

National Assembly Debates

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2008) 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

56TH Sitting

14:00h

Thursday 3 July 2008

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 (Absent- performing the functions of Office of the President)

The Hon. Clement J Rohee MP

Minister of Home Affairs

The Hon. Shaik K Z Baksh MP

Minister of Education

The Hon. Dr Henry B Jeffrey MP

Minister of Foreign Trade and International Cooperation

The Hon. Dr Leslie S Ramsammy MP

(R# 6 - E Berbice/Corentyne)

Minister of Health

NATIONAL ASSEMBLY DEBATES 3 JULY 2008

- The Hon. Carolyn Rodrigues-Birkett MP (AOL)
(R# 9 - U Takutu/U Esseq)
Minister of Foreign Affairs
- *The Hon. Dr. Ashni Singh MP
Minister of Finance
- The Hon. Harry Narine Nawbatt MP
Minister of Housing and Water
- The Hon. Robert M Persaud MP - (AOL)
(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. Doodnauth Singh 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 - (AOL)
(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

The Hon. Jennifer I Webster MP

Minister in the Ministry of Finance

The Hon. Manniram Prashad MP - (AOL)

Minister of Tourism, Industry and Commerce

*Mrs. Pauline R Sukhai MP

Minister of Amerindian Affairs

Mr. Donald Ramotar MP

The Hon. Gail Teixeira MP

Mr. Harripersaud Nokta MP - (AOL)

Mrs. Indranie Chandarpal MP, Chief Whip

Ms. Bibi S Shadick MP

(R# 3 – Essequibo Is/W Demerara)

Mr. Mohamed Irfaan Ali MP

Mr. Albert Atkinson JP, MP (Absent)

(R# 8 - Potaro/Siparuni)

Mr. Komal Chand CCH, JP, MP - (AOL)

(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 - (AOL)

Mr. Moses V Nagamootoo JP, MP

Mr. Mohabir A Nandlall MP

Mr. Neendkumar JP, MP

(R# 4 - Demerara/Mahaica)

*** Mr. Steve P Ninvalle MP

Parliamentary Secretary in the Ministry of Culture, Youth and Sport

Mr. Parmanand P Persaud JP, MP

(R# 2 - Pomeroon/Supenaam)

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)

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

Mr. James K McAllister MP

Mr. Dave Danny MP

(R# 4 - Demerara/Mahaica)

Mr. Aubrey C Norton MP

(R# 4 - Demerara/Mahaica)

Mr. Ernest B Elliot MP

(R# 4 - Demerara/Mahaica)

Miss Judith David-Blair MP

(R# 7 - Cuyuni/Mazaruni)

Mr. Mervyn Williams MP

(R# 3 - Essequibo Is/W Demerara)

Ms. Africo Selman MP

- (AOL)

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

Mr. Khemraj Ramjattan MP

Mrs. Sheila VA Holder MP

- (AOL)

Ms. Latchmin B Punalall, MP

(R# 4 - Demerara/Mahaica)

Mr. David Patterson MP

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

Mr. Everall N Franklin MP

- (AOL)

OFFICERS

Mr. Sherlock E Isaacs

Clerk of the National Assembly

Mrs. Lilawatie Coonjah

Deputy Clerk of the National Assembly

PRAYERS

[The Clerk reads the Prayer]

PUBLIC BUSINESS

(i) GOVERNMENT BUSINESS

Bills - Second Reading

ITEM 2: VISITING FORCES BILL 2008, BILL NO. 5/2008

A BILL intituled An Act to make provision for armed forces of certain States visiting Guyana and for related purposes.

(Read a first time on 2008-06-26)

The Speaker: Honourable Minister of Home Affairs ...

Hon. Clement J Rohee: Mr. Speaker, I rise to move the second reading of this Bill, the Visiting Forces Bill No. 5/2008 and in so doing I feel it is necessary for us to contextualize this Bill having regard to the fact that some months ago this Honourable House had cause to consider this Bill, or a Bill similar in nature, that was at that time relevant and necessary for the hosting of Cricket World Cup in Guyana.

