

# National Assembly Debates

**PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF  
THE SECOND SESSION (2002-2003) OF THE EIGHTH PARLIAMENT  
OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE  
REPUBLIC OF GUYANA HELD IN THE CONVENTION CENTER  
OCEAN VIEW INTERNATIONAL HOTEL LILIENDAAL**

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10TH SITTING

2.00 PM

THURSDAY, 15TH MAY, 2003

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## *MEMBERS OF THE NATIONAL ASSEMBLY (68)*

### *Speaker (1)*

**The Hon. Hari N. Ramkarran, S. C., M. P. - *Speaker of the National Assembly***

### **Members of the Government - People's Progressive Party/Civic (34)**

- |  |   |
|--|---|
| The Hon. Samuel A.A. Hinds, M.P.               | - <i>Prime Minister and Minister of Public Works and Communications (Absent on Leave)</i> |
| The Hon. Reepu Daman Persaud, O.R., J.P., M.P. | - <i>Minister of Parliamentary Affairs</i>  |
| The Hon. Clement J. Rohee, M.P.                | - <i>Minister of Foreign Trade and International Co-operation (Absent)</i>                |
| The Hon. Harripersaud Nokta, M.P.              | - <i>Minister of Local Government and Regional Development</i>                            |
| The Hon. Gail Teixeira, M.P.                   | - <i>Minister of Culture, Youth and Sport</i>   |
| The Hon. Dr. Henry B. Jeffrey, M.P.            | - <i>Minister of Education</i>  |
| The Hon. Saisnarine Kowlessar, M.P.            | - <i>Minister of Finance (Absent)</i>   |
| The Hon. Shaik K.Z. Baksh, M.P.                | - <i>Minister of Housing and Water</i>  |
| The Hon. Navindranauth O. Chandarpal, M.P.     | - <i>Minister of Agriculture; Region No.4 - Demerara/Mahaica</i>                          |
| The Hon. J. Ronald Gajraj, M.P.                | - <i>Minister of Home Affairs; Region No. 3 - Essequibo Islands/ West Demerara</i>        |
| The Hon. Rev. Dr. Ramnauth D.A. Bisnauth, M.P. | - <i>Minister of Labour, Human Services and Social Security</i>                           |
| The Hon. Clinton C. Collymore, M.P.            | - <i>Minister in the Ministry of Local Government and Regional Development</i>            |

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The Hon. Satyadeow Sawh, M.P.	- Minister of Fisheries, Other Crops and Livestock (Region No. 5-Mahaica/Berbice) (Absent)
*The Hon.S.Rudolph Insanally, O.R, C.C.H, M.P.	- Minister in the Office of the President with responsibility for Foreign Affairs (Absent)
*The Hon. Doodnauth Singh, S.C., M.P.	- Attorney General and Minister of Legal Affairs
The Hon. Dr. Jennifer R.A. Westford, M.P.	- Minister of the Public Service
The Hon. C. Anthony Xavier, M.P.	- Minister of Transport and Hydraulics
The Hon. Bibi S. Shadick, M.P.	- Minister in the Ministry of Labour, Human Services and Social Security (Region No. 3 - Essequibo Islands/ West Demerara)
**The Hon. Manzoor Nadir, M.P.	- Minister of Tourism, Industry and Commerce (AOL)
The Hon. Carolyn Rodrigues, M.P.	- Minister of Amerindian Affairs (Absent)
The Hon. Dr Leslie S. Ramsammy, M.P.	- Minister of Health
Mr S. Feroze Mohamed, M.P.	- Chief Whip
Mr Cyril C. Belgrave, C.C.H., J.P., M.P.	- (Region No. 4 - Demerara/Mahaica)
Mr. Donald R. Ramotar, M.P.	
Mr Husman Alli, M.P.	- (Region No. 7 - Cuyuni/Mazaruni)
Mr. Komal Chand, C.C.H., J.P., M.P.	
Mrs Indranie Chandarpal, M.P.	
Mr Bernard C. DeSantos, S.C., M.P.	- (Region No. 4 - Demerara/Mahaica)
Mrs Shirley V. Edwards, J.P. M.P.	
Mr Odinga N. Lumumba, M.P.	
Mr Heeralall Mohan, M.P.	- (Region No. 2 - Pomeroon/Supenam)
Mr Ramesh C. Rajkumar, M.P.	- (Region No. 6 - East Berbice/Corentyne)
Mr Khemraj Ramjattan, M.P.	- (Region No. 6 - East Berbice/ Corentyne)
Dr Bheri S. Ramsaran, M.D., M.P.	- (AOL)
Mrs Philomena Sahoye-Shury, C.C.H, J.P, M.P.	- Parliamentary Secretary, Ministry of Housing and Water-
Mrs Pauline R. Sukhai, M.P.	- (Region No. 1 - Barima/Waini) (Absent)
Mr Zulfikar Mustapha, M.P.	

