

National Assembly Debates

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF
THE FIRST SESSION (1998-2000) OF THE SEVENTH PARLIAMENT
OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE
REPUBLIC OF GUYANA

62ND SITTING

14:03H

2001-02-13

MEMBERS OF THE NATIONAL ASSEMBLY (76)

Speaker (1)

The Hon. Winslow M. Zephyr, M.P. - Speaker of the National Assembly

Members of the Government - People's Progressive Party/Civic (46)

<i>The Hon. Samuel A.A. Hinds, M.P.</i>	- Prime Minister
<i>The Hon. Repu Daman Persaud, O.R., J.P., M.P.</i>	- Minister of Agriculture and Parliamentary Affairs
<i>The Hon. Clement J. Rohee, M.P.,</i>	- Minister of Foreign Affairs
* <i>The Hon. Charles R. Ramson, S.C., M.P.</i>	- Attorney General and Minister of Legal Affairs
* <i>The Hon. Rev. Dr. Ramnauth D.A. Bisnauth M.P.</i>	- Minister of Education
<i>The Hon. Indranie Chandarpal, M.P.</i>	- Minister of Human Services and Social Security
<i>The Hon. Clinton Collymore, M.P.</i>	- Minister in the Ministry of Local Government
<i>The Hon. F. Vibert De Souza, M.P.</i>	- Minister of Amerindian Affairs
* <i>The Hon. George E. Fung-On, M.P.</i>	- Minister of the Public Service
* <i>The Hon. Dr. Henry B. Jeffrey, M.P.</i>	- Minister of Health and Labour
<i>The Hon. Harripersaud Nokta, M.P.</i>	- Minister of Local Government (Absent)
* <i>The Hon. Satyadeow Sawh, M.P.</i>	- Minister of Livestock and Fisheries (Absent)
<i>The Hon. Gail Teixeira, M.P.</i>	- Minister of Culture, Youth and Sports
* <i>The Hon. C. Anthony Xavier, M.P.</i>	- Minister of Transport and Hydraulics
* <i>The Hon. Shaik K. Z. Baksh, M.P.</i>	- Minister of Housing and Water
* <i>The Hon. J. Ronald Gajraj, M.P.</i>	- Minister of Home Affairs (Absent)

* *Non-Elected Minister*

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- * *The Hon. Saisnarine Kowlessar, M.P.* - Minister in the Office of the President
with responsibility for Finance
- * *The Hon. Geoffrey Da Silva, M.P.* - Minister of Trade, Tourism and
Industry
- Mr S. Feroze Mohamed, M.P.* - Chief Whip
- Mr Cyril C. Belgrave, M.P.*
- Mr Donald Ramotar, M. P.*
- Mr Husman Alli, M.P.*
- Mr Komal Chand, C.C.H., J.P., M.P.*
- Mr Navindranauth O. Chandarpal, M.P.*
- Mr Bernard C. De Santos, S.C., M.P.*
- Mrs Shirley V. Edwards, J.P., M.P.*
- Mr Alston A. Kissoon, M.P.*
- Mr. Moti Lall, C.C.H., M.P.*
- Mr Odinga N. Lumumba, M. P.*
- The Hon. Moses V. Nagamootoo, J.P., M. P.*
- Mr Kemraj Ramjattan, M.P.*
- Mr Hari Narayen Ramkarran, S.C., M. P.*
- Dr Leslie S. Ramsamy, M. P.*
- Mr Lawrence E. Rodney, M. P.*
- Ms Philomena Sahoye-Shury, C.C.H., J.P., M.P.* - Parliamentary Secretary, Ministry
of Local Government
- Ms Pauline R. Sukhai, M.P.*
- Dr Bheri Ramsaran, M.P.*
- Mr Joseph M. De Souza, M. P.* - (Region No.1 - Barima/Waini)(Absent)
- Mr Heeralall Mohan, M. P.* - (Region No.2 - Pomeroon Supenaam)
- Mr Ramratan, M. P.* - (Region No.3 - Essequibo Islands/
West Demerara)
- Mr Geoffrey A. Fraser, M. P.* - (Region No.5 - Mahaica/Berbice)
- Mr Ramsundar Sankat, M.S., M.P.* - Region No.6 - East Berbice Corentyne)
- Mr Eustace S. Rodrigues, M.S., M.P.* - (National Congress of Local Democratic
Organs) (Absent)
- Mr Kumkaran Ramdas, M.P.* - (National Congress of Local Democratic
Organs)
- (There is one vacancy)**

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Members of the Opposition (29)

(i) People's National Congress (25)

Mr H. Desmond Hoyte, S.C., M.P.
Mr Winston S. Murray, C.C.H., M.P.
Mr Dunstan Barrow, M.P. - Chief Whip - (Absent)
Ms Clarissa S. Riehl, M.P. - Deputy Speaker of the National Assembly
Mr E. Lance Carberry, M.P.
Dr Faith A. Harding, M.P. - (Absent - on leave)
Mr Ivor Allen, M.P.
Mr Kadim A. Khan, M.P.
Miss Jean M. G. Persico, A.A., M.P.
Ms Cyrilda A. DeJesus, M.P.
Mr Andy Gouveia, M.P.
Ms Deborah J. Backer, M.P.
Mr John S. DeFreitas, M.P.
Mr Raphael G.C. Trotman, M.P. - (Absent)
Dr Dagleish Joseph, M.D., M.P.
Ms Volda A. Lawrence, M.P.
Mr Joseph L. Hamilton, M.P. - (Region No. 4 - Demerara/Mahaica)
Mr Sherwood A. J. Lowe, M.P. - (Absent)
Mr Andrew Hicks, M.P.
Mr Neaz Subhan, M.P. - (Absent on Leave)
Mr Colin Bynoe, M.P.
Ms Sandra M. Adams, M.P. - (Region No.10 - Upper Demerara/
Berbice)
Mr Kelly Andres, M.P. - (Region No.7 - Cuyuni/Mazaruni)
Mr Thakechand Ramnauth, M.P.
Mr Aubrey C. Norton, M.P.

(ii) The United Force (2)

Mr Manzoor Nadir, M.P.
Mr Matthew R. Charlie, M.P. - (Region No.9 - Upper Takutu
UpperEssequibo) - (Absent)

(iii) Alliance for Guyana (2)

Dr Rupert Roopnarine, M.P.
Mr Albertino Peters, M.P. - (Region No. 8 - Pataro/Siparuni)
(Absent)

OFFICERS

Mr Frank A. Narain, C.C.H., Clerk of the National Assembly
Mr Sherlock E. Isaacs, Deputy Clerk of the National Assembly

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The Clerk read the Prayer

Announcements

The Speaker: Honourable Members I have received a Proclamation by His Excellency the President on February 8, 2001, which I will read now, for the record.

Proclamation No. V/2001 by the President to the Co-operative Republic of Guyana.

Whereas a session of the Seventh Parliament of Guyana was summoned by Parliament dated February 16, 1998 to be held on February 26, 1998, and whereas it is provided by Article 70 (2) of the Constitution that the President may at any, time by proclamation, dissolve Parliament.

And whereas by Section 9 of the Representation of the People Act, Chapter 103, the Elections Commission shall by notice published in the Official Gazette appoint a day, not later than the 32nd day before election's day, on which lists of candidates may be submitted to the Chief Election officer.

And whereas in pursuance of the Order of the Supreme Court of Judicature in Action No. 36P of 1998, entered on February 2, 2001, Parliament shall stand dissolved by nomination day.

Now therefore in exercise of the power conferred upon me by the aforesaid Article, I do hereby dissolve the Seventh Parliament of Guyana on February 15, 2001 or such other date that may be directed by the Order of Court, whichever is the later.

Given under my hand and the seal of Guyana at the Of-

Office of the President, Georgetown, Guyana this day February 8, 2001 in the 31st year of the Republic by the President's command. Signed J Webster, Head of the Presidential Secretariat, Acting.

Honourable Members, on January 4, 2001 the Constitution Amendment No. 5 Bill 2000 was passed by the National Assembly. The Bill was submitted on January 25, 2001 to the President for his assent. The President was approached by the religious community about their concern over the inclusion of 'sexual orientation' as a fundamental right in the Bill, and he has declined to assent to the Bill. One of the concerns of the religious communities is being dealt with. After discussion with the religious community and the parliamentary political parties it was agreed to send the Bill back to the National Assembly for further parliamentary considerations.

I, accordingly, inform you of His Excellency's withholding his assent and the return of the Bill for further parliamentary consideration.

Honourable Members I report that a copy of the judgment delivered on January 15, 2001 and consequential orders made by the Honourable Justice Claudette Singh on January 26, 2001 and entered on February 2, 2001 was received from the High Court on February 12, 2001.

In the judgment the Honourable Justice Claudette Singh stated that the Court found no evidence of any corruption or illegal practice [*Interruption . . . 'Order. Hon Mr Hoyte, please, please, please let me read on.'*] committed during the 1997 Elections. [*Interruption . . . 'All right. Order, please! May I finish. Order please.'*] As required by Section 35 of the National Assembly Validity of Elections Act, Chapter 1:04 of the laws of Guyana, I hereby submit the report to the National Assembly.

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Copies of the judgment and also the consequential orders have been reproduced and will be circulated to Members of the National Assembly.

The Clerk: Questions to Ministers.

Statements by Ministers

Personal Explanations

Request for Leave to Move the Adjournment of the Assembly on Definite Matters of Urgent Public Importance.

Motions relating to the Business or Sitting of the Assembly and moved by a Minister.

The Speaker: The Hon Minister of Agriculture and Parliamentary Affairs.

Hon Reepu Daman Persaud: Mr Speaker I wish to move the Motion standing in my name.

Be it resolved that Standing Order No. 46 (2) and (3) be suspended to enable the Assembly to proceed at a sitting on Tuesday, February 13, 2001, today, with the second and remaining stage of the following Bills:

Representation of the People Amendment Bill 2001, Bill No. 1/2001

Constitution Amendment Bill No. 1 Bill 2001, Bill No. 2/2001

Constitution Amendment Bill No. 2 Bill 2001, Bill No. 3/2001

Constitution Amendment Bill No. 3 Bill 2001, *Bill No. 4/2001*

I now move the Motion.

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The Speaker: I will now put the Motion. Those in favour say Aye, those against No.

Members of Parliament: Aye.

The Speaker: The Ayes have it. The Motion is carried.

Introduction of Bills
(Presentation and First Reading)
Representation of the People
(Amendment) Bill 2000 - Bill No. 1
2001

The Speaker: The Honourable Minister of Agriculture and Parliamentary Affairs.

Hon Reepu Daman Persaud: I wish to introduce a Bill to Intitule an Act to amend the Representation of the People Act, and propose that it be read a first time.

The Speaker: Let the Bill be read a first time.

The Clerk: Representation of the People Amendment Bill 2001.

Constitution (Amendment) (No. 1) Bill
2001 - Bill No. 2/2001

The Speaker: The Honourable Minister.

Hon Reepu Daman Persaud: Item No. 2. I wish to move a Bill to Intitule an Act to alter the Constitution in accordance with Article 66 and 164, and move that it be read a first time.

The Speaker: Let the Bill be read the first time.

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The Clerk: Constitution Amendment No.1 Bill

**Constitution (Amendment)(No. 2) Bill
2001 - Bill No. 3/20001**

The Speaker: Honourable Minister.

Hon Reepu Daman Persaud: Mr Speaker, I wish to move a Bill to Intitule an act to alter the Constitution in accordance with Article 66 and 164, and move that it be read a first time.

The Speaker: Let the Bill be read a first time.

The Clerk: Constitution Amendment No. 2 Bill 2001.

**Constitution (Amendment) (No. 3)
Bill 2001 - 4/2001**

The Speaker: Honourable Minister.

Hon Reepu Daman Persaud: Mr Speaker, I wish to move a Bill to Intitule an Act to alter the Constitution in accordance with Article 66 and 164, and move that this Bill be read a first time.

The Speaker: Let the Bill be read a first time.

The Clerk: Constitution Amendment No. 3 Bill 2001.

