and interests of the people of Linden and therefore left the people of Linden with no alternative, but to continue to protest;

AND WHEREAS the people of Linden were involved in peaceful protest and were subjected to the uncalled for use of excessive and lethal force by the Guyana Police Force resulting in the death of Mr. Allen Lewis, Mr. Ron Sommerest, Mr. Shemroy Bouyea and the injuring of scores of unarmed protestors;

AND WHEREAS the use of lethal force rather than instilling fear that was intended, increased the resolve of the people and escalated the protest forcing the Government to respond to concerns of the people of Linden and enter into negotiations with the people of Region 10, represented by their elected and legitimate representatives;

CONCERNED that even while the negotiations were ongoing the Guyana Police and Guyana Defence Forces were used against the people of Linden, including the indiscriminate shooting and injuring of innocent people in their homes on a quiet Sunday;

NOTING that in the face of such provocation, the Region continued to negotiate with the Government in good faith;

AND WHEREAS these negotiations resulted in the Agreement of 21st August, 2012, between the Government of Guyana and Region 10 Regional Democratic Council signed, on behalf of the Government of Guyana, by the Hon. Prime Minister, Mr. Samuel Hinds, O.E., M.P., and on behalf of Region 10, Regional Democratic Council, by Mr. Sharma Solomon;

AND WHEREAS the full text of the aforesaid written Agreement, which is attached to this motion, contains the details of the Agreement, inclusive of the deadlines for implementation and the actions required to be undertaken by all parties to the Agreement; (See Appendix)

CONCERNED that six (6) months after the signing of the Agreement many aspects of the Agreement have not been implemented, especially the commitment to return the dish and transmitter to the people of Linden, inter alia;

“BE IT RESOLVED:

That this National Assembly calls on the Government of Guyana to immediately adhere to its commitments and obligations under the written Agreement of 21st August, 2012 thereby ensuring that the benefits which were to accrue to the residents of Region 10 are realized; and

BE IT FURTHER RESOLVED:

That the Government of Guyana be held solely accountable and responsible for all direct and indirect consequences flowing from its continued unwillingness to adhere to the letter and spirit of the written Agreement of 21st August, 2012.” [Ms. Kissoon]

Ms. Kissoon: I ask that that motion standing in my name be deferred.

Motion deferred.

APPOINTMENT OF A COMMISSION OF INQUIRY TO INVESTIGATE THE INCIDENCE OF TRAFFICKING IN PERSONS IN GUYANA

WHEREAS the Constitution of the Co-operative Republic of Guyana prescribes at Article 140 (1) that “No person shall be held in slavery or servitude;” and, at Article 140 (2) that “No person shall be required to perform forced labour;”

AND WHEREAS the state of Guyana is a signatory to the United Nations Convention against Trans-National Organised Crime adopted by General Assembly Resolution 55/25 of 15th November, 2000 and to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; and, further, Guyana has prohibited all forms of trafficking in persons through the Combating of Trafficking in Persons Act 2005;

AND WHEREAS there have been credible reports that undetermined numbers of persons, have been trafficked, kept in involuntary servitude and required to perform forced labour, particularly in the hinterland regions of Guyana, but also elsewhere;

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

“BE IT RESOLVED:

That the National Assembly declares its abhorrence at the crime of trafficking in persons; expresses its sympathy with the victims of trafficking; calls for victims to be treated humanely – not as offenders and asserts the responsibility of the State to protect all of its citizens; and

BE IT RESOLVED:

That the National Assembly calls upon the President of the Co-operative Republic of Guyana, in accordance with the Commission of Inquiry Act, chapter 19:03, to appoint a commission of inquiry to inquire into the allegations, and to determine the extent, of trafficking in persons and to make recommendations for suppression and abolition of the unlawful trade.” [*Brigadier (Ret’d) Granger*]

Leader of the Opposition [Brigadier (Ret'd) Granger]: I rise to ask this honourable House to support the motion standing in my name, a motion to appoint a Commission of Inquiry to investigate the incidence of trafficking in persons in Guyana. I do not expect that this will be a contentious or controversial motion. I do not believe there is anyone, on either side of the House, who believes that trafficking in persons is a good thing, so I do not expect any political controversy.

This motion is a motion of humanity; it is a motion about the type of society we want to live in; it is a motion about our children; it is a motion about the future of our country because we all must hand over this country to our children, they are the leader of the future. Very simply I would like to propose a framework for the approach to this motion, a framework for analysis. My colleagues will speak about different aspects of this crime, trafficking in persons. I would like to propose an approach that is based on several levels. At the first level is the personal level. Trafficking in persons is a crime; it is slavery. It is very little different between what we see in trafficking and what happened in the 15th, 16th, 17th, 18th and 19th centuries. It is a form of slavery; it is a form of enforcement, and forced labour.

The victims of trafficking are normally young persons, normally females and it is also a crime against our children; it a crime against the most important section of the society, that is, our women, the persons who will become our mothers and it is a crime which will shake the structure of our families if left unchecked.

At the second level of analysis we can look at trafficking at the institutional level. Trafficking in persons is a crime of international jurisdiction, just as torture, a person can be prosecuted for trafficking in any way in the world just as one day the persons who inflicted torture or, as we use the euphemism, “roughing up one day justice will catch up” with those *rougher uppers*. But trafficking in persons is a crime of international jurisdiction.

Unfortunately it is a crime which has been beset by a denial syndrome. There are some persons who like to say that there is no problem. In fact, at one time Members on the Government side actually rejected the reports of the United States Department of State and, as a delinquent school boy, they wrote their own report so they got a grade “F” from the United States Department.

They gave themselves grade “A”, but it does not mean that there is no trafficking simply because it is denied.

Secondly - Mr. Prime Minister you are interrupting me - there is a syndrome of dodging the issue. There is a syndrome of pretending that the persons, who are victims of trafficking, have voluntarily entered to a state of prostitution, 14 and 15 years old girls, people who are mute, people who are dumb and deaf who have been trafficked into the hinterland. We were told by some *excusers* that these are self-inflicted wounds; that it is a lifestyle choice; they wanted to be prostitutes. It is time that we get away from that.

The State is responsible for protecting those persons, especially those underage persons, and we know who they are. Very often we could identify the missions, the villages from which persons are trafficked and taken into certain destinations. We know where the destinations are. We hope by calling for our Commissions for Inquiry we are able to bring an end to this brutal trafficking.

The Ministry, which is responsible for public security, cannot defer consideration of this serious crime any further; the Ministry, which is responsible for social protection, the Ministry of Human Services and Social Security, cannot defer consideration of this solution to this crime; the Ministry of Natural Resources and Environment, where our gold and diamonds are mined, where timber is logged, cannot defer consideration, and most of all the Ministry of Amerindian Affairs, which is responsible for protecting the Amerindian people, some of whom are victims of this trade, cannot deny responsibility.

At the third level is, what I called, that local level and the good citizens of Bartica have stood up more than citizens of other communities to say no to trafficking... Today we must congratulate the Non-Governmental Organization (NGO), the Guyana Women Miners Organisation for doing what the Ministry of Home Affairs did not do, for doing what the Ministry of Human Services and Social Security did not do, for doing what the Ministry of Amerindian Affairs did not do, going into the camps, into the Puruni, in to the Oko back dam and rescuing girls from enforced slavery. The geographical areas must be determined by this Commission of Inquiry. We know where the people are coming from, we know where they are going to and we need to put an end to it.

Finally, we need to look at the national and international levels. Guyana is developing, or Guyana is becoming a notorious State in the western hemisphere for trafficking in persons. We cannot deny all of the reports that have been coming over the last dozen years, particularly from the United States Department of State. We are participating in a crime which is giving this country a bad name. We have heard talk about patriotism; we have heard talk of nationalism. If we want to be truly nationalistic let us clean up our acts and let us remove the scourge of trafficking in persons from this country's name.

The United States Department of State's office to monitor and combat trafficking in persons has repeatedly reported this country and has placed this country in a state that we know certain Ministers have been very bitter about, very critical about, but the point is they must clean the slate by going into those regions, going into those areas, going into those camps and by proving that people, that children, that women are not being trafficked. It is not good enough to sit down and say this report is unworthy, or this report is unfair, or to speak to President Obama to withdraw the report, it will not happen. We need to clean up our act by removing the scourge of trafficking in persons rather than attacking the messenger, we should attack the crime.

This is a time for us to lift the veil on a vicious crime. It is time for us to listen to the cries of the young girls, and sometimes boys, who have been trafficked; it is time for us to extend the protection of the State to these victims; it is time for us to leave behind the silly deniers and the dodgers and accept that we have a problem. Unless we accept we have a problem we will not be able to solve the problem and that has been the problem for the last ten years. We do not admit that we have a problem and that is why the problem persists.

Let us, as law makers, acknowledge that there is a problem which we can solve right here in this honourable House. We can solve the problem. We can establish a Commission of Inquiry. We can get the evidence which will bring traffickers to court. We can enforce the law if we have the will; we can put an end to this atrocity. Therefore I call on this honourable House, I call on this National Assembly to declare its abhorrence at the crime of trafficking in persons to express sympathy with the victims of trafficking, to call for those victims to be treated humanely and not as criminals themselves to be put to sleep on the police floors at police stations. We call upon the State to protect our most vulnerable citizens, our girl children. Be it further resolved that this National Assembly would call on the President of the Cooperative Republic of Guyana, in

accordance with the Commission of Inquiry Act, to appoint a Commission of Inquiry to inquire into the allegations and to determine the extent of trafficking in persons and to make recommendations for the suppression and the complete abolition of this unlawful trade.

I call on this House to do that. Thank you. [*Applause*]

Minister of Human Services and Social Security [Ms. Webster]: I rise in this honourable House to make my contribution in response to the motion moved by the Hon. Leader of the Opposition, Mr. David Granger, on the issue of trafficking in persons. We all know that trafficking in persons is a serious crime and it poses a threat to human dignity, rights and development. Our Government, over the past years, has undertaken a number of initiatives in a sustained way in the fight to combat trafficking in persons. In the year 2005, in fact in April, 2005, the former President Mr. Bharat Jagdeo assented to the Combating in Trafficking Persons Act and that Act sought to define trafficking in persons. It established an overarching framework for the strengthening of our national mechanisms to address this issue. It provided an interagency protocol which sought to identify a number of agencies that should be involved and it sought to enhance the capacity of law enforcement agencies to investigate, to prosecute and to convict traffickers, and also to enable us to enhance cooperation and enforcement mechanisms among neighbouring countries to convict traffickers and protect victims. Guyana is a signatory to the United Nations Convention Against Transnational and Organised Crimes and which was adopted by the United Nations General Assembly.