\* Non-Elected Minister

\*\* Elected Member from The United Force

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**Members of the Opposition (30)**

**(i) People's National Congress/Reform (27)**

- Mr. Robert H. O. Corbin, M.P. - *(Absent)*  
Mr. Winston S. Murray, C.C.H., M.P.  
Mrs. Clarissa S. Riehl, M.P. - *Deputy Speaker of the N.A.*  
Mr E. Lance Carberry, M.P. - *Chief Whip*  
Mr Ivor Allen, M.P. - *(Region No.2-Pomeroon/Supenaam)-(AOL)*  
Mrs. Deborah J. Backer, M.P.  
Mr. Deryck M.A. Bernard, M.P.  
Mr. C. Stanley Ming, M.P. - *(Absent)*  
Mr. Raphael G C. Trotman, M.P.  
Mr Vincent L. Alexander, M.P. - *(Region No. 4-Demerara/Mahaica)*  
Mr. Andy Goveia, M.P. *(Absent)*  
Mrs. Volda A. Lawrence, M.P.  
Dr Dagleish Joseph, M.D., M.P.  
Miss Amna Ally, M.P. - *(Region No.5-Mahaica/Berbice)-(Absent)*  
Miss Sandra M. Adams, M.P. - *(Region No.10-Upper Demerara Berbice)*

- Mr. Jerome Khan, M.P.  
Dr George A. Norton, M.P.  
Miss Myrna E. N. Peterkin, M.P. - *(Region No.4-Demerara/Mahaica)-(Absent)*  
Mr. James K. McAllister, M.P. - *(Region No.3-Essequibo Islands West Demerara)*  
Miss Ludene A. Nestor, M.P. - *(Region No.4-Demerara/Mahaica)*  
Mr Abdul Kadir, J.P., M.P. - *(Region No.10-Upper Demerara/Berbice)*  
Mr Ricky Khan, M.P. - *(Region No.1-Barima/Waini) - (Absent)*  
Mrs. R. Bancroft, M.P. - *(Region No.8 - Potaro/Siparuni)*  
Mr Nasir Ally, J.P., M.P. - *(Region No.6-East Berbice/Corentyne)*  
Miss Judith David, M.P. - *(Region No.7-Cuyuni/Mazaruni)*  
Miss Genevieve Allen, M.P. - *(Region No.4-Demerara/Mahaica)*  
*(One Vacancy)*

**(ii) Guyana Action Party/Working People's Alliance Party (2)**

- Mrs Sheila V.A. Holder, M.P.  
Mrs Shirley J. Melville, M.P. - *(Upper Takutu/Upper Essequibo)*

**(iii) Rise, Organise and Rebuild Party (1)**

- Mr Ravindra Dev, M.P.

**OFFICERS**

Mr Sherlock E. Isaacs, *Deputy Clerk of the National Assembly*  
*(Performing the functions of Clerk of the National Assembly)*

Mrs Lilawtie Coonjah, *Principal Assistant Secretary (Finance)*  
*(Performing the functions of Deputy Clerk of the National Assembly)*

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## PRAYERS

The Clerk read the Prayer.

### ANNOUNCEMENTS BY THE SPEAKER

(i) **Apology for late start**

Honourable Members, I apologise for the late start this afternoon. A series of events conspired to delay us, not the least of which is the recent signing of the Communiqué between His Excellency the President and the Leader of the Opposition from which a large amount of parliamentary activities is flowing. We had a blackout today and so on.

(ii) **Leave**

Leave from today's sitting has been granted to the Hon Manzoor Nadir up to 16<sup>th</sup> May 2003, Hon Member Dr Bheri Ramsaran up to 20<sup>th</sup> May, 2003 and Hon Member Mr Ivor Allen up to 19<sup>th</sup> May, 2003.

### MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE ASSEMBLY AND MOVED BY A MINISTER

The Minister of Parliamentary Affairs moved the following motion:

***BE IT RESOLVED:***

*That standing Order No. 46(3) be suspended to enable the Assembly to proceed at its sitting on Thursday, 15<sup>th</sup> May, 2003, with the second reading and the remaining stages of the Constitution (Amendment) Bill 2003 - Bill No. 4/2003 published 2003-05-08.*

***[Motion put and agreed]***

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## INTRODUCTION OF BILLS

### Presentation and First Reading

By the Minister of Health, Hon Dr Leslie Ramsammy.

### *THE PHARMACY PRACTITIONERS BILL 2003*

## PUBLIC BUSINESS

### MOTIONS

**The Speaker:** Hon Members, before we attend to the Constitution (Amendment) Bill I think this is an appropriate place to deal with the motions. I therefore invite the Hon Member Dr Leslie Ramsammy in relation to the first Item on the Supplementary Order Paper. Please proceed Honourable Member.

### 1. CONSENSUAL MECHANISM FOR THE NOMINATION BY ENTITIES OF MEMBERS OF THE RIGHTS COMMISSIONS

*Whereas the Constitution provides for the appointment of certain Commissions and in particular*

*the Ethnic Relations Commission by article 212(a) &*

*(b),*

*the Women's Gender and Equality Commission by Article 212(q),*

*the Indigenous Peoples' Commission by Article 212(s) and*

*the Rights of the Child Commission by article 212(u).*

*Whereas the Constitution provides for the National Assembly to determine a Consensual Mechanism to be used by entities nominating members for the Rights Commissions, i.e. Women*

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*and Gender Equality Commission, Indigenous Peoples' Commission and the Rights of the Child Commission.*

