

National Assembly Debates

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2009) OF THE NINTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

95TH Sitting

14:38h

Thursday 30th July, 2009

MEMBERS OF THE NATIONAL ASSEMBLY (70)

Speaker (1)

The Hon Hari N Ramkarran SC, MP

Speaker of the National Assembly

Members of the Government (41)

People's Progressive Party/Civic (40)

The United Force (1)

The Hon Samuel A A Hinds MP

(R# 10 - U Demerara/U Berbice)

Prime Minister and Minister of

Public Works and Communications

The Hon Clement J Rohee MP

Minister of Home Affairs

The Hon Shaik K Z Baksh MP

Minister of Education

The Hon Dr Leslie S Ramsammy MP

(R# 6 - E Berbice/Corentyne)

Minister of Health

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The Hon Carolyn Rodrigues-Birkett MP

(R# 9 - U Takutu/U Essequibo)

Minister of Foreign Affairs

*The Hon Dr Ashni Singh MP

Minister of Finance

Mr Mohamed Irfaan Ali MP

Minister of Housing and Water

The Hon Robert M Persaud MP

(R# 6 - E Berbice/Corentyne)

Minister of Agriculture

The Hon Dr Jennifer R A Westford MP

(R#7 - Cuyuni/Mazaruni)

Minister of the Public Service

The Hon Kellawan Lall MP

Minister of Local Government and Regional Development

*The Hon Charles Ramson SC, MP

Attorney General and Minister of Legal Affairs

The Hon Dr Frank C S Anthony MP

Minister of Culture, Youth and Sport

The Hon B H Robeson Benn MP

Minister of Transport and Hydraulics

**The Hon Manzoor Nadir MP

Minister of Labour

The Hon Priya D Manickchand MP

(R# 5 - Mahaica/Berbice)

Minister of Human Services and Social Security

The Hon Dr Desrey Fox MP

Minister in the Ministry of Education

The Hon Bheri S Ramsaran MD, MP

Minister in the Ministry of Health

*Non-elected Minister **Elected Member from TUF

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The Hon Jennifer I Webster MP

Minister in the Ministry of Finance

The Hon Manniram Prashad MP

Minister of Tourism, Industry and Commerce

*The Hon Pauline R Sukhai MP - (AOL)

Minister of Amerindian Affairs

Mr Donald Ramotar MP

Ms Gail Teixeira MP

Mr Harripersaud Nokta MP

Mrs Indranie Chandarpal MP, Chief Whip

Ms Bibi S Shadick MP

(R# 3 – Essequibo Is/W Demerara)

Mr Albert Atkinson JP, MP

(R# 8 - Potaro/Siparuni)

Mr Komal Chand CCH, JP, MP

(R# 3 - Essequibo Is/W Demerara)

Mr Bernard C DeSantos SC, MP

(R# 4 - Demerara/Mahaica)

Mrs Shirley V Edwards JP, MP

(R# 4 - Demerara/Mahaica)

Mr Mohamed F Khan JP, MP

(R# 2 - Pomeroon/Supenaam)

Mr Odinga N Lumumba MP

Mr Moses V Nagamootoo JP, MP - (AOL)

Mr Mohabir A Nandlall MP

Mr Neendkumar JP, MP

(R# 4 - Demerara/Mahaica)

*** Mr Steve P Ninvalle MP

Parl'try Sect'ry in the Min of Culture, Youth and Sport

Mr Parmanand P Persaud JP, MP - (AOL)

(R# 2 - Pomeroon/Supenaam)

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Mrs Philomena Sahoye-Shury CCH, JP, MP

Parliamentary Secretary in the Ministry of Housing and Water

***Non-elected Member

Mr Dharamkumar Seeraj MP

Mr Norman A Whittaker MP

(R# 1 - Barima/Waini)

Dr Vishwa Devi Mahadeo MP

Rev Kwame Gilbert MP

Members of the Opposition (28)

(i) People's National Congress Reform 1-Guyana (22)

Mr Robert HO Corbin

Leader of the Opposition

Mr Winston S Murray CCH, MP

Mrs Clarissa S Riehl MP

Deputy Speaker of the National Assembly

Mr E Lance Carberry MP

Chief Whip

Mrs. Deborah J. Backer MP

Mr Anthony Vieira

- *(Absent)*

Mr Basil Williams MP

Dr George A Norton MP

Mrs Volda A Lawrence MP

Mr Keith Scott MP

Miss Amna Ally MP

Cheryl Sampson MP

Mr Dave Danny MP

(R# 4 - Demerara/Mahaica)

Mr Aubrey C Norton MP

- *(AOL)*

(R# 4 - Demerara/Mahaica)

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Mr Ernest B Elliot MP

(R# 4 - Demerara/Mahaica)

Miss Judith David-Blair MP

(R# 7 - Cuyuni/Mazaruni)

Mr Mervyn Williams MP

(Re# 3 - Essequibo Is/W Demerara)

Ms Africo Selman MP

Dr John Austin MP

(R# 6 - East Berbice/Corentyne)

Ms Jennifer Wade MP

(R# 5 - Mahaica/Berbice)

Ms Vanessa Kissoon MP

(R# 10 - U Demerara/U Berbice)

Mr Desmond Fernandes MP

(Region No 1 – Barima/Waini)

(ii) Alliance For Change (5)

Mr Raphael G Trotman MP

- *(Absent)*

Mr Khemraj Ramjattan MP

- *(Absent)*

Mrs Sheila VA Holder MP

- *(Absent)*

Ms Latchmin B Punalall, MP

- *(Absent)*

(R# 4 - Demerara/Mahaica)

Mr David Patterson MP

- *(Absent)*

(iii) Guyana Action Party/Rise Organise and Rebuild (1)

Mr Everall N Franklin MP

OFFICERS

Mr Sherlock E Isaacs

Clerk of the National Assembly

Mrs Lilawatie Coonjah

Deputy Clerk of the National Assembly

PRAYERS

[The Clerk reads the Prayers]

ANNOUNCEMENTS BY THE SPEAKER

Honourable Members, I have two announcements:

- (i) Local Authorities Elections (Amendment) Bill -
Bill No. 21/2009 to be proceeded with at this
Sitting**

I was informed that the Local Authorities Elections (Amendment) Bill - Bill No. 21/2009, published on the 25th May 2009, which is in the main Order Paper with an asterisk, will now be proceeded with at this Sitting.

- (ii) Presence of the new Staff of the Hansard Division**

I would also like to acknowledge the presence of the new staff of the Hansard Division, and Members will be aware that we are working hard to establish this Division so that Members will be able to get their Hansards within a

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reasonable time of a debate. Our staff is here, and I would like us to acknowledge their presence.

Mr Robert H O Corbin: Mr Speaker...

The Speaker: Yes, Mr Corbin.

Mr Robert HO Corbin: ... I rise on a Point of Order, having heard your announcement that the Government proposes to proceed with this Local Authorities Elections Bill. My understanding was that this matter was referred to a Select Committee in this Parliament, and that the procedure would demand that a Select Committee presents its report to this House, with the full knowledge of Members of that Committee.

I am not aware of any such recommendation or any such report coming to this House, and I would believe that it is in breach of the Standing Orders for the Government to unilaterally impose, as we arrive here in this Assembly this afternoon; that they are proposing with this Bill this afternoon, knowing full well that they have not had the courtesy to inform any Member of the Opposition that they are dealing with this Bill this afternoon. And we reject such an insinuation this afternoon and we reject such insinuation this afternoon. [*Noisy Interruption*]

Mr Winston S Murray: Mr Speaker, I specifically wish to draw to Your Honour's attention Standing Order 103, which refers to Reports from Committees. In Rule 8 of that Standing Order, it is written as follows, and with your permission, I would like to read it:

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The Report of a Committee may be taken into consideration by the Assembly on a Motion that the Report of the Committee ...

... on whatever is the subject matter, in this case, on the Local Authorities Election (Amendment) Bill ...

be adopted.

However, there is this sentence:

Such a Motion may be moved by any Member, after one day's notice.

The date on this purported Report is the 30 July 2009, which is today. It therefore cannot, Sir, with great respect under these Standing Orders, if we observe them, be taken today.

Thank you, Sir. *[Applause]* This disregard for the Standing Order must stop.

The Speaker: Honourable Members... and Ms Teixeira, I will hear you, but not at this time.

Honourable Members, the time has not yet arrived; this was just an announcement that I made. The time has not yet arrived for the consideration of this matter. When the time has arrived for the consideration of the matter, I will take on the points made by the Honourable Members, and I will hear Ms Teixeira and anybody else who wishes to be heard, and then I will make a conclusion on the matter. Thank you very much.