The protocol to prevent, suppress and punished trafficking in persons, especially women and children, which falls under the United Nations Convention Against Transnational Organised Crime, defines trafficking in persons. It states that:

“It seizes the definition of trafficking in persons as the recruitment transportation transfer.... harbouring or receipt of persons by means of a threat or use of a force or other forms of coercion or abduction or fraud or deception.”

We are all aware of the United Nations’ definition. In 2004, Guyana ratified this convention and the aforementioned protocol, which I just spoke about, and, therefore, we partake in the agreement of the definition defined among the members of the convention.

It is known that trafficking in persons is one of the world's most serious transnational crimes committed on human beings across the world. However, as a consequence, the Government of Guyana is constrained to devise preventative programmes to support our victims, punish perpetrators and as well as empower our citizens, throughout our country, through social prevention programmes so as to curtail the spread of this phenomenon within our borders, whilst at the same time safeguarding against citizens being exploited abroad. To this end, our Government has employed sound institutional and legal arrangements and we have instituted effective policies to govern the prevention, protection and prosecution of trafficking in persons.

I wish to quote from the ministerial task force report of 2011 which states that Guyana's institutional response to the issue of trafficking in persons consisted of both governmental and non-governmental agencies. The Government of Guyana began its assessment of the trafficking in persons (TIP) phenomenon in 2008. In 2011, the report on the fourth annual national assessment of the extent of trafficking in persons in Guyana documented the strategies employed by the Government and our partners in responding to this issue. Even though several assessments did not indicate a prevalence of trafficking of persons in Guyana, Government remained resolute in its efforts to thwart any attempt to exploit nationals and non-nationals within our territory.

Additionally, Government, through the Ministry of Human Services and Social Security, continues to engage international organisations for migration in order to acquire leading edge information on the *modus operandi* of traffickers so as to incorporate these best practices in our prevention efforts. The ministerial task force also engages the Organisation of American States (OAS), especially in the area of training of police officers and prosecutors.

The ministerial task force on trafficking in persons is the Government's primary body through which counter trafficking in persons in programmes are coordinated and implemented and this task force is chaired by the Hon. Clement Rohee, Minister of Home Affairs. The task force was first established in February, 2007 and it comprises representatives from the Ministry of Home Affairs, Ministry of Human Services and Social Security, Ministry of Legal Affairs, the Ministry of Foreign Affairs, the Ministry of Amerindian Affairs, Help and Shelter, Food for the Poor and, more recently, the Ministry of Natural Resources and Environment.

6.40 p.m.

The ministerial task force on trafficking in persons meets monthly so as to plan, implement, monitor and evaluate national strategies in response to trafficking in persons. Each agency has appointed a focal point person to assist in expediting interagency cooperation.

The Ministerial Task Force also allows for the combination and the coordination of roles in response to reports of trafficking in persons. The Task Force has also established a training and awareness subcommittee which is at the forefront of developing and implementing programmes and activities to extend awareness and knowledge of trafficking in persons throughout Guyana, especially in our hinterland regions.

The primary rationale for establishing the training and awareness subcommittee is to scale up implementation and to monitor and to train focal points within the hinterland communities. The Ministry of Labour, Human Services and Social Security manages a hotline through which reports of trafficking are received and the Ministry, in addition to that, has counter Trafficking in Persons (TIP) focal points who are operational in Regions 1, 2, 6, 8 and 9. They have served as conduits between the Ministry and those Regions. These focal points have been trained and collaborate in a close way with the Ministry and the Task Force. Information on alleged victims is mainly obtained through the hotline and this is forwarded to the Guyana Police Force.

Whilst the Ministry's Counter Trafficking in Persons Department is responsible for victim assistance protection and support, victim assistance is provided even when victims requested no involvement of the police in this matter. Mdm. Deputy Speaker, I am saying this because there are instances like those.

The Government of Guyana has a national plan of action in our response to combating trafficking in persons. That plan covers the awareness, direct assistance to combat victims and the criminal justice response. We presently have a National Action Plan in place for the years 2012 to 2013, which is built upon the strategy of the four P's, mainly prevention, prosecution, protection and partnership. More recently, we have included an assessment of the US State Department's Report on Guyana.

That National Action Plan comprises 16 specific objectives which provide information about trafficking in persons. It looks at ways to improve cooperation mechanisms among key stakeholders to prevent trafficking, to enhance capacity of hinterland communities, to provide

appropriate and comprehensive direct assistance to victims, to enhance the capacity of our stakeholders to identify victims and to provide direct assistance through training.

On the issue of training, the Ministry of Labour, Human Services and Social Security has conducted several training programmes throughout the length and breadth of Guyana. We have collaborated, just recently, with the Central Islamic Organisation where we held activities in Bartica, within that community, and which was quite successful.

To strengthen our initiative there is a national referral mechanism which I spoke to earlier. One of the successes of our National Action Plan was the formation of this task-oriented group, whose primary objective was to standardise the training materials and to eliminate the gaps in the geographic coverage of our awareness programmes.

Guyana, in our international responses, has answered various questionnaires on this issue, on trafficking in persons, especially on our women and children, and we have provided information. It is also noteworthy that our Ministerial Task Force publishes annual reports and Guyana has shown progress in our efforts with persons being prosecuted. However, we hold strongly to the view that trafficking in persons has to be addressed with a view to the reduction of persons' vulnerabilities, either due to poverty or other factors. Programmes such as the Hinterland Scholarship Programme or the Universal School Uniform Programme, economic assistance to single mothers through the Single Parents Assistance Programme and skill training for our young people are all aimed at reducing poverty, creating equality of opportunities and access to the delivery of services to reduce the vulnerabilities of women, children and Amerindian communities. These programmes, whilst not exclusively focussed on trafficking in persons, are deemed useful in enhancing the preventative, restorative and prosecutorial capabilities of Guyana to address the issue of trafficking in persons.

The recent reports which were highlighted in several sections of the media have seen the involvement of the Ministry of Labour, Human Services and Social Security, the Ministry of Home Affairs, through law enforcement, and non-governmental organisations (NGOs) such as Help and Shelter, and, more recently, as the Leader of the Opposition alluded to, the Women Miners Association, collaborating to ensure that victims were protected. The Task Force is also cognisant that the local media can play a more meaningful role in sensitising Guyanese against

menaces such as human trafficking. It is the intention of the Ministerial Task Force to continue to engage the media constructively.

We are all aware of the adverse effects of forced labour, bonded labour, which occurs in many countries around the world. Here in Guyana, our Government has always and will always investigate all reports of trafficking, and, through the Ministry of Labour, Human Services and Social Security, it will continue to provide support to victims and their families and will ensure that they are treated humanely and not as offenders, but as decent citizens of Guyana.

Just recently, a number of persons have been charged and placed before the courts. If one were to look only yesterday in the *Kaieteur News*, one would have seen an article where an alleged trafficker was placed before the courts. It is not that efforts are not being made. We are doing a lot. We have made significant strides and we will continue to increase our efforts aimed at preventing and addressing this phenomenon. I am sure that when my Colleague, the Hon. Minister of Home Affairs, speaks to this matter, he will seek to further clarify on Guyana's approach.

I believe that I have represented the issues on this issue quite clearly. I must say that finding enough resources to deal with the range of national and human security issues that globalisation has foisted on our population is indeed challenging. Our Government has sought to implement imaginative initiatives within the context of available resources so as to prevent and mitigate the impact of current and emerging threats. It is with these remarks that I believe that I cannot lend my support to the motion tabled by the Hon. Leader of the Opposition for a call of a Commission of Inquiry into this issue.

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

Mrs. Lawrence: Thank you, Mdm. Deputy Speaker. This motion which requests the establishing of a Commission of Inquiry to investigate the incidence of trafficking of persons in Guyana is long overdue and ought to be recorded in the Hansard of this National Assembly as one of the non-contentious motions of the Tenth Parliament.

Modern day slavery has taken a grip in our land and the business milieu of men and women, either on a small or large scale, has indicated to all that the 2005 legislation on Combating of

Trafficking in Persons Act will not, in any way, inhibit them from plying their trade. Their actions propel us in this National Assembly to embrace the call made by the mover, the Hon. Mr. David Arthur Granger, of this motion not only to declare our abhorrence of the clime of trafficking in persons, but to take stern and immediate measures to address this situation which is spiralling out of control.

At the Coalition Against Trafficking Against Women (CATW) meeting earlier this year in Washington, Dr. Janice G. Raymond said:

“Trafficking in human beings – mostly women and children – has become a global business that affects almost all countries and reaps enormous profits for traffickers and their intermediaries. Human trafficking is not new. What is new is the global sophistication, complexity and consolidation of trafficking networks, and the increasing numbers of women and children who are trafficked from/to/in all parts of the globe.”

This issue of trafficking in persons has been discussed on countless occasions inside and outside this honourable House without any firm sanction imposed. I, myself, have spoken about this modern day slavery and my discourse has been deliberately downplayed. Nonetheless, it is opportune with the steady increase in sexual expectations, the way in which sex is so casually addressed in advertisements, the movies, in our speech and, moreover, in the way in which sex has been tolerated as a male right in a commodity culture, that stiff measures be implemented to stem the tide that is sweeping our women folk in its relentless wake.

The economic ventures of some large industries thrive on the exploitation of human commodity. This violation must be arrested and, with our legislation, we must protect the rights of our women and children.

Trafficking has become endemic. It is not only an issue of violence against women and girls; it is a human rights violation, a deep seated economic and development problem. In short, it is a heinous crime in which the traffickers, not the women, are the perpetrators.

Our women and girls are lured and forced into situations with or without their consent, and through force, fraud, deception or abuse become victims within and without our country. More recently, we read of traffickers under the guise of employers who have taken our young girls to

the interior regions to supply the brothels in the mining centres. The faith of these girls is lamentable as they are at the mercy of unscrupulous traffickers, let alone drunken miners and depraved and diseased male prostitutes.

Should we take our mind a bit further back, we will recall many reports, which went unnoticed, of young girls being brought from our interior regions, under the same guise, to the coastal regions or the city of Georgetown, and were made to prostitute themselves for proprietors of bars and restaurants. Certainly, these are stories which would not have escaped our notice and hearing. Can we not hear their pleas for release from bondage and servitude?

The second AND WHEREAS clause speaks to the credible reports of persons who have been subject to trafficking or have been kept in involuntary servitude. The lack of education, coupled with the tight economic stranglehold, has forced many women to seek domestic work outside their village or outside this country and has resulted in them being violated and exploited, unaware of their basic rights.