On that occasion, Mr. Speaker, the Visiting Forces Bill was part and parcel of a raft of sunset legislations which were required of member states of the Caribbean Community to enact in order to secure a safe and a secure environment for Cricket World Cup in the region.

To enable the passage of that Bill, Mr. Speaker, which was known as the Visiting Forces Bill 2007, Bill No. 13/2007, the then Bill was part of an overall security

strategy and plan, I should say overall security plan, that was formulated by the Heads of Government of the Caribbean Community, that flowed from the Security Assistance Caricom Member States arrangements.

And the Bill was passed in this Honourable House to ensure that Security Assistance Caricom Member States was in force or enacted in order to give life to the Security Assistance Treaty, which is not a sunset, or was not a sunset legislation, but was a treaty that could only be abrogated if one member state or more than one member state decided to disassociate itself from that treaty. So that the Security Assistance Treaty, which flowed from the Security Assistance Caricom Member States Bill, which was eventually passed in this House is still in effect in force.

Member states who are party to the Security Assistance Treaty were then obligated to sign on to the Visiting Forces or to pass in their respective Houses of Assembly, the Visiting Forces Bill, as well as the Visiting Police Forces Bill, in order to complete the legislative architecture that was necessary for the hosting of Cricket World Cup.

Since that period, Mr. Speaker, the Heads of Government of the Caribbean Community met in the Bahamas in 2007, and having recognised that the security situation in the region has exacerbated, recognised that it was important to revisit the legacy issues associated with Cricket World Cup, because everyone in the various Member States was saying tremendous benefits have

accrued from the Cricket World Cup experience *vis-a-vis* security particularly. Save and except with the incident of the death of one of the coaches in Jamaica, the matches took place without any untoward events, where one could say breached the security arrangements that were put in place.

So, having those legacy issues to benefit from, the Heads of Government of the Bahamas felt that it was important to put back in place many or certain pieces of legislation that would help in addressing the security situation regionally, and also from a national perspective in terms of the individual Member States themselves, because it was recognised, Mr Speaker, that to deal with crime and security nationally, it was also important to see the external dimensions of the phenomena that each Member State was seeking to address.

But the Heads went a step further, Mr. Speaker, when they decided that these steps cannot be taken in isolation from the total strategy, and while they did have a strategy in place for Cricket World Cup security, they did not have in place a strategy for the ongoing security concerns regionally. And that is why the Heads took a decision, Mr. Speaker, to develop a coherent approach to this problem, by making security as the fourth pillar of the Caribbean Community. And a concept paper was formulated by the experts, in order to ensure that all the security issues that are to be addressed must be placed in the context of this fourth pillar of the Caribbean Community. They recognised, Mr. Speaker that a rapid

response mechanism had to be put in place, and rapid deployment regional joint force needed to be established also to trigger that mechanism. And when we come to talk about a rapid deployment regional joint force, we obviously are speaking about the police forces of the region and the armies of the region as well.

Well this is not something new, because in fact, for Cricket World Cup, while it was not called a rapid deployment regional joint force, the fact of the matter was that a structure was put in place to address any security concerns in the individual jurisdictions of the Caribbean Community by putting in place these two Acts, that is the Visiting Forces as well as the Visiting Police Forces law. And the main objective, Mr. Speaker, was to build on the legacy successes of the security co-operation arrangements that were in place for the Cricket World Cup.

Secondly, the leaders of Caricom recognized that among other reasons there was the need to provide assistance if needs be, to individual member states, but for that to happen, it was necessary to have maintained the Treaty, the Security Assistance Treaty in place, of which all Members of Caricom are now party to. I remember the Honourable Member Mrs. Backer asking a question as a prelude to the debate on the last occasion whether Suriname ... how many Member states were party to the Security Assistance Treaty, and later on when we entered into the debate, it became clear why that question was

asked, and obviously it had to do with the dispute which still exists between Guyana and Suriname.

So the leaders of Caricom recognised that while the Security Assistance Treaty remained in effect, for the rapid deployment mechanism to trigger, you obviously would have to have some multilateral, some regional, coordinated arrangement among the Member States of the Caribbean Community.