Can we proceed?

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REPORTS FROM COMMITTEES

(1) By the *Minister of Home Affairs*:

The Annual Report of the Ministry of Home Affairs
for the year 2006

(2) By the *Minister of Finance*

(i) Financial Paper No. 1/2009 - Supplementary
Estimates (Current and Capital) totaling
\$247,406,429 for the period 2009-07-16 to
2009-12-31.

(ii) Financial Paper No. 2/2009 - Supplementary
Estimates (Capital) totaling 2,533,085,355 for
the period ended 2009-12-31.

And Mr Speaker, I further ask to signify the next sitting as
the date for consideration of these Financial Papers by this
Honourable House. Thank you very much, Mr Speaker.

(3) By the *Speaker of the National Assembly (Chairman
of the Committee of Selection)*:

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Minutes of the Proceedings of the 14th Meeting of the Committee of Selection, held on Thursday, 9th July 2009.

- (4) By the *Minister of Local Government and Regional Development, (Chairman of the Special Select Committee on Local Authorities.(Elections) (Amendment) Bill 2009:*

Report of the Special Select Committee on the Local Authorities Election (Amendment) Bill 2009, Bill No. 21 of 2009

QUESTIONS ON NOTICE

The Speaker: Honourable Members, there are two questions on the Order Paper for written replies. These questions are in the name of Honourable Member Mr Everall Franklin.

Question No. 1 is for the Minister of Tourism, Industry and Commerce, and;

Question No. 2 for the Minister of Housing and Water. These questions have therefore, in accordance with our Standing Orders, been circulated.

(1) USED TYRES IMPORTED IN GUYANA

Member Asking: Mr Everall Franklin, MP

Minister Answering: The Minister of Tourism, Industry and Commerce

- (i) Can the Honourable Minister state whether his Ministry has examined the cost to the country associated with the disposal of tyres?

- (ii) Is the Minister satisfied that used tyres imported into Guyana have satisfied the safety standards of the exporting countries allowing for use on their roads? If so, could the Minister state the international standard under which this commodity is classified?

- (iii) Can the importation of used tyres affect Guyana's credibility in its quest to receive compensation/payments in the form of carbon credits for its standing forests? If so, how?

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Written reply submitted by the *Minister of Tourism, Industry and Commerce*:

- (i) The Ministry of Tourism, Industry and Commerce does not have the responsibility for the disposal of tyres.

- (ii) There is no international standard for used tyres. However, the Guyana National Bureau of Standards has developed a national standard to regulate the quality of imported tyres.

- (iii) There is no evidence to support that the importation of used tyres by Guyana would affect Guyana's credibility in its quest to receive compensation/payments in the form of carbon credits for its standing forests.

2. SUPPLY OF WATER TO LETHEM AND SURROUNDING AREAS

Member Asking: Mr Everall Franklin, MP

Minister Answering: The Minister of Housing and Water

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- (i) Can the Honourable Minister state whether his Minister has examined the possibility of harnessing water from the remnants of the hydro-dam in the Kanuku Mountains to supply water to Lethem and other villages as Moco Moco, Tabatinga, Kumu, St Ignatius, Culvert City, in Region 9?
- (ii) If not, is the Minister prepared to urgently study this possibility?

Written Reply submitted by the *Minister of Housing and Water*:

The possibility of harnessing the water resources contained in the Moco Moco Hydro-scheme has been examined. The results indicate that in order for the resources to be harnessed, the transmission from penstock which is located approximately 300m above the base of the mountain will need replacement. Considering that the demise of the hydro-scheme was as a result of a landslide which effectively destroyed the original transmission, any replacement would need to be designed to mitigate the effects of landslides. The estimated cost for such replacement is in the order of G \$2,000,000,000.

There is also the challenge of distributing water from the scheme to the outlying areas which are as far as 35km. The

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estimated cost of installing this infrastructure would be in excess of G \$6,000,000,000.

The total capital investment therefore is in excess of G \$8,000,000,000 and would provide benefit to approximately 35,000 residents. The per capita investment cost is this estimated at G \$229,000 and is more than 23 times the national average of G \$9,500 per customer for the provision of basic water supply infrastructure. As such, the Ministry does not consider this to be a feasible option for the supply of potable water to the residents of Region 9 at this time.

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

Motion to invite Interpol to conduct an investigation into the assassination of Ronald Waddle, the involvement of Guyana Government Official in the murder of over two hundred Guyanese Youths and the involvement of the Guyana Government in facilitating the drug trade.

The Speaker: Yes, Mr Corbin.

Mr Robert HO Corbin: Mr Speaker, this is indeed a sad and shameful day for Guyana.

The Speaker: Mr Corbin, please do not make a speech.

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Mr Robert HO Corbin: Mr Speaker, I had cause to write you earlier today under Standing Order 12, seeking your leave to move the adjournment of the National Assembly at today's Sitting to discuss an urgent matter of public importance, to wit, the explosive sworn testimony given on Tuesday 28th July 2009 and Wednesday July 29th 2009, in a New York Court by Selwyn Vaughn, a witness under protection of the US Government, which provides essential information about the assassination of prominent journalist and activist Mr Ronald Waddell, the murder of 200 Guyanese by a Phantom Squad...*[Interruption]*

The Speaker: Mr Corbin, I am not going to entertain a speech. I have ruled in the past that this occasion, a request for leave, can be used to make a brief statement of the request and the basis of it. I just want to read you once again; these things have been gone over about a dozen times at least in this House, Kashyap, Page 807, Parliamentary Procedure in India. I quote:

When asking for leave of the House, a Member has to confine himself to a mere statement to that effect. He cannot make a speech at that stage.

In the House of Commons, a Member making an application, check Erskine May, is allowed three minutes.

Mr Robert HO Corbin: Sir, I am not making a speech. I am just stating what is the basis of the Standing Order as stated in the very first paragraph, so that Members must be alerted to what the subject matter of the adjournment is all

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about, and that is what I was pointing out; what is the subject matter that I believe is urgent and of public importance. And I was saying that that subject matter has to do with this sworn testimony given before a US court two days ago, which provides essential information about the assassination of prominent journalist and activist Ronald Waddell; the murder of 200 Guyanese youths by a Phantom Squad headed by Roger Khan, the complicity of the Guyana government and named officials, including the incumbent Minister of Health and the President of Guyana.

I consider this matter urgent, Mr Speaker, since it appears that the Government, as was evident in the manner of handling the Gajraj affair, seems bent on maintaining that precedent, with respect to the alleged involvement. In determining this matter, Your Honour, you may wish to consider that while this matter has been in the public domain for several years, it is the first time that sworn evidence is available from a witness who is still alive to offer that evidence in a court of law, albeit in the USA. *[Applause]*

In such circumstances, this is the first Sitting of the National Assembly since this new development, Mr Speaker, and I believe that the above circumstances justify this matter as being of public importance, and require that the National Assembly deal with this matter accordingly. In my letter to you, which I hope will be placed in the record, I have outlined a series of circumstances dating from 2002, with specifics, which shows the ... *[Interruption]*...

The Speaker: Honourable Members, I do not wish to have a repeat in this House of what went on a little while ago. Please!

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Mr Robert HO Corbin: I have detailed in my letter, Sir, specific circumstances chronologically since 2002, which makes it incumbent on the government, incumbent upon us, to call upon Interpol to conduct an investigation on this government, as we have absolutely no confidence in any investigation that this government will do on this matter .and I hope that this matter, Sir, will come up for urgent consideration today. Thank you. *[Applause]*

The Speaker: Thank you, Mr Corbin. I am grateful that the letter was sent early enough to give me an opportunity to have a look at the matter, and to read your very long letter.

Honourable Members, we have had applications by way of Motions to adjourn the Business of the National Assembly under this Standing Order, on many occasions in the past, and I have gone to the trouble of giving written opinions on these matters, so that they will form a record; I am not saying they are right; but they will form a record, while they are not right, the House is bound by them until another Speaker changes that position; so that, Honourable Members will have an opportunity of having a view of what the rules provide.

I have also said before that the rules relating to adjournment Motions have long been felt to be very harsh, and many Legislatures and Parliaments have adopted modified rules in order to deal with these types of matters, and that thinking went into the adoption of a modified rule for our own National Assembly. I do not remember the Standing Order offhand, but it allows for a debate on an urgent matter after only three days' notice, with certain other rules attached to it.