**PUBLIC BUSINESS
BILLS
(Second Reading, Committee and
Third Reading)
1. Representation of the People
(Amendment) Bill 200 - Bill No. 1/2001**

The Speaker: Honourable Minister.

Hon Reepu Daman Persaud: Mr Speaker, Bill No. 1/2001 has basically four aspects as outlined in the Explanatory Note. The first one deals with the eventuality on a final count of the votes, where the votes for a seat in a geographical constituency are less than that required for a seat with respect to the National Top-Up List.

Following the amendment of Article 160 of the Constitution to provide for geographical constituencies, the Representation of the People Act was amended to provide for twenty-five geographical seats and forty Top-Up seats in the National Assembly. This Act fixes the total number of seats in the Assembly at sixty-five, and sets a method by which the forty Top-Up seats would be distributed to the parties. This method requires that a calculation be made to distribute a total of sixty-five seats in proportion to the number of votes received by each party on the basis of absolute proportionality. Because to win a seat in some geographical constituencies with a relatively small number of votes, it is possible that a given party can obtain more seats at the geographical level than it is entitled to, in the allocation of seats in this National Assembly as a whole. The phrase is referred to as the 'overhang seats'.

For example, if party X obtains three geographical seats it is entitled to only two seats over all. There is one overhang seat. In such a situation the other parties will obtain twenty-two geographical seats and will be entitled to sixty-three seats over all, i.e. the

parties put together. The number of Top-Up seats would be forty-one, but the total number of seats in Parliament would be sixty-five. Therefore, one seat will be short, to put it simply.

In order to solve this, which can be described as an anomaly, this Act which has a proviso, gives the Elections Commission the authority to deal with that. There might not be a need for any Top-Up seats or there might be a need for one or two, possibly a maximum of three. This Bill therefore, seeks to deal with that. It came from the Elections Commission and it was discussed with the two major political parties. The system only provides for forty Top-Up seats. That is an important statement. There is need to amend the Act to provide for such an eventuality if it occurs. The proposal before us allows the total number of seats in the Assembly to be extended so that the Top Up Seats can be extended to correct the problem posed by the overhang seats. That deals with one aspect of the Bill.

The second aspect, Mr Speaker, is simple. The representatives and deputy representatives of the list can be the same two persons in the National Top-Up List, in the Geographical List and in the Regional List. So that if A and B are named for the National, the same two persons could be named throughout the electoral process, National Top-Up, Geographical and Regional.

The third is for the votes of non-residents and the Disciplined Forces to be counted at one or two polling stations in each polling district.

The fourth, Mr Speaker, is to remove reference whereby votes of the Disciplined Forces may be identified by their being stamped.

I will quote the words of the law prior to this amendment:

The paper shall be stamped by the Chief Election Officer with the words 'disciplined forces'.

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That is now being removed so that there is no identification. I think that is what it should really be.

In simple terms that explains this Bill and I am sure that it will receive the unanimous support of all Honourable Members. [*Applause*]

The Speaker: I propose the question that the Bill be now read a second time.

Hon Member Mr Carberry.

Mr E Lance Carberry: Thank you Mr Speaker.

Mr Speaker, on behalf of the PNC/Reform I rise to record our serious concern for the manner in which the Constitution amendments, which have all been agreed and approved by the parties for effecting a reformed Constitution, are being brought to this National Assembly.

Mr Speaker, as you are aware, the elections on March 19, 2001 should be held under a reformed Constitution as prescribed by the Herdmanston Accord. Mr Speaker, it must be recorded that at the level of the Joint Management Committee, comprising representatives of the PPP/C and the PNC/Reform, all the Constitution amendments recommended by the Constitution Reform Commission were proposed, agreed and drafted by the Oversight Committee. These were unanimously approved by this National Assembly and were ready to be tabled before the end of December, 2000.

Mr Speaker, I want to emphasize that contrary to the deliberately contrived propaganda, at no time has the PNC/Reform been responsible for any delays in the availability and tabling of the agreed Constitution amendments. [*Applause*]

Mr Speaker, the PNC/Reform is satisfied that with good faith all the outstanding Constitution amendments should have been brought to this house for approval by February 15, 2001. In fact, the

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JMC agreed that the National Assembly would be convened on Tuesday and Wednesday, February 13 and 14, 2001 for the expressed purpose of the passage of all outstanding Constitution amendments. It is therefore a matter of great concern and disappointment that the PPP/Civic has failed to honour the agreement to table those Constitution amendments.

Mr Speaker, all parties have agreed and approved the Constitution amendments. It was agreed that their passage in the National Assembly would be expedited by the device of the suspension of Standing Order No. 46 (2) and (3). No amendments can now be entertained, Mr Speaker. The fact that all of the agreed and approved Constitution amendments have not yet been brought to this House is testimony to the bad faith and perfidy with which the PPP/C has sought to avoid their obligation to ensure that elections, on March 19, 2001, are held under a reformed Constitution.

Mr Speaker, I wish to remind this House that the Constitution amendments which should already have been tabled fall within the following groups:

Ethnic Relations Rule - Preamble.

The Economy.

Finance.

Judicature.

Parliamentary Standing Committee for Constitution Reform.

Parliamentary Sectorial Committee.

Parliamentary Standing Committee on Appointments.

National Security.

Local Government Appointive Commission.

Public Procurement Commission.

Rights Commission, including the Human Rights Commission.

Women and Gender Equality Commission.

Indigenous People's Commission.

Rights of the Child Commission, rights including fundamental rights.

Penalties for causing Ethnic or Racial Division.

Mr Speaker, it is noteworthy that the Constitution amendments to strengthen and give autonomy to the Office of the Auditor General, to ensure an independent judiciary, to ensure the transparency and integrity of the public procurement process, to enhance the functions and ensure the more effective functioning of the National Assembly, and to establish a parliamentary standing committee for Constitution reform to keep the Constitution under continual review are all still to be tabled.

Mr Speaker, with reference to the Bills being brought to the National Assembly today, it is noteworthy that the contents of Bill Nos. 1, 2 and 3 should already have been dealt with within the scope of the Election Laws Amendment Bill. That is Bill No. 12 of 2000.

The PNC/Reform is unwavering in its commitment to ensure that the vote of the Disciplined Services should remain secret.

Mr Speaker, it is a matter for shame and regret that the Government has not discharged its responsibility to mount a public education programme to ensure that all Guyanese citizens are informed and educated on the Constitution reform process in general, and the specific amendments in particular.

Mr Speaker, it would be nothing less than the reinforcement of

the PPP/Cs bad faith if the Constitution amendments and subsidiary legislation, already passed, are not assented to.

Thank you Mr Speaker. *[Applause]*

The Speaker: Hon Member Mr Nadir.

Mr Manzoor Nadir: Mr Speaker, it is with the greatest sense of disappointment on the last day of my second term of this Parliament that I stand here because of this Bill that is presented before us.

Mr Speaker, as the Honourable Minister mentioned, this Bill has four parts. Every single one of them, in my estimation is repugnant. Mr Speaker, the primary task of the particular amendment before us is to use some mathematical gymnastics in the event that there is a skewness in the vote for the smaller region so that one party or the other can be re compensated.

So the brilliant minds that are, have sat and presented to the Nation, two days before nomination, another political system, two days before nomination. I do not know if the PNC/R is supporting this amendment or this Bill. I would be very disappointed if they do.

Mr Speaker, two days before nomination we are presenting the people of this Nation with a new electoral formula. We spent months in these chairs and worked on this system. We all understand what LRV means, Largest Remaining Votes, allocated according to the number of seats that are left. Someone I don't know who, but we know they are brilliant, and we can't dispute that, has come up with a system that now speaks of at least sixty-five seats and not setting a limit. This thing can go on like a recurring decimal.

What is worse we are now putting the onus for that on the Elections Commission. The Elections Commission is a body that referees the laws that will elect people to the National Assembly, not determine the number of seats. It referees the laws. Here we are going to put at the disposal of the Elections Commission a great

amount of discretion as to how many seats will be allocated in order to meet this formula which these brilliant minds have come up with.

Mr Speaker, I want to reiterate that we spent hours in this National Assembly, unto the last day, July 31, 2000 if I remember correctly, working on this system that the National Assembly shall have sixty-five seats.

Mr Speaker, in all the reasoning in the Task Force and back at the Committee level we recognized that the smaller areas, the smaller geographical regions would have a disproportion in its favour when the votes came. For this matter there was an entire debate. We went into a battle over the ones and the twos. We could not have allocated an extra seat for Region 9 or an extra seat for Region 8. But now, we're coming back, two days before nomination, and saying to the people we will give the Elections Commission the power to allocate an undetermined number of seats after the process is over. Well, I can't support that.

Mr Speaker, it has many ramifications. We have had the first election ever in this Nation's history declared null and void by the Court. *[Applause]* Mr Speaker, all of the parties, when we entered that Chamber on the first day agreed to accept the Judge's decision, and I so do. Mr Speaker, we are setting the stage once again for another Court battle. Maybe the two big powers that are rallying every day are not confident and they need a stopgap measure. Maybe they both need to hold back an ace at the expense of the people.

Mr Speaker, let me give you an example. Suppose now that Parliament ends up with sixty-eight seats. All the parties that are going to nomination on Thursday should have been able to extend their seats. The number of persons that are being put up on the list should be extended because Parliament will now have sixty-eight seats. And if Parliament has sixty-eight seats then the National quota for a seat will be reduced. It is going to be less than if Parliament was sixty-five. So we are going to run into problems. When are we

going to stop? At what point are we going to stop and say seventy seats maximum? This only speaks about a minimum of sixty-five seats. It does not set the outer limit and we know once you get into a recurring decimal the outer limits could be infinity.

Mr Speaker, we have worked hard in the Constitution Reform Commission to put up an electoral system, a one-stop system. This system is not going to be here for a next election, it will change. So we must leave those changes for when we will have to review that system. We must leave it for that. We must leave the seats in the National Assembly at sixty-five. We determined the rules under which Members will be elected, and we hand it over to an independent Elections Commission so that they can apply the rules in a fair manner.

Mr Speaker, this particular provision and the law and the clause that deals with the allocation of seats and setting of seats to at least sixty-five, I totally disapprove of it.

Mr Speaker, I come to one of the other aspects of the Bill which is an unnecessary inclusion. That is this big 'hallo ballu' that the representative and deputy representative on the list can serve as representatives of all the other lists. You didn't need this piece of paper or this clause in here for that. All you needed to do was to write it in the nomination forms. You don't need legislation for that.

Sometimes when you listen to the ordinary man you really have to sympathize with them because they pay us so much to do stupidity. Yes, the average salary of a parliamentarian is as much as a trained teacher. That's a lot.

Mr Speaker, we didn't need a Constitution amendment to tell a party that they can have Mr Martin Zephyr as a representative of the list, for the national, the regional and the geographical, across all ten regions and constituencies. You didn't need that. All you could have done was write it in the form. And the Legal Officer for the Elections Commission has done a very good job in making that form very

presentable. All we had to do was to fill in blanks. That's all we had to do.

Mr Speaker, the other aspect of the Bill that I abhor is this issue of not identifying whom the Disciplined Services voted for. We hear the pros and cons of the ballot of the security forces being kept secret and of it being mixed in with all the other ballots and counted in certain places. So what if we know that 99.999% of the security forces vote for the PNC? So what if 99.999% of Mocha Arcadia vote for the PNC? So what? So what if 90% of the people of Karasabai vote for the United Force? *[Laughter. . . Mr Speaker, those people will vote solid, trust me. You will see, like over the past forty years, The United Force will be right back here after March 19, 2001 in this National Assembly.]*

Mr Speaker, the one seat and the few seats saved the PNC in the 60s and it saved the PPP in the 90s. It is very important. It saved Panday five years ago and it almost toppled him this time. Be careful. Be very careful.

Mr Speaker, so what if we can identify for whom a particular community votes? It is the method of the leadership of this country to be able to deal, once you are in Government, with all those citizens of the country regardless of whom they voted for fairly. *[Applause]* I do not think we should single out the Disciplined Services when we know who the people of Chesney voted for. So what happens if the TUF is in power, wouldn't they look after the water in Chesney?