*Whereas the Ethnic Relations Commission has been appointed by a Consensual Mechanism determined by the National Assembly on the 11<sup>th</sup> December, 2000,*

*Be it resolved that the National Assembly approves of the procedures set out hereunder to be followed in nominating members and their alternates,*

*1. All the Entities in any group to be invited to select a Nominee for appointment to the Commissions should be written to by the Clerk of the National Assembly inviting them to meet, on a day/date, time and place to be agreed by them, to determine their Nominee (and one Substitute who would replace the Nominee on the Commission in the event that the Nominee is no longer able to function) for Membership of the Commission.*

*2. Where there is a recognised "Umbrella Organisation" for the Group, the Clerk should write to that Organisation and copy his letter to each of the "constituent entities" within the Group.*

*3. The Nominee and Substitute chosen by the Group must be persons who are competent to contribute positively to the work of the Commission and who are committed to ensuring that it discharges all of its functions. They should have earned public respect and be unquestioned and unblemished in honesty and integrity.*

*4. The "process/procedure" used must be demonstrated to be unbiased and transparent.*

*5. It is important that the Nominee and Substitute obtain the unquestioned support and acceptance of the Entity*

*nominating them as well as the Entities within the Group.*

*6. A deadline should be set by which time the Clerk of the National Assembly shall be formally notified of the names and other requested particulars of the Nominee; the "process/procedure" used for the selection of the Nominee; the number of Entities within the Group which were "properly" represented when the Nominee was selected; and a "statement" to the effect that the Nominee is supported and accepted by the majority of Entities within the Group.*

*7. The report of the Clerk shall be submitted to the National Assembly and the List of Nominees approved by the National Assembly shall be forwarded to the President for appointment.*

**Hon Dr Leslie Ramsamy:** This afternoon, I would like to introduce the Motion on the Consensual Mechanism for the Nomination by Entities of Members of the Rights Commissions. Mr Speaker, the reformed Constitution through Article 212(a)& (b), Article 212(q), Article 212(s) and Article 212(u) establishes a number of Rights Commissions. We already have in existence a number of service commissions. In appointing members to these Commissions there has always been interpretations as to the intentions of the Government and the appointments. There has been discussion on how these appointments should be made in order to increase participation and in order to ensure impartiality. During the discussion on reforming the Constitution the engagement resulted in an agreement to establish a consensual mechanism. This provision was enshrined in the Constitution in 2001 after intense discussion between different stakeholders. An agreement has been reached in terms of how the consultation should occur, who should be consulted, how the consultation should be conducted and when it should be conducted. The consensual mechanism to ensure that these things are done is today being presented in the form of this Motion. It is important for us to understand that consultation between the political parties does not

represent this wide participation that we have all agreed on and consultation should exist at all levels, including the Organisations that will make nominations to the Assembly for appointment by the President. This Motion does not only establish guidelines for the political parties but also for umbrella organisations representing different groups, and for all groups that must make nomination.

Mr Speaker, the Motion in front of us today has been discussed by the political parties and stakeholders and there is agreement on this Consensual Mechanism. Therefore, I ask all Members to support the Motion before us. I would like to put before the House the Motion on Consensual Mechanism for the Nomination by Entities of Members of the Rights Commissions.

Thank you.

**The Speaker:** Thank you.

Hon. Members, I propose the Motion.

Hon Member Mr Carberry.

**Mr E. Lance Carberry:** Mr Speaker, this Consensual Mechanism is an essential element in the implementation of a set of mechanisms that are intended to ensure that rights are dealt with appropriately and satisfactorily.

As you are aware, Mr Speaker, and as the House is aware, one of the Rights Commissions has already been established. At least the appointment of the Commissioners has been made and that is for the Ethnic Relations Commission. We have now before us this Mechanism which will in fact facilitate the establishment of the Women and Gender Equality Commission, the Indigenous Peoples' Commission and the Rights of the Child Commission. The Mechanism for the Human Rights Commission is slightly different. But what you will find, Mr Speaker, is that there is a good interlocking and interlinkage between these Commissions which is very important. And it is good that we have moved



so quickly to put in place this mechanism.

Now, the establishment of the Appointive Committee is another part of that Mechanism. And you will observe that in the Motion that we passed setting up the Modalities for Article 119(c) of the Constitution did, in fact, identify the Commissions as part of the purview of the Appointive Committee. So now that we have the Appointive Committee, now that we have this Consensual Mechanism we have put in place of the mechanisms for the appointment of the Rights Commissions.

There is just one issue that is outstanding, Mr Speaker, and that issue is the question of the Fundamental Rights Bill. I believe that it is important for the functioning of the Commissions that we expeditiously bring into this House the Fundamental Rights Bill. And I hope that that particular problem can be corrected soon.

Mr Speaker, we are very happy on this side that we have gotten to this stage, and like every thing else we would like to see that we move to the stage where these Commissions can be made functional. And in order for these Commissions to be made functional we know that a Secretariat needs to be established for them to be able to function. Therefore, we would, in fact urge that we put in place all of the arrangements as soon as possible to ensure that these Commissions can become effective and function.

Mr Speaker, we, of course, support this Motion. And I am very happy to say that I support this Motion except for the point that I have made about wishing that all of these things are done quickly. I would say that it is a good show that we have here and I hope that we continue this momentum to the full implementation of these Commissions.