Many who seek employment do not receive sufficient protection from the State. Those who work as domestic helpers often face physical and sexual abuse during the recruitment process from persons who pretend to be friends and later by employers. For many of these women, it is a no-win situation. They have no other choice than to comply if they wish to sustain their families.

Despite the various programmes outlined by the Hon. Minister of Human Services and Social Security, it must be noted that the paucity of information and statistics on traffickers and persons who have been trafficked in our country sadly tells of the premium which has been placed on this issue. The inability to document and to provide education for potential at-risk women and girls is an indictment on all of us in the leadership position. The lack of initiative to draft a planned programme to police areas such as sawmills, restaurants, bars and mining camps, and educate persons employed in these sectors show our lack of will to curb the incidences of trafficking in persons.

Further, our inability to provide mechanisms within the various prone regions to assist victims of trafficking speaks loudly of our negligence, laissez-faire attitude and lack of empathy for this afflicted group of our nation.

This motion, in both Be It Resolved clauses, provides the opportunity for us as a nation and as leaders to redeem ourselves and give life to the Combating of Trafficking in Persons Act 2005.

Be it resolved that we, in this honourable House, take immediate steps to establish a Commission of Inquiry into the allegations and make recommendations for the suppression and abolition of the unlawful trade of trafficking in persons.

The perpetrators of these inhumane actions must be held accountable and must face stiffer penalties and consequences as efforts are made to cope with this illegal act of trafficking of persons nowhere else, but right here in our beloved country, Guyana.

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

Mdm. Deputy Speaker: Hon. Members, it is now just after 7.00 p.m. The suspension is scheduled to be at 7.00 p.m. I, therefore, suggest that this is an appropriate time to take the suspension. I ask that we come back at 7.30 p.m. sharp because we have eight more speakers, including the learned Attorney General. We will take the suspension now.

Assembly suspended at 7.02 p.m.

Assembly resumed at 7.39 p.m.

[Mdm. Deputy Speaker in the Chair]

Mdm. Deputy Speaker: Please be seated. The Assembly is resumed. As we continue our debate on the trafficking in persons motion, I invite the Hon. Member, Ms. Bibi Shadick to make her presentation.

Ms. Shadick: Thank you, Mdm. Deputy Speaker. The exploitation of man by man started possibly since just after creation. It is heinous, reprehensible and abhorred by all. What we need to understand is that not all exploitation is trafficking in persons.

In 2004, in June, when the Department of State in the United States of America issued its Report on Trafficking in Persons and listed Guyana as a tier three country, Guyana had to quickly wake up and find out what Trafficking In Persons really was. We knew our laws long before that. The Summary Jurisdiction (Offences) Act, Sections 72, 73 and 74, talks about exploitation:

“Anyone who procures or attempts to procure any female to have any unlawful carnal connection, either within or without Guyana with any other person, or procures or attempts to procure persons to become an inmate of a brothel or elsewhere or procures or attempts to procure any female to leave her usual place of abode in Guyana with intent that she may for the purposes of prostitution become an inmate of a brothel either within or without Guyana shall be guilty of a misdemeanour and be liable to imprisonment for two years”.

This is Chapter 8:01. This law was amended.

Our Criminal Law Offences Act catered for recognition and punishment of people who procured other persons for illicit purposes. This Act has not been repealed; it is still extant and people can be charged under it. This is the Act that caters for what we usually call the age of consent. This old law had provided for if someone had sex with a minor under the age of 12 years, he/she would be guilty of statutory rape regardless of whether his or her defence was that the person consented. We went all over this country. We changed that law. We raised that age of consent, as we call it, to 16 years.

When in 2004, June, we were confronted with the Report on Trafficking in Persons, we quickly had to differentiate between what was trafficking, what was prostitution, what was labour exploitation and the different kinds of exploitation. As I listened to my Hon. Colleague and Friend, Mrs. Volda Lawrence, she spoke about women and children. That is true. Lots of women and children are being exploited; not all of them, however, are being trafficked. When we talk about - and I wrote down the phrase - ‘exploit human commodity’, my mind went to the advertisement for fancy motor cars with girls practically undressed... That is an exploitation of human beings, making them a commodity. That, however, is not trafficking. It is abhorrent and must be condemned, and we should all fight for things like that to stop. We recognise, when we asked: how did a country... The Report states that a country is listed if there are 100 documented cases of trafficking in that country. We asked to be given three cases. The US was under no obligation to tell us what three of the 100 were, much less 100.

As a Government and as a country, we were not in denial. There was exploitation of man by man going on. What we had to do was to try to differentiate and deal with those that fell under the

definition of trafficking. The Hon. Minister, Jennifer Webster, read from the Act what the definition of trafficking is. The definition has separate... You, Mdm. Deputy Speaker, were on the Task Force. We sat and went through this law and looked at word after word to see how we could make it better. It has different elements. It has to be recruitment – and this is important – it has to be transportation or transferred movement, and it has to be harbouring, keeping somewhere, by means of threat or by means of force, abduction, coercion, fraud or deception. These are elements, as legal people, my Friend, Hon. Basil Williams will know, the parts of the definition, that have to be met for it to become trafficking.

7.46 p.m.

Guyana did not go into a mode of defensiveness and sit down and so on. It speaks to how seriously we took this, that from June 2004 to September when the midyear report came out we had moved from a tier three to a country on the tier two watch list and then we passed our law. Do you know what? This country developed protocols. We had training. Teams of people led by yours truly went to almost every Hinterland community. We went to Mahdia. We went to the mining area in Frenchman, near Port Kaituma. We went to all of these places. We spoke to people. Our teams included police, mines officers, Amerindian welfare officers, and probation/welfare officers. We had teams of people who went into all of these areas. There were labour officers, people from the National Insurance Scheme (NIS). We put together teams. We went to all of these communities. We trained people. We educated people. And, yes, a plan of action was developed. **[Mr. B. Williams: And we went back to tier three.]** The plan of action may have to be upgraded. I hear my Friend, Mr. Williams, saying that Guyana went back to being a tier three country.

The United States of America said that all of this had been done but Guyana is not getting any convictions. What did we do? We sent police officers – eight – together with the representatives from the Trafficking in Persons unit, to be trained in prosecuting trafficking in persons offences. We were successful. There were two convictions. **[Mr. B. Williams: *[Inaudible]*]** Do you know why, Mdm. Deputy Speaker? It is because lawyers like my Hon. Friend, Mr. Basil Williams, have not taken the time to read this Act. They have to know what is inside. We do not have attorneys-at-law with social consciences who will agree to become victim advocates.

[Interruption]

Mdm. Deputy Speaker, I ask that I be allowed to speak so that this House can be enlightened. We need victim advocates. The last thing Guyana needs right now is another commission of inquiry. There was one which cost this country \$200 million and the people who asked for it do not like what came out of the Inquiry. The last thing we need is a commission. We are not in denial that there are incidences of exploitation, some of which may be trafficking. We are not in denial about that; none of us is in denial. Nobody in the Government is in denial. But what we do not need is another commission of inquiry which is but another layer of bureaucracy.

What we need is clearly adumbrated. When a plan of action is formulated, it should not only be for the Ministry of Labour, Human Services and Social Security, as the Hon. Leader of the Opposition said. Actually, if one reads this Act, one would see that the lead Ministry is the Ministry of Home Affairs in collaboration with the Ministries of Labour, Human Services and Social Security, Foreign Affairs, Amerindian Affairs and Legal Affairs. The Ministers in those Ministries, according to the Act and according to practice, belong to a national Task Force which meets at the Ministry of Home Affairs every month. I sat on that Task Force up to 2011. I know that the Task Force meets. [Mr. B. Williams: *[Inaudible]*] Mdm. Deputy Speaker, when people keep denigrating the efforts of what is happening, when they decide that they are Members of the Opposition and only the people in Government have to deal with a problem, when they speak and do not act, this is where the real problem is. This is the real tragedy. The tragedy of this country is that everybody is looking for whose problem it is. I am saying here that it is a Guyanese problem. It is the problem of the Members sitting over there; it is the problem of the Members sitting over here; it is the problem of all those leaders in all of the communities; it is the problem of the pastors and preachers in the church. Every single hinterland community has a vibrant church. When we went to certain communities to do consultations, we could not go on certain days because those were church days or we could not have a meeting before a particular time because there were church services. That is good. We appreciate that. But this fight has to be a fight by all of us. All of us have to become educated in what trafficking in persons really is. What we are talking about in this Assembly, and which has to be talked about, is exploitation, labour exploitation.

There was a nurse who sat in a health centre in Paramakatoi and was married to a man whose brother owned a ranch somewhere in Abary. That nurse was recruiting her fellow villagers,

males, it is not females alone who are trafficked, and telling them to go for these jobs. She told them that they would do well, get paid and their families would get money and so on. Men went for the jobs and women waited. No money was forthcoming. There was not even a radio call. Nothing happened. When we investigated, those men were being held there because they had to pay back all of the money that was spent to take them there; they had to pay a certain amount of money for the food stuff they ate every week. That is trafficking. That does not involve prostitution, but that is trafficking. They were deceived by a member of their community, they were transported, and they were being held against their will and exploited. That falls under trafficking. We have to be careful. We all abhor exploitation. We all should, if we do not.

I went to several meetings at which representatives of the US State Department...this was a recent thing. It was in 2004. Every country was being put on a list. The Organization of American States (OAS) had a body of women ...This discussion was always coming up at every meeting – trafficking in persons, who was what tier and on what list and so on. I remember asking: when a recruiter comes from the United States of America, puts an advertisement in the newspapers and invites our teachers and/or nurses to a meeting in the Savannah Suite of the Pegasus Hotel to tell them about job opportunities in the United States of America and tell them that after a number of years their families can join them, and they will give them visas and so on... They take them to the United States of America. What they are promised they never get. They get the jobs but then they soon find out that they do not have the same benefits as the Americans. Their benefits are less. Then they find out, after two years, that the visa expired and they have to apply for another one which had something called a residency requirement. They had to have been residents in their home country for two years before they could have been applicable. There were requests coming to our Ministry of Foreign Affairs for this residency requirement to be waived because what they were promised was not being given to them. They were getting less money. I argued at those meetings. I asked: what do you do? Are those people not trafficked? Is that not a form of trafficking? Do you know what I found out? Yes, and they are eligible for a T Visa. At least one Guyanese teacher who I know managed to get a T visa. [An. Hon. Member: What is a T visa?] It is a trafficking visa; it is a T visa that the United States had. Not a lot of the attorneys know about it because it is a well kept secret in the United States of America. There is a T visa.