Mr Speaker, Martin Luther had a dream. Today is a national day in America, as Martin Luther King Day. The dream he had was realised after only one generation in some areas. In only one generation. Mr Speaker, ambition is made of dreams. Mr Speaker, I know Sir, you didn't even dream you would have been Speaker five years ago. *[Laughter]* Positive dreams of people, and in particular young people, will develop this country. Dreams give you hope they ener-

gize you to work to fulfill that dream. So those who sit in the back benches never dreamed they would speak in the National Assembly. They speak for themselves.

Mr Speaker, the Disciplined Services of this Nation should be treated like every other citizen, every other community. How they vote, so be it. So, Mr Speaker, this particular Bill before us comes into strong opposition from The United Force.

Clearly, the Government who is piloting this particular Bill doesn't have a direction in which it wants to go on the electoral system. They do not know where they want to go. They are not confident of what March 20, 2001 will bring. They are not confident.

Mr Speaker, I can say also for the other rallying party, here we have a piece of legislation that both of them sat in the Joint Management Committee and discussed. We heard a lot about this Joint Management Committee of Parliament. The tragedy of this Nation is the tragedy of the Joint Management Committee. The PPP and the PNC decide what is best for this Nation. One day soon things will change.

Mr Speaker, there was a young man who said to me one day, Mr Nadir you should do an ad like this, have some dog puppies when they are just born and divide them in two, one section you put PPP and the other section PNC, three weeks later you go back when their eyes are open and they will all become the United Force.
[Laughter]

Thank you.

The Speaker: Hon Member, Dr Roopnaraine.

Dr Rupert Roopnaraine: Thank you, Mr Speaker.

Mr Speaker, it is not often that I find myself disagreeing, as

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much as I do, with my friend the Hon Member, Mr Nadir. I do disagree with him about the content of this Bill. I happen to think that the proviso that is being proposed here today is, of course, something about which we had discussions before.

I was trying to remind the Honourable Member that during the Oversight Committee this idea was first noted when we were discussing the question of disproportionality and proportionality. It was felt even then that we should have put in that the Assembly should have at least sixty-five seats, the reason being, in order to deal with disproportionality. As I understand it, and I am no mathematician, disproportionality decreases as the divider becomes larger. This has made sense to me before and it makes sense to me now.

This proviso that is before us also, of course, is something which I believe the JMC had previously agreed on. I think they had agreed on it and there was an expectation, at least on oneside, that it would have come as part of the previous Election Bill. But my understanding is that there was, at the last moment, a disagreement, and it was not put. Apparently agreement has once more been found and it is here again today.

If we are talking about the electoral system which, we have agreed, has to be according to proportional representation, then I think we have to attempt to ensure that in the final composition of the House that we have eliminated as much disproportionality as we could possibly eliminate.

My own view is that had that proviso come to us during the very repetitious debate that we had about the smallest number of seats for the smallest constituencies, it might have saved us a great deal of time. Because, I believe that with this proviso we might have agreed that the smallest number did not have to be one. I think that the proviso answers many of the arguments that have been made by those opposing the number two, for Regions 8 and 9. I think the proviso answers a lot of those arguments on the question of

disproportionality.

On the other section of the Bill, I too believe that the representative and deputy representative of the Top-Up List serving as the representative and deputy representative of all the lists may not have, strictly speaking, required legislation. But I would say that our recent experience, and the experience in neighbouring Trinidad, not to mention the experience in far away Florida, have at least taught us that for the avoidance of doubt, we had better ensure that these things have statutory forms. And for that reason I do not in any way believe that this is, as my friend was suggesting, simply a piece of parliamentary redundancy. I think it is useful to have it. Because it is important that as we go forward, we go forward with a view to allaying the varied concerns that were raised in the past. And I again don't share the views of my friend the Hon Manzoor that these votes are like the votes of a village or of a section. They are not. Palpably the votes of the security forces - and remember that our sisters and brothers in the security forces come from all over the country and they belong to various electoral constituencies - I think that to have their votes known as members of the disciplined forces (no voters are simply being known as Guyanese electors) this is an undesirable thing, and it violates, to some extent, the secrecy of the ballot of that group of people. So for that reason I also support that section of the Bill.

Having said that Mr Speaker, I must join with those who have said that there is something terribly wrong with the way in which we have, in fact, arrived at this electoral system - virtually behind the backs of the electors. Up to this point the question of voter education for these electors who must go and cast their ballot in a few weeks time has been hopelessly inadequate.

I don't think any of us in here will quarrel with this fact. Far more needs to be done. There are many people who, frankly, are among the most sophisticated in the population, who are still puzzled as to what exactly are these constituency votes and how are

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they going to work. I know that the confusion, frankly, reaches right into the Elections Commission and the Elections Office. I had reason recently to make a certain correction after they had produced some material for education. I stumbled on this material, and it was, in fact, incorrect. So I want to join with those who are saying that here we are for the first time since independence embarking on a completely new electoral system which has its complexity. I believe that when voters listen to us here debating about the National Top-up list and the constituencies, and now the *proviso*, and questions of disproportionality, they might be excused for thinking they're listening to a Greek lesson. I think we need to ensure that the question of voter education is taken on board urgently and seriously, not only by the political parties, but by the Elections Commission and all civil society groups who are in a position to assist. Because without that, I think, we are putting the election in some jeopardy by disarming the electorate in relation to the things they need to know.

The other point I want to make is this. We have had, of course, lengthy debates on exactly what an element of constituency of geographical representatives was meant to mean. We have settled on the fact that the way in which it is going to work is that we are going to allocate 25 seats for the geographical constituencies. But I don't think that it is, in fact, properly understood that when the electorate goes to vote this time round, they are in fact voting for these constituency lists. And in fact I had made the point when the election Bill had come before us that largely because of the number of parties that at that time were threatening to be on the ballot paper we could not have afforded to do what ought to be done, which is, to put the names of the candidates of the constituencies on the ballot paper. If the reason that we insisted on geographical representation was to give flesh and blood to what was in effect a faceless and bloodless system, if we were attempting to do that, then I fear we have not gone far enough. Because I don't know how widely it is accepted that this time round when we go to vote we are not voting for National Top-Up List; we are voting for constituency candidates which are simultaneously votes for the party which will be applied in

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using the National Top-up list on the question of representation and proportionality. These things are not properly grasped. I think that we are all at fault and I am asking that those who are in a position to do so, and those who have a statutory duty to do so, should ensure that the question of voter education and the new electoral system, be taken seriously, be promulgated now as widely as we possibly can, to ensure that come March 19, the Guyanese people are confident in the system which they are using. I dare say that at the present time that confidence does not exist. I don't believe that is what any of the parties in this House would like to see happen and I am urging that we take all the necessary steps to correct this serious, you know, lacuna in our operations.

Mr Speaker, with those observations I rise in support of the legislation this afternoon.

Thank you. [Applause]

Mr Navin Chandarpal: Mr Speaker, I rise merely to offer an explanation in relation to the proviso, which seems to be a cause of concern in relation to the amendment that is proposed. The view by the Hon Member, Mr Nadir, that this can lead to an unending recurring situation cannot be so. What is provided for here is very specific. In fact, it is because it has been observed that the way the Representation of the People Act is worded it can lead to a problem in the distribution of seats so that this amendment is proposed. Unfortunately, the method by which the mixture of geographical seats and the Top-Up seats can be combined to give a fixed number requires some change from what is currently stated. Without the amendment, the Act states that you will first of all give those geographical seats. They are elected, you cannot deal with those. So 25 seats are catered for. The Act states that the number of seats will be 65, and provides therefore for 40 Top-Up seats. The Act goes further to say that in determining the number of Top-Up seats to each party that you calculate on the basis of 65 what each party would have obtained.

The example used by the Hon Member, Mr Reepu Daman Persaud, does show that there is a possibility that you can have the overhang seats, maybe 1, maybe 2. But once overhang seats occur there is nothing in the current Act that will allow for a correction. Because on the one hand it states that you will have to distribute the 65 in exact proportion to the number of votes received. So if one party, for the sake of argument, and the same example, does get 3 geographical seats but is only entitled to 2 in the question of proportion, it must be taking that one overhang seat at the cost of some one of the other parties. It is not left to the discretion of anyone as to who loses that seat. The requirement, the specification, is absolutely clear and therefore what would have occurred is that in the distribution of the 40 seats there was no way of resolving how you would give 41.

What this Act does is to recognize that the spirit of the constitutional amendment as well as what led to it, in terms of ensuring as strict or as close as possible adherence to proportionality, overall proportionality is maintained. But adding maybe 1 or 2 seats to take care of the overhang seats, there is, we must recognize this, there is still a degree of deviation from strict proportionality. Because if a party obtains 6 seats, or let's say 13 seats out of 65 and 1 seat is added and it gets 13 out of 66, it has in fact had its proportionality slightly reduced.

So we must recognize that even in this solution there is a slight deviation from strict proportionality and that is why the Hon Member, Mr Roopnaraine is not correct in saying that has this amendment come previously then whether you give 2 or 3 seats to regions would not have mattered. Because what we're seeing here, is the smaller the number of the overhang seats, the lesser will be the deviation from proportionality.

Therefore I would like to assure the Hon Member, Mr Nadir, that this is not an attempt to give the Elections Commission the power to allocate any number of seats, and how it wants. The provi-

sion in this amendment is very clear, it says that the number of geographical constituency seats already allocated to parties shall not be changed. In other words, it is protecting what any party, small or large, has already gained in the geographical constituencies. It protects that.

However, it has to correct the anomaly. So what it does is to say that the total number of the elected Members of the National Assembly shall be increased to accommodate the allocations of the number of non-geographical members, and no further calculation based on the increased size of the Assembly shall be done. In other words, it is not saying that you increase it by 1 to 66 and you then recalculate on the basis of 66. It keeps the calculation on 65 fixed. You have reached your limit, the only thing that varies is how many you have to add in order to facilitate what would have been lost through the overhang situation. And therefore, immediately after the Elections Commission finds that the number of seats obtained by parties at the geographical level is more than they are entitled to obtain on overall proportionality, the number of overhang will be determined. For all practical purposes, it is hardly likely that the overhang can exceed, possibly 2. It is very likely to be 1, and we are almost certain that there could be 1. The chances of 2 are also there depending on the peculiarities of what is done in certain regions. The outside chances of 3 or more, well, they are remote. However if this Assembly attempts to set a limit and say, okay this is only for 2 or for 3, then we would have to explain how we arrived at that, as well as, cater for all eventualities and all peculiarities of what takes place in each of the regions. That will be:

(1) a difficult task

(2) allow us to be victims of a situation that proves our limit to be wrong.

So, Mr Speaker, I think that we need to recognize that without this amendment we would be walking openly into a situation where

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we see a possibility of an error and we would not have been correcting it.

There were other possibilities on how to correct. One that was suggested is, stick to 65 but then keep changing the quota by which you distribute seats for the remainder. That would have been also rather complex. Therefore, I think Mr Speaker, we have obtained what is a solution that does not still maintain absolute proportionality but which comes close to ensuring, as the Constitution requires, that we be as close as possible to proportionality.

So I hope, Mr Speaker, that the Elections Commission would have its work clearly cut out for it, in that what is specified here, if approved, will give it the guidelines that are necessary.

Mr Speaker, the Hon Member, Mr Roopnaraine mentioned that the process can be quite complicated, and when new issues like these come in that voters' education priority becomes a necessity and more urgent. I agree with this, Mr Speaker. Matters like these we need to accept them at an Assembly without any division, so that we send a message to the electorate that this assembly is very clear on what we are sending out.

Then, Mr Speaker, in the same way as the Hon Member, Mr Nadir, did in this debate have his first rally, I would also say I will give the first lesson in voter education, which is very simple, to the electorate. Look for the Cup and put your X near to it.

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

Hon Reepu Daman Persaud: Mr Speaker, I want to state at the very outset that our involvement in the Constitutional Reform Process has been genuine, sincere and honest and that everything we did, we did unequivocally in good faith.