Thank you Mr Speaker. *[Applause]*

**The Speaker:** Thank you very much Honourable Member.

**Hon Reepu Daman Persaud:** Mr Speaker, I rise to say that the Government of Guyana has advanced the constitutional process

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magnificently in this country so much so that in the current time we have the most advanced Constitution in the Caribbean. These new constitutional matters came out of the CRC and we are happy to lend all our support and co-operation to make them operational and we will do everything conceivably possible to advance this process in the country for the good of Guyana and for the good of all the people.

**The Speaker:** Thank you Honourable Member.

Honourable Minister of Health.

**Hon Dr Leslie Ramsammy:** Mr Speaker, I would just like to thank all the Members who have worked long hours and very hard to put this Motion together. I would like to thank all the Members for supporting the Motion. This adds to enriching our Constitution and contributes to the inclusiveness that we pursue.

Thank you very much.

*Put and carried.*

## **2. FOUR PARLIAMENTARY SECTORAL COMMITTEES**

*WHEREAS Article 119 B of the Constitution provides:*

*There shall be parliamentary sectoral committees established by the National Assembly with responsibility for the scrutiny of all areas of Government policy and administration including*

- (i) Natural Resources
- (ii) Economic Services
- (iii) Foreign Relations and
- (iv) Social Services,

*BE IT RESOLVED that:*

*1. The Sectoral Committees shall consist of seven (7) members, four (4) representing the Government and three (3) representing the Opposition. The Government and Opposition are entitled to elect one alternate member for each Sectoral Committee.*

*2. The Chairperson and Deputy Chairperson of each Sectoral Committee shall be elected from opposite sides of the National Assembly and would alternate annually with two (2) Sectoral Committees each to be chaired by the Government and Opposition respectively.*

*3. The Committees shall, in the discharge of their scrutinising role, examine all policies and administration, for each sector, to determine whether the execution of government policy is in consonance with the principles of good governance and in the best interest of all the people of Guyana.*

*4. The Committees shall have the authority to:*

*(i) Determine areas of government activity for scrutiny or specific examination;*

*(ii) Request the Minister assigned responsibility for the sector to submit written or oral information, including government documents and records about any specific areas of government policy and administration;*

*(iii) Review existing legislation on government policy and administration for any of the sectors;*

*(iv) Summon persons to give evidence, scrutinise government documents, papers and records;*

*(v) Visit any government activity or project in Guyana as agreed and arranged by the Committee.*

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(vi) *In the discharge of their mandate, utilise the services of experts, specialists and other sources of advice as they determine;*

(vii) Establish a timetable for the conduct of their work;

(viii) Make recommendations to the National Assembly on legislation or any other action to be taken on matters falling within their purview;

(ix) Submit periodic reports to the National Assembly on their work; and

(x) Invite comments, from the Minister assigned responsibility for the sector on their recommendations or reports.

5. The National Assembly, notwithstanding the current work programme of any Sectoral Committee, may request the committee to give prompt attention to a particular aspect of the policy or administration of the government for a sector.

6. The provisions of Standing Order No. 70 A shall apply to the Sectoral Committees.

**BE IT FURTHER RESOLVED that:**

7. The Gazetted ministerial responsibilities shall be allocated to each Sectoral Committee in the manner set out in Schedule 1.

**The Speaker:** Hon Minister of Health.

**Hon Dr Leslie Ramsammy:** Mr Speaker, I stand again to introduce a second motion that would enable the establishment of four Parliamentary Sectoral Committees.

In our reformed Constitution Article 119 B provides:

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*That there shall be parliamentary Sectoral Committees established by the National Assembly with responsibility for the scrutiny of all areas of Government policy and administration including (i) natural resources, (ii) economic services, (iii) foreign relations and (iv) social services.*

Mr Speaker, there has been and there continues to be intense advocacy in Guyana for a model of governance that is inclusive and increasingly participatory. Ideas for more participatory democracy dominated the constitutional discussions and dialogue that occurred between 1993 and 1997, and again between 1997 and 2001. These ideas found favour in the dialogue between various stake holders in the parliamentary political parties and many of them have become enshrined in our Constitution. The provisions already enshrined create a milieu for greater participation. It is important that we transform or translate some of the provisions in the Constitution into enabling mechanisms. The Motion introduced this afternoon does just that, it now enables us to give life to the intention of the Constitution by establishing these Sectoral Committees which will join other standing committees of the Parliament. A number of provisions are made. The Motion has been circulated and all the details are included in the circulated Motion.

Mr Speaker, upon passage of this Motion we will very rapidly have added more to the inclusiveness of our society. The Hon Member Lance Carberry today, in supporting a previous Motion mentioned some of the provisions we have made already. The Appointment Committee will have its first meeting today. The Management Committee has already begun to work. We have just concluded on the passage of the Consensual Mechanism and now we are onto the Sectoral Committees which will provide enormous and vast opportunities for all Members of this House to participate. As the Minister of Parliamentary Affairs just said, one by one, step by step, we are creating a Constitution that is one of the most advanced in the region. We must now give live to that. And I ask all Members of the National Assembly to support the Motion.

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Thank you very much.

