

NATIONAL ASSEMBLY

ORDER PAPER

FOR THE 55TH SITTING OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION

(1998-2000) OF THE SEVENTH PARLIAMENT OF GUYANA TO BE HELD

AT 2.00 P.M.

ON MONDAY, 18TH SEPTEMBER, 2000

IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN

BUSINESS FOR SITTING

PRAYERS

OATH OF A NEW MEMBER-

MESSAGES FROM THE PRESIDENT-

ANNOUNCEMENTS BY THE SPEAKER-

PRESENTATION OF PETITIONS-

PRESENTATION OF PAPERS AND REPORTS, ETC.-

(1) By the Speaker:

Annual Report of the Ombudsman for the year 1998.

(To be circulated)

(2) By the Minister of Agriculture and Parliamentary Affairs:

Final Report (Two Volumes) of the Oversight Committee
on Constitutional Reform - August, 2000:

Volume I - Sections I to 7 and 9

Volume II - Section 8.

(Circulated)

2.

(3) By the Minister of Health and Labour:

State Paper on the following Convention, Recommendation and Instrument of Amendment, which were adopted by the International Labour Conference at its 85th Session held in June, 1997:

- (i) Private Employment Agencies Convention, 1997, No. 18
- (ii) Private Employment Agencies Recommendation, 1997, No. 188
- (iii) Constitution of the International Labour Organisation Instrument of Amendment, 1997.

(To be circulated)

QUESTIONS TO MINISTERS-

STATEMENTS BY MINISTERS-

PERSONAL EXPLANATIONS-

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

INTRODUCTION OF BILLS-

PUBLIC BUSINESS

MOTIONS

1. FINAL REPORT OF THE OVERSIGHT COMMITTEE ON CONSTITUTION REFORM

The Minister of Agriculture and Parliamentary Affairs to move the following motion:

WHEREAS, in pursuance of a Resolution passed by the National Assembly on 6th December, 1999, the Government, in consultation with the Political Parties represented in the National Assembly, and with civil society, established an Oversight Committee with responsibilities for --

- ◆ Preparing for the approval of the Assembly, a time-bound plan for the drafting of Constitutional Revisions,
- ◆ Overseeing and guiding the implementation of the Recommendations of the Report of the Special Select Committee which considered the Report of the Constitution Reform Commission, and
- ◆ Submitting written monthly progress reports to the Assembly, the first such report being required to be made not later than 31st December, 1999;

AND WHEREAS the Time-bound Plan was prepared by the Oversight Committee and was laid in and approved by the National Assembly on 10th February, 2000;

AND WHEREAS the Oversight Committee has been submitting monthly progress reports to the Assembly and has submitted seven such reports;

AND WHEREAS the Oversight Committee has concluded its deliberations and has submitted its Final Report;

AND WHEREAS the Final Report of the Oversight Committee is laid before the National Assembly on 18th September, 2000;

AND WHEREAS the completion of the process of Constitutional Reform and its derivative activities requires that the National Assembly passes amendments to the Constitution and enabling legislation and establishes mechanism in keeping with the provisions of the Report;

BE IT RESOLVED:

That this National Assembly -

- ◆ Expresses and records its thanks to the Oversight Committee for the service it gave and for the Reports it submitted,
- ◆ Adopts the Final Report of the Oversight Committee, and
- ◆ Requests the Government to bring to the National Assembly, after consultation with the Political Parties represented therein, matters and Bills for consideration and enactment, to give effect to the proposals/recommendations contained in the Final Report of the Oversight Committee on Constitution Reform, prioritising them as follows:-
 - Constitutional amendments, using Section 8 of the Report as the basis for the preparation of the amendments to the Constitution
 - Enabling legislation associated with the amendments
 - Establishment of Constitutional Institutions inclusive of the Parliamentary Standing Committee for Constitutional Reform, using Section 4 of the Report as the basis for establishing the mechanisms
 - Establishment of non-constitutional institutions such as the Local Government Commission
 - Establishment of a legislative agenda for non-constitutional matters
 - Determination of provisions to be enshrined and the manner of enshrinement
 - Determination of how and when to deal with the referendable items
 - Determination of how and when to deal with the Constitution as a document with specific reference to its formulation in simple language;

AND BE IT FURTHER RESOLVED:

That this Seventh Parliament record its advice and expectation that such elements of the Report as may be unimplementable by this Parliament by virtue of the unavailability of time will be deliberated on and concluded by the Eighth Parliament.