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Now, the first thing that strikes one here is that, this matter relates to incidents in Guyana, and accusations. These consist of newspaper reports, of evidence which took place in a court of law in the United States in a pending matter. That is a...that is what we are dealing with here - newspaper reports in Guyana of evidence given in a matter which is pending in a court in the United States of America.

The first thing that attracted my attention which is on record in this House - *Grounds for disallowance of adjournment Motions*. The matter sought to be raised is mostly based on press reports without being substantiated. That is the Indian Parliament. Erskine Mays: *the matter raised by the Motion must not offer when facts are in dispute or before they are available*.

I took the trouble in the last Parliament to print out this handout and circulate it to all Members of Parliament, so there cannot be any excuse that these provisions are not known. On those grounds, I do not need to go further. On those grounds, I am afraid that I am unable to entertain the Motion, and I wish to add, all official documents to me form part of the record of this House. Yes, Mr Corbin

Mr Robert HO Corbin: Mr Speaker, as always, I have been guided by your ruling, but I trust that as in a court of law, I would be permitted to give an opinion which you may consider, having regard to the grounds on which you make your ruling, that these reports are based on newspaper reports. These reports are not based only on newspaper reports, Sir, but they are available, sworn affidavits, court documents, and testimony that have been made available to the world at large. And it is for this reason, Sir, that I

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attempted to detail in my letter specific circumstances on which there are incontrovertible evidence, not newspaper reports, Sir.

This issue of the Good Hope trio is not incontrovertible. It is a fact. It went to court, and nothing happened about it, Sir. I mentioned that the killing of Yohance Douglas, and what happened to the two people who were accused. Those are facts, Sir; those are not newspaper reports. I have mentioned instances where there had been drug lords functioning under the cover of the administration. These are not wild reports, Sir...

The Speaker: I understand.

Mr Robert HO Corbin: ... but I want to make clear, Sir, that I do not want it to be interpreted that I have come here with some flimsy allegations, Sir; and that is why I took the liberty, you said it was long, and I did not bore the Parliament with the details, but I took the time of giving dates, times and even names in some circumstances, of instances which establish that these are not hearsay stories, Sir....

The Speaker: Thank you, Mr Corbin.

Mr Robert HO Corbin ... and lately I have been speaking about. The only difference, Sir, I am saying that it is urgent, because it is the first time, and that is why it is coming to the Parliament. If I wait until next week, it might be ruled that I did not come to the Parliament at the first available opportunity. So, this is evidence which was only revealed in the court yesterday and the day before, so it is fresh evidence

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which, as I said, is incontrovertible. The Motion really seeks to say that with all that has been happening in Guyana, which is incontrovertible, there is no proper investigation; that this is an opportunity for the people of Guyana to request an Interpol, an international organisation, to get this evidence, so that we can have an investigation. I do not see what is wrong with that. *[Applause]*

The Speaker: Thank you, Mr Corbin. You can circulate your paper to the press. I am sure they will be very anxious to read about your recommendations, about Interpol and otherwise. But look, the only matter that is urgent are the facts and circumstances stated by a witness in a court in the United States of America, in a pending trial, the issues of which are reported in the newspapers here. That is the only thing that is urgent, the evidence of a witness in a trial. The other circumstances cannot be urgent; I am not saying they are not important; I am not saying they are not distressing; I am not saying they are not serious. We are dealing here with urgency. The other things that are mentioned in your letter, Mr Corbin, are not urgent. Let me read in this same document, what they say about urgency.

The fact that a grievance is continuing is not sufficient if it is not of recent occurrence. The fact that new information has been received regarding a matter that has been continuing for some time does not itself make that matter one of urgency. If the facts have only been recently revealed, that does not make the occurrence urgent. That does not make the occurrence recent.

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So having regard to all of these statements, for which authority is cited, I appreciate what you are saying, but regrettably, I do not agree with it. Thank you. Mr Clerk.

Mr Robert H O Corbin: But you recall, Sir, that this is the highest forum of the land. This is the highest court of the land, and you, Sir, have the golden opportunity of creating precedent for this Parliament on a matter of this great nature, Sir. *[Applause]* You can down in history, Sir, as having created history, set new guidelines, not Erskine May; not the court of India, but the court of Guyana - The Parliament of Guyana. *[Applause]*

The Speaker: Thank You.

Mr Robert HO Corbin: But this matter. Sir, which every Guyanese, every decent Guyanese is concerned about Sir, about what has been happening in this country for five years, if in this Parliament, Sir, cannot address this matter with some urgency, a matter that goes to the core of the Constitution, where can it be aired, Sir? This is the point... This is the highest court Sir.

The Speaker: It can be aired right here, Mr Corbin.

Mr Robert H O Corbin: When, next year, Sir?

The Speaker: On another type of Motion.

Mr Robert H O Corbin When, next year?

The Speaker: It can be aired right here. On a normal Motion with notice; it can be aired right here.

Mr Robert H O Corbin: Your Honour...

The Speaker: All the things you mentioned...

Mr Robert H O Corbin: Your Honour....

The Speaker: ...subject to my review.

Mr Robert H O Corbin: According to the Standing Orders and my interpretation of it, Sir, notwithstanding your ruling, I believe that if eighteen Members on this side stand, as I ask them to do. I believe the Standing Order No. 12 (2) Sir...

The Speaker: If you want to...

Mr Robert H O Corbin: ... provides an opportunity for eighteen Members on this side of the House to stand...

The Speaker: Mr Corbin...

Mr Robert H O Corbin: ... and I trust, Sir, that the gravity of this matter which affect the laws of this country, will influence your judicial mind, Sir, to understand the gravity of this matter. This is not a light matter, Sir

The Speaker: Thank you, Mr Corbin. The drama is not necessary. *[Laughter]* The Members can have a seat. I am sure eighteen Members approve, but my recollection of what the Standing Order says is that you first must get the Speaker's permission.

Mr Robert H O Corbin: ...too, Sir.

The Speaker: According to the Standing Order, the Speaker has to be first satisfied, to approve the Motion, and

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either leave of the Assembly is given; and you do not need the leave of the Assembly. In this case you do not need a majority of the House. Once the Speaker gives leave, you do not need a majority of the House. The Speaker puts it, and it can be voted down by the majority, but if eighteen Members agree, then the Motion can be heard. So that is the rule.

Thank you very much, Honourable Members. Mr Clerk.

Mr Robert H O Corbin: If a matter of this gravity is not urgent to this country, these laws of Guyana mean absolutely nothing in this country. Nothing! All of them! All of them! All of them! *[Uproar]*

[All the law books were overturned by Mr Corbin]

14:35H

[At this stage, all the Members of the PNCR-IG and GAP/ROAR walked out of the Chamber]

The Speaker: Mr Clerk, could you proceed, please?

I do recall, before you leave, many years ago, at a meeting in this National Assembly, and I do believe Mr Corbin was present, when the books were similarly overturned by Dr Jagan, who was then the Leader of the Opposition. That was some time in the 1970s. I do not know if I should say that an

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unfortunate precedent was created or when... but there, sorry...

[Interruption: 'He was muzzled after that'] ... not after that. It was another incident.

Yes, Mr Clerk...

Hon BH Robeson H Benn: Mr Speaker, may I humbly request that we restore the law books of Guyana to their rightful place..

The Speaker: We will have to suspend for five minutes for that to happen. *[Applause]*. Let us suspend, please for five minutes.

14:36H - SUSPENSION OF SITTING

14:47H - RESUMPTION OF SITTING

PUBLIC BUSINESS

(i) GOVERNMENT BUSINESS

BILLS - Second Reading

**ITEM 1 - ADMINISTRATION OF JUSTICE (No. 2)
BILL 2009 - Bill No. 32/2009 published on
2009-07-08**

*A Bill intituled, an Act
to amend the Summary
Jurisdiction (offences) Act and
the Motor Vehicles and Road
Traffic Act to extend and
specify the meaning of
property and increase the
penalty for damage to
property.*

The Speaker: Honourable Members, there are two Bills before us today. The first one is the Administration of Justice Bill. I understand that there is going to be an application in relation to this Bill.

Honourable Attorney General, are we proceeding with this one?

Hon Charles R Ramson: Cde Speaker, I am glad that you drew it to my attention, but owing to unforeseen circumstances, we would like to defer the Second Reading of this Bill - the Administration of Justice Bill (No. 2) Bill to next week.

The Speaker: Yes, thank you, Honourable Member.

The Bill is deferred.

**ITEM 2 - LOCAL AUTHORITIES (ELECTIONS)
(AMENDMENT) BILL 2009 -**

Bill No. 21/2009 published o 2009-05-25

*A Bill intituled, an Act to
amend the Local Authorities
(Elections) Act*

The next Bill is the Local Authorities (Elections) (Amendment) Bill 2009.