**The Speaker:** The Motion is proposed Honourable Members.

Hon Member Mr Deryck Bernard.

**Mr Deryck M. A. Bernard:** Thank you very much, Mr Speaker. I rise to speak in support of the Motion putting in place Parliamentary Sectoral committees.

At the very beginning of my presentation, Mr Speaker, I wish to record the contribution of many institutions and persons who have contributed to the progress we have made in this country in reforming and opening up our system of governance. I beg your leave, Sir, to mention the Speaker in his capacity as Chairman of the Constitutional Reform Commission where your vision and wisdom helped to create the environment where these ideas could be debated, and where despite the many problems that we have in this country we were able to see that there were alternative ways of dealing with the issues.

I also wish in the same spirit to mention the contributions of the Honourable Minister of Parliamentary Affairs in his capacity as Leader of the Government Delegation in that debate. Sometimes he took a lot of convincing but once the arguments were made he accepted the consensus. His attitude and vision has helped to bring us to this point.

I also wish to mention for the sake of the record, Mr Speaker, one other important member of that process, the then Secretary of the Constitutional Reform Commission, former Deputy Prime Minister, Mr Haslyn Parris, who, again, was an important part of that process, and also, of course, supporting the parliamentary discussions and supervision which went on to bring these ideas to this place. I believe that as a country we, very often, are happy to remember bad news and difficulties, but I think we, also as a country, should be able to commend those people who have made substantial contributions in taking the country forward.

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The debate in the Constitutional Reform Commission and in the Parliamentary consideration of constitutional reform had as an important part of it a discussion on the very basic nature of governance, whether for a country such as Guyana it was important to have a strong executive system or to experiment with a more consensual kind of mechanism. There are arguments in favour of a strong executive system. There were people who argued that the nature of our development problems require strong, efficient, effective executive. There are some people who argue that the very potentially divisive nature of our society requires a strong executive style of governance; that there is need for rapid response, a need to be able to deal with problems quickly. But, by and large, Mr Speaker, we have learnt in underdeveloped countries that highly centralised systems do not usually deliver. The problems of divisiveness are not made better by strong executive and a centralised government. Rapid implementation of the wrong policies leaves us no better off than we were at the beginning of our problems. And the problems of exclusion, marginalisation or more usually perceptions of exclusion and marginalisation defeat all of the good intentions we have and the great policies that governments and parliaments bring to the table. Even in those countries where such models of centralised governments have been recognised to be successful people are now recognising that an opening up of the system to create more consensual mechanisms is appropriate. And we in the Peoples National Congress/Reform are convinced that whatever might have been our views, whatever might have been the practice in Guyana, on either side of the House, that a more consensual state, a more consensual mechanism for making decisions and for managing the country is not only appropriate and necessary but, in our view, inescapable. What this change does is to bring active scrutiny and oversight of the work of government. It will allow for members of parliament, and Members of Parliament on behalf of stakeholder institutions and stakeholding individuals to ask questions, to probe, to question policy, to question action, to bring problems to light before they become disasters, to create ownership of the development strategies that we need to have to take our country forward. It will create greater public consciousness of policy choices. It will help to create greater



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public ownership of important decisions in important sectors and it can create a greater sense of accountability in both the operations of governments and, for that matter, in the operations of Opposition parties.

We should not however, Mr Speaker, assume that merely by creating these committees that we solve our problems. We need to be very careful. First of all we need to take very seriously the point raised by the Honourable Chief Whip that the institutional and secretarial support for this parliament, as it expands its responsibility, is vital to the success of what we want to do.

Secondly, we need to understand, Mr Speaker, that parliamentary scrutiny and oversight of natural resources, economic services, foreign relations and social services, are not parliamentary executive operations. The parliament is not running the country. The Parliament is not intended to run the country and, therefore, we must recognise the limit of oversight.

Thirdly, we need to recognise that these changes will increase the need for accountability in the governing sector. It will, for obvious reasons create earlier warnings and earlier notice of difficulties. It will cause more difficult questions to be answered. Very often the whole structure of decision making in some sectors will have to take account of public airing of views and questioning of policies. But, we should take comfort from the fact, Mr Speaker, that those countries that have experimented with similar models have found that, generally speaking, the time spent, the delays in consensual debate of policies in Parliament and in Committees of Parliament, the energy spent in scrutiny is energy, and time, well spent and it is better for us to have consensual ownership of policies than to be efficient in putting in unpopular or unworkable policies and systems. The success of these committees will therefore depend, Mr Speaker on conscious changes in our political culture. It will mean that for those people who have the responsibility of execution that they have become more tolerant than has been the practice in the past, and for those of us who have been given the constitutional responsibility of asking the questions and criticising, that our criticisms must be even more constructive than may have been our approach in the past.



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Mr Speaker, I think we must also recognise that there are institutions not represented in the Parliament, which also stand to gain from these changes, and whose support for the changes will be necessary. I want to highlight in particular the public media which have a responsibility to keep the work of the committees in the public eye. Because if the work of the committees are not reported, and if people in the country are not aware of what is being revealed and what is being discussed and debated in a certain sense the effectiveness of the parliamentary committees will be limited.

I also want to refer to various social partners, many of whom may find that a more appropriate way of bringing their contributions to policy making may be through the work of committees where it may be possible for them to get their ideas into the governmental system or into the parliamentary system than through advocacy outside.