Our own Combating of Trafficking in Persons Act has a section which talks about the immigration status of victims of trafficking. As if in reciprocity to that T visa, section 19 states:

“The Minister of Home Affairs may provide victims of trafficking and accompanying dependent children with appropriate visas and other required authorisation to permit them to remain in Guyana for the duration of the criminal prosecution...”

Section two states that victims of trafficking may be eligible for residence in Guyana in the manner prescribed in the Immigration Act, provided that they complied...with reasonable grounds.

Section 3 states that the victims’ spouse and children and in the case of child victims, their parents or guardians, can be eligible for that. We have that in our Act. The United States’ Act has that but it is a well kept secret.

Not all people who are trafficked are trafficked for the purpose of prostitution and not all of the people who go into mining areas are trafficked. Some of them go and they have regular jobs. We spoke to these people. We went in and spoke to people. They answered advertisements. They went and sold in shops and so on but they saw that the pay they were getting was less than the pay of persons who were providing sexual services. Then, when the man promised to give them two penny weights of gold and did not give them, then they cried out and tried to leave. I am saying it again: all forms of exploitation are bad. All forms have to be condemned. And all forms of exploitation must be wiped out. [**An Hon. Member:** And we are working on that.] We are working on that. There are protocols that exist.

When we had to provide housing for trafficking victims, the Government gave, as a subvention to the Help & Shelter Organisation...By the way, the shelter which the Help & Shelter occupies was a shelter which was built through the auspices of the Government of Guyana on land which was given to them by the Government. They used to use donations to run it. When we wanted to use it as a shelter for trafficking victims, we stood the entire annual cost of running that shelter. When I found out from the United States’ representatives about the number of shelters it had, it had one. This was for the entire United States. This was in 2005 or 2006. Again, I am saying that we are a small country. We are a country of less than three quarters of a million people. We

cannot and we should not be accused of abandoning our people and making our victims into criminals.

If a child, woman, young boy, or man is rescued from an area in the hinterland and cannot reach a proper housing area in the first night, what is wrong with that child, man, woman or boy being put to sleep on a mattress, sheet or bag on the floor – at least the individual would not be exploited then – pending transportation to a more suitable shelter?

Our problem has been and continues to be...and as long as I have breath and as long as I have a say anywhere, I will continue to advocate for this: trafficking in persons matters should be tried by a single magistrate, somebody who understand the concept. There was one such magistrate and that is why there were two convictions. Unfortunately, that magistrate has gone into private practice. It is not that there must be a trafficking in persons court. That is not what I am advocating. I am advocating that all of the matters be heard by one magistrate because that one magistrate will gain expertise in dealing with the matters.

We need to have lawyers who will develop a social conscience and volunteer to be victim advocates to advocate on behalf of victims. We need that. The law asks for victim advocates.

Why I am saying that there should be one designated court is because it will also allow for the expeditious trial of a matter so the victim does not have to be kept, for instance, in the Amerindian Hostel where some lady named Mary is going to go and say that she is a person's aunt, the person is here too long and take the persons to some House in Sophia where people drugged her...all of this happened. There were people visiting her in an out.

The victims need to go back to their families. This is what we have to advocate for. If the matter happened in the Northwest District and they have court once every three months, that matter should not be tried there. That matter should be tried in an area that has court every day so that in a week or two the matter can be dispensed with and a decision can happen in the court. That is what we must advocate for. Those are things we must talk about. Why are we asking for another commission of inquiry? We would be spending money on people who will sit there...some of them may not even know what trafficking in persons is. And then we are going to get a result that nobody is going to be happy with.

I recognise and I have always recognised...and I speak about this so passionately because from 2004 I have been personally involved in this and our labour officers...we have trained 300 persons called Trafficking Focal Points. In every village, they communicated with people by radio. We had a system in which a lady on the Essequibo Coast could have called right away and say that somebody was being brought out of the Pomeroon and someone was there to pick her up. We had that system. The system may have broken down in some places. We need to fix those little gaps and so on. Tell us that.

I applaud the Women Miners Association for finding out where exploitation takes place but, again I say, not all exploitation is trafficking. Trafficking involves exploitation. We have to be careful. People must be charged but they must be charged under the right law or else the case will be lost. There are lawyers who are very bright in representing the perpetrators. We do not have lawyers who are very bright and willing to become victim advocates. We need people to volunteer to become victim advocates.

In the Northwest District, there was a mother who, for the sum of \$20,000 a month, sent her 12-year-old child to sleep with a businessman, bathe, change her clothes, go to school, go home, go back and stay with the businessman. Those are real cases. Do you know what is most heinous? I do not know how true these are but when one reads the reports of law enforcement officers who are involved in the procurement of these victims...One of the convictions we had was against the wife of a law enforcement officer who was recruiting and taking into the interior... and the law enforcement officer was right there. He probably used to help but he was not charged. His wife had a shop.

We have the phenomenon of businessmen from the Corentyne driving to Charity on a Monday and from the young girls who come out to Charity, they chose the young ones they wanted to work in their shops because where they have the shops, the people around there do not want their children to work. They want the prettier girls so that they can entice people to come and spend their money. All of these things exist. The Ministries of Human Services and Social Security and Home Affairs and the Guyana Police Force are not unaware of these things. The Ministry of Labour is not unaware. Where there are gaps in the chain and in the protocol, our recommendation must be that those gaps be filled and that the system of rescue and shelter, and charge and prosecution be done in a more efficient and expeditious way. [Ms. Ally: Ms.

Shadick, your time is up.] Thank you, Madam Chief Whip, but I think I have earned the right to stand here and speak for as long as I want.

My appeal to all Members of this House is that everybody must get involved. We all have to get involved and, again I say, not by a commission of inquiry. I am sorry. I will not vote for the establishment of a commission of inquiry. My vote for this motion will have to be no.

Thank you, Mdm. Deputy Speaker. [*Applause*]

Ms. Selman: I rise to support the motion standing in the name of the Hon. Leader of the Opposition, Mr. David Granger, a motion which calls for the appointment of a commission of inquiry to investigate the incidence of trafficking in persons in Guyana.

Let us be clear on one thing and it is this: we, on this side of the House, are very clear about the distinction between exploitation and trafficking in person. When we speak here on trafficking in persons, we observe the distinction between these two serious offences. We wish to make it very clear that we are not confused about the differences of the two offences.

I want to remind this honourable House that Article 3 (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines trafficking in persons as:

“the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of the position of vulnerability or of the giving and receiving of payments or benefits to achieve the consent of the person having control over another person for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal or organs;”

Human trafficking is an international crime which affects millions of men, women and children every year. The United Nations (UN) estimates that nearly four million individuals are trafficked each year with a disproportionate number of children and women in sex trade.

The United Nations Children Fund (UNICEF) estimates that as many as 50% of all trafficking victims worldwide are children and that as many as two-thirds of those children are at some point forced into the sex trade. Two children are sold every minute. Hundreds of thousands of men, women and children are tricked, kidnapped, sold or extorted each year across international borders. The United States alone will have between 14,500 and 17,500 individuals trafficked across its borders each year, according to the Department of Justice, and nearly 200,000 US citizens trafficked within those very borders, mostly children being bought and sold in the sex industry.

I wish to urge the Government of Guyana to institute mechanisms to improve information gathering and sharing on human trafficking in Guyana. We have a duty to overcome this knowledge crisis. We will be fighting the problem blindfolded if this were not to be done. I call on the private sector and the public at large to join us in the fight against trafficking in persons.

More must be done to reduce the vulnerability of victims, increase the risk to traffickers, and lower demands for the goods and services of modern day slaves. We have to increase public awareness of human trafficking and rally all Guyana to fight it.

It is my humble submission that by demonstrating our commitment to the plight of trafficking victims, more people will be moved to take action against trafficking in persons and, by extension, modern day degradation. Victims of sex trafficking are frequently beaten, raped or even killed for any reason. Child victims have high mortality rate due to the poor treatment they receive.

A Partnership for National Unity (APNU) reinforces its abhorrence at the crime of trafficking in persons and I wish to express our sympathy with the victims of trafficking. Trafficking is nothing short of modern day slavery, a violation of every human and constitutional right. Article 140 (1) of the Constitution of the Co-operative Republic of Guyana prescribes that:

“No person shall be held in slavery or servitude.”

Article 140 (2) prescribes that:

“No person shall be required to perform forced labour.”

The State of Guyana is a signatory to the United Nations Convention against Transnational Organized Crime, adopted by General Assembly Resolution 5525 of 15th November, 2000, and to the Protocol to Prevent, Suppress and Punish Trafficking in Persons. Notwithstanding that we have signed and ratified the Protocol, translating it into reality remains problematic since very few perpetrators are convicted and most victims are never identified or assisted.

Let me, at this point, on behalf of A Partnership for National Unity, commend the Guyana Women Miners Association for its role in bringing public attention to the crime and in rescuing girls who found themselves victims of this modern day degradation.

Trafficking in persons in Guyana is a stark reality. It represents acts of naked aggression, particularly against young girls and women and especially Amerindian girls in the hinterland regions. It is also worthy to consider that human trafficking does not affect only one demographic group and there are multiple forms of trafficking. While women and children are the most visible and openly exploited victims of trafficking in labour and sex trade, men and workers from third world and developing countries can also fall victims to false promises, extortion, and threats from criminal elements.

While so many are striving to make sure that no more or children or women are sold into slavery, there is still a real problem out there and the only way to combat it is to acknowledge that the problem exists.

As Members of the National Assembly, we have a responsibility to take the necessary steps or actions which will save the less fortunate tomorrow. Something must be done and quickly. This subject is not pretty and it is not to be taken lightly. For some time now, this scourge has been creeping up like a thief in the night. Our hearts break for these young women and children. We do not want to turn a blind eye to this injustice. We want to shine a bright light on what is going on and provide ways to do something about it.

The motion tabled by the Leader of the Opposition is quite laudable and worthy of support from all sides of this House. I, therefore, call on all Members of the National Assembly to join APNU in saving and helping to restore the lives of these innocent victims by giving their full support to the motion.

Thank you. [*Applause*]

Mr. Bond: Thank you, Mdm. Deputy Speaker. I rise to lend my support to the motion at hand, as moved by the Hon. Member, David Granger, Leader of the majority of this House. There are certain key words that I wish to point out first before I begin my presentation, which may be lengthy.