The Honourable Minister of Local Government and Regional Development

Hon Kellawan Lall: Mr Speaker, I beg to move that the Local Authorities Elections (Amendment) Bill 2009, Bill No. 21 of 2009, published on 2009/05/25, be read a Second time.

The Speaker: Do you wish to make a presentation in support of your Motion that the Bill be read a Second time?

Hon Kellawan Lall: Mr Speaker, thank you very much. I wish to state that this Bill that seeks to amend the Local Authorities Elections Act is indeed a landmark piece of

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legislation. I cannot recall for how many decades the present Local Government system has been in place, but this is the first major piece of legislation coming to this House that seeks to make substantial changes to the present Local Government system.

I think, Mr Speaker, we have had, in this House, quite a number of presentations over the years, especially at the point when we had to postpone, unfortunately, elections at Local Government level. The reasons... *[Interruption]*

The Speaker: Mr De Santos, you wanted to attract my attention about something?

Mr Bernard De Santos: Yes, please, Mr Speaker.

The Speaker: Honourable Member Mr Kellawan Lall, would you give way to Mr De Santos?

Hon Kellawan Lall: Mr Speaker...

The Speaker: I need to seek your permission.

Hon Kellawan Lall: Please.

The Speaker: Very well. Yes.

Mr Bernard C De Santos: I have in my hand the Report of a Special Select Committee, which relates to the piece of legislation we are about to debate and Second Reading; and it worries me, Mr Speaker, that it appears from Page 6, I think it is; it is the final page, that this piece of legislation has not properly emerged from the Select Committee, and might not be, what I call, ripe for debate.

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I make this observation, and I want it understood by my colleagues in good faith. This is an extremely important piece of legislation, and you do not want to hurry it through or to pass it, if it is felt that it is not quite ready, because it can be challenged in the courts, and it would stymie the Government's efforts to hold the elections as it wants to do.

I just want to draw your attention to 5(1) (iii) on the last page, which seems to say that a proposal was put, it never got past being a proposal, no decision seems to have been taken, a Meeting which ended at 6:10 was adjourned to the 4th August, and therefore it seems to me to indicate that that proposal was never voted on, and no decision was taken. If I am wrong, it does not appear from the record...If Your Honour is convinced that a decision was taken, and I really do not see how you can go outside the pale of this record, which is, to my mind, extremely inconclusive I bring this matter to Your Honour's attention for your consideration. Thank you.

The Speaker: Ms Teixeira.

Ms Gail Teixeira: The Honourable Member is not a Member of the Select Committee which some of us are, but in the Minutes of July 28th sub-section 5(1)(ii), Page 6 of the Minutes, at the last part of the ... it says very clearly that:

At its Meeting held on July 28th the Special Select Committee discussed this report, and its consideration of this Bill for the proposed amendments and agreed that it should be

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*presented to the National Assembly.
Thereafter the Government Members
proposed a report should be prepared by the
Secretariat, signed by the Minister and be
Tabled in the National Assembly.*

Right, but the Report had the agreement. It is drafted and amended in keeping.

Therefore, Mr Speaker, I ask that the point by the Honourable Member is not relevant to the debate on the Second and Third Readings of this Bill.

The Speaker: I will consider the matter while the debate is proceeding, and then I will give a view on it, so Mr Lall, could you continue?

Mr Nadir wanted to say something; last person?

Hon Manzoor Nadir: Mr Speaker, just on a point of clarification: the Honourable Member Mr De Santos drew attention to the last page of the report in the Appendix. This is a Committee that continues on, and like some of the other Children's Committee, and this is just a report on one of the five Bills, but the Committee will meet again to continue its work on August 4th. Thank you.

The Speaker: Thank you Honourable Member

The Honourable Minister of Local Government and Regional Development

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Hon Kellawan Lall: Thank you, Mr Speaker. I want to thank the Honourable Members for bringing that matter up, and the clarifications.

I was making the point, Mr Speaker that this is indeed a landmark piece of legislation that seeks to reform, in a very substantial way, the Local Government system, especially the electoral system as it presently obtains; and I was about to explain that there is a history behind the preparation of this Bill, the emergence of this Bill. As you all know, there was a joint task force, made up of the two major political forces in the country. They have worked, laboured for, I think, eight years, and that task force was terminated a few months ago, and the matter was brought to the National Assembly for final consideration and to debate at the Select Committee the outstanding issues.

As Chairman of that Select Committee, Mr Speaker, I must report to you that I have taken a very strong position. I had a mandate from Parliament for us to conclude this matter in a reasonable time - within a reasonable time-frame - and I have done so; and when I presented this particular Bill for its First Reading, I made the point that, in spite of all the talk of packages and presenting and passing all these pieces of legislation as a package, that after eight years, we must recognise what is happening on the ground, and as Parliamentarians and as legislators, we have to behave in a very responsible manner.

We have put the Local Government system under pressure - severe pressure. Actually, I would say as Minister responsible, that it is in crisis. Practically every day you read in the papers, and I get reports on my desk of tremendous

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amount of problems of these sixty-five Bodies at the neighbourhood levels and the six municipalities. They cannot work; we are putting pressure on them. We cannot stabilize the system without Local Government Elections, and there seem to be some people, who are in positions that can move this process along and who have been deliberately trying to stymie this process. And we had to take a very strong position at the level of the Select Committee, to work within certain timelines, so that we can bring this particular piece of legislation to Parliament outside of the broader framework of considering other pieces of legislation that when tallied, would bring even more substantial reforms to the Local Government System.

Another important point, that because of the drastic changes that would be necessary after this Bill would have been passed, we need to give some sufficient lead time to various organisations, especially the Elections Commission, to do some groundwork; because as you know, Mr Speaker, we are reforming the system in such a way that now fifty percent of the Councilors or fifty percent of the seats at the Local Government level will be filled through a PR System, and fifty percent of the seats will be filled through a constituency system. That will entail substantial amount of work, where demarcation is concerned.

I was privy to some notes on how the Elections Commission would normally go about doing demarcation of boundaries, and it is a very tedious and painstaking system operationally, and it entails going down on the ground; and apart from the technical work, they need to consult before they start the process; they need to consult after the process would have

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been finished, with the various communities and get their concurrence.

And so we need to give the Elections Commission some lead time to do this work, and I have been trying to impress upon my colleagues on the other side for them to take this point into consideration. And bearing in mind that we have national elections due in two years' time, and it would be an extremely difficult task for a country like ours, with limited resources, to hold such big elections within a short space of time. So, we need to hold these elections some distance away from the national elections.

That is an important point, because for us to hold them just weeks or months apart, or even just close together, would entail a large amount of expenditure of capital and other resources, including human resources, not only in the State and GECOM level, but also the level of the political parties. They would have to have thousands of people on the ground doing political work, and there will be a certain amount of fatigue also among the populace. And who wants that? We do not want that, to burden the population with these kinds of this intense political atmosphere and as we all know, elections time tends to heat up that atmosphere, and I think it will be very responsible on our part to keep that in mind, so that we have those elections some distance apart.

Mr Speaker, the Report details the areas that we have amended, and while the amendments are many, they are not really substantial. They are matters for clarification, and I think some of the Members of the Committee made the point that since this legislation in dealing with Local Government, we need to simplify it and for it to be very explicit, and to do

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away with the more classical legalese so that ordinary folks can understand and appreciate this new piece of legislation. So a lot of the things that we have changed, the wording, a word here, a word there, a phrase here, are meant really to give people a chance of understanding what are our intentions in passing this piece of legislation.

I must say that there are still areas of contentions. My point is that reform, is a process. This is not the end of the reform of the Local Government System. This system has been in place for decades, and this is a first attempt to give some meat to the constitutional provisions, for us to have a very vibrant local government system. This is a first attempt to deal with some of the more archaic operations of the local government system. And as we go along, I think we will need to reform other aspects of local government. As Minister, I am seeing the many areas of local government that still needs to be discussed by Parliament. All the Bills that are going to be put before this House, including this one, I believe do not capture all the issues. There are many more issues that we need to look at, and I think that will come in time. The point I am trying to make is that this is an evolutionary process, it is continuing, this is not the end of it, this is just the beginning of looking at the Local Government System. The intention of course, is to make it more effective, more vibrant, and for it to position itself as a very important tier of government, to provide communities with services.