Finally, Mr Speaker, I want to suggest that these committees and the way in which they are being structured represent an innovation which, if we work them properly, and if we are conscientious and sincere, will not only redound to the benefit of the country but also will, in fact, represent a contribution that Guyana is making to the re-conceptualisation of governance in this region.

And finally, to issue a warning that we need to ensure that we make the system work — It would be a tragedy if we would have created such an important and effective innovation and allow it to suffer and die from lack of enthusiasm and sincerity.

Thank you Mr Speaker. *[Applause]*

**The Speaker:** Thank you very much Mr Bernard.

Hon Minister of Parliamentary Affairs.

**Hon Reepu Daman Persaud:** Mr Speaker, I wish to categorically state that the PPP/C Government is not at all repulsive to constructive criticism. Not only are we not repulsive, but also we are ready and

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willing to answer queries and to ensure that the Government functions in a way and a manner that brings good to all the people of this country.

We have entered, Mr Speaker, a new parliamentary era. It looks to me, frankly speaking, that we are at a new beginning and I would wish that the thoughts and sentiments expressed here be translated unequivocally into deeds and actions. If all of us live up to the promises and undertakings which we give surely Guyana will make tremendous strides and the people of this country will feel more secured and comforted.

Our support to this measure is not confined to this day. It dates back to the constitutional reform. The advances we have made, the changes we have made, those articles which were considered repulsive have been thrown out and we have supported that.

I want to give the assurance that the Government has absolutely no reluctance to withstand the test of scrutiny and examination. We have shown that to the country. We have always done that and we will always do that for a better Guyana and for a happier people.

Thank you very much. *[Applause]*

**The Speaker:** Thank you Honourable Member.

Honourable Minister of Health.

**Hon Dr Leslie Ramsammy:** Mr Speaker, I would like to first of all thank the Hon Deryck Bernard for his presentation which captures the essence of this Motion. Also I would like to reiterate our gratitude to all the persons that he mentioned. There are many, many people that we are not naming, not just Members of this National Assembly but many people outside of this National Assembly, many Organisations that submitted their ideas, many individuals that submitted their ideas over the last decade. Many of these ideas are now enshrined in our Constitution and are enabling legislation in this Parliament. So I would like to express our gratitude to these individuals and groups. I would like therefore to thank everyone for supporting this Motion.

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Thank you.

***Put and adopted.***

## **PUBLIC BUSINESS**

Bills - Second Reading

**ITEM 1 - CONSTITUTION (AMENDMENT) BILL 2003 - Bill No. 4/2003 published on 2003-05-08**

*A BILL intituled AN ACT to alter the Constitution in accordance with Articles 66 and 164.*

**The Speaker:** Hon Attorney General and Minister of Legal Affairs.

**Hon Doodnauth Singh:** May it please you, Mr Speaker, I beg to move that the Constitution Amendment Bill No.4/2003 be now read a second time.

Mr Speaker, Title 6A of the Constitution provides in Article 197(a) for defence and security. That Article has a number of Sub-articles and Sub-article 5 states as follows:

*Disciplined Forces Commission may be constituted by the National Assembly from time to time as may be necessary with power to examine...*

And there now follows an insertion thereafter, of the following words:

*Any matter relating to the public welfare, public safety, public order, defence or security.*

Mr Speaker, there follows two additional Sub-articles, Sub-articles 6 and 7. Those articles state that the powers of the Commission of Enquiry Act ought to be applicable to the Commission. In the Explanatory Memorandum it is stated that the insertion of Paragraphs 6 and 7 provides that where the National Assembly constitutes a Disciplined Force

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Commission, that Commission shall have the necessary powers under the Commissions of Enquiry Act Chapter 19:03. The powers include the power to regulate its own procedure, to summon and examine witnesses, to prosecute a person for giving false evidence and to contumacy and insult to or interruption of the proceedings of the Commission.

Mr Speaker, the requirement for an amendment to the Constitution is provided in Articles 66 and 164. This amendment comes to the House because of a consensual agreement between both sides of the House that this is necessary. In the circumstances, Mr Speaker, I commend the amendment to the House.

**The Speaker:** Thank you Honourable Member.

Hon Member Mr Winston Murray.

**Mr Winston S. Murray:** Thank you very much, Mr Speaker. I rise on behalf of the People's National Congress Reform to support this Bill No. 4/2003 seeking to amend the Constitution of Guyana.

Sir, on the 6<sup>th</sup> May, 2003 His Excellency the President, Mr Bharrat Jagdeo, and the Leader of the Opposition, Mr Robert Corbin, signed a Communique which at Point No. 5 said as follows:

*A Disciplined Services Commission will be constituted in accordance with the agreed amendment to Article 197(a) of the Constitution and taking account of the requirements of the existing Article 197(a)(5) of the Constitution.*

We are pleased, therefore, to speak in support of the Bill that is formally before us to give effect to that agreement signed or entered into between His Excellency the President and the Leader of the Opposition.