(Notice Paper No. 88 (M47 Govt 42) published 2000-09-13)

2. INTERNATIONAL LABOUR ORGANISATION CONVENTION 1999 (NO. 182) AND RECOMMENDATION 1999 (NO. 190)

The Minister of Health and Labour to move the following motion:

WHEREAS as member state of the International Labour Organisation, Guyana is obligated to examine Conventions and Recommendations adopted by the International Labour Conference in accordance with Article 19 of the Constitution of the International Labour Organisation;

AND WHEREAS Article 19 states that all Conventions and Recommendations adopted by the International Labour Conference must be submitted to the Competent Authority of member states whether ratification of such Conventions is contemplated or not;

AND WHEREAS the submission of Conventions and Recommendations adopted at sessions of that Conference should always be accompanied or followed by a statement or proposal setting out the Government's view as to the action to be taken on the instruments;

AND WHEREAS Guyana adheres to the Constitutions of the International Labour Organisation of which it is a member since 1966;

AND WHEREAS the Government of Guyana, proposes to use the provisions of the Conventions and Recommendations adopted from time to time by the International Labour Conference as aims of policy and to ratify those Conventions which are in keeping with the social philosophy of the Guyanese society;

BE IT RESOLVED:

That the National Assembly approve the conclusion set out in the State Paper on the undermentioned Convention and Recommendation adopted at the 87th session of the International Labour Conference held in June, 1999:

1. Worst Forms of Child Labour Convention, 1999, No. 182.
2. Worst Forms of Child Labour Recommendation, 1999, No. 190.

AND BE IT FURTHER RESOLVED:

That the decision of this National Assembly be conveyed to the Director General of the International Labour Organisation.

(Notice Paper No. 87 (M46 Govt41) published 2000-07-27)

***3. RATIFICATION OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION**

The Minister of Foreign Affairs to move the following motion:

WHEREAS the Inter-American Convention against Corruption was signed on March 29, 1996 at the Specialized Conference on the Inter-American Convention against Corruption in Caracas, Venezuela;

AND WHEREAS the Convention was signed by the Honourable George Fung-On, Minister of the Public Service on behalf of the Government of the Co-operative Republic of Guyana;

AND WHEREAS Article 22 of the said Convention makes provision for the deposit of the Instrument of Ratification with the General Secretariat of the Organisation of American States;

NOW THEREFORE the Government of the Co-operative Republic of Guyana having considered the Convention hereby confirms and ratifies the same and undertakes faithfully to perform and carry out all the stipulations therein, subject to the following Reservation herein after expressed, "The Cooperative Republic of Guyana does not consider itself bound to extend the actions of seizure of forfeiture of property envisaged under Article XV of the present Convention, to the extent that such actions violate the provisions of Article 142 (1) of the Constitution of the Co-operative Republic of Guyana, which prohibits the compulsory acquisition of property without the payment of compensation.";

BE IT RESOLVED:

That the National Assembly agrees to the General Secretariat of the Organisation of American States being informed of Guyana's intention to ratify the said Inter-American Convention against Corruption and for Guyana to formally ratify the said Convention by the deposit of an Instrument of Ratification.

(Notice Paper No. 82 (M41 Govt36) published 2000-07-27)

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***Not to be proceeded with at this sitting.**

***4. RATIFICATION OF PROTOCOL VIII WHICH AMENDS THE TREATY ESTABLISHING THE CARIBBEAN COMMUNITY**

The Minister of Foreign Affairs to move the following motion:

WHEREAS Protocol VIII amending the Treaty Establishing the Caribbean Community signed at Chaguaramas on 4 July 1973 was signed by Eleven (11) Heads of Government at the Eleventh Inter-Sessional Meeting of the Conference of Heads of Government of the Caribbean Community which was held in Saint Kitts and Nevis from March 13-14, 2000;

AND WHEREAS Protocol VIII was signed by His Excellency Bharrat Jagdeo, President of Guyana on behalf of the Government of Guyana in Saint Kitts and Nevis;