I just want to identify one area of contention and I personally on this side of the House, believe that we are correct in our interpretation of what is presented here. That contention is that, the Minister should not name the date of the elections. The Bill provides for in 38(a) (viii), and 38(a)(ix) provides

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for the Minister to name the date of the elections. Now 38(a) (viii) reads as follows:

The Minister shall, by order, identify the local authority areas where the elections shall be held.

I think the Opposition's opposition to this Clause is there because of fear and suspicion; it is not grounded in anything real. They fear that the Minister may not call elections. How are we not going to call elections when all these years we have been agitating, we are fighting, and we are bringing these pieces of legislation to Parliament? How, after all these things, we are not going to want to call elections?

But I want to make this point: the various pieces of existing legislation, including the Local Government Act, Chapter 28:02, provides in a very specific way, the date for elections. The Minister cannot, does not have the authority to change those things. And I just want to read that section of the Local Government Act, 28:02. In Section 22, dealing with Village Councils, Section 22(3) says that, and I quote:

All village councilors shall be elected in elections held every third year during the period commencing on the 1st of November and ending on the 7th December in accordance with the Local Authorities Elections Act.

There is a specific timeline for that, and there are various reasons and this Act spells out; there are various scenarios that can be painted when it would require or may require the

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Minister, or the Executive, to phase these elections; there many, many considerations, where he may want to phase these elections. And I think that is one of the reasons why we have done so. The Minister's hands are tied in a way that he has a particular timeframe within which he should hold elections, unless he comes to Parliament and changes that.

The second contention is that this should be a function of the Elections Commission. My thinking on this Matter, Mr Speaker, is that we have had the 1980 Constitution, and after that we have had several amendments to our Constitution. We have had new legislation dealing with GECOM; and all those people who have crafted these legislations have never really intended that the Elections Commission should take on this responsibility of naming dates for elections. I think they deliberately left that responsibility to the Executive, for whatever reasons; and we cannot now, in a very vicarious way, and an underhand way, through this piece of legislation, hand over to GECOM this important function, to name dates of elections. All tiers of Government of the State, the Central Government, the Regional Governments, the Municipal Governments, the Neighbourhood Governments, the dates for those elections have never been in the hands of the Elections Commission. But as I said before, I pointed out before, even at National Elections, the Constitution and other pieces of legislation existing, prescribe the timeframe within which the Executive must hold these elections. They do not have unlimited authority, and call elections as in other jurisdictions, anytime they want. We do not have that luxury here in Guyana, including the Minister of Local Government. So, unless of course we come to Parliament and change existing laws. So, we never really agree with the

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Opposition that this should be a function of the Elections Commission. It remains with the Minister of Local Government, in this particular instance.

Mr Speaker, I just want to conclude by saying that it is a very difficult Committee to deal with; there are very strong positions on both sides of the political divide, and we did a lot of work on this particular piece of legislation. I have explained the reason why we have delinked this particular one from the others. We are going to continue; we have gone a far way in almost agreeing with the Local Government Commissions Bill, and after that we will be going to the three others. We are hoping that before the recess, that we would have completed a substantial amount of this work, but I believe as we go along we will define how we view our work, and we will inform you, Mr Speaker.

I want to conclude by saying that we are committed; we are firmly committed to having Local Government Elections, or the next Local Government Elections, under a reformed system. We made that commitment with Mr Hoyte, and we are going to stick with it. All these other things that have been coming up of bringing these things as a package and all these different things, I do not know where they came from. What I do know is that on this side of the House, the Executive and the ruling party have all committed themselves to having the next round of Local Government Elections under a reformed system. We are committed to that, we are going to have that, and we are going to bring all the pieces of legislation to this House for passage before we hold those elections. Thank you very much. *[Applause]*

The Speaker: Thank you, Honourable Member.

The Honourable Minister of Labour

Hon Manzoor Nadir: Mr Speaker, I rise to support the Motion by my colleague for the adoption of the Report and for the Second Reading of the Local Government Elections (Amendment) Bill.

Mr Speaker, as the Minister said, a lot of work has gone into the production of this Report, and the amendment to the particular piece of legislation; and while I cannot stand here and say that in this Committee on this Bill, it was perhaps the most pleasant Select Committee to work in, I agree with the Minister that a lot of work has been done.

Mr Speaker, the Report itself says that we have agreed on every Clause, except 38(a)(viii) and 38(a)(ix), and the contention there, as Minister said, was the Opposition wanting to change the Minister having responsibilities that are normally endowed in Ministers and Prime Ministers in our Westminster system, for the calling or the dissolution of Parliament in these Committees. That is a longstanding Westminster tradition, and as he rightly says, the moment that happens, certain timeframes kick in, which dictate what the date will be.

But what is important in this Report, Mr Speaker, when you read it, is the many instances where we were at pains to reflect what the Opposition views were, and if we look at the last Minutes itself, yes, there was some division at 5.1 (ii), it says that:

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The Government Members proposed that the Report should be prepared by the Secretariat, signed by the Minister, and be tabled in the National Assembly at the sitting on Thursday 30th July 2009.

Mr Speaker, if you go back to read some other aspects of the Minutes, you will see that on another occasion when we looked at how the Committee was established and the joining of the PNCR Members joining the Committee, we reflect specifically the details of that at the insistence of the Members of the Opposition. So, we were at pains to ensure that - and this has been, I think, a bit from the norm - where there was a dissenting Opposition view, and where we had to make a decision; the Minutes would have reflected what the Opposition views were.

Mr Speaker, the holding of Local Government Elections, and where we are today, Mr Speaker, in our country, in spite of the global economic crisis; we still have the projection of a positive growth rate this year, Guyana being one of the few countries in the Caribbean over the past three years that has shown sustained real economic growth; the political stability, the calmness in our society on all fronts including labour; things were perhaps going too good for Members of the Opposition.

And so, Mr Speaker, instead of them at this time trying to provide leadership, trying to provide, not only to their Members, to demonstrate to the entire nation that they can bring the quality leadership that can get the majority of the people supporting them, instead of doing that, they are now resorting to their old ways of trying to deal in brinkmanship;

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trying to take this country to the brink and saying they have powers in their hand to pull it back from tipping over.

And that is what we are seeing now; we are in a phase where perhaps the Honourable Leader of the Opposition; I have with confidence he is going to emerge as the Leader and the next Presidential candidate, I have the confidence, but he has to pander to certain groups. We have seen the exchange in the newspapers with Mr Williams saying that the vast majority of the members say this is an Afro-based party, and no place for non-Afro-based leaders. Big debate, I was pleased to see that at least he was here still today in the National Assembly. But what we see is the Leader of the Opposition having to pander to certain persons, certain elements who feel that you have to take this country to the brink.

What we require is what has been provided by the PPP/C Government - good leadership; and if Mr Corbin, instead of displaying what he displayed here today, instead of displaying that, had displayed the quality of a great leader, I am confident that he may have won enough support to make him a serious challenge to the governing party, not only at Local Government Elections, but perhaps at national elections.

And Mr Speaker, I have personally seen this happen not only here. I want to draw my colleagues' attention to St Lucia. In the early 1990s, the Leader of the Opposition was Julian Hunte, I think it is Sir Julian Hunte and he was leader of the St Lucia Labour Party, and the entire mood of St Lucia at that time, was against; was perhaps not against but for change. Mr Compton and the United Workers Party were in

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office for some fourteen years plus, and change was a good theme that the Opposition used. But then, Julian Hunte and John Compton had to appear at a public function, and what happened at that function was Julian Hunte threatened John Compton with a spade. He said he will break this spade on Mr Compton's rear, and that was captured in the press.

The St Lucia Labour Party, prior to that incident, was seen as one of the parties earlier that broke up Castries, and what the people of St Lucia said, the St Lucia Labour Party did not have change, especially under Julian Hunte, and John Compton had a resounding victory at the national polls..

And so, Mr Speaker, I thought that I would share that experience with my colleagues, because here again in Guyana, the Leader of the Opposition is losing a golden opportunity to provide leadership - to provide good quality leadership - and is saying to a country, we only know one means, bullying people, slow fire and more fire, and some of their supporters also believe in the principle of ruling over ruin. And I can tell you firsthand, and I can swear to as a witness. In 1997, after the December elections, it was just in the month of Ramadan, and where we went to mosque was directly opposite Congress Place, and every afternoon after the protestors finished with Central Georgetown, they would congregate in the vicinity of Congress Place in Congress Place, and around the Prashad Nagar Jamaat Masjid; and you will hear them talking about we do not care, but we have to rule even if we have to rule over ruins.