The Leaders, Mr. Speaker, also recognised the role of security in national and regional developments, and the importance of this kind of cooperation to the region. Mr. Speaker, I would like to quote from a statement made by the Secretary General of the Organisation of American States, on this question of the need for a co-ordinated approach among small states such as those in the Caribbean Community, to effectively deal with transnational crime, when he said that:

The era of globalisation has created vast new opportunities for criminals, opened national borders, created trade liberalisation, and modernised financial and communication systems, which provide greater opportunities for criminal organisations to expand their operations beyond national borders.

This is a very relevant statement, Mr. Speaker having regard to the fact that individually, the Member States of Caricom, while some may have greater capacities than the

other, the fact of the matter is that we have a community, and for that community to address the questions of crime, criminal activity they have to act in concert with each other. If we are fighting the drug traffickers we cannot fight them alone in our national jurisdiction, because they target not only one country, they target all the Member States. If we are fighting trafficking of illegal weapons, illegal firearms, the persons, the merchants of death who involve in these types of activity do not target one single nation. They try their best and their utmost to penetrate the communities and the money launders do not target only one Member of the Community, they seek to target all the Members of the Community to see where they can gain a foothold. Persons who are involved in cybercrime target not only one but all the members of the community; and since we have a community that is built on three pillars, it is necessary to institute a fourth pillar on which this Community's foundation is built, and that fourth pillar was described as the security pillar.

Because how else, if you are talking about economic development, social development, trade cooperation, industrialization, if you do not have the security factor brought into the picture, all those ... all the successes that you score, all the laws that you pass could wither away, if you do not have the necessary security arrangements in place to protect the sovereignty of the Caribbean Community which is part of the sovereignty of each Member state of the Caribbean Community, and that precisely is the argument I am making out, Mr. Speaker.

I spent much time on this issue because I consider it necessary for us to understand when I said the context in which this Bill and the one subsequent to this, is being discussed and being debated in this House this afternoon, lest we take a narrow, parochial approach at a time when the criminal enterprise is not only penetrating national borders, but also regional borders. When we are talking globalisation, we must recognise the opportunities that globalisation has opened up for the money launderers, the drug lords.

And therefore in order to address that, the nations of the Caribbean Community have to come together, pool their resources, and those who are weaker and not able to deal with the pressures that are being exerted by the criminal elements, they should be able to utilise the resources of another Member State in order to address this threat.

Mr. Speaker, we have to admit that we are confronted with an acute problem and that we need to have a rapid and integrated approach to the fight against crime. We have to do that, Mr. Speaker, and in that respect we need to pursue appropriate and efficient policies that are properly coordinated. I dare anyone ... it does not matter who else passing, we are not playing catch up with anyone. Mr. Speaker, I dare anyone to stand up and say inside this House or outside this House that Guyana by itself, that Trinidad by itself, that Antigua and Barbuda by itself, can pretend to be Members of an integration movement called the Caribbean Community and fail to recognise the importance of security to the safeguarding

of that Community, and that is precisely why the Heads, in their quest for justice, and some of us who might have Prime Ministerial or Presidential aspirations on that side of the House ... *[Interruption]*... must convince us on this side of the House, why you feel that the 14 Heads of Government who arrived at such a critical conclusion did so without recognition of a growing reality, and that it was a bad decision.

One of you must stand up and tell me, one of the Honourable Members on the Opposition benches must be bold enough ... must be forthright enough to stand up and say that the same persons who you have been lobbying, that the same persons you went to lobby, to discuss Government issues in this country, because we recognize that there is some wisdom in doing so, tell me, Mr. Speaker, that these same persons were not wise enough to come to these conclusions, the fundamental one being that security be the fourth pillar of Caricom, and in addition to that, that the Visiting Forces Bill, as well as the Visiting Police Forces Bill, should not be enacted in the various Member States in order to ensure that the gains of the Communities are safeguarded and that the criminal enterprise, whether it is drugs, whether it is illegal firearms, whether it is trafficking in persons, whatever, criminal enterprises that may be involved, that these measures go a far way in tackling this problem.