The first phrase “undetermined numbers of persons” is in the first Whereas Clause. What is clear, from research into the issue of trafficking in persons, is that Guyana lags behind in providing information.

8.16 p.m.

And I must say in the deprivation of information they deprive the country of solutions to fix the problem. We cannot go about this in a harum-scarum manner. That is why the commission of enquiry is so needed. It appears as though the speakers on the Government side that preceded me are afraid of truth. But if you cannot handle truth then you would not get change. This motion is about change. This motion is about turning the tide. It is about results; it is about progress; it is about solutions. If I may adopt the definition used by the Central Intelligence Agency (CIA) it says:

“Trafficking in persons is modern day slavery involving victims who are forced, defrauded or coerced into labour or sexual exploitation.”

The International Labour Organisation, the United Nations agency charged with addressing labour standards, employment and social protection issues, estimates that 12.3 million people worldwide are enslaved in forced labour, bonded labour, forced child labour, sexual servitude and involuntary servitude at any given time.

“Human trafficking is a multi-dimensional track depriving people of their human rights and freedoms, risking global health, promoting social breakdown, inhibiting development by depriving countries of their human capital and helping fuel the growth of organised crime. Trafficking in persons is a crime that shames us all. Its victims are primarily our women and young children, young girls who are bamboozled whilst in the belly of poverty and ignorance. Its perpetrators are women and men driven by greed and an innate

disrespect of human rights to freedom, choice, and the right not to be made slaves or perform forced labour.”

My presentation will examine international perspective followed by a local analysis and I will conclude with a few recommendations.

Antonia Mario Costa, the Executive Director of the United Nations Office of Drugs and Crime (UNODC) in a report in 2010, entitled Global Report on Trafficking in Persons, said that many governments are still in denial. There is even neglect when it comes to either reporting on or prosecuting cases of human trafficking. He goes on further:

“This Report increases our understanding of modern slave markets. yet it also exposes our ignorance. We have a big picture but it is impressionistic and lacks depth. We fear the problem is getting worse but we cannot prove it for lack of data, and many governments are obstructing, calling on governments and social scientists to improve information gathering and sharing on human trafficking. If we do not overcome this knowledge crisis we will be fighting the problem blindfolded.”

That is the point I want to emphasise that is crucial and integral for the formation of this commission of enquiry that our Leader of the majority is so recommending. We cannot be the proverbial ostrich burying our heads in the sand. We cannot be a people who do now want to pursue knowledge. Because the good book says, “for the lack thereof (knowledge) our people are destroyed.”

I do not want to say I am astonished, but this is a “we” problem. I do not believe the other side is understanding that if the Opposition, their brothers and sisters on this side of the House, were to put forward or recommend a solution to a problem, their first instinct is not to shut it down, it is to explore any merits thereof. I must say the presentations from the Government side that preceded have not examined the merits of a commission of inquiry in this regard. How could we even make the argument of financing and funding? What is the value of a life of your little girl, your daughter or your sister or your brother or mother? The report states that Guyana spent US\$7,500 in 2012 on the issue of human trafficking in persons. That amounts to \$1.5 million. Is this Government going to make the excuse that it is not willing? I must make this point. We talk

of buildings, we talk of roads, and we talk of billions in bailouts for GuySuCo and Guyana Power and Light (GPL) what about people?

The Report had a sampling of 155 countries and found that the most common form of human trafficking is sexual exploitation; a whopping 79%. So for my learned friend to try to not address the correlation of prostitution and human trafficking is not an argument I can accept, because the report shows there is a direct link between prostitution and human trafficking. The Report also found that in 30% of countries which provide information on gender of traffickers women make up the largest proportion – strangely enough.

The second most common form of human trafficking is forced labour. The Report found registering 18% of the total composite number of sample countries. The Report also found that almost 20% of all trafficking victims are children. The data compiled in the Report found that intra-regional and domestic trafficking are the major forms of trafficking in persons. I could not help but ask myself some questions as I heard my learned colleague the Hon. Member Shadick regale us about the incidences that occurred in her country. Have we gone back into the interior? Have we gone back to Charity? Have we gone back to the Corentyne? Have we gone back to these areas to do a proper assessment? This is not a problem that we could say we addressed every three years, or every four years or every five years. This is a day to day problem and the Government must understand that resources must be plugged into the day to day problem day to day.

If I may go the local perspective and this is the report on Guyana by the same UNODC. It states that Guyana is a source and destination country for men, women and children subjected to sex trafficking and forced labour. *[Interruption]* I am not the authority on the issue, so I will quote extensively from the Report:

“Guyanese nationals have been subjected to human trafficking in other countries in the Caribbean. Cases of human trafficking reported in the media generally involve women and girls in forced prostitution. Country experts express concern that exploitative child labour practices occur within the mining industry, agriculture and forestry sector. The limited Government control of Guyana’s vast interior regions, combined with profits

from gold mining, and the prostitution that accompanies the industry provide conditions conducive for trafficking.

People in domestic service in Guyana are vulnerable to human trafficking, and instances of the common Guyanese practice of poor, rural families sending children to live with higher income family members or acquaintances in more populated areas, creates conditions conducive to domestic servitude.

The Government of Guyana does not fully comply with the minimum standards for elimination of trafficking. However, it is making efforts to do so. The Government demonstrated increased efforts to identify and assist trafficking victims. There were no prosecutions of trafficking offenders and there was no reported progress on prosecutions initiated in previous reporting periods.”

This report was in 2012. So when the Minister is telling us of two convictions in 2012 there were actually no prosecutions in 2012. There were no reports on progress of prosecutions either.

“Highlighting serious concerns about a lack of accountability for traffic offenders in Guyana, the absence of formal standard operating procedures to guide officials in victim identification and protection, disincentives for reporting and working on trafficking cases, as well as lack of action to address perceived official complicity, were also obstacles to progress. The Government made no discernable progress in holding human traffic offenders in Guyana accountable during the reporting period.”

Even for this year we have only had two persons. If we had two persons from January to May is this an idea of the scourge that is upon us? If we accept there have only been two cases I think involving six victims from the Red Dragon, if we admit to ourselves that that is it then it sure is lack of vision on the other side. If you are going to say that is it you cannot sit back and rest on your laurels and believe that the Guyana Police Force is doing all it could to arrest these perpetrators and bring them to justice.

The Combating Trafficking in Persons Act of 2005 prohibits all forms of trafficking. I must say it is a comprehensive piece of legislation; the penalties commensurate with penalties of other

serious crimes such as rape. But there are many challenges; some pointed out by my learned friend.

“In almost all cases the Government treated trafficking as a summary offence in the lower courts where cases are often dismissed indicating a lack of severity assigned to the crime of trafficking.”

We will continue to have this problem unless we endeavour to put our foot down on the problem.

“Perceived corruption and low public confidence in the Guyana Police Force are also problems. Repeated delays in nearly all criminal prosecutions increase the likelihood that victims will become discouraged and cease cooperation as witness in trafficking prosecutions. The Government’s public insistence that human trafficking is not a significant problem in the country creates a potential disincentive for police and court officials to address trafficking cases.”

This is how the world views us. This is how the UN views us. Forget the United States; this is how 155 other countries view us; that we are not serious. I dare say that the commission of enquiry to examine this scourge will prove to the world that we are serious not about buildings and roads, but that we are serious about our people. It was evidenced that people could be penalised for reporting suspected human trafficking crimes to the police. The press reported that the police arrested a mother immediately after she reported concern that her daughter was forced into prosecution.

“However, the Government made efforts to protect victims of trafficking during the reporting period (2012). Specifically, in a positive step, the Government was able to document that it identified and assisted an increased number of sex trafficking victims during the reporting period. Officials reported that they found thirteen sex trafficking victims and assisted six of these during the reporting period compared with three sex trafficking victims identified during the previous reporting years.”

So we did better than 2011 in 2012. We should be commended for that.

“For another year the Government did not invite any victims of forced labour raising concerns that Government did not employ systematic procedures to guide frontline

responders such as police, mining officials, forestry officials, labour inspectors and health officials in identifying victims of human trafficking.”

I must come to recommendations. We must boost efforts to hold trafficking offenders accountable by vigorously and appropriately investigating and prosecuting forced prostitution, forced labour including police, customs and immigration officers complicit in trafficking; we must.

We must partner with Non-Governmental Organisations (NGOs); develop Standard Operating Procedures (SOPs) to guide and encourage our police and mining officers.

We must foster a climate of open dialogue on trafficking encouraging people to come forward to the authorities in potential cases.

We should strengthen these measures including and through bilateral and multilateral cooperation to alleviate the factors. For example, of the six that were the subject of the current two that were reported in April and May. They are all from foreign countries and the perpetrator is alleged to have three passports. This is the complexity of the problem that faces us.

The recommended principles and guidelines on human rights and human trafficking developed by the United Nations High Commission for Human Rights offer important guidance for anti-trafficking efforts and we can adopt them in complete and unchanged form.

We must analyse the factors that generate demand for exploitative commercial sexual services and exploitive labour, and take strong and legislative policy and other measures to address these issues.

Strangely enough the acronym is PPP, prevent, protect and punish. Those are good acronyms as opposed to punishing poor people. We must prevent. These are the recommendations, these are the strategies. We must prevent it from happening. We must protect our youngsters, and we must also punish and prosecute the offenders.

We must develop programmes that offer livelihood options including basic education, skills training, literacy especially for women and other traditionally disadvantaged groups; we must improve children’s access to education opportunities. We must ensure that potential migrants,

especially women, are properly informed about the risks of migration. We must develop information campaigns for the public in promoting awareness of the dangers. We must continue reviewing and modifying policies that may compel people to resort to irregular and vulnerable labour migration.

We must examine ways of increasing opportunities for legal, gainful and non-exploitative labour migration. We must strengthen the capacity of our law enforcement agencies to arrest and prosecute those involved as a preventative measures.

We must adopt measures to reduce vulnerability by ensuring that appropriate legal documents for birth, citizenship, and marriage is provided and available to all persons. We can, we must, we will.

In closing, I must say that no one side, no one person, no one race, no one party has all the answers to our problems. We must work on this together. I must say that for the commission of enquiry to delve into this matter, to come up with appropriate solutions, I am sure a number of the judges if they come from this part of our hemisphere, if they come from Guyana, will devote their services free, in some instances, because most of this House would have gone through (the history of) our ancestors, would have gone through some form of slavery whether indenturship or slavery per se. So this must touch us in a special way. I again offer my support, lend my voice in support, of the motion at hand, please.