But what is happening today in our country, there is progress; in spite of the harsh economic realities, the President has just announced that the public servants will get

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a pay increase. That is too much of good news, and today, we have to get on with Local Government Elections. We have to get on with the preparations for those elections. No less a person that the Chairman of the Elections Commission says he needs to be able to look at the boundaries, the constituencies, a lot of work has to go into it. But what happens is that, the PNC is insisting on another filibustering tactic, and do not want, for whatever reason, to have democratic elections for Local Authorities. But we need this piece of legislation to empower the Guyana Elections Commission to start their work in earnest to prepare for the Local and Municipal Elections.

And so, Mr Speaker, I stand in full support of my colleague, and for the Second Reading of the Local Government Elections (Amendment) Bill. Thank you, *[Applause]*

The Speaker: Thank you, Honourable Member.

The Honourable Member Ms Teixeira

Ms Gail Teixeira: Mr Speaker, the two speakers before me, the Honourable Ministers, I think have made most of the points, but I think that it is important to underline and to respond to something that was said in the earlier part of this Meeting, to do with the proper tabling of this Report, and the debate on the Second and Third readings.

But let me preface my comment, before I get to that, that this Bill is of such importance, not to repeat what Minister Lall

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said, but that the joint taskforce was set up over eight years ago, and looked at the issue of what a new Local Government reform system would be like, in keeping with the Constitution, Article 78(b); and it has been a stormy road, a difficult road, and one on which many times they did not meet.

But one important change took place in 2007. Two important changes took place, one within the Committee, that in 2007, five draft Bills were given to the Committee to try to expedite and move forward the process; and that in fact the Committee spent 2007, 2008, 2009 until the last Meeting, in which they did address a number of the five Bills.

This particular Bill before the House was discussed by the taskforce in detail, and some of the same concerns... the two areas where there was no consensus then, reflects itself in the Select Committee again, but all the other amendments that were proposed in the taskforce, and those in the Select Committee, won consensus between the parties in the Select Committee.

The second thing is that this Bill, I think is so important to allow us to do many things, and this was clearly underlined when we were in the task force and at bipartisan levels with the PNCR in particular. Mr Speaker, you will remember that a number of letters were written by the Leader of the Opposition on June 1st to yourself, June 1st was the Prime Minister, June 4th to yourself, about the issue of the postponement of the Committee of Selection June 4th, as only three of the five Bills had been tabled.

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As a result of these letters that were sent, signed by the PNCR, there were others signed by the AFC and GAP, that the government felt it was important for us to try to reach agreement before the Sitting on June 4th, and before the Committee of Selection met on June 4th. At that time, Mr Speaker, I was assigned by the Government to engage with the People's National Congress Reform. I did, and I engaged with, and negotiated with, Mr Winston Murray; it was difficult to reach Mr Carberry. Mr Winston Murray is a senior leader of the PNCR, and it is not unusual that in our tete-a-tete, and sometimes attempts to reach agreement on issues prior to Parliament, that one would speak to a leader such as Mr Murray.

We had conversations during that day, before the sitting, and we agreed further to put in writing what was the agreement between Mr Murray and I on behalf of our parties, so that when we were meeting and discussing - when we were talking, we did not meet, it was all on the telephone - that at each point we went back to our leaders, and came back; so these discussions went on several times during the morning, until we reached an agreement. That agreement, we went further, as a government to say, we were prepared to put this in writing to give all assurances to the PNCR and AFC, GAP that we were sticking to our word. This letter was dated June 4th, signed by the Prime Minister as Leader of the Government Business, and circulated by the Clerk of the National Assembly to the Leaders of the political parties in this House. And so the agreements that we reached then, were that:

- All five Bills would go to one Select Committee;

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- That further, that the remaining two Bills the Government was committing, would be submitted on June 11th, and be sent to the same Special Select Committee;
- Thirdly, we agreed that we both understood, Government and Opposition, that the Local Authorities Election (Amendment) Bill be given priority by the Special Select Committee;
- Fourthly, that the Special Select Committee would conclude the examination of the Local Authorities Election Bill and the other four Bills in a timely manner to ensure the agreement's enactment before the National Assembly goes on recess on August 8th;
- And lastly, having made the above commitment and prepared to meet this commitment in public, the Government is not inclined to accept as justifiable the request to delay the appointment of the Members of the Special Select Committee by the Committee of Selection as planned today.

Mr Speaker, you will also recall that you chaired that Meeting, and we attended, the government representatives attended, and Mr Ramjattan on behalf of the AFC. The PNCR asked to be excused, because they said they were not prepared to give the names of their representatives. The Meeting was convened, the named persons were appointed, the first Meeting of the Select Committee was June 9th. There was an attempt too, Mr Speaker, I remind you, that you tried to have a subsequent Meeting, after the 4th June, on the 8th June. The PNC wrote a letter asking for

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postponement, despite the fact that by then, all five Bills had been tabled in the House which was publicly what they said was one of the reasons why they were not participating in the Committee of Selection and in the Special Select Committee.

You then made another attempt, which they were unable to do, and on June 18th, when the Committee of Selection was in Meeting, you attempted to round-robin all of us for the approval of the PNCr nominees. Mr Ramjattan in the June 4th Meeting, named Mr David Patterson as the representative of the AFC on the Special Select Committee. So that, the PNCr has not been honouring the commitment that it made both in engagement at the level of the Government and the Opposition on June 4th, it has not been operating in a gentleman's manner or an honourable manner.

The letter that they sent to the Clerk was dated June 11th, but stamped received on June 16th. The PNCr, in the preparation of this Report, made it clear that we are to amend the report to put the word *stamped* in front of the word *received*, because they were questioning whether in fact there was some hanky-panky in this Parliament to do with how their letter dated June 11th somehow got stamped June 16th. I know the staff of this House, I know the Clerk, and I have great trust in the Clerk, and his staff, that the fact that the letter was stamped, dated, time was even put on it of when it was received, that I do not believe that such implications of wickedness should be tolerated.

However, Mr Speaker, forgive me for saying some of these details, because these are things in the Committee, and in the Bill itself, we started meeting on June 9th and we had meetings June 9th, 13th, 16th and 18th. The PNCr started

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coming from June 18th and the AFC as well. We had already finished going through the Local Authorities Bill, and we had started the Local Government (Commissions) Bill. We therefore agreed, because at all costs, it must be understood by the media and Members of this House, that the impression given there that someone in the government and the government Members are coming in to ramroad this thing through, is a distortion of the facts and highly mischievous - highly mischievous, to create an impression that is absolutely not true. How can it be true when for eight years you are in a taskforce? How can it be true when a Committee meets? If we wanted to ramroad this thing through as a government, June 18th we had finished this Bill. We could have fought; used our majority, and put it into the House on June 23rd, but we did not. We said we will go through it all over again, and we went through it all over again. The number one Bill that is critical for the holding of our Local Government Elections under reformed system. We went through it that time, we went through it Clause by Clause; the draft report was ready since the end of June, and it was July 28th when we came through, because we had gone through the matrices three times to do with the amendments.

Some were typo mistakes on the part of the clerical staff and stuff, but Mr Speaker, you know what is so exciting about the Parliament now, and sometimes we do not get an opportunity to recognise the work of the Parliament Staff; but you know this Committee used the other screen, a multi projector, whatever you call that thing, multi-media projector screen, so there was a clerk sitting there, that as we made amendments to the Bill, as we made amendments to the

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Report, it was typed right there, you could see it. You could see it, and that was all done on three occasions.

And so, on July 28th having circulated the original draft report three weeks before on this Bill, we then went through Clause by Clause, sorry... sentence by sentence by sentence of the report, and the PNCR insisted on certain things being put in, and Mr Speaker, we agreed to the inclusions of their views, even though we often insisted as government, that our views be in the report. And that is to do with the content of the report; this is not to do with the Bill.

The PNCR had insisted, and the AFC, that all five Bills, not only must be tabled simultaneously in this House, but most strangely and in a most crazy way, insisted that all five Bills have to come back to this House simultaneously and be debated simultaneously. Now, that is impossibility. Five Bills cannot be simultaneously debated in the House, and they certainly cannot be meaning that. Despite the fact of the agreement we had, they have made mockery of it, and in fact, insulted their own negotiator in this whole process and basically, thrown the letter of June 4th out and the agreements of June 4th, to say they are not binding.