Constitution Reform can never be a process which must be done in a rush. Great errors can be made. If we enshrine provisions in the

Constitution with 2/3 votes you can tie this nation, this Assembly and the people of this country into serious trouble. We have not been drafting bills. We have not been entrusted with the drafting of the bills. What has been the process? [*Interruption . . . 'Comrade, I listened to you quietly.'*] What has been the process? There was the CRC which recommended in general terms, then the Special Select Committee on constitutional Reform, then the Oversight Committee. And generally speaking without any fear of contradictions, all these bodies made virtually general recommendations, some purely on principle. The drafting was another dimension and that was entrusted totally in the hands of the technically qualified, not us. I have experienced Bills coming and going and errors are found day after day and corrections effected. It would have been detrimental to push a process of Constitution Reform without thorough examination of all the provisions that are to be enshrined in the Constitution.

A new scenario emerged with the court proceedings, resulting in obvious delay. Because it was a fact that the PNC, just prior, and for a while during the court proceedings, stayed out. But my intention here this afternoon, Mr Speaker, is not to cast aspersions, but simply to deal with reality and with rationality. [*Interruption . . . 'When you become Speaker then you can say that. There are Members of this House who have been saying very loudly that they don't believe that a process of this kind should be rushed through without proper examination.'*]

As the Bills came and as they were read, and as they were scrutinized to the best of those mandated to do that, they were brought to the National Assembly. Is it not true that the presidential power was curtailed? The Ethnicity Bill was brought. At the moment, there is the Local Government, the National Security, the Penalties of the Ethnic Relations. So quite a number of Bills were brought. But most important is clipping of the powers of the presidency. This government stood up and swore to that Bill while we have got the Presidency in the country. We didn't hold on to power. Where is the evidence of bad faith? Where can there be evidence or any sugges-

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tion of bad faith? *[Applause]* This charge of bad faith is made in bad faith.

Mr Speaker, we have worked hard inside and outside of this Parliament. We sat together for long hours and worked tirelessly and nothing is cast in stone. What we must do now is to sit againtogether and talk and see what should be the next step to take. I say that for now. But Mr Speaker, I have been a virtual messenger in this process. I had the honour on so many occasions to speak on behalf of both sides of this House and that was evidence of agreement and good faith; that was testimony of good faith. In the process there were compromises at all levels. In all instances the PPP/Civic was always reasonable and we will not cease being reasonable. We will not cease promoting a programme of understanding, of unity, of togetherness and exchanges in the form of dialogue and other such mechanisms.

The present Bill, Mr Speaker, came from the Elections Commission. I'll read from the letter:

The Guyana Elections Commission at its meeting on 4th January 2001, decided to recommend that amendments be enacted by Parliament as early as possible to facilitate the conduct of the poll at the forthcoming general and regional elections scheduled for March 19, 2001.

The proposed amendments are self explanatory. They sent it to me and as a good messenger, I sent it to the Parliamentary Office. This information and material form the basin of the crafting of the legislation, not Reepu Daman Persaud and the PPP/Civic Government as the attempt was made to convey this afternoon.

The letter further states:

It has been represented to the Commission (please see Annex A)

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And annex A.. (I don't want to use the person's name. I am still very decent. He is not a PPP. He is someone who worked hard with the process, Mr Haslyn Parris. But we were reasonable and rational to look at his recommendations and to view it rationally. Again not the PPPs or PPP/Civic creature.)

It has been represented to the Commission (please see annex A) that under the new electoral system adopted for Guyana. It is possible that for the purpose of allocating seats in the National Assembly, the number of seats (65) in the National Assembly presently prescribed by the constitution will need to be increased in order to satisfy an entitlement on the basis of the votes cast for a political party. The Commission therefore recommends that the appropriate constitutional and other statutory amendments be enacted. For example, Article 160 of the Constitution and Sections 11(A) and 11(C) of the Representation of the People Act Chapter 1:03 require amendments.

So let me put the record abundantly straight.

Mr Speaker, therefore the Bill was necessary. Even the provision in the Bible for the representatives and deputy representatives to be the same person came from the Elections Commission virtually drafted beforehand. So why stand up - and this is specified for Mr Nadir - and make it appear that this is a PPP baby coming 2 days before nomination. That accusation has no foundation and I thought that it was necessary to set the record clear.

So, Mr Speaker, the Bill is clearly necessary and the Government discussed with the principal opposition this Bill. We had different views, divergent views. We talked and we talked and again the Government together with PPP/Civic and the PNC/Reform arrived at a unanimous conclusion to bring the Bill before this House. This

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afternoon this Bill received the support of the two main political parties, the Government, the PNC/Reform and the Working People's Alliance.

I want to say that we have come a far way, we have proven that we are capable of sitting down and talking and arriving at conclusions on major issues. We can still do so, the doors are wide open. We should continue to talk and we should not look for opportunity to score cheap political points.

I strongly, Mr Speaker, support the Bill for the approval of the National Assembly. *[Applause]*

The Speaker: The Motion is proposed that the Bill be now read a second time. Those in favour please say Aye, those against No.

Members of Parliament: Aye.

The Speaker: The Ayes have it. The Motion is carried. Let the Bill be read a second time.

The Clerk: Representation of the People Amendment Bill 2001.

The Speaker: The Assembly will resolve itself into Committee.

IN COMMITTEE

The Chairman: Clause 1. I propose the question that Clause 1 stands part of the Bill. Those in favour please say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it. Clause 1 stands part of the Bill.

I propose the question that Clause 2 stands part of the Bill.

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Hon Reepu Daman Persaud: Clause 2, Mr Chairman. Here again on the recommendation of the Elections Commission, page 4 on my Bill the last paragraph:

The Elections Commission shall in respect of each geographical constituency publish the names of polling stations in each polling district.

After the words 'publish the names of,' one or two stations, I want to move the deletion of '1 or 2 nearest' to give the Elections Commission some flexibility if it is necessary to add more polling stations. That's my advice. I simply bring the message earnestly and, therefore, proceed, Mr Chairman, to move the deletion of 'one or two nearest.'

The Chairman: The question is that Clause 2 as amended stands part of the Bill. Those in favour please say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it. Clause 2 stands part of the Bill.

The question is that the Bill as amended be reported to the Assembly.

Those in favour please say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it.

ASSEMBLY RESUMES

The Speaker: The Hon Minister of Agriculture and Parliamentary Affairs.

Hon Reepu Daman Persaud: Mr Speaker, I wish to report that the Bill was examined Clause by Clause in the Committee and has been passed with amendment. I now propose that the Bill be read a third time and passed as amended.

The Speaker: The question is that the Bill be now read the third time and passed as amended in Committee. Those in favour please say Aye, those against No.

Members of Parliament: Aye.

The Speaker: The Ayes have it. Let the Bill be read the third time.

The Clerk: Representation of the People Amendment Bill 2001.

2. Constitution (Amendment) (No.1) Bill 2001 - Bill No. 2/2001

The Speaker: Item 2. The Hon Minister of Agriculture and Parliamentary Affairs.

Hon Reepu Daman Persaud: Mr Speaker, the National Assembly is aware of the ruling of the learned Trial Judge in the Election Petition case. That judgement has now been circulated in the National Assembly.

Again, the Elections Commission has proposed the amendment standing in my name and it was discussed with the People's National Congress and circulated to the other parties in advance of the Order Paper.

If I read the relevant paragraph from the Elections Commission letter of the 27th January, 2001:

The Commission is also of the view that notwithstanding

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Regulation 9 of Regulation No. 5/2000 made by President Jagdeo, on the advice of the Elections Commission, it may be necessary for a constitution amendment to be enacted which empowers the Commission to give effect to the intention of 9.

It deals directly and precisely with ID cards. It is a little wider, but if we read the Representation of the People Act, I think it is No. 18/2000, there is a provision, more or less, to that effect, but it falls within the ambit and constraint of the statutes. The view is, probably, that that is not adequate bearing in mind Article 159 of the Constitution. But I think there is another, like Article 160, which will give that power. I would use the words that lawyers use, 'out of an abundance of caution.' In that context this Bill falls. And it states:

Notwithstanding any person has been registered as an elector, the Elections Commission under the power conferred on it or under any written law,

And I pause to emphasize, not that they can do anything and disqualify people, that is not the intention of this Bill. That is not my intention. I am sure it is not the intention of the National Assembly.

under any written law shall not enter the name of such persons on the official list of electors, where the person has failed to comply with the requirement of the relevant provisions of any such written law in order to be placed on the said lists and such persons shall not be qualified to vote.

Again I speak for this side of the House, and I hope for the Assembly. The intention cannot be to disenfranchise anyone. The system must be such that all those who are entitled to vote, that they be given that right and nothing done to disenfranchise them. In this connection the Elections Commission has a duty, a constitutional duty and obligation to the nation and to Guyana. I trust and hope that the mandate and the authority given to the Elections Commis-

sion by this Constitutional Amendment may be judiciously and fairly used. And the intention must never be, I underscore, to disenfranchise but rather to enfranchise. Only if there is a clear breach then steps must be taken.

So the Bill, in the explanatory note, seeks to alter Article 159 of the Constitution to provide that in addition to the qualifications specified therein other qualifications may be prescribed. And it is a good thing, from experience, for a person going to the polling station to be armed with an identity paper. We have experienced duplication in voting but we don't want that sort of thing. I tell you my own conviction is that I hope Guyana has moved out of that past completely and will never, ever again return to it.

In this connection the Elections Commission has a duty or the parties have duties, the nation as a whole. We are obligated to see that we have transparent, free and fair elections. We heard speeches about vote casting and whom they are voting for. I don't want to get involved with that. But what I can probably say is every vote cast must be counted. Every vote must matter, and at the end of it we must accept the results of the elections. *[Applause]* And once we are prepared to do that, I think, together, we can all contribute magnificently to widening the scope of democracy and winning greater respect for this great country of ours.

Mr Speaker, with your permission I move the amendment on Bill No. 2 to Intitule an Act to amend Article 189 of the Constitution as is written. I move that the Bill be read a second time.

The Speaker: I propose the question that the Bill be now read a second time.

The Hon Member Mr Nadir.

Mr Manzoor Nadir: Well, Mr Speaker, it seems that we have a new opposition in the House today. Because, clearly the PPP and the PNC have connived, once again, to limit the franchise of

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Guyanese. This is very simple. Mr Speaker, this is perhaps the worst piece of legislation that I will ever speak on, that is, a legislation to remove the right of voters to exercise their franchise.

Mr Speaker, the Hon Minister said he wants to guarantee us that every vote will count. That is not the guarantee we want. The guarantee is that every citizen who is entitled to vote shall be able to exercise that franchise on March 19. That is the guarantee we want.

Mr Speaker, we hear that this is another piece of legislation being proposed by the Guyana Elections Commission. It's almost 10 years I have been dealing with the electoral system and this is the first time I am hearing that the Elections Commission is getting its way to run the elections how they want to run it and not how the people want it to be run.

Mr Speaker, for the 1997 Elections, the former chairman said he wanted \$1M deposit from parties, and he was insisting. He had a number of things he wanted to see to run the election how he wanted to run it. Well, thank God we didn't give him *carte blanche* to run it how he wanted to run it.

Mr Speaker, we're going down the wrong road again. We are introducing this piece of legislation. If it is on the advice of the Elections Commission it is only for administrative convenience and nothing else. What happened was that Mr Delaru, whom we contracted to produce the voter ID card, said they can't start producing ID cards until the final list is ready. They wanted to see the final list and then they will produce the National card which will entitle the citizens to vote. Mr Speaker, the issue of identifying the voter has been totally dealt with by the court and so the relevance of that one piece of document, that national ID card, to vote is irrelevant. Because a citizen, once he is 18 years as of the 31st December, 2000, once he can prove he is that person, he can get to vote. Be it with Baptismal paper, drivers' ID, or passport. We did it in 1992. Remember, in 1992 we allowed people to vote with many forms of identification, thanks

to Mr Hoyte because he was instrumental in that engineering. Here we have the court telling us, the one form of that we have been insisting on limits a person's fundamental right. And so the learned judge declared the last election of 1997 null and void. Now we want to say we're going to put a further hurdle even before you get that card. If you don't go and take a picture to get that card you can't vote. That is the only qualifying issue here, you know - going and getting a picture. If you don't have that picture, you can't vote. Well, Mr Speaker, there are many forms of pictures that exists and the Elections Commission has pictures of all the voters. We empowered the Elections Commission to legalize this supposed supplementary list that is circulating now and the advertisements were in the newspapers giving people until Wednesday to check the list. The absurdity is this, many of the lists are still with the returning officers. If you go to Mabaruma now, this moment, you will see that revised list in Mr Baharally's Office. If you go to Bartica now, you will see the Chairman of the Elections Commission detailing the staff on how to put up the list today, and Wednesday is the deadline. Today, the Chairman of Elections Commission is in Bartica.