Sir, it is well known that the PNC/R has for a long time been seeking to have a public inquiry, a Commission of Inquiry into the workings and operations of the Guyana Police Force. We, Sir, initially, wanted to

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have such an inquiry under the Commissions of Inquiry Act. But we listened to proposals that such a Commission could properly and adequately be accommodated by an amendment to the existing constitutional provision which makes allowance for commissions, or to put it in the words of the Constitution itself - Disciplined Forces Commission. And, Sir, we were very quickly endeared to that approach, and, with your indulgence, would like to explain the reason why we embrace this approach.

First of all, Sir, as the distinguished Attorney General read, Article 197(a)(5) of the Constitution by this amendment would include a power given to Disciplined Forces Commissions to examine any matter relating to the public welfare, defence and security. Those are the elements added to the existing provision of the Constitution. And we believe, Sir, that by that amendment there will be ample room to achieve the things that are set out in the terms of reference for the Disciplined Forces Commission which will come before this Assembly subsequent to this occasion for its consideration and approval.

We were further endeared, however, Sir, to this approach because of the fact that we are aware that the issue of the composition of the Disciplined Forces has always been something that we wanted to pursue. Governments under the PNC and under the PPP/C have indeed grappled with this issue and we are pleased to be associated with a Commission that will have an opportunity to be properly constituted, as we believe this one will be, to review the structure of the Disciplined Forces and to make recommendations for it to be a properly constituted body taking account of the ethnic composition of our country.

The third reason, Sir, why we were endeared to this approach is that as the Constitution itself says these Commissions are constituted by the National Assembly. And I think, Sir, that in the spirit of recent developments it is accepted on all sides that there should be a more central role - not an executive role as my colleague, Mr Bernard, was very careful to mention - but a greater oversight role of the National Assembly in the affairs of governance of our country. And this commission

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taken out, or apart from the Commissions of Inquiry Act and placed within the framework of the Constitution allows the National Assembly to play this oversight role.

Sir, it is our fervent hope that at the end of the day when the Commission shall have sat and shall have made its recommendations, those recommendations will, in fact, come back to the National Assembly and at that point will come the test because it is then that together we will have to find a way for adopting those recommendations that we think ought to be adopted so that our country can move forward. We on this side, Sir, stand ready to the task.

With those words I commend the second reading of the Bill and support it fully on behalf of the PNC/R.

**The Speaker:** Thank you Honourable Member.

Hon Member Mrs Sheila Holder.

**Mrs Sheila Holder:** Mr Speaker, this Bill proposing to amend Article 197(a) of the Constitution to provide for the widening of the scope for inquiries to be made into the Disciplined Forces reveals a great deal even as it seeks to satisfy a political need as well as a national security need to return our country to some level of good order that we once enjoyed.

This Bill, Mr Speaker, by its presence also reveals to some extent, I believe, hesitancy on the part of the Government to grapple single-handedly with the intrinsic problems plaguing the Guyana Police Force. The parliamentary opposition's demand for the appointment of a Commission of Inquiry into the Guyana Police Force could have been accomplished a long time ago had the Government, or indeed the President invoked his authority under the Commissions of Inquiry Act that provides for enquiries to be made into the Guyana Police Force. Had this been done we could have been, quite possibly, well on our way to taking remedial action to curtail the rapid decline of the Guyana Police Force. Therefore, we could conclude that failure to exercise timely

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authority in these circumstances has allowed fundamental problems within the Guyana Police Force to worsen; has led to eroding even further public confidence in the Force and a state of policing that leaves a lot to be desired in our country today. This situation defies logic and cries out for an explanation from the Attorney General and Minister of Legal Affairs whose expertise in the legal arena would then become more apparent to this House. However, by amending Paragraph 5 of Article 197(a) a Disciplined Forces Commission would be given the additional power to enquire into areas essentially of major public concern at the moment, such as matter relating to the public's welfare, the public's safety, defence and public order. We welcome the amendments contained in this Bill and do so readily on behalf of a traumatised and police-weary public as well as on behalf of those members of the Guyana Police Force whose pride and faith in their institution have fallen prey to a plethora of misdeeds and deleterious commentaries, weak and ineffective leadership over the years. In so doing GAP/WPA urges that Article 197(a) Section 2; in particular, be given prominence in these times when public officials seem bent on violating its guiding principles that place an obligation on our security forces to be subject to a national defence and security policy while owing allegiance not to the political directorate but to the Constitution of Guyana.

Thank you.

**The Speaker:** Thank you Honourable Member.

Hon Member Mr Ravindra Dev.

Honourable Members we ought to bear in mind that the Motion for the terms of reference of the Disciplined Forces Commission which is listed for today is going to be dealt with tomorrow, I understand. Thank you.

Proceed Honourable Member

**Mr Ravindra Dev:** Yes, Mr Speaker, and in fact I want to make mention of that and I rise to speak specifically on the Bill in front of the



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House as to the amendment of Article 197(a) Section 5 to expand its mandate for the Disciplined Forces Commission, I quote:

To examine any matter relating to the public welfare, defence and security.

By this expansion of the powers of the Disciplined Forces Commission we would be able to deal with problems that are in front of this country at this time, that are in urgent need of such attention. Therefore, ROAR has no hesitation in supporting this expansion of the powers of the Disciplined Forces Commission.

Thank you.

**The Speaker:** Thank you Honourable Member.

Hon Attorney General and Minister of Legal Affairs.