Mr Speaker, this Bill is coupled with something else that happened at the political level. After the 2006 elections, there was a whole discussion and the commitment by the government to have Local Government Elections 2007, 2008. The Opposition and GECOM at that time too was talking about new ID cards, new registration, they did not want to accept the registration process and continuous registration that went on in the 2006 elections. And so there was a grand meeting of all the leaders of the political parties

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in Parliament in the Office of the President, Cabinet Room, with GECOM Chairperson and Chief Elections Officer Mr Boodhoo, and the donor community, and the leaders of the donors of this country - the ambassadors, the Heads of the agencies, and so forth, and the diplomatic corps; and we reached agreement on one house-to-house registration, as the mother of all registrations, not only for the Local Government Elections, but for 2011. That was the agreement. There was no agreement, and I am saying this more for the press, Mr Speaker, for the press than you, because you are well aware of these issues; but that there was no commitment at any time that the five Bills were going to be tabled as a package, and dealt with as a package in this House. It was agreed that the five Bills would go to Select Committee and be dealt with there, and as they were finished, come out, would be returned to the House for debate, Second and Third readings. There was no such commitment. And so the commitment that was signed by all the Parliamentary parties, by the donors and by GECOM, made it very clear; it was talking about house-to-house registration and the urgency of Local Government Elections.

Mr Speaker, this was in June 2008. The house-to-house registration process has been completed. I understand GECOM is doing what GECOM has to do. But the importance of this piece of legislation is to allow certain things to start operating. The recent pronouncements of GECOM make it look as if you will not have elections this year. However, there is much work to be done; this is a new system, a new hybrid system in which you are first-past-the-post and proportional representation, where you will have political parties both putting up candidates for the first-past-

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the-post list, as well as the PR list: A very interesting, very participatory formula, but one which will involve the demarcation of constituencies within the NDCs and the municipalities, as well as work on voter education. The voters and the political parties themselves will have to be educated on how the system in detail is going to work.

Mr Speaker, therefore there is no mischief afoot, as has been conveyed at the beginning of this Parliament, when you made your announcement, Sir. This Committee met on June 28th, and I repeat, I reiterate, on the previous meeting of July 21st, it had gone through the matrix with all the amendments for the Local Authorities Election Bill and approved it. It was accepted as correct. On July 28th we met and went through the draft report, amended it, and saw it up on the screen as corrected. We also agreed to adopt the report as amended.

Where the issues came, and where my friend and colleague misinterpreted, and these Minutes have not been adopted, because it is July 30th, is that when we said we are going to take it to the House, they said, no, you have to wait for all five Bills to be finished; all five Bills to be finished before this Bill can go forward. This is where disagreement lay, not in this Report; and so I think it is an important point to emphasize, and Minister Manzoor made it much more clearly than I can.

This Bill allows, as Minister Lall said, for a very progressive, participatory, inclusionary approach to Local Government power and empowerment. I am deeply disturbed by a letter from the donor community that went to the Members of the Special Select Committee, and I must record it, it went to

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some people and not to others, but it went to enough Members of the Select Committee to be extremely disturbing. And I must record it in this House that it is *infra dig* for members of foreign agencies to be interfering with a matter that is before a Select Committee, so much so that they were advising how we should operate in our Select Committee, and what we should change in our Bill.

And Mr Speaker, you are a very wise man, and I would ask you to caution the donors who you meet from time to time, at a sip of wine, at a cocktail, at a dinner, or in more formal engagements which you handle very, very well, Sir, that we make it absolutely clear that this is interfering in the work of a Parliamentary Select Committee. It would be unheard of, Sir, for any of us, Guyana Government, to write the Select Committee in the British Parliament or the Canadian Parliament that is looking at a Sexual Offences Bill or some Local Government Bill, and say you should be doing x, y and z, and you should make this thing more democratic, and you should be doing this.

Ironically, Mr Speaker, ironically, and I do not draw conclusions on it, that the recommendations of the donor community were very similar to those in some of the arguments on the general issues of Local Government that the Opposition has said publicly. And I leave that to those who wish to conclude what that means. But I find that it is unacceptable.

Mr Speaker, this Bill allows for some very important issues, the selection of the candidates so that a person who is going to run for candidate must be a resident of a body of a constituency and of a local authority, and registered in that

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body. That is a very important thing to underline publicly, because it will be a challenge to all the political parties, all the political parties, to ensure that every candidate they put up, both on the party list for PR, and on the first-past-the-post list, that they are registered within that Local Authority and you must be a resident. This is going to be a challenge, and I have no doubt that some of these challenges are awesome; but by the way, the Opposition agreed to these amendments, they agreed to these, and therefore they may be overwhelmed by the challenges of having to find candidates according to this law, which they have agreed to, that are resident and registered. So the kind of thing we could do in the national elections, where a person may not be registered or resident, sorry, in a region, could actually be a geographic representative in a region.

So, Mr Speaker, I think these are issues that I would like to record for the House, and to say that I look forward to this Bill being passed, as amended. On the issues of consensus, the only two areas we did not have consensus, at least Mr Lall spoke to those and I just want to reiterate that the Constitution of this country in relation to the GECOM, the Guyana Elections Commission, and in relation to the legislation of the statute that covers the GECOM, does not give it the powers to be involved with identifying the dates, nor in identifying the numbers of councilors or seats available for each NDC, et cetera. That is our Constitution. For the Opposition to advocate this means that they want to advocate a Constitution amendment, and if they wish to, then let them bring that to the negotiating table, or bring it to the House, but they have not done that. They are throwing words out in a disorganized, but very catchy and opportunistic way;

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and the media, regrettably, in this country, is not doing enough work to investigate some of these issues and to be able to advise the public in a balanced and fair manner.

Mr Speaker, I therefore support this Bill as amended by the Special Select Committee, and assure this House again, that there is nothing that we have done in the Special Select Committee that breaches the Standing Order 103(8), which makes it very clear, and Standing Order 28(3). The Committee finished on July 28th, the Minister signed the document on the 28th, and therefore, giving this House more than one day notice for the Bill and the Report to reach for discussion.

One last link I should bring in, which is maybe just a detail, but then that is how my brain works; and that is that at the very end of the meeting, we said to all the Members there as we have this thing on the screen, let us print it so we could just look at any mistakes, any things, we can deal with it overnight and have it signed. They were uninterested in that and they left the Meeting.

It is regrettable that the Opposition has failed to be here, they have politically and opportunistically at this time, jumped on a bandwagon and forgotten the Guyanese people who have a right to vote at the elections, at elections in their communities, and to be able to have a say in decision making on who they want to run their communities, and also how those communities will be run. The Opposition has lost a golden opportunity, but then that is not surprising, this is not the first time in this House; and I must say that maybe, the coming of the Congress, one party has just finished a Congress, the other one is just about to begin a Congress.

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Maybe these are things that need to be in the air to divert from the hard work of the Parliament and legislation - law making. This law making on the Local Authorities Elections Bill is a critical, decisive, defining moment for the implementation of the Constitution of this country, and also for devolving power to the communities and establishing a much more democratic system of Local Government. Thank you very much, Sir. *[Applause]*

The Speaker: Thank you, Honourable Member.

Mr Lall, is there anything else you wish to say?

Mr Kellawan Lall: No, Mr Speaker.

The Speaker: Thank you.

Hon Kellawan Lall: Well, in terms of procedure ...

The Speaker: You change your mind?

Hon Kellawan Lall: ... no, no. I was just wondering what is the procedure.

The Speaker: Alright, I will guide the procedure.

Honourable Members, this is a Bill that was sent to Select Committee immediately after or upon its First reading. There are two stages now, where Bills can be sent to Select Committees. First stage is immediately after the First reading, and second stage is immediately after the Second reading.

When a Bill is sent to a Select Committee after the Second Reading, then a report is prepared and a Motion is proposed

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for the adoption of the Report, in which case one must ensure that the Report contains no procedural flaws. I do not think this Report contains any procedural flaws. I looked at it; it was approved by the Select Committee. But in this reading, at this stage, no Motion is put for the adoption of the Report. The Second Reading proceeds as is normal, we then go into Committee, After a Bill goes to Special Select Committee after Second reading, you do not go into Committee.

We now go into Committee and we then consider the Bill Clause by Clause, and then a Member obviously, will move that the amendments agreed upon in the Report be adopted. So there is a slightly different procedure which does not require a Motion adopting the Report, in which case one needs to be cautious. The Report needs to be in accordance with the rules of the National Assembly.

Question put and agreed to.

Bill read a Second time.

IN COMMITTEE

Honourable Member Mr Kellawan Lall, would you move, please?

Hon Kellawan Lall: Mr Speaker, I... *[Interruption]*

The Chairman: Just a minute. I have to tell you what to move. Honourable Member, would you care to propose that the Clauses 1-3 of the Bill, together with the Schedule, subject to those amendments which have been proposed in the Report, be adopted? You got me, Honourable Member?