Mr Speaker, if you were fortunate enough to have a lot and lived in River View, do you know where you had to go to check your name? In Kaikan Street, Sir. That is in North Ruimveldt, and thanks to the City Council we have a good Aubrey Barker road you can drive down on, and hang a left at Kaikan Street and then you could go and check the list there. But that is about 3 miles away. You tell me, who from River View will leave River View to go in the office of that Deputy Returning Officer to check their names before Wednesday?

Mr Speaker, those are some administrative and overall criticisms I have of putting the power of removing people from the PVL in the hands of the Commission. What is sacred to me is that there is only one way you should be removed from that PVL that is if there is a successful objection against your name, no other way - a successful objection against your name, not because you did not

get an ID picture taken, that should not be the basis of removing people from the voters' list.

Mr Speaker we have another problem, which goes to the heart of trying . . . and I know Rupert will endorse this. . . Trying to have a rush election. Because the amount of administrative and perhaps other incompetence, what we have as the revised list is seriously flawed. Mr Speaker, I can tell you from experience, because over the past two weeks I have had the opportunity of going with our activists from Kurukubaru to Hosororo, Kabakaburi to Crabwood Creek and personally getting our candidates to sign up the petition. And let me give you what we found when we checked the voters' list. I have the petition all signed here for Region 5. The United Force, Sir, let me tell you, is ready to contest all the constituencies and all the regions.

In Region 5, out of the 175 signatures that we have, we cannot locate 35 names, on that new list.

In Region 10, we cannot locate 44 names. So, in fact, right now we have to redeploy the activist so as to ensure we have, supposedly qualified people so that we can meet nomination at 2 o'clock on Thursday.

In Region 2, out of 175 names that signed the petition 40 could not be located. So we had to send today another team back there to get 40 names.

In Region 3, which I personally handled, and Dr Moti Lall is in a little trouble over there. [*Interruption . . . I didn't say from me you know, may be from Roar.*] In Region 3, Sir, I had to go back on Sunday to get 25 more signatures - 25 more. These are the nominators, and 25 are not on the list. Mr Speaker, persons who took their pictures are not on the list.

This morning I got a call early from a young man in Gordon Street, he said, 'Mr Nadir I was on the PVL, when I go and check

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my wife's name alone is left there now. My name was removed and I got my picture.' So he is off in this new list that we want to legalize.

When I check for one of my candidates from the Parika area, she was not on the list. So she called me and said listen, I have my stub I'm going to bring it and let you see it. And we were able to get a number off her counterfoil, that is, from the new list.

In Region 7, 45 names out of the 175 we took are not on the list. And I can put you through, Sir, the pressure of reading out all those who are not on the list. I have Region 5, Region 7, Region 3 all here.

Many of you know our activist Mr Malcom De Freitas. Last night at 9 o'clock when Mr DeFreitas finished doing field work he reported that 17% he found were not on the list who had their stubs. He is walking from house to house with the revised voter's list. The PPP knows that. I know that the person who is looking for the names of their people on the computer is getting the time of his life to find it. You all know that. They know it. I don't know what is the experience of the People's National Congress.

But Mr Speaker, what I have is considerable empirical data to tell me don't support this legislation. Let us work with the PVL even if it has those dead people on it. And let us put the mechanisms in place to ensure that a voter can vote only one time. Let us put the mechanisms in place to ensure that there is an official polling agent representing the Government and one representing the combined opposition that is paid by the Elections Commission and who will sign onto the statement of poll. Those are the mechanisms that will ensure the sanctity of your ballots that are counted, and that will verify the count.

Limiting the size of the list because a person did not go and take a picture, that is not the way to do it. You must not try to correct the problem by exclusion. You have to include all and then

weed out. What this particular Bill will do, is exclude, and you, Sir, are a lawyer, and you will know the amount of challenges that are based on that constitutionally. The fundamental right to exercise one's franchise at elections at a definite period will be violated, if we go down this route.

Mr Speaker, I again have to refer to the learned judge. Whether there is an appeal or not is irrelevant. As far as I know her decision was, if you limit a person's right to vote, and you prevent people from voting, the entire process is null and void. This Bill sets the stage in another challenge to the elections based on that fundamental right provision.

Mr Speaker, we in the National Assembly, it has been said by the voters out there, we are a pack of intelligent jack donkeys. I don't want to be associated with that group. So I will vote against this Bill.

The Speaker: The Hon Member, Dr Roopnaraine.

Dr Rupert Roopnaraine: Mr Speaker, I must say that from listening to the Hon Manzoor Nadir, I think, all Members of this National Assembly should be rather concerned about the state of the list. I myself, without going into that accumulation of evidence that the Hon Nadir has brought to us this afternoon, I am in a position to say that all is not well. We too have received numerous complaints from people. I got one just before coming to the Assembly. There are people who were on the PVL, who have their MRC slips, their photographic slips, who have gone to the necessary registration center and found that their names have disappeared from the list. There are a number of such instances.

Yes, the Hon Nadir is right. I believe we are rushing again. It seems to be the way we like to do it. I understood the learned judge to have given us until March 31st and for the life of me, I can't understand why we haven't made use of those extra 12 days. Presumably there is some higher wisdom at work which I am not acquainted

with. But I wish to say, Mr Speaker, these problems are surfacing, not only in relation to the production of the list, but also in relation to the production and distribution of the ID cards. These things do not augur well for the smooth running of elections on March 19. So we sound the warning here and now.

I understand why the Elections Commission wants the legislation. They want to ensure that there is no collision between the statutes and the Constitution, which seem to have been the case the last time. But these dimensions of it that are presently being raised in relation to the Bill should cause us, I think, some concern.

I saw recently that Mr Hathaway who we understand had been appointed the Joint International Technical Assessor has submitted yet another one of his reports assuring the world and the Elections Commission that we are in fact confirming to the highest international standards. My recollection of the Memorandum of Understanding (MOU) was that Mr Hathaway would have honoured us in this Assembly with his reports. I have not seen a single one of Mr Hathaway's reports being submitted to this Assembly. Frankly, it is not good enough. He is there as the Assessor to tell us whether bench marks are being met and standards are being maintained. But we have to read as Members of the Assembly from the newspapers that Mr Hathaway submitted his report and all is well. Frankly, I regard this as completely unsatisfactory. Where are Mr Hathaway's reports? They should be here in the National Assembly for careful study by Members of the National Assembly. They are not here.

Mr Speaker, I do not know what at this stage one is actually going to do. What I know is that time is running, nomination day is two (2) days away, some ID cards are being distributed, some are being produced. I have heard the argument raised again by Mr Nadir that Mr Delaru wanted not to start production until the FVL was completed. I see that that has been raised by the main opposition party as well. The beginning of the production of cards has been premature because it has gone forward on a list which has not been

finalized. I have heard the clarifications from the Chairman of the Elections Commission as well.

But I must say that evidence coming in from the field and brought here this afternoon for the benefit of Hon Members, by Mr Nadir, I think that these things are alarming. When they started to happen in 1997 and we raised our voices those were ignored and dismissed as coming from people who didn't want to have elections. I want to assure you that we all want to have elections but we want to have elections that, in fact, can stand up to scrutiny. And from everything we are being told, from the point of view of the list, from the stand point also of cards and their distribution there are endless problems out there still to be resolved.

So I say here, again, that even if with all of this machinery we were to miraculously find the cure to all of these defects between now and March 19, there remains the question that I raised in my previous contribution of the virtual absence of voter education. All of this combined, to my mind, is not setting the stage for the kind of elections that Guyana needs. That is what I will say on this Bill at the moment, Mr Speaker.

The Speaker: The Hon Minister.

Hon Reepu Daman Persaud: Mr Speaker, I feel that concerns dealing with a pure list ought to be carefully addressed. I make the second statement that the Elections Commission must ensure that where there are errors or omissions that they are corrected. There must be no complacency in ensuring that every person who is qualified to be registered and qualified to vote that they are registered and they exercise their franchise. We are totally opposed to anything by omission or commission whereby people will be disenfranchised. And my thought is that, if only for the record, I should state our position. Having said those words I propose that the Bill be put to the vote.

The Speaker: The question is that the Bill be now read a second time. Those in favour please say Aye, those against No.

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Members of Parliament: Aye.

The Speaker: The Ayes have it. Mr Clerk please take the division.

The Clerk: Dr Roopnaraine

Mr Nadir (-)

Mr Ramnauth

Mr Andres

Ms Adams

Mr Bynoe

Mr Hicks

Mr Hamilton

Mrs Lawrence

Dr Joseph

Mr De Freitas

Mrs Backer

Mr Gouveia

Mrs DeJesus

Mrs Persico

Mr Khan

Mr Allen

Mr Carberry

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Mrs Riehl

Mr Murray

Mr Hoyte

Mr Ramdass

Mr Sankat

Mr Fraser

Mr Ramratan

Mr Mohan

Mr Benn

Mrs Moti

Dr Ramsarran

Mrs Sukhai

Mrs Sahoye-Shury

Mr Rodney

Dr Ramsammy

Mr Ramjattan

Mr Lumumba

Dr Lall

Mr Kissoon

Mrs Edwards

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Mr De Santos

Mr Chandarpal

Mr Chan

Mr Ally

Mr Ramotar

Mr Belgrave

Mr Mohamed

Ms Teixeira

Mr De Souza

Mr Collymore

Mrs Chandarpal

Mr Rohee

Mr Persaud

Mr Hinds.

There voted for the Motion 51. Against 1.

The Speaker: Honourable Members the Motion is carried. Let the Bill be read a second time.

The Clerk: Constitution (Amendment) No.1 Bill 2001.

The Speaker: The Assembly will resolve itself into Committee to consider the Bill clause by clause.

IN COMMITTEE

The Chairman: I propose the question that Clause 1 stands part of the Bill. The question is that Clause 1 stands part of the Bill. Those in favour please say Aye, those against No.

Members: Aye

The Chairman: The Ayes have it, Clause 1 stands part of the Bill.

I propose the question that Clause 2 stands part of the Bill. The question is that Clause 2 stands part of the Bill. Those in favour say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it, Clause 2 stands part of the Bill.

The question is that the Bill be reported to the Assembly. Those in favour say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it.

ASSEMBLY RESUMES

The Speaker: The Hon Minister of Agriculture and Parliamentary Affairs.

Hon Reepu Daman Persaud: I wish to state, Mr Speaker, that the Bill under consideration No. 2/2001, was considered in the Committee clause by clause and passed without amendments. I propose that it be read a third time and passed as printed.

The Speaker: Those in favour say Aye, those against No. Mr Clerk.

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Members of Parliament: Aye.

The Speaker: Mr Clerk.

The Clerk: Dr Roopnaraine

Mr Nadir (-)

Mr Ramnauth

Mr Andres

Ms Adams

Mr Bynoe

Mr Hicks

Mr Hamilton

Dr Joseph

Mr De Freitas

Mrs Backer

Mr Gouveia

Mrs De Jesus

Mrs Persico

Mr Khan

Mr Allen

Mr Carberry

Mrs Riehl

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Mr Murray

Mr Hoyte

Mr Ramdass

Mr Sankat

Mr Fraser

Mr Ramratan

Mr Mohan

Mr Benn

Mrs Moti

Dr Ramsarran

Mrs Sukhai

Mrs Sahoye-Shury

Mr Rodney

Dr Ramsammy

Mr Ramjattan

Mr Lumumba

Dr Lall

Mr Kissoon

Mrs Edwards

Mr DeSantos

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Mr Chandarpal

Mr Chand

Mr Ally

Mr Ramotar

Mr Belgrave

Mr Mohamed

Ms Teixeira

Mr De Souza

Mr Collymore

Mrs Chandarpal

Mr Rohee

Mr Persaud

Mr Hinds

There voted for the motion **50, one** against.