Thank you. [*Applause*]

Mrs. Hughes: Members of this Hon. House, trafficking in persons is slavery in the 21st century. As we know it affects the most vulnerable in any society, the weak, the poor, the jobless. Regrettably, as we have all agreed and said this evening in more cases than others we are talking about women and children. Today, none of us can deny the perceived increase in incidences in Guyana that we appear to be facing. We read it in newspapers now often, and definitely more and more cases are coming to light in our society. Given all of this we fell that we all must support this motion and the commission of enquiry if we are true to our word of wanting to do more for the most vulnerable in our society. We acknowledge that the Ministry and the Government has a comprehensive programme in place. The Minister went into great detail to outline that for us, and we are happy she shared that with us. It is important that

nongovernmental organisations like the Women Miners Association and others are working together and stepping up to the challenge. We commend them all. But what we are saying is that given what appears to be an increase in prevalence more must be done. This evening we talked about the legislation that is in place, and we know there is adequate legislation for domestic violence but the reality is we are seeing also an increase in domestic violence. A few weeks ago we signed onto a motion about interpersonal violence and, again, we had to do that because there is an increase. Members of this House, we have to deal with the realities we see facing us in Guyana.

Trafficking in persons has a clear social dimension. We cannot fail to recognise that poverty makes many vulnerable, and with joblessness trafficking in person becomes avenue for recruitment especially of the young. What are the realities this forces on our nation or on any nation? The serious offshoots of trafficking are increases in sexually transmitted diseases, and an increase in sex tourism. In Guyana today more and more men and women locally and those, if we are honest, being brought from some of our borders and bordering towns, are being lured and forced into slavery and prostitution.

Today we seek not to lay blame but rather we hope for consensus on this increase. The increased publicity and the increases of incidences are proof that what we are currently doing is not enough. We must do more and we must do better. Let us not just accept our current approaches as the only solutions.

A commission of enquiry we feel will put all our heads together. We have heard about the increased need for more research in this area – the social workers, the families, the doctors. We will all examine the whys and the how of this recent increase. It will bring increased focus to the issue, comprehensively identify all the approaches that must be implemented to effectively deal with this new approach. We recognise that our hinterland and mining communities are currently the most recent nest of this scourge. And we fear also the international dimensions of trafficking in persons that we in Guyana are seeing in the recent publications of Guyanese being trafficked in Barbados. This, as we said, affects largely women, and there is a growing talk of rings all over Guyana. Now is the time to act. We in the AFC therefore support this motion just because it will add increased focus to this issue. We hope we all can sign on to this.

Thank you. [*Applause*]

Ms. Ferguson: Mdm. Deputy Speaker, I rise to give voice and support to the motion “Appointment to the Commission of Enquiry to Investigate the Incidence of Trafficking in Persons in Guyana” standing in my colleague’s name, the Hon. Member and Leader of the Opposition, Mr. David Granger. Like my other colleagues I would like to empathise with the families and relatives of those persons who endured an experience of trafficking in persons. Credit must also be given to the Guyana Women Miners Association for the sterling efforts they are making without any subvention coming from Central Government.

Mdm. Deputy Speaker, with your indulgence permit me to give a definition of trafficking in persons, the key concept in the motion. It is the recruitment, transportation, transfer, harbouring or receipt of a person by means of a treat, or use of other means of coercion, or by abduction, fraud, deception, abuse of power of a position of vulnerability, or the giving or receiving of payments or benefits to achieve the concept of a person having control over another person for the purposes of exploitation. I must let this Hon. House know that this very definition is enshrined in the Combating Trafficking in Persons Act 2 of 2005.

The motion before this House is relatively a simple one. This is so since it is common to the natural eyes that trafficking in persons in our Nation has been deemed as a scourge. It must be noted that human trafficking is a rapidly expanding phenomenon and is said to have many faces including domestic violence, servitude, forced labour and sexual labour.

In examining the United States Department of State Report for 2011 and 2012 respectively, for trafficking in persons in Guyana I found them both to be wearying even though there is a slight variation between the two reports. They have rated Guyana as tier two and indicated that Guyana is a source and destination country for men, women and children subjected to sex trafficking and forced labour. The report further alluded to the fact that Guyanese women and girls have become vulnerable to prostitution while our children are forced to work in hazardous conditions. Previously reported reference has been made of Guyana’s track record in addressing this issue since the Government of Guyana seems reluctant in adhering fully with the minimum standards set out to eliminate trafficking. However, mention was made of the significant efforts being made.

Mdm. Deputy Speaker, I must let you, or this Hon. House, know that the Minister of Human Services, the Hon. Jennifer Webster, reported in the Guyana Times dated Friday 7th December, 2012, and this is what the Hon. Minister said:

“Meanwhile Human Services Minister Jennifer Webster who also addressed the opening said the government recognises the need for robust response in this regard. According to her TIP is a key component of the national action plan and steps have been taken to arrest this phenomenal. She further went on to say that in light of this the Government of Guyana and the United Nations Development Fund more or less discussed the issue of trafficking in persons.”

United States Embassy Political and Economic Section Chief Michael Fraser said that Trafficking In Persons (TIP) is a debasement of humanity and the countries social fabric. He went on to say that it distorts markets and impacts legitimate businesses. To this end he said that the injustice of human trafficking, more aptly modern slavery, fuels violence and organised crime. Our work fulfilling the promise of freedom should not be only the pursuit of justice but also the restoring of what was taken away. We should aim not only to put an end to this crime but also to ensure that survivors can move beyond their exploitation and live the lives they choose for themselves according to Mr. Fraser.

8.46 p.m.

What is further revealing in the reports is the continuous rhetoric from higher levels of Government with the aim of minimising the potential scope of human trafficking. Poor results in the area of victim protection and the lack of action against official complicity of human trafficking are major obstacles to future progress.

I do not want to take up much of the Assembly’s time to the other concerns raised in the report. I encourage Hon. Members to familiarise themselves with this report.

I further hasten to say that, most importantly, the reports comprehensively give an assessment of the three “Ps” on trafficking in persons. We would have heard earlier speakers alluding to these three “Ps”: Prevention, Protection and Prosecution. However, the Hon. Member Minister Webster further added a fourth “P”. She said, I think it was Partnership.

Regarding the first two WHEREAS clauses, they are self-explanatory since it hinges on the Constitution of Guyana and the Trafficking in Person Act, 2005, respectively. However, as it relates to how effective the Act is applied to instances, in my view, it is mind boggling.

The third WHEREAS clause: There has been credible reports that undermine numbers of persons that have been trafficked, kept involuntary servitude and required to perform forced labour, particularly in the hinterland regions of Guyana, but also elsewhere. I totally concur with this owing to the fact that quite recently there was a report captured in the front page of the *Stabroek News*, dated Monday, 22nd April, 2013, “Women miners rescue four girls from Puruni Camp” Here, I have the article by the President of the Guyana Women Miners Organisation (GWMO) whereby Ms. Broomes was quoted as saying, this is under Child Labour:

“Broomes and her members had travelled into the area after receiving repeated calls from concern persons who said that some girls were being kept against their will. Immediately, after the capture of these girls, the little one held on to her and started to cry and told her she wanted to leave and said she was only 14 years old and the other one is 18 years old. They told her she wanted to leave too, but ‘how they took away their bags and tell her she can’t go anywhere’.

This is what the young ladies would have reported to Ms. Broomes and her team, that they were more or less held against their will. The report further indicated that the police officer was also implicated. Of more concern to Broomes is the fact the named police officer is implicated in taking the 14 year old into the *backdam*. The child told the women miners that she had left her home in Northwest to spend the Christmas holidays in Georgetown and it was while she was at her relatives, that the police officer approached her. There are a number of reported cases similar to this one.

The fourth WHEREAS clause addresses the purpose for conducting a Commission of Inquiry, as provided in Chapter 19:03. My Colleagues and I do support this call, since in our view, as leaders, we owe a duty of responsibility to citizens of this Nation, hence, they must be protected according to the stipulations set out in the Constitution or the principle Act as it relates to a specific issue.

In relation to the first Resolve clause in the motion, my position on this is that we should develop the political will, set aside petty politics and act in the interest of our people in protecting them from becoming victims or targets towards trafficking in person. Therefore, it is our responsibility to ensure that the necessary players such as civil society, the religious bodies, Non-Governmental Organisation (NGOs) and FBOs, school administrators and the security personnel are on board to eliminate this spurge, which has plagued our communities, by extension our society.

The second and final Resolved clause is conspicuous, in that it is calling on the President of the Co-operative Republic of Guyana to appoint a Commission of Inquiry to inquire into the allegations and to determine the extent of trafficking in person with recommendations for the suppression and abolition of the unlawful trade. With this being implemented the course of actions, once the recommendations are made and the course of actions taken, the Nation will wait in anticipation to properly assess what was done by such commission and compare its findings with the report coming out from the United States Department of State.

In conclusion, I commend the Hon. Member and Leader of the Opposition, Mr. David Granger for initiating such a motion. Due to the prevalence of trafficking in person in our society, I therefore call on each Hon. Member of August House, to lend their support to the motion since it is merely to assist and protect the well-being of our citizens. Mdm. Deputy Speaker thank you very much. [*Applause*]

Mr. Nandlall: Mdm. Deputy Speaker, thank you very much. I have listened keenly to the debate on going thus far. I want to make it abundantly clear that this Administration regards trafficking in person as a serious crime, a grave social wrong and condemns trafficking in person in every form, fashion and manifestation. It is as a result of this philosophical and policy position that this Administration has taken a serious of initiatives to prioritise its treatment of this matter.

We have passed for the first time in this country, legislation to outlaw trafficking in person. We have set up a taskforce to specifically deal with this matter. We have assigned responsibility to two ministries to address this serious problem. In our Constitution we have a menu of fundamental rights and freedoms, the accumulative effect of which are to protect persons against state authorities in respect of exploitation in every form and fashion, including of course

trafficking of person. So, this Administration's position on this matter is beyond any dispute. Our position is very clear, trafficking in person is wrong and we condemn it in every form or fashion. But what I take issue with is this motion singles out this singular wrong in our society and accords it the treatment that it does. I am careful to emphasise that what I am going to say is not intended to in anyway minimise the importance of this social problem of this criminal offence. I do not intend to convey the impression that this Administration is trivialising this matter in any form or fashion. We have several problems of this kind in our country. We have for example, a serious drug problem in our country; we have a serious suicide problem in our country; we have an interpersonal violence issue in this country that inspired, motivated and precipitated your Honour to move successfully a motion in this Assembly, which received the unanimous of this House; we have a road traffic problem in this country, over 100 persons, per year, die on our roads. These are problems that are of equal importance or as important as the issue which forms the subject of this motion.