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Hon Kellawan Lall: Yes, Mr Speaker, I so propose.

The Speaker: You so propose. [*Laughter*]

Clauses 1 - 3 with the Schedule together with those amendments which have been proposed in the Report

Question -

That Clauses 1-3 with the Schedule, together with those amendments which have been proposed in the Report, be adopted.

Proposed, put and agreed to

ASSEMBLY RESUMED.

Honourable Member Mr Lall, could you report, please?

Hon Kellawan Lall: I wish to report, Mr Speaker, that the House considered the Bill before us Clause by Clause, and I beg that it be accepted as amended, and be read the Third time.

Question put and agreed to

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Bill reported with amendments, considered, read the
Third time and passed with amendments.

MOTIONS

3. LOW CARBON DEVELOPMENT STRATEGY

WHEREAS the Fourth Assessment Report of the inter Governmental Panel on Climate Change has firmly established that concentrations of carbon dioxide in the atmosphere are rising exponentially, leading to alarming levels of global warming and related sea level rise;

AND WHEREAS the cause of these phenomena is mainly anthropogenic;

AND WHEREAS if left unchecked, the effects of climate change can lead to marine inundation of coastal low lying areas, flooding from excessive rainfall, droughts, disruption of agriculture, food shortages, disease, population displacement and extinction of species;

AND WHEREAS several studies on the economics of climate change and its impact have concluded that the cost of inaction will in the long-term exceed the level of resources currently required for addressing these impacts;

AND WHEREAS the Conference of Parties in Copenhagen 2009 must reach an agreement that entails deep cuts in emissions, bold action on climate mitigation, and clear support for adaptation measures;

AND WHEREAS twenty percent of all green house gases results from deforestation and degradation;

AND WHEREAS a recent study done by the internationally reputable McKinsey Company has demonstrated that avoided deforestation represent a least cost solution for carbon abatement lower than hybrid cars or wind power;

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AND WHEREAS studies ad analyses have confirmed that Guyana's forests could be deployed as mitigation against the adverse effects of climate change without either sacrificing our sovereignty or development prospects;

AND WHEREAS Guyana stands at the threshold of a great global opportunity to show the world how rainforest countries can use their rainforest to mitigate Climate Change and at the same time use it as the basis for a financial flow to provide adequate resources to pursue a low carbon development path with adaptation, mitigation and technology transfer as key elements;

AND WHEREAS the Government of Guyana has drafted a Low Carbon Development Strategy which is currently being discussed in a series of countrywide consultation;

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BE IT RESOLVED:

That this National Assembly:

- (1) Welcomes the commitment to public consultations including parliamentary parties to contribute to the finalization of the Strategy;*

- (2) Recognises the pioneering nature of Guyana's Low Carbon Development Strategy; and*

- (3) Endorses Guyana's advocacy in the UNFCCC process for a new post 2012 Agreement that includes REDD, avoided deforestation and sustainable forest management, to be decided in Copenhagen in December, 2009 and support its use at international for a, including the UNFCCC Conference of the Parties in Copenhagen.*

The Honourable Minister of Agriculture

Hon Robert M Persaud: Mr Speaker, with your permission, I beg that the Motion on the Low Carbon Development

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Strategy be deferred to the next Sitting of the National Assembly for debate and discussion.

The Speaker: Thank you, Honourable Member.

Honourable Members, the *Motion is deferred as moved.*

4. GUYANA'S ACCESSION TO THE PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF 12TH AUGUST, 1949 RELATING TO THE ADOPTION OF AN ADDITIONAL DISTINCTIVE EMBLEM (PROTOCOL III)

WHEREAS the emblems of the Red Cross have used since the nineteenth century as universal symbols of assistance to victims of armed conflicts and natural disasters;

AND WHEREAS Guyana, already State Party to the Geneva Conventions of 12th August, 1949 and their Additional protocols of 8th June 1977, is desirous of acceding to the Protocol to the Geneva Conventions of

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12th August, 1949 relating to the Adoption of an Additional Distinctive Emblem (Protocol III) so as to create an emblem, the RED Crystal, that would be free from an religious, cultural or political connotations and enjoy the same legal status as the Red Cross and Red Crescent and maybe used in the same way and circumstances

BE IT RESOLVED:

That this National Assembly approves Guyana's accession to the Protocol additional to the Geneva Conventions of 12th August, 1949 relating to the Adoption of an Additional Distinctive Emblem (Protocol III)

The Honourable Minister of Foreign Affairs

Hon Carolyn Rodrigues-Birkett: Mr Speaker, the Motion before us is a very simple one, and is basically to clear the way for Guyana's accession to Protocol III, the protocol

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additional to the Geneva Conventions of August 12, 1949, and relating to the adoption of an additional distinctive emblem.

Mr Speaker, the emblems of the Red Cross and the Red Crescent have been used since the 19th Century, as universal symbols of assistance to victims of armed conflicts and natural disasters. Indeed, the Red Cross on the white background was the original protection symbol declared at the 1864 Geneva Convention. It represents a reversal of the Swiss flag in terms of its colour, and was adopted to honour Swiss founder Henri Judant and his home country.

The Red Crescent, Mr Speaker, has its genesis in the Russian/Turkish war from 1876 to 1878. The Ottoman Empire submitted that the Red Cross will alienate the Muslim soldiers and instead used the Red Crescent. The Red Crescent was formally recognised in 1929, when the Geneva Conventions were amended.

Guyana is party to the four Geneva Conventions, and the two additional protocols of 1977, which together recognised the Red Cross and the Red Crescent. Both emblems are entitled to full respect under international law. However, Mr Speaker, they are sometimes perceived as having cultural, religious or political connotations, and this jeopardizes the protections they confer on victims of armed conflicts, medical services of the armed forces and humanitarian personnel.

To overcome these problems, the idea of introducing an additional neutral emblem that would be acceptable to all national societies and States was put forward by the Swiss

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Government, who organized a conference in 2005. The red crystal, which is a red diamond on white background, was then recognised as a distinctive emblem with the adoption of Protocol III by States, party to the Geneva Convention.

Mr Speaker, by adopting this Protocol, Guyana recognises, among other things, that this additional emblem is free from any religious, cultural or political connotations, and enjoys the same legal status as the Red Cross and Red Crescent, and may be used in the same way, and under the same conditions. Guyana's accession will signal its support to the Geneva Conventions and to international humanitarian law generally. I, therefore ask for the support of this National Assembly. I thank you. [*Applause*]

The Speaker: Thank you, Honourable Member. Are there any other speakers?

Honourable Members, I do propose the Motion moved by the Honourable Member, Honourable Minister of Foreign Affairs, Mrs Rodrigues-Birkett.

Question proposed, put and agreed to

Motion carried.

Honourable Members, this brings us to the end of our business for today, except that we have a Meeting of the Special Select Committee on ... okay, sorry, it is called off for today.

Thank you very much, Honourable Members.

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Hon Shaik Baksh: Mr Speaker.

The Speaker: Yes, Mr Baksh.

Mr Shaik Baksh: I would like to move that the National Assembly stands adjourned to Tuesday, 4th August, 2009.

The Speaker: Tuesday August....

Mr Shaik Baksh: August 4th.

The Speaker: Tuesday, 4th August, 2009 at 2.00 pm. The National Assembly is so adjourned, but before we move, I would like to take the opportunity... is that what you want to talk about, Honourable Member?

Hon Priya Manickchand: I am not sure what Your Honour is referring to, but I was just wondering if the Special Select Committee on Sexual Offences and the Children's Bill... (You are blocking me)... There was a Meeting for the break, so that we could appoint the Members, Sir.

The Speaker: Yes.

Hon Priya Manickchand: And it was just...

The Speaker: Well, I have been advised by the Clerk that there is a procedural difficulty. I do not know what it is, so the Clerk is recommending that the Meeting be called off for today, and reconvened at a later date.

Hon Priya Manickchand: Well, I trust that the Clerk knows, but we do have a majority. I just would be reluctant to call it off simply because ... I take the ruling Sir. It just prolongs our work.

EMANCIPATION GREETINGS

The Speaker: Honourable Members, I would like to take this opportunity to wish all Guyanese, in particular the African Guyanese, Happy Emancipation Day, not excluding anyone, but particularly Honourable Member Mrs Shirley Edwards and the Honourable Member Mrs Sahoye-Shury, who took the trouble of reminding us by their delightfully flamboyant garb. But I would like on behalf of and I know of all Members of the National Assembly, to extend my good wishes to all Guyanese and particularly to African Guyanese on this very momentous occasion.

Thank you very much.

Adjourned Accordingly at 15:57H