The Speaker: The Motion is carried. Let the Bill be read a third time and passed as printed.

The Clerk: Constitution Amendment No. 1 Bill 2001.

The Speaker: Honourable Members I think this is a good time to take the suspension.

Hon Reepu Daman Persaud: Before the adjournment I crave your indulgence, Mr Speaker, to state that on all sides of the House we have agreed that the two (2) remaining Bills be deferred so I pro-

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pose that the two bills be deferred. *[Interruption]* We are proposing that No. 3 be deferred and we come back to do No. 4.

The Speaker: Do we suspend?

Hon Reepu Daman Persaud: We suspend for tea.

The Speaker: I propose until half past four.

Suspension of Assembly at 16:00 H

Resumption of Assembly at 16:30 H

**3. Constitution (Amendment) (No. 2) Bill 2001
- Bill No. 3/2001**

The Speaker: Hon Minister

Hon Reepu Daman Persaud: By agreement, Mr Speaker, I move that Item 3 be deferred.

**4. Constitution (Amendment) (No. 3) Bill
- Bill No. 4/2001**

The Speaker: Item No. 4. Hon Minister.

Hon Reepu Daman Persaud: Local Government is a significant component of our democracy, it is one great area in which the community is brought together to work side by side in the administration of their respective councils and communities. It has a great element of devolution. I think generally all of us support the perception of devolution, in fact, this Bill gives greater independ-

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ence to local democratic organs. It gives them wider powers and the scope to function for the development of their respective communities. For example, Mr Speaker, Article 71 of the Constitution is altered and the following article takes its place. I read it for the record:

Local government is a vital aspect of democracy and shall be organized so as to involve as many people as possible in the task of managing and developing the communities in which they live.

I do not think that we can have a concept more noble than this one, and to legislate and constitutionalize such a concept is definitely commendable. Local government dates back to the colonial days, when it was virtually managed by a local government board. From then we have travelled a long distance and we have democratized the local government system. In the Constitution Reform Process we went further to broaden the scope of local government organs. For example, I take article 73A:

Each local democratic organ shall elect one of its councillors to serve as a member of the local democratic organ immediately about the first mentioned local democratic organ.

That a councillor can move from a lower body to a higher body, this is, in my view, presenting a coherent approach to development and at the same time, training people for local government administration. But the law does not end simply with this constitutional instrument, it goes beyond. It provides for Parliament to prescribe the procedures for elections and for other activities within the realm of local government.

Local government bodies undoubtedly, Mr Speaker, ought to be custodians of state properties. They have to be involved in the total process. Article 74 consequently is altered and it now reads as follows:

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It shall be the duty of local democratic organs to maintain and protect public property, improve working and living conditions, promote the social and cultural life of the people, raise the level of civic consciousness, preserve law and order, consolidate the rule of law and safe guard the rights of citizens.

Very wide duties and mandate. The whole idea is to get the community involved and to achieve that we involve in a constitutional and legal way their representatives, so that their voices become stronger and more powerful. This has been one of the areas in the CRC where great concentration was put, and it was after much deliberation that this Bill has evolved.

May I add for the record, Mr Speaker, that I played small part in framing this Bill so that it can come to the National Assembly today? And it comes, as far as I know, and I am aware, with the unanimity of all the political parties. That is how it should be.

For example, Clause 75:

Parliament shall provide that local democratic organs shall be autonomous,

a significant step forward

and take decisions which are binding upon their agencies and institutions, and upon the communities and citizens of their areas.

I point to these clauses specifically to show the creativity and the uniqueness of this Bill conscious of what the situation was hitherto.

Though the present local government act provides for a commission, in this Bill the following article is introduced:

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Parliament shall establish a local government commission, the composition and rules of which empower the commission to deal with, as it deems fit, all matters relating to the regulation and staffing of the local government organs and with dispute resolution within, and between local government organs.

I think I have referred to some of the key provisions. The commission is a good mechanism because, I think, we have not reached that point where we have the best trained, the best qualified and the most experienced people.

And as I talk, many names of many persons whom I know personally over my last 40 years in local government come to mind. Whether I talk of teacher George Young of Buxton or Mr Llewellyn John, famous in Lodge, there are so many other names that can be put in Hansard when we come to local government. Or I can talk about the people of No. 2, very significant village council. I am sure you remember it.

What is true is that local government bodies provide an excellent forum for civic consciousness, for leadership development and for, more specifically and precisely, the involvement of the people who can have a say in the development of their area and the country as a whole.

So a representative from a lower tier goes into a higher tier and that is provided for community councils, NDCs and so on.

My Colleague, Mr Collymore, Minister of Local Government who is much more *au fait* than I am will make a contribution. But at this point in time I want to say that I support the Bill, and I support the small amendment, not to exclude, but to broaden the scope, whereby no one is excluded so that we will have a coming-together of local bodies in the final analysis broadening the scope of consultation discussion and decision making in the march, I would put it this way, the march towards strengthening democracy in Guyana.

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I move the Bill Mr Speaker. [Applause]

The Speaker: Hon Member Ms Riehl.

Ms Clarissa Riehl: Thank you Mr Speaker.

Mr Speaker, when the Regional System was devised in 1980, by Act 12 of 1980, which brought into being the Regional System, it was meant to decentralize power from the center and to give autonomy to the Regions. It was a hierarchical structure with the Regional System on top and the Neighbourhood Democratic Council and various tiers down below. But that system has worked only in parts so far and a lot of it was not due to this side of the House. We are the ones who devised it and meant for it to work, and all the tiers to work. Suffice it to say, Sir, that in 1994 when they had the local government election, we sought to do some of the things that are here within the provisions of this amendment.

Most of these clauses within this Bill, Sir, are merely cosmetic in the sense that they are deleting the word 'socialist' from the various sections of the constitution. Section 3 or Clause 3 of this Bill there is just a deletion to the word 'socialist.'

Clause 4 is adding a new subparagraph 3 to 72.

Clause 6 again deleting the words 'socialist legality' and inserting 'rule of law.'

But there are 2 or 3 very significant paragraphs, Sir, and those are the ones I would wish to concentrate on. First of all there is Clause 7 which deals with Article 75 of the Constitution. I think the Hon Minister mentioned that just now, when he spoke of local democratic organs shall be autonomous et cetera, and shall take decisions which are binding upon their agencies and institutions. This was a clause that was there already in the Constitution but the amendment to this clause is really the removal of the word 'may' and the insertion of 'shall' and the including of 'shall be autonomous,' which

is significant. I would agree this is a significant insertion. But the Article stresses or the Clause stresses that Parliament shall provide for these organs to be autonomous. I'll hope that later on down the line we shall all, if we are here again in the next Parliament, see that such a Bill be put into place because these organs need to be autonomous to function.

The other clause is Clause 8 and this is the one, Sir, that I really would like to hammer home. Clause 8, it's really inserting a new article, Article 77A. I shall read this Article Sir. It says here:

Parliament shall by law provide for the formulation and the implementation of objective criteria for the purpose of allocation of resources to, and the garnering of resources by, Local Democratic Organs.

This has been a bone of contention, and this is one of the key reasons why many of these Regional Councils, especially those controlled by the opposition were not able to function. Because, Sir, although the Council or the Regional Council might be won by the PNC and the chairman is from the PNC and most of the councillors, what has happened is that Central Government will send an REO there from the Government side who controls the purse strings and that control of the purse strings in the Region that was won by the opposition frustrated the council. This happened in Region 7, it happened in Region 4 and all the Regions won by the opposition. Their work was stymied and they were frustrated from carrying out the works which their Councillors and which the Chairman air marked for that Council. So I am very, very happy, Sir, about this particular amendment, where Parliament shall provide for objective criteria, and I stress objective criteria, for the allocation of resources to all the regions of this country. And so the Central Government will not send a government-man there to hold on to the purse strings.

The other article of importance, Sir, is Article 9 which I wish to say something about. The last 2 or 3 Articles are the most significant.

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Article 9 inserts new Articles 78(A) and (B).

78(A):

Parliament shall again establish a local government commission, the composition and rules of which empower the commission to deal with as it deems fit, all matters relating to the regulation and staffing of local government organs and with dispute resolutions within and between local government organs.

Here again the staffing of these various local government organs was not at all times being carried out by the councillors themselves. They had people foisted on these councils from the center. So the whole business of decentralizing power fell through because of these antics from the Government of the day.

Article 78(B) all in Clause 9, Sir:

The electoral system with respect to local democratic organs below the regional democratic council shall provide for the involvement and representation of individuals and voluntary groups, in addition to political parties and to accountability to the electors.

In 1994 when the local government election was held, Sir, we in the People's National Congress decided, in principle, that we would not run as a party in the Neighbourhood Democratic Council, that we would allow our people to band themselves together in voluntary groups, across political lines, so that they can campaign and win for their areas, because that was local government working. We did not want as a political party to go down in every nook and cranny and campaign. We did that, Sir, and we did it successfully because many of those groups won against the PPP/Civic party in their areas. But what happened thereafter is that they were frustrated because of the political antics of the Government. I hate to end my time in Parlia-

ment on this note because I hear all kinds of rumblings and grumbling. But these things are facts, these things are facts. We even invited the PPP/C to do likewise. I don't know whether we had a JMC or what but we were encouraging them to do likewise, to allow the Regional System at those levels to look after their affairs themselves without the outside interference of political parties. That would have been a good way to bring people together at those local levels but it never happened and, as I said, the work of many of those Councils were frustrated again.

So I wish to commend these recommendations here in these articles and we will give this our wholehearted support. Should I be here the next time around in the 8th Parliament, I shall ensure that these legislations, Sir, these legislations that hinge on this amendment to the Constitution are passed.

Without further ado, Sir, I shall take my seat. *[Applause]*

The Speaker: The Hon Member Mr Nadir.

Mr Manzoor Nadir: Mr Speaker, I will be very brief. I don't stand to speak directly to the Bill before us but just to mention, at my third innings, Mr Speaker, that it is my opinion that we have now ventured outside of the court order. And I would like to take this opportunity to wish you, my fellow parliamentarians, well, as you continue to do the business that the court didn't order you to do.

Thank you.

The Speaker: Hon Member Dr Roopnaraine.

Dr Rupert Roopnaraine: Mr Speaker, not for the first time this afternoon I am sorry to say that I cannot agree as fully with my colleague, who is leaving, as I usually do.

My understanding of the court order is that we were asked in this Parliament to complete the work on the elections and also to

complete the work on the Herdmanston Accord. That is my understanding. And this particular Bill before us is eminently to do with the Herdmanston Accord.

But having said that, I think it fair to preface what I am about to say on the Bill with some observations on what has happened to the Constitution Reform Process. We have heard altercations in the House this afternoon, and there have been altercations in the press with the PPP and the PNC dividing on exactly who is to be blamed for the fact that we are entering a next election without, in fact, fulfilling the Herdmanston agenda. It is to my mind, regrettable that we are in fact going into the elections, which were designed to be elections under a post reform Constitution, with so much of the Constitution Reform work incomplete. My own feeling was, that there was what we would call a minimum Herdmanston package, that it was within the capacity of the House to complete before the holding of the elections. And in that package I myself would have included the parliamentary committees.

The Hon Minister of Parliamentary Affairs is correct, we did reduce the powers of the President and that was significant. But the complimentary recommendations that go with the reduction of the powers of the President really had to do with the enhancement of the powers of the National Assembly. They really were paired as recommendations. We have not been able to do that. It means that a lot of this work will now be placed on the table of the 8th Parliament which may, or may not, decide to carry on with it, since there is no way in which we can bid them to complete the work that we have failed to do.

I presume we will have, early in the 8th Parliament, those of us who are here, to pass some enabling motion to inherit this work of the 7th Parliament and continue with it.