Why has this motion therefore single out this one issue for this special treatment? Therein lies some form of ...*[Interruption]*. This is what causes me to question the bona fides of the motion. We know that trafficking in person is an issue that is attracting international attention; we know that there are certain governments in the North who normally expresses views on this matter. Is it that this motion is intended to court these governments? If it is that we are concerned about social problems in our country; if it is that we are concerned about crime in our country, then we cannot isolate one and address it in this way.

The other issue that I have with this motion is the fact that it requires the establishment of a Commission of Inquiry. Recently, we had a Commission of Inquiry and most persons would have had an opportunity to view how a Commission of Inquiry under the Commission of Inquiry Act, the very Act upon which this motion is predicated, how that institution works. Having listened to many of the speakers here and the issues which they have raised and the recommendations which they have made, the forum or the mechanism of a Commission of Inquiry is highly unsuitable to deal with the issues raised. I do not for one moment, as I said, say that this is not an issue that should be addressed and accorded all the attention that the Government can possibly give on a singular social wrong or a singular crime in our country. That is not my issue. My issue is that I do not believe that trafficking in person is a problem that

is of the type and nature that requires the establishment of a Presidential Commission of Inquiry to conduct an inquiry into this and that is my fundamental objection to this issue.

It also brings me to another matter and it has to do with the Commission of Inquiry itself as a legal mechanism. The Commission of Inquiry, as the motion accurately describes it, has its genesis and is a creation of or a creature of the Commission or Inquiry Act. The Commission of Inquiry Act and it is quoted in the motion itself which says:

“The President may issue a commission appointing one or more commissioners and authorising such commissioner or commissioners to inquire into any matter in which an inquiry would, in the opinion of the President be for public welfare.”

So you see very clearly that this is a Presidential power and the activation of this power lies within the prerogative of the President. It is a personal matter. That is why in the Linden Commission of Inquiry, if we can recall, it is the President who announced the intention to activate this Act for the purpose of the establishment of a Commission of Inquiry... *[Interruption]*. Yes, he did it on his own volition. I am not in doubt about that. I can give the time, date and place when the President made the announcement. It was one that was not solicited or influenced by any other source or institution.

I am not speaking from the top of my head. Our Constitution is what is called a Presidential Constitution. It creates an executive presidency and it resides in that executive presidency all executive authority in this land. That is what the Constitution says. Then Article 111 of this Constitution specifically addresses Presidential power. We have to be weary of these things because the President, whether you want to accept it or not, it is a Constitutional reality, is not a normal office holder. This is a Presidential Constitution creating an executive presidency and this Constitution outlines how that executive power is to be exercised. It says this:

“In the exercise of his function under this Constitution...”

I am reading from Article 111 (1).

“... or under any other law...”

Which of course, will include the Commission of Inquiry where the President here has the power.

“In the exercise of his functions under this Constitution or any other law the President shall act in accordance with his own deliberate judgement, except, in cases where by this Constitution or by any other law he is required to act in accordance with the advice or recommendation of any other person or authority.”

The singular purpose or objection of this provision is to ensure that that residue of power, which resides in the President and for which he is not required to consult anyone that power must remain a power to be exercised by him in his own deliberate judgement. I am not saying so, the Constitution is saying so. [*Interruption*]. Mdm. Deputy Speaker, do you see, they have started. I am making my presentation and I am reading from the Constitution.

Mdm. Deputy Speaker: Hon. Attorney General, once you angle yourself towards me, you would be under my protection. Do not be swayed.

Mr. Nandlall: Article 111 is divided into two parts. The second part of it deals with where the President has an obligation to consult and it explains in great details how that power is to be exercised when he has an obligation to consult or when he is to act upon the advice of or upon the recommendation of any other body or agency, for example it says, when he is required to do so then he or the authority must advise him and if he disagrees with the advice, he must send it back to that authority and that authority is free to send it back a second time to the President. When that advice comes a second time to the President, then the President loses his power after that. He must accept the advice.

Dr. Roopnarine is very much aware of this provision because this was put in to dilute the powers of the President in the Constitutional Reform Commission. But, the Constitutional Reform Commission in its wisdom retained a part of the Presidential power that allows him and only him, uninfluenced by the advice, recommendation or resolution of any other institution to exercise a particular type of power. Unless that power comes under category two in Article 111, then no institution can in any form or fashion seek to influence the President in the establishment of a Commission of Inquiry. He must do so on his own deliberate judgement.

How would the President justify setting up a Commission of Inquiry to investigate trafficking in person, but do not establish a Commission of Inquiry to investigate suicide, road traffic accident, murder, interpersonal violence? The point I am making is the Presidential power to establish a Commission of Inquiry must never be trivialised and must never be used in a selected way. It has to be a situation that demands the use of such exorbitant and extraordinary power. That is my principle object to this motion. Thank you very much. [Applause]

Minister of Home Affairs [Mr. Rohee]: Mdm. Deputy Speaker, I think that my task has been made very simple and I will not be too long, even though as Chairman of the taskforce, the taskforce covers a wide area of activities.

Suffice to say that since the establishment of the taskforce under the Cabinet's advisement, the taskforce has issued reports every single year since its existence. There was a report in 2008, 2009, 2010 and 2011. These reports reflect exactly what the Opposition Members have been saying that we should be doing.

I think the problem that we have is that the information on the taskforce has not been widely disseminated. In addition to that even when they are sent to the media, the media determines what sections of the report it would have reflected in its pages or on its screens. We have absolutely no control over that.

The question of the Commission of Inquiry, I would not go into all the details that I wanted to talk about because many of them have been covered already. We do not dodge issues, particularly not this one because if we had set out to dodge the question of trafficking in person, we would never have set up the taskforce with so many Minister, having inter agency cooperation and collaboration and we would have never have done the amount of work that we were doing or have been doing. When the question of dodging was mentioned, I remember Charles Dickens, *Oliver Twist and the Artful Dodger*.

We have patiently and consistently done our work. The problem with this work is not work for celebration or for trumpet. Patient, consistent and quiet work, as we do for example as political parties, is precisely the same type of work that is done for trafficking in persons. Not every time you venture in the interior you issue a press statement to say what you have been doing. Up to two days ago the taskforce met and decided to visit 14 check points in the interior, these

included, Mahdia, Omai, Imbaimadai, Kurupung, Olive Creek, Fourteen Mile, Issano, Puruni, Aranka, Itabali, Eclipse Falls, Lethem, Ogle, Kanauru and Matthew's Ridge. We have prioritised these places and the agencies have already identified the teams that will visit these places.

This is not the first time we are going to be visiting these places; we have visited these places before. But like I said, when the taskforce sends out teams to visit these places, it is not a matter for a press conference or a press release, it is just quiet hard work on the ground to establish the activities that are going on these and to have them reflected in your reports on the National levels or on the reports that we send on an annual basis to the United Nations or the Organisation of American States (OAS). The information is there on the internet. Maybe we need to find more creative ways of disseminating all this hard work that was done and I take a criticism, maybe, that we are not doing enough to make our work known.

The setting up of a Commission of Inquiry, I think that was adequately dealt with by the Hon. Attorney General. It is never for us a question of going into any denial mode; it is a question of the denial mode vs. the reality mode. The reality mode is that trafficking in person is not a major country wide phenomenal as far as the data goes for those who have done the analysis and the assessment. We do not consider it necessary because the United States Government is saying we have a problem with trafficking in person in Guyana that we must follow suit or as they say, "follow pattern". The American Administration is free to pronounce on the status of trafficking in person in any country. We cannot stop them from doing that, but we as Guyanese, must make our own independent assessment of the situation and publish how we assess it as far as possible.

Much has been said about the US Administration, but it is important for us to note that there is a major tips problem in the United States. I think it is important to point out that in the United States, by their own admission, they have over 50,000 cases a year and yet they are on tier one. How did they end up as a tier one country? I think that the claim... Let us recognise that there is no perfect situation, in terms of the fight against trafficking in person. This is a work in progress; we would never meet a state of perfection in the struggle against trafficking in person, irrespective of the dimension of the problem. We have to continue being as effective as we can with this challenge, as the Attorney General said, as we are in the question of dealing with road traffic accidents, the fight against crime and so forth.

The motion refers or calls on the National Assembly to declare its abhorrence. The Government has done so time and time again; in every report we have declared our abhorrence at the crime of trafficking in person. We have also expressed our sympathy.

9.16 p.m.

The same sentiment that has been expressed by the Opposition benches in terms of expressing sympathy, we find common cause with the Opposition on this. We are Guyanese and therefore every time we find a person or a victim involved in or being trafficked we obviously feel a sense of sympathy and we join with the Opposition in expressing sympathy with the victims of trafficking. They should be treated humanely; of course, we agree with that. We agree that they should be treated humanely. We have said that publicly and that they should not be treated as offenders and that the state should assert the responsibility. I think that I heard someone say that the Government is not doing so. That is not true. I have that information here where the Government and the State is asserting its responsibility in respect of trafficking in persons and I believe that by circulating these reports that information would be better understood.

I agree that the establishment of a commission of inquiry is not the appropriate mechanism to address the question of trafficking of persons. This is a living problem. This is an ongoing problem. This is a problem that requires soldiers, so to speak, on the ground on a regular basis. A commission of inquiry will meet and it will engage in all of the academic discourses. They will engage in all of the theoretical, all of the information that could be found on the internet. We have heard some of that this afternoon. There are tonnes of information on the internet on this matter. This is a practical problem that has to be addressed in a practical way so that even if one establishes a commission of inquiry the commission of inquiry will call for the establishment of some kind of practical mechanism. The practical mechanism is already there. The only problem is that it is made up mainly of Government Ministers. Maybe we need to find a way of involving the opposition in the work of the Ministerial Task Force or of the task force in order that Opposition Members could get a better grasp of the challenges that the task force is confronted with as well as the need to provide the human, material and other resources out there to do the work of the task force.