AND WHEREAS the said Protocol provides for a Competition Policy, Consumer Protection, Dumping and Subsidies for the Community within the context of the CARICOM Single Market and Economy (CSME);

AND WHEREAS Protocol VIII which amends the Treaty that established the Caribbean Community aims primarily at ensuring “that the benefits expected from the establishment of the CARICOM Single Market and Economy (CSME)” are not frustrated by anti-competitive business conduct;

AND WHEREAS Guyana remains firmly committed to the principles of free and fair competitive trade within the context of the CARICOM Single Market and Economy;

BE IT RESOLVED:

That the National Assembly hereby agrees to the Secretary General of the Caribbean Community being notified of Guyana’s intention to ratify Protocol VIII by depositing the appropriate Instrument of Ratification.

(Notice Paper No. 83 (M42 Govt37) published 2000-07-27)

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**Not to be proceeded with at this sitting*

***5. RATIFICATION OF PROTOCOL IX WHICH AMENDS THE TREATY ESTABLISHING THE CARIBBEAN COMMUNITY**

The Minister of Foreign Affairs to move the following motion:

WHEREAS Protocol IX amending the Treaty which established the Caribbean Community signed at Chaguaramas on 4 July 1973 was signed on March 14 by Eleven (11) Heads of Government at the Eleventh Inter-Sessional Meeting of the Conference of Heads of Government of the Caribbean Community held in Saint Kitts and Nevis from March 13-14, 2000;

AND WHEREAS Protocol IX “Disputes Settlement” was signed by His Excellency Bharrat Jagdeo, President of Guyana on behalf of the Government of Guyana in Saint Kitts and Nevis;

AND WHEREAS the said Protocol IX has as its primary objective the promotion of “peaceful expeditious and effective settlement of disputes in the Community and, in particular, in the CARICOM Single Market and Economy (CSME) by recourse to the internationally accepted modes of disputes settlement;

AND WHEREAS the said Protocol allows for the creation of the Caribbean Court of Justice;

AND WHEREAS Guyana strongly endorses the view that a transparent and authoritative system of disputes settlement within CARICOM will ultimately enhance the “economic”, social and other forms of activity in the CARICOM Single Market and Economy (CSME) thereby creating a stable climate for investment;

BE IT RESOLVED:

That the National Assembly hereby agrees to the Secretary General of the Caribbean Community being advised of Guyana’s intention to ratify Protocol IX by depositing the appropriate Instrument of Ratification.

(Notice Paper No. 84 (M43 Govt38) published 2000-07-27)

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***Not to be proceeded with at this sitting**

***6. RATIFICATION OF THE COMPREHENSIVE NUCLEAR TEST-BAN TREATY**

The Minister of Foreign Affairs to move the following motion:

WHEREAS the Comprehensive Nuclear Test-Ban Treaty (CTBT) was adopted by the United Nations General Assembly on September 10, 1996 and opened for signature in New York, United States of America on September 24, 1996;

AND WHEREAS Cabinet recently approved of Guyana signing the Treaty and the said Treaty will be signed by Honourable Clement J. Rohee, Minister of Foreign Affairs, on behalf of the Government of Guyana during the 55th United Nations General Assembly in September 2000;

AND WHEREAS the said Treaty provides for, inter alia, the cessation of the arms race, nuclear disarmament and complete disarmament under strict and effective control;

AND WHEREAS the Government of Guyana supports the international effort to halt the further testing of nuclear weapons and other nuclear explosions leading to the eventual elimination of the war weapons of mass destruction. The practice of testing nuclear weapons not only threatens international peace and security, but also threatens the existence of mankind, health and the environment;

BE IT RESOLVED:

That the National Assembly hereby agrees to the Secretary General of the United Nations being informed of Guyana's intention to ratify the Comprehensive Nuclear Test-Ban Treaty and for Guyana to formally ratify the said Treaty by the deposit of an appropriate Instrument of Ratification.

(Notice Paper No. 85 (M44 Govt39) published 2000-07-27)

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***Not to be proceeded with at this sitting**

***7. ENDORSEMENT OF THE PARTNERSHIP AGREEMENT BETWEEN THE AFRICAN, CARIBBEAN AND PACIFIC STATES AND THE EUROPEAN COMMUNITY AND ITS MEMBER STATES**

The Minister of Foreign Affairs to move the motion at Appendix I attached.