But to my mind it is regrettable that we are going into the elections without completing the constitutional reforms that we are be-

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ing told are, in fact, in legislative readiness to be dealt with. Whether that is so or not, I have not been able to independently ascertain. But the fact of the matter is that even with Justice Singh having said that Parliament should be dissolved by nomination day, I don't believe that it was beyond the powers of the parties in this House to approach the Court and ask for a variation on that order, if we were determined to complete the reform. My own opinion is reflected in the question as to whether the major players are in favour of doing the reforms in the manner in which we have been doing them. This argument came up in the Oversight Committee. I made my position quite clear. My friend and great helper to the constitutional process, Mr Parris, had recommended what he called at the time, this jigsaw puzzle approach, where we put in a piece at a time and in the end it forms the full picture. I have never been an adherent to this kind of operation for Constitution Reform. I felt that the reforms should have come together. We ought to have been able to read them together and to act on a complete document. I think it has been unreasonable to ask the drafters of these bits of legislation to deal with Constitution Reform in this manner. I think it has been unfair and unduly taxing because drafters who are professionals will tell you:

(1) There is no such thing as fast tracking constitutional amendments.

(2) There is no such thing as putting constitutional reform in this piece meal manner.

We know very well that the Constitution is an extremely tightly-woven document. If we were to interfere with one section at one end, we affect a section at another end. So, in order to eliminate the possibility of internal confusion and internal inconsistencies the drafting people should have been given the opportunity to look at the entire Reformed Constitution to satisfy themselves that the thing was coherent. This was not so. I put that on record that we have not been doing it and I think that we have in fact, perhaps, put in place in relation to the Constitution, some recommendations and provisions

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which, later on, the Standing Committee on Constitution Reform may have to look at.

But having said that, Mr Speaker, I do feel that we have not really done our duty in the 7th Parliament by the Herdmanston Accord and its requirement that we complete Constitution Reforms.

The Ethnic Relations Commission which we had fast-tracked in the Oversight Committee, and which we had brought to this House, we have duly passed and put on the books. We have duly passed the Tribunal and put it on the books, and as we know, it is not going to be operational for sometime to come in spite of the fact that when the Bill for the establishment of the Commission came to this House I had taken the liberty to make an amendment, with the agreement of Members, that the letters to the organization asking them to begin the process of nominating their representatives should be dispatched immediately. I do not know whether those letters have been dispatched, or whether the organizations have, in fact, agreed on the modality for selecting their representatives. But what I do know is that we are proceeding into the elections without even the Ethnic Relations Commission and Tribunal which is what we said would be the absolute minimum to answer the deep concerns of Herdmanston and the St. Lucia Agreement. The question of race relations was something that we needed to look at and look at urgently.

Mr Speaker, I now turn to the Bill before us. The Hon Minister in introducing the Bill spoke of the work and the time this had occupied on the CRC, and he is quite right. The recommendations and local government benefitted from the contributions by our own local government experts who came to the Commission and offered their advice. We had lengthy debates on the matter. And I should say there is a Commissioner, not a member of this House, Commissioner, Vincent Alexander, who played a very, very leading role in assisting us to arrive at the final recommendations. The Hon Minister of Parliamentary Affairs himself played a very, very significant role in arriving at the consensus recommendations that have now come to

us in the form of this legislation.

There are some important issues. These are vital aspects to the local government reform. I was not completely happy with the way in which certain things were dealt with, and in particular the question of the village councils. If there was nothing that we heard even when we went around the country under the DeSantos Select Committee, the one thing we heard from citizens throughout the land was that they wanted the restoration of the old Village Councils, which you may recall were the pride of this country, much admired, far beyond our shores. A real contribution to modern governance. And we were not able to get as much out of the reform process in that regard as we in fact did. What we achieved in relation to the Village Councils was in Clause 4, which says:

Municipalities, Neighbourhood Democratic Councils and such other sub-divisions shall be provided for under Paragraph 1, including village and community councils, where there is a need for such councils and where the people request their establishment.

Of course, we know that there are villages throughout the coast where people have for some time been clamouring for these Village Councils, and I understood the difficulties explained to us painstakingly by people involved in local government of how difficult it would be to integrate them in the present system. But we have settled on this as consensus recommendation and I believe that it is a good move in that direction.

The other aspect to which I wish to draw attention, and I am not sure that many of these recommendations were motivated quite by the concerns raised by the Honourable Clarissa Riehl. But, the fact is, that we did recognize that you can talk autonomy as much as you wish, but until you give councils some financial control over their plans for development and so on, autonomy meant absolutely nothing. So in attempting to make them autonomous we felt it im-

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portant to arrive at recommendations that would deal with the question of their being able to raise their own money, to some extent, and for objective criteria to be established for the granting of subventions. I think that is reflected in Clause 8 and give the Local Councils a greater chance of success.

The other very important element, in this Bill and in these recommendations, has to do with what is, in fact, in Clause 9. In Clause 9 we have heard about the Local Government Commission. We welcome that, because it was felt that although the present laws make provision for it, we thought it important to elevate it to a constitutional commission so that Parliament would, in fact, as it says, 'shall' establish such a commission. I think we all recognize on all sides of the Constitution Reform Commission that there were, in the present system, defects of operation that meant we were not delivering the kind of service in the local government system that we were all committed to deliver. It is because of that, we have, in fact, established the Commission and went on in 78(B) to make a recommendation to which no member has so far alluded. It is far reaching because it proposes an electoral system for local government that may, in fact, differ from the electoral system that we are operating for the National Elections. Because in admitting individuals, let us set aside voluntary groups, in admitting individuals as being able to stand now for local government we go somewhere towards meeting the kind of aspiration to which the Hon Clarissa Riehl spoke, which was to get people who are recognized in their neighbourhood and in their community as having experience, as being, maybe not members of political parties, but feeling that they have the wisdom of the elders to contribute to local government. They would be able to stand for those elections in their own right. I think that is extremely important and it also introduces the possibility of first pass the post elections at that level of local government. Members should be aware that that is what we are doing.

Mr Speaker, I have said more than I intended to say. I think that recommendations on local government are a significant attempt to

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improve, modernize and renovate the system of local government in the country. It is true that we have removed the references to socialism, but I hope that what we have kept is its human and ethical content in proposing a formal local government that will, in fact, meet the needs of our population, throughout the country.

Thank you.

The Speaker: Hon Minister Mr Collymore.

Hon Clinton Collymore: Mr Speaker, I rise to say a few words on this Constitution Amendment Bill No. 3/2001. I wish to say that the People's Progressive Party/Civic is supportive of the recommendations of the Constitution Reform Commission with a few caveats. At the same time I want to say that I am in full support of the views expressed by Dr Roopnaraine but I must be at variance with the views expressed by Mr Nadir. Anyway, he is not here.

I just want to give Parliament a concept of the vision of PPP/Civic where local government is concerned. But this is where I have to cross swords with Ms Clarissa Riehl because she fulminated just now about what we have done and what we have not done. It is apposite to note that this is the same political party on that side which failed to hold local government elections for twenty-four (24) years. *[Applause]* Twenty-four (24) years. We held it in 1994 and we would have held more elections if the situation had warranted.

Mr Speaker, under the PPP/Civic we intend to grant greater autonomy to local government organs. There'll be such when we return to power. *[Applause]* The concept of autonomy, Mr Speaker, does not mean total independence and sovereignty or there will be anarchy. There must be some control, some administrative perimeter. So, when people say autonomy, we on this side of the House do not believe it *carte blanche* or independence. *[Interruption . . . 'If you fly your own flag . . . Your name scratch off that? What you're trying to say?]*

So we intend to grant greater autonomy to all the local government organs. We intend to devolve more powers to these bodies and we intend, Mr Speaker, to have a comprehensive, legislative overhaul of the local government system (Digest the concept, comprehensive, legislative overhaul).

Mr Speaker, we have already commenced it, we have already started drafting some legislation particularly where the Neighbourhood Democratic Councils are concerned and that pertains to the Local Government Act Chapter 28:02. We also intend to look at the legislation pertaining to the municipal and district councils which also needs to be overhauled and that's exactly where we're going.

Dr Rupert Roopnaraine mentioned some aspects of the various tiers. In dealing with the Regional Democratic Councils, they come under another act. They come under the Local Democratic Organs Act of 1980. This is also due for certain overhaul and this is also where certain proposals of the CRC will come into play.

Mr Speaker, we intend also to create some new towns. What we intend to do we will do when we get back into office, as we are doing back. We have an idea of certain new towns to be created and if you will give me permission, Sir, this is a short list of the new towns we have in vision.

Charity in Region No. 2

Supenaam in Region No. 2

Lethem in Region No. 9

Mabaruma in Region No. 1

Bartica in Region No. 7

Parika in Region No. 3

Rosignol in Region No. 5

Mahaica in Region No. 5

Grove/Diamond in Region No. 4.

These are some of the new towns we are going to create.

We are also going to create some new Neighbourhood Democratic Councils. Mr Speaker, at the moment there are 65 NDCs but in theory there are over 100 of these NDCs already demarcated with their boundaries intact by the previous administration. In other words, what I want to say is that the previous government, the previous People's National Congress administration already demarcated over 100 Neighbourhood Democratic Councils, so we are going to look at them and activate more. When we came into office, we activated 10 more in addition to those that had existed. So right now we have 65 of these NDCs. Mr Speaker, several of these NDCs have been said to be too large and need to be reduced in size. The communities have made representation to us to tell us that we should cut them in half and reconstitute them. So where you have a very large unwieldy NDC, you may have two vibrant Neighbourhood Democratic Councils.

Mr Speaker, the Constitution Reform Commission also mentioned that communities should be taken in step or in stride. We have many communities represented by the CDCs, which we call Community Development Councils. There are over 500 of these small entities throughout the length and breadth of Guyana. We intend to put legislation in place to amalgamate them into the main stream on the lower tier of the local government system - over 500 of these organs. In doing so we will also be able to channel appropriate funding to them. We intend to mobilize therefore, the potential of the Community Development Councils and to demonstrate our seriousness we have actually identified a parliamentary secretary to deal with the community development.

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Mr Speaker, I have said at various forums what the government has been doing in relation to development in the local government system and I want to reiterate what we have been doing. Because, some people feel that we have been treating these local government organs differently. We have not. We have been very even handed in dealing with them.

Mr Speaker, where the local government system is concerned from the time the People's Progressive Party/Civic came to office up to December 31, 2000 we have spent \$8.0735B on them, \$8 000M plus \$73M and \$.5M more on all these local government organs. The Regional Democratic Councils have received \$6.2197B. Even the RDCs which are controlled by my good friends on the opposite side have got large sums of money. They got so much money that they send back large sums of money. The amount of money which was given was given to them to choke them and they can't even spend it. And yet they are talking about discrimination. Mr Speaker, the RDCs got \$6.2B for the time we have been in office, from 1993 to the year 2000, December 31.

The Neighbourhood Democratic Councils we have been treating them very even handedly, giving them the amount of subventions, 65 of them. They have been able to get between 1995 and 2000 \$1.170B and the municipalities have got between 1995 and 2000 \$318M. So even the Neighbourhood Democratic Councils controlled by my friends on the opposite side have gotten large sums of money. They received approximately \$20M since we have been in office.

These sums, Mr Speaker, exclude spending on 79 Amerindian villages. From the Amerindian development fund we have expended \$310M.

Mr Speaker, in addition to what we have spent in the local government system, we are right now engaged in an urban development programme to the tune US\$25M over five years. It has already started. And where the secondary towns I just enumerated are con-

cerned, we have allocated the sum of \$200M to get them going.

Mr Speaker, Hon Member Ms Clarissa Riehl in her presentation said that councils are not able to function because of how we perceive autonomy, and they are unable to spend. That is the gist of what she was saying. This is not true. It is not true. The Regions produce their own budgets. The RDCs no matter who controls them, they draw up their own budget for the year and they submit these budgets to the Central Government. The Central Government looks at all the items and takes into consideration what it can afford. This applies to all the 10 Regions. So whatever the RDCs put up that is what is funded with their cooperation and collaboration taking into consideration the financial constraint of the Central Government. It is not our fault if they fail to spend the money. They have returned nearly \$50M from Region 10. It is not that we did not send the money there.