I want to conclude by saying that with the existence already of a Ministerial Task Force or a task force I cannot see how we could reconcile or bring some degree of synergy between a commission of inquiry and the task force. I would like to also draw to the attention of the House where the CARICOM heads of government at their meeting held, I think it was earlier this year, in Haiti decided to establish a CARICOM expert working group on human trafficking to pursue training of customs officials, judges, prosecutors, law enforcement and security officials in dealing effectively and appropriately with human trafficking cases. The heads urge member states to adopt national action plans against trafficking in persons, implement specialised units devoted to trafficking in persons and initiate a regional network of NGOs observatory on human trafficking and smuggling in the regions. We are committed to this and we have already begun to take steps to implement this decision of the heads which was adopted at the last heads of government meeting in Haiti. I think that this work to fight trafficking in persons is practical work, day to day work and I think the task force is trying its utmost. Obviously the taskforce could not have done a perfect job; there is always room for improvement and we are always willing to listen to other stakeholders who are committed to this fight, to joint with them in order to improve what has to be improved in terms of fighting trafficking in persons. Thank you, Mdm. Deputy Speaker. [*Applause*]

Brigadier (Ret'd) Granger (replying): Thank you, Mdm. Deputy Speaker. I would like to start by thanking my colleagues in A Partnership for National Unity for their strong support for this important motion and also to thank our colleague, Mrs. Catherine Hughes, from the Alliance For Change for the clarity which she brought to this debate. I was particularly intrigued by the past Minister of Labour, Human Services and Social Security and the present Minister of Labour, Human Services and Social Security who, I think, made very important contributions, maybe justifying why there should be a commission of inquiry. Minister Shadick with her encyclopaedic memory provided a lot of evidence to show how wide and how deep the problem of trafficking is. Her presentation, I think, justified the need for a commission of inquiry. The matter is more complex. She pointed out that it is not just sexual but it is with labour and all sorts of things so we feel that she made a very important contribution to the debate. Minister Webster, the present Minister gave us a full catalogue of the measures that are being applied. The point is that although these measures are necessary they are not sufficient and there still is trafficking. There is a leakage, haemorrhaging in the system, and we still need to implement an investigative

mechanism as my brother, Mr. James Bond, called for; a mechanism which would bring to light the problems of the trafficking in persons.

I think that the two Ministers, the former and the present, who spoke on the Government side emphasised the need to understand the responsibility of the state to protect our citizens, Responsibility to Protect (R2P), and from Arakaka right down to Aishalton we have incidents of trafficking and what we have seen in this debate is coming out from both sides, although I am astonished at the decision of the Government side not to support the actual commission of inquiry, is the need to delve more deeply into this question.

A commission of inquiry need not be something exorbitant. It need not be elaborate. It need not be expensive. It could be efficient and it could bring to light some of the problems that we have discussed tonight and bring relief to the parents, bring relief to the victims of this crime and give the Guyanese people the type of outcome we feel is best for our future to make sure that our 'girl children', our women, even our labourers from Abary are not trafficked into Paramakatoi.

I am very happy for this debate. I am very happy that the majority in this House seem to be convinced that we need to probe deeply. I would like to emphasise the second resolve clause of this motion that we ask His Excellency the President, in his discretion, to convene a commission of inquiry to investigate this heinous crime so that we can get the evidence and bring this crime to an end in this country. Thank you. [*Applause*]

Mdm. Deputy Speaker: Hon. Members, I would like to thank all of those Members of Parliament (MPs) who took part in this motion.

Motion put and carried

APPOINTMENT OF A COMMISSION OF INQUIRY TO INVESTIGATE THE INCIDENCE OF ILLNESS AND DEATHS IN THE BARIMA-WAINI REGION OF GUYANA

WHEREAS the Constitution of the Co-operative Republic of Guyana prescribes at Article 24 that "Every citizen has the right to free medical attention etc;" and, at Article 36 that, "The well-being for the nation depends upon preserving clean air, fertile soils, pure water, etc;"

AND WHEREAS there have been credible reports that several persons – including a two-month old child, a seven-month old child and a twelve-month old child – have died and over 500 persons became ill since February, 2013 and several other persons had died and become ill from time to time, from similar causes said to be associated with the supply of water, elsewhere in the same Barima-Waini Region;

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

“BE IT RESOLVED:

That the National Assembly expresses its sympathy with the relatives of the deceased children and with the victims of the illness in the Barima-Waini Region; and

BE IT FURTHER RESOLVED:

That the National Assembly calls upon the President of the Co-operative Republic of Guyana, in accordance with the Commission of Inquiry Act, Ch. 19:03, to appoint a commission of inquiry to inquire into the illness and deaths of persons and to make recommendations to prevent a recurrence of such illness and deaths and to preserve the well-being of the residents of the Barima-Waini Region.” [Brigadier (Ret’d) Granger]

Mdm. Deputy Speaker: The next motion is Appointment of a Commission of Inquiry to Investigate the Incidence of Illness and Deaths in the Barima-Waini Region of Guyana standing in the name of the Hon. Leader of the Opposition. Hon. Leader could you indicate what is the position on this motion?

Brigadier (Ret’d) Granger: Mdm. Deputy Speaker, thank you. This motion shows the learned Attorney General that we are not focusing on a narrow matter. We are focusing on other areas of maladministration, particularly the deaths of children in the Barima-Waini Region.

Our side has been approached by the Government side seeking a deferral of this motion. In particular, we understand, because of the absence of the Hon. Minister of Health who, I am sure,

would have wanted to present his opinions on this very important matter so in response to the Government side we would be prepared to defer the motion to allow for the Minister of health to be present. I do so request.

Motion deferred.

ADOPTION OF THE REPORT OF THE SPECIAL SELECT OF THE NATIONAL ASSEMBLY ON THE UNITED NATIONS HUMAN RIGHTS COUNCIL WITH REGARD TO THE ABOLITION OF CORPORAL PUNISHMENT IN THE SCHOOLS, THE ABOLITION OF THE DEATH PENALTY AND THE DECRIMINALIZATION OF CONSENSUAL ADULT SAME SEX RELATIONS AND DISCRIMINATION AGAINST LESBIANS, GAYS, BI-SEXUAL AND TRANSGENDER PERSONS (RESOLUTION NO. 23 OF 2012)

“BE IT RESOLVED:

That the Report of the Special Select Committee of the National Assembly on the United Nations Human Rights Council with regard to the Abolition of Corporal Punishment in the schools, the Abolition of the Death Penalty and the Decriminalization of Consensual Adult Same Sex Relations and Discrimination against Lesbians, Gays, Bi-Sexual and Transgender Persons (Resolution No. 23 Of 2012), outlining its work programme on the abolition of corporal punishment in the schools be adopted.” [Minister of Human Services and Social Security]

Mdm. Deputy Speaker: Hon. Members, I think that we have done exceptionally well for tonight. It may well be that Mrs. Backer is not on the floor. I am not sure but we now will move to the last item that is listed for debate and that is the Adoption of the report of the Special Select Committee of the National Assembly on the United Nations Human Rights Council with Regard to the Abolition of Corporal Punishment in the Schools, the Abolition of the Death Penalty and the Decriminalization of Consensual Adult Same Sex Relations and Discrimination Against Lesbians, Gays, Bi-Sexual and Transgender Persons (Resolution no. 23 of 2012).

Ms. Webster: Thank you, Mdm. Deputy Speaker. I beg to move the motion standing as Chairperson of the Special Select Committee and I would like to say that since the selection of the Special Select Committee we began our work in November, 2012, we have held seven

meetings and this report being presented tonight here in this National Assembly seeks to provide the details of the proposed activities and it provides a matrix of our time lines for completion of our work by the beginning of August, 2013. It sets out how we propose, as a Committee to undertake our work and we plan to submit our finds on the issue of the abolition of corporal punishment in schools before the recess period. We remain committed to meeting this deadline because I know that this is an issue of great importance to all of us. Thank you, Mdm. Deputy Speaker. [*Applause*]

Dr. Roopnarine: Mdm. Deputy Speaker, I do not want to say very much. The Minister has covered what we need to say on this matter. All I need to say is that the work of the Committee is proceeding, I believe, quite harmoniously and we are quite intent on not only considering all of the extant and necessary legislation with a view to making whatever amendments we wish to propose eventually to the National Assembly. We are also studying the practices in other territories, including the Caribbean and further afield and my own hope is that not that the time of the submissions has arrived we have advertised and that we have begun to receive submissions from Ministries, officials and, eventually, members of the public. We are proceeding in the order in which the matters were listed in the motion and we are, at this moment, engaged with the issue of corporal punishment. We will move on to the other two areas that are indicated in the motion; namely, the abolition of the death penalty and the issue of discrimination against lesbians, gays and transgender persons. Our expectation is that we will complete our submissions in the month of June, as indicated in our work programme, and be in a state of readiness to report to the National Assembly before the recess. My own hope is that after the submissions have arrived and we have studied them very carefully and looked at the necessary laws that we need to be looking at we will be in a position to come back to the National Assembly and recommend a course of action. Thank you. [*Applause*]

Mdm. Deputy Speaker: Thank you very much. Hon. Members, this concludes our business for today. Sorry, I am too anxious. I apologise.

Motion put and carried.

ADJOURNMENT

Mdm. Deputy Speaker: Hon. Members, this finally concludes our business for today.

Brigadier (Ret'd) Granger: May I, before the Prime Minister speaks...?

Mdm. Deputy Speaker: Yes.

Brigadier (Ret'd) Granger: Thank you. On behalf of the Opposition, I would like to extend to the Guyanese nation our congratulations on the 47th Anniversary of Independence. In another 72 hours we will be celebrating 47 years of Independence. When the 10th Parliament assembled last year we took a pledge that the 50th Anniversary of Independence in 2016, when some of us anticipated the life of the 10th Parliament would come to an end, would see our nation in a much better state than it was in 2011 so in wishing the nation a happy Independence Anniversary I would like to reiterate the determination of the Opposition to continue asserting the authority of this National Assembly to continue to hold the Executive accountable to the people of this nation and I think that that is the best independence gift that we can give the nation. Thank you.
[Applause]

Mr. Hinds: Mdm. Deputy Speaker, I propose that the House be adjourned to May... I would take the opportunity also to extend happy anniversary greetings to all of our Guyanese on the occasion of the 47th Anniversary of our Independence. I could join the Hon. Leader of the Opposition...

Mdm. Deputy Speaker: Members, please allow the Hon. Prime Minister to extend greetings in silence. Thank you.

Mr. Hinds: I would join the Hon. Leader of the Opposition in hoping and calling on all of us to continue to work for our nation so that the growth and development that we have had over the last seven years could be continued so that 2016 would see us even better than we are today. I thank you. [Applause]

Mdm. Deputy Speaker: Hon. Prime Minister, could you please move the adjournment now?

Mr. Hinds: Yes, Ma'am. I move that the House be adjourned until next Tuesday, 28th May at 2.00 p.m.

Mdm. Deputy Speaker: The House is adjourned to Tuesday, 28th May at 2.00 p.m.

Adjourned accordingly at 9.35 p.m.