***8. VENEZUELA'S CLAIM TO THE TERRITORY OF ESSEQUIBO**

The Minister of Foreign Affairs to move the following motion:

WHEREAS on February 2, 1987, the governments of Britain and Venezuela signed a treaty in Washington, in which they agreed to establish an Arbitral Tribunal for the purpose of determining the boundary between the former Colony of British Guiana, now the Co-operative Republic of Guyana and the United States of Venezuela;

AND WHEREAS on October 3, 1899, the Arbitral Tribunal handed down a unanimous decision which in accordance with Article XIII of the abovementioned 1897 Treaty of Washington, the contending parties accepted as being a full, perfect and final settlement of all the questions referred to the Arbitrators;

AND WHEREAS the boundary, which was demarcated in accordance with the Arbitral Award and the report of the findings of a Venezuelan/British Mixed Boundary Commission between the years 1901 and 1905, had been accepted and recognised by both sides as well as the international community for six decades following the demarcation, and is still so accepted and respected by Guyana and the international community;

AND WHEREAS from 1962, and in breach of the Treaty of Washington, the untenable contention by successive Venezuelan Governments that the Arbitral Award is null and void, had been accompanied by numerous attempts to deny Guyana the right to develop its territory within secure boundaries free from threats and other forms of intimidation;

AND WHEREAS the aforesaid acts constitute a real and continuing threat to the sovereignty and territorial integrity of Guyana;

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*Not to be proceeded with at this sitting

AND WHEREAS Guyana became a party to the Geneva Agreement of 1966 between Venezuela and the United Kingdom which established a Guyana/Venezuela Mixed Commission charged with “the task of seeking satisfactory solutions for the practical settlement of the controversy between Venezuela and the United Kingdom which has arisen as a result of the Venezuelan contention that the Arbitral Award about the frontiers between British Guiana and Venezuela is null and void” and that the Good Offices of the United Nations Secretary General has been sought to facilitate this process within the context of Article IV (2) of the Geneva Agreement;

AND WHEREAS October 3, 1999 marked 100 years since the international Arbitral Award was handed down;

BE IT RESOLVED:

That this National Assembly:

- (i) affirm its continuing resolve to be in rejecting Venezuela’s claim and to maintain the existing internationally recognised border between Guyana and Venezuela;
- (ii) condemn any and all acts of aggression against Guyana;
- (iii) reaffirm the continued commitment of Guyana to the Good Offices process of the United Nations Secretary General;
- (iv) direct the Government of Guyana, to pursue a continuous and coordinated programme of diplomatic and other initiatives to secure the territorial integrity of Guyana and its rights to develop its territory, within the context of good neighbourliness, free from threats and intimidation;
- (v) further direct the Government of Guyana to take whatever measures are necessary to maintain the continued involvement and support of all parliamentary and other political parties, social partners and other socio-economic groupings throughout the length and breadth of Guyana in their national rejection of Venezuela’s claim to Guyana territory.

(Notice Paper No. 71 (M30 Govt 26) published 6.12.99)

BILLS - Second Reading, Committee and Third Reading

***9. SUMMARY JURISDICTION (LAY MAGISTRATES) BILL 1999 - Bill No. 5/1999
published 6.2.99**

The Assembly to proceed upon the further stages of the following Bill, after the Select Committee has reported thereon:

A BILL intituled AN ACT for the constitution of lay magistrates' courts; for the appointment of lay magistrates; for the regulation of their jurisdiction, practice and procedure and for other like purposes.

(Read a first time on 3.2.99)

(Read a second time and committed to a Select Committee on 18.3.99)

***10. TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING BILL 1999 -
Bill No. 3/1999 published 23.1.99**

The Minister of Education to move the second reading of the following Bill:

A BILL intituled AN ACT to provide for the promotion of technical and vocational education and training, and for purposes connected therewith.

(Read a first time on 3.2.99)

F. A. NARAIN
Clerk of the National Assembly

PARLIAMENT OFFICE,
Public Buildings,
Georgetown
13th September, 2000