Mr Speaker, do you know how much money we have given to Region 10 since we came to office? I have a list here. In 1993 we give them \$6.7M in Capital Expenditures. This is not to pay wages and salaries. This is not to meet current expenses but Capital expenditures to develop the region. In the year 2000 that sum of money reached \$115M. The total sum came up to \$624.7M. So we have been giving them large sums of money.

Mr Speaker, I want to say that where future local government elections are concerned the People's Progressive Party/Civic will be contesting as a political party and we are not going to take any step to eliminate political parties from the local government system.

Now finally, Mr Speaker, I want to draw your attention to the Constitution Reform Commission's report in relation to one of the changes, the amendments to the Bill. In Clause 5, 73(A) if you will permit me to read, because we want to make an amendment. It says:

Each Local Democratic Organ shall elect one of its coun-

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pillors to serve as a member of the local democratic organ immediately above the first mentioned local democratic organ and Parliament shall prescribe the procedure for such election and such other matters as may be necessary in connection therewith. The municipalities of Georgetown and new Amsterdam shall not participate in this arrangement

Mr Speaker we want to amend this Clause by deleting all the words from 'therewith' up to 'arrangement'.

So I want to close, Mr Speaker, by saying that our record in managing the local government system is second to none. It is like comparing a thorough-bred to a geriatric donkey. *[Laughter]* Our local government system is a thorough-bred race horse. We challenge those on the opposite side to do better than us. *[Interruption . . . ' In fact you do have a very long time you have to hit it here.'*]

Mr Speaker I am going to thank you. *[Applause]*

The Speaker: The Honourable Member, Mr Hamilton.

Mr Joseph Hamilton: Thank you very much, Mr Speaker.

Mr Speaker let me just begin by reading from a press release dated February 7, 2001. Issued by the PPP/Civic. It has, 8 paragraphs. I am going to read just 3, or 4 paragraphs:

The PPP/Civic has noted the concerns expressed about the legislation programme ending on the date of the dissolution of Parliament. Justice Claudette Singh has appointed February 15, 2001 as that date.

The judge has also ordered that the legislative activity should conform to her specifications, that is, electoral legislation and that covered by the Herdmanston Accord. The very narrow time frame has created concerns about the

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ability of Parliament to conclude constitutional reform process.

The PPP/Civic has been working with the PNC to manage the parliamentary aspect of the Constitution Reform process Bills, once drafted by the Chief Parliamentary Council and scrutinized by both parties, are usually sent to Parliament.

Paragraph four says:

Since December 1, 2000 the PNC has withdrawn participation in the process of reviewing draft legislation which has delayed the process.

Mr Speaker, that is the PPP's press statement.

The People's National Congress/Reform issued their press statement that day which states:

The PNC/Reform has been apprised of the fact that the PPP/Civic has issued a media release, dealing with the matter of legislation to do with the Constitution Reform. We have studied that release and are appalled at the brazen and downright lies that it contains. For instance, the release states that since December 1, 2000 the PNC has withdrawn participation in the process of reviewing draft legislation which has delayed the process. The statement is a complete lie. We met on the 1st, 5th, 8th and 12th of December, 2000 and again in January 2001.

Mr Speaker, I make the point that it was the intention of all concerned who were involved in the Constitution Reform Commission process, who were involved in the Parliamentary Select Committee, the persons who were involved in the Oversight Committee, and the JMC, the body that coordinated these Bills coming to Par-

liament, to work together to a timetable. The time table was set for all the Bills that have to do with the amendments to the Constitution to come to this House on or before the December 31, 2000. I want to state for the record that since February 7 the PPP recognized that the time frame was a tight time frame and so we fail to see why all the Bills that deal with the constitution reform process couldn't find themselves in this National Assembly before Parliament is dissolved.

Mr Speaker, I want to say that the process that we have embarked on, that is to reform the Constitution with regard to the local government is not just about the Amendments, it is not just about the Articles and the Clauses that come to Parliament. It will take political will to ensure that these things happen. It is not just the paper that we would write these things on. It has to be that all of us that are involved in this process seek to make the necessary changes to give autonomy to the local democratic organs. And I would want to further state that politicians who fail to change and recognize that they must change will be swept away by the change, because the change is coming, it is here with us, and change *will* come.

So Mr Speaker, I want to make those points and to say that Clause 9 of the Bill that deals with the staffing of local government bodies, I always found it difficult to understand. Moreso, in the municipality when I served at the Georgetown municipality, you had the authority to hire a senior officer but you had no authority to fire that person. You had to depend on the Minister, to concur, or the minister had to issue some order to fire the man whose salary you're paying. So I am glad that this 78(A) that talks about the Commission would deal with the regulation of staffing of local government organs and with dispute resolution between local government organs. We would have also to develop the necessary processes to deal with dispute resolution between local government organs and Central Government. Because, as I said earlier, it is not just about what we bring to Parliament, it is about all of us ensuring that we put these things into practice.

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Mr Speaker; the other sore point that we have always brought to this Parliament is the fact that the Central Government continues to wield authority as regards land allocation in regions. And we have always argued that Land Selection Committees and Housing Committees, those Committees must be controlled by the Regional Democratic Councils. We would hope that those things take place.

Mr Speaker, we have the other problem that local authorities are faced with. Central Government goes into regions, into local authorities and for some of the projects like SIMAP and Basic Needs, they erect structures without the knowledge and concurrence of local government bodies. Then local bodies have the problem of managing these things that they know nothing about, and no money is allocated for them to manage these facilities, even though many of the facilities are welcome facilities. The fact is there was never, and is never a coordinated approach as to how these facilities come into being. One such facility we have is the Mon Repos Market. The Minister of Local Government, Mr Collymore, is very much acquainted with the issue. So I need not bore the House with all these difficulties.

Clause 3 states:

It shall be the duty of local democratic organs to maintain and protect public property, improve working and living conditions.

The present situation is that these public properties come to them after the fact and then we would ask them to manage the properties and they don't know how they came into being.

Mr Speaker, the other clause, Clause 5, that also talks about the election of people in the lower tiers to serve in the higher tier. That I support very much because the situation that exists today is

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that there is no coordination between local authorities, NDCs, regional bodies and the Central Government. Many times we find money wasted, money that if there was a coordinated approach, could be better spent to really serve the communities.

So we wholeheartedly support the Bill that is here with us in this Parliament. And we hope that all of us would sincerely ensure that these amendments that are on this paper not just words. But we as political leaders in this country will seek to ensure that they are put in place, so that the people, the citizens, can be served and they can take their rightful place in managing their communities.

Thank you.

The Speaker: The Hon Minister of Agriculture and Parliamentary Affairs.

Hon Reepu Daman Persaud: Mr Speaker I did not intend to speak but I'll just say a few words, and I mean a few. This National Assembly first met on February 26, 1998. The PNC entered the Assembly on July 15, 1998. We lost five months. How could you accuse us of delay? Just before the decision, the PNC stopped attending the JMC meeting. I was told that a new scenario is unfolding. All right, I don't want to be nasty, but I wrote a letter immediately after the decision:

The order of the trial judge in the election petition case has provided the basis for the reactivation of the process of constitution reform. I would like to propose then a meeting of the JMC on Tuesday, January 30th at the usual time and place.

[Replied, Mr Clerk]

With respect to the above name and subject matter the People's National Congress/Reform delegation will be pleased to meet a delegation from the PPP/Civic to discuss

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with a view to reaching agreement only on such legislation as we consider vital to the holding of general elections.

I don't want to read more and so I leave it there. So don't cast blame without knowing the facts, we have done everything possible to expedite this process but I'll close on this note. Let us work together to translate this Bill into reality. *[Applause]*

The Speaker: The question is that the Bill be now read a second time. Those in favour say Aye, those against No.

Members of Parliament: Aye.

The Speaker: The Ayes have it.

Mr Clerk.

The Clerk: Dr Roopnaraine

Mr Nadir

Mr Ramnauth

Mr Andres

Ms Adams

Mr Hicks

Mr Hamilton

Mrs Lawrence

Dr Joseph

Mr De Freitas

Mrs Backer

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Mrs De Jesus

Ms Persico

Mr Khan

Mr Allen

Mr Carberry

Mrs Riehl

Mr Murray

Mr Ramdass

Mr Sankat

Mr Fraser

Mr Ramratan

Mr Mohan

Mr Benn

Mrs Moti

Dr Ramsaran

Mrs Sukhai

Mrs Sahoye-Shury

Mr Rodney

Dr Ramsammy

Mr Ramjattan

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Mr Lumumba

Dr Lall

Mr Kissoon

Mrs Edwards

Mr De Santos

Mr Chandarpal

Mr Chan

Mr Alli

Mr Ramotar

Mr Belgrave

Mr Mohamed

Ms Teixeira

Mr De Souza

Mr Collymore

Mrs Chandarpal

Mr Rohee

Mr Persaud

Mr Hinds

There voted for the Motion 49.

The Speaker: Let the Bill be read the second time.

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The Clerk: Constitution Amendment No. 3 Bill, 2001.

The Speaker: The Assembly will resolve itself into Committee to consider the Bill clause by clause.

IN COMMITTEE

The Chairman: The question is that Clause 1 stands part of the Bill. Those in favour say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it. Clause 1 stands part of the Bill.

I propose the question that Clause 2 stands part of the Bill. The question is that Clause 2 stands part of the Bill. Those in favour please say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it Clause 2 stands part of the Bill.

Clause 3 is proposed, the question is that Clause 3 stands part of the Bill. Those in favour say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it. Clause 3 stands part of the Bill.

Clause 4 is proposed, the question is that Clause 4 stands part of the Bill. Those in favour please say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it, Clause 4 stands part of the Bill.

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Clause 5 is proposed.

The Hon Minister Mr Collymore.

Hon Clinton Collymore: Mr Chairman I would like to propose the amendment which stands in my name, the Minister in the Ministry of Local Government. Mr Chairman, the amendment is as follows, it is circulated already. After 'therewith' put a full stop and delete all the words up to arrangement. The words to be deleted are:

The Municipalities of Georgetown and New Amsterdam shall not participate in this arrangement.

Delete all those words and put a full stop after therewith.

The Chairman: The question is that Clause 5 stands part of the Bill as amended. Those in favour say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it, Clause 5 stands part of the Bill.

Clause 6 is proposed. The question is that Clause 6 stands part of the Bill. Those in favour please say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it. Clause 6 stands part of the Bill.

Clause 7 is proposed. The question is that Clause 7 stands part of the Bill. Those in favour please say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it, Clause 7 stands part of the Bill.

Clause 8 is proposed. The question is that Clause 8 stands part

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of the Bill. Those in favour please say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it. Clause 8 stands part of the Bill.

Clause 9 is proposed. The question is that Clause 9 stands part of the Bill. Those in favour please say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it. Clause 9 stands part of the Bill.

The question is that the Bill as amended be reported to the Assembly. Those in favour please say Aye, those against No.

Members: Aye.

The Chairman: The Ayes have it.

ASSEMBLY RESUMES

Hon Reepu Daman Persaud: Mr Speaker, Bill No. 3/2001 was examined clause by clause and passed with amendment. I propose that the Bill be read a third time and passed as amended.

The Speaker: The question is that the Bill be now read the third time and passed as amended. Those in favour please say Aye, those against No.

Members of Parliament: Aye.

The Speaker: The Ayes have it. Mr Clerk.

The Clerk: Dr Roopnaraine

Mr Ramnauth

Mr Andres

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Ms Adams

Mr Bynoe

Mr Hicks

Mr Hamilton

Mrs Lawrence

Dr Joseph

Mr DeFreitas

Mrs Backer

Mrs DeJesus

Ms Persico

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Mr Chand

Mr Alli

Mr Ramotar

Mr Belgrave

Mr Mohamed

Ms Teixeira

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Mr DeSouza

Mr Collymore

Mr Chandarpal

Mr Rohee

Mr Persaud

Mr Hinds

There voted for the Motion 49.

The Speaker: The Ayes have it, let the Bill be read the third time.

The Clerk: Constitution Amendment No.3 Bill, 2001.

The Speaker: Honourable Members, we have now completed our business for today.

Hon Reepu Daman Persaud: This Assembly stands adjourned to a date to be fixed.

The Speaker: The Assembly is adjourned.

Adjourned accordingly at 17:51H