**Hon Mr Doodnauth Singh:** Mr Speaker, as I mentioned in presenting the second reading of this Bill, this was an agreed state of affairs between the PNC/R and the Government. And the amendments that have been placed in this Bill are as a result of that consensual position. The question of the Attorney General's view is not of importance in that way.

With respect to the amendment that is being sought to Section 2,

*... the defence and security Forces shall be subordinate to national defence and security policy and owe allegiance to the Constitution and to the Nation. The oath taken by members of the defence and security forces shall establish their duty to respect the Constitution.*

As I understand that provision the allegiance is to the Constitution and I, with the greatest respect to Mrs Holder, don't see why there should be any amendment to Section 2.

**The Speaker:** Thank you Honourable Member.



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Bill read the Second Time.

### **IN COMMITTEE**

**The Chairman:** Hon Attorney General, are the amendments separate or are they contained in the Bill?

**Hon Doodnauth Singh:** They are already in the Bill.

**The Chairman:** So there are no amendments to the Bill.

**Hon Doodnauth Singh:** No, Sir.

Clause 1

Clause 1 as printed, agreed to and ordered to stand part of the Bill.

Clause 2

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

**The Chairman:** Is there a Clause 3, Hon Attorney General? There appears to be a misprint.

**Hon Doodnauth Singh:** I see, Sir, that there is Clause 1 and there is Clause 2 which is subdivided. So it is really two clauses.

### **ASSEMBLY RESUMED**

**Bill reported without amendments, read a Third Time and passed as printed.**

**ITEM 2 - KIDNAPPING BILL 2002 - Bill No. 15/2002 published 2002-12-05**

**The Speaker:** Hon Minister of Parliamentary Affairs I understand that the next item on the Order Paper is to be deferred.

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**Mrs Deborah J. Backer:** Mr Speaker, the Kidnapping Bill is set for debate this afternoon but I would like to report to the Honourable House that the PNC/Reform while supporting the Bill in principle had indicated to the Government side of the House that there were some amendments that we felt necessary to, in fact, strengthen the Bill and to make the Bill unambiguous. I am pleased to inform the House that in the new spirit of cooperation that there are some amendments that are now currently under review and as such we are asking that the Bill be deferred to a later date.

**The Speaker:** Thank you Honourable Member.

**Hon J. Ronald Gajraj:** May it please you, Mr Speaker, I concur with what the Hon Member Mrs Backer has reported. We did have some discussions and as you observed very early in this afternoon's sitting there were some circumstances beyond our control and we are not able to be quite ready with the Bill for today. However, we are hoping, subject to the sitting of Parliament, for it to be on Monday as a peremptory item on the agenda.

**The Speaker:** I am well aware of the fact that peremptory applies to court hearings. They don't normally apply to our Parliament.

**Hon J. Ronald Gajraj:** Well, a peremptory Agenda item, Sir, not the sitting.

**The Speaker:** Thank you Hon Minister.

*[Bill deferred]*

**RECOMMITTAL OF CONSTITUTION (AMENDMENT) BILL  
2003 Bill No 4/2003 published on 2003-05-08**

**Hon Reepu Daman Persaud:** Mr Speaker, with your permission I would like to move the re-commitment of the Constitutional Amendment Bill simply to take a division. It is always the best thing to have a division in a Constitutional Amendment Bill.

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I move the re-committal of the Bill and thereafter I shall call for a division with your kind permission.

*Put and agreed to.*

**Hon Reepu Daman Persaud:** I now call for a division.

**FOR**

Mr Dev

Mrs Sahoy-Shury

Mr Ramjattan

Mr Rajkumar

Miss Allen

Miss David

Mr Ally

Mrs Bancroft

Mr Kadir

Miss Nestor

Mr McAllister

Dr Norton

Miss Adams

Dr Joseph

Mr Alexander

Mr Trotman

**FOR**

Mr Mustapha

Mrs Melville

Mrs Holder

Mr Mohan

Mr Lumumba

Mrs Edwards

Mr DeSantos

Mrs Chandarpal

Mr Chand

Mr Alli

Mr Belgrave

Mr Mohamed

Dr Ramsammy

Miss Shadick

Mr Xavier

Dr Westford

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Mr Bernard	Mr Collymore
Mrs Backer	Dr Bisnauth
Mr Carberry	Mr Gajraj
Mrs Riehl	Mr Chandarpal
Mr Murray	Mr Baksh
Dr Jeffrey	Miss Teixeira
Mr Nokta	Mr Persaud

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**The Speaker:** Barely two-thirds. I declare that the Bill has been passed.

#### **ASSEMBLY RESUMED**

**The Speaker:** Hon Minister of Parliamentary Affairs.

**Hon Reepu Daman Persaud:** Mr Speaker, I wish to move the adjournment for tomorrow but in so doing I want to remind Honourable Members that we will deal with the Fiftieth Anniversary of the First Sitting of the House and The Terms of Reference for the Disciplined Forces Commission. Those are the two items listed for tomorrow.

I now formally move that the National Assembly stands adjourned to tomorrow at 14:00 H.

**The Speaker:** The National Assembly now stands adjourned to tomorrow at 14:00 H..

Thank you.

*Adjourned Accordingly at 16:14 H*