Mr. Speaker, I wish therefore to commend this Bill to the House and to encourage the Honourable Members of this House to speak in favour. I thank you. *[Applause]*

The Speaker: Thank you.

Honourable Member Mr. Basil Williams ...

Mr. Basil Williams: If it pleases you, Mr. Speaker ...

Mr. Speaker, when this Bill came some months ago before this Honourable House, it was supposed to be for the legislative purpose of the Cricket World Cup, and I recall, and was speaking on it, observing that in no part of the Bill were the words Cricket World Cup mentioned, in no part of the Bill. In the explanatory Memorandum, if you would just read that, you would not know that had anything to do with Cricket World Cup, and in fact, I said this Bill says that in the explanatory memorandum, what will happen in question, that the Bill was intended to be permanent in Guyana.

So it comes now, in the same way and in the same form, in the same manner, without any reference to CWC of course, but it is basically the same Bill that has been returned before this Honourable House. In other words, it appears that from the outset there was a desire on the part of the Government to give permanence to the provisions of that Bill.

Now, Mr. Speaker, this Bill comes again to our Parliament, at a time when our own military, the Guyana Defence Force is attempting to redefine its role. Perhaps the Honourable Member, the Minister of Home Affairs only spoke in respect of his remit, the police, and I am not sure who is going to speak for the Chief of Staff or the

Defence Board ... [Interruption] ... because we were waiting to hear from him since this Visiting Forces Bill deals with the armed forces in the definition of the Bill, that is, the military specifically and not the police. I expect someone else to speak to the military aspect which imbues in this Bill.

Now the GDF, Mr Speaker, as I said, is attempting to redefine its role. Hitherto, the GDF role has been understood to be the protection of our territorial integrity, that is our borders, and our sovereignty, that is our external security. There is a provision in the Defence Act, Cap. 15:01 Guyana, which gives the GDF the remit to maintain internal order, and in all the years of its application, that has been largely in relation to external threats.

But what is the present situation? The GDF has played a greater role in internal security of Guyana, that is, in the fight against crime. The GDF has been part of joint operations recently in the fight against crime, but could only leave its barracks on invitation by the police so that when conducting such joint operations, the soldiers of the GDF have no powers of arrest and/or detention, save for the limited citizen's arrest. That notwithstanding, Mr. Speaker, the GDF has recently been purported to arrest and detain citizens, and has been the object of allegations of torture, not only of civilians, but of their own ranks. It is yet to release the report of an inquiry into some allegations of torture, and its credibility, and that of the torture report itself are both in question.

It is against this background, Mr. Speaker that the GDF is seeking to have an even greater role in crime fighting, and from the utterances of its high command it appears to want to leave its barracks without having to wait on the invitation from the police, though it has refused to accept the proposal by some quarters, including the government, that proposes to give it powers of arrest and detention.

Presently, Mr. Speaker, it is unclear who has the authority to deploy GDF ranks abroad. The general view is that Parliamentary approval must be given to any Presidential proposal to deploy forces, so it is in this context now that we must now examine the real intent of this Visiting Forces Bill. The definition of visiting forces is instructive, and I might respectfully refer you, Mr. Speaker, and Members of this Honourable House, to the definition section in Clause 2(j):

Visiting Force means any of the armed forces of a designated state present in Guyana, in connection with official duties, and includes civilian personnel designated under Section 4 as the civilian component of a visiting force.

But what does this mean? When one has recourse to other provisions of the Bill, you find that they raise more questions than answers. For example, Mr. Speaker, there is no information as to whether only Caricom States are supposed to be designated, or any country in the world could be designated, and this is notwithstanding, and that is why I thought that the Honourable Member Mr. Rohee

was merely speaking to the police aspect of the matter, because on several occasions, Caricom has been mentioned: Caricom addressing crime must act in concert, the sovereignty of Caribbean Communities, the nations of the Caribbean Community, all this language that the Honourable Member has used speak to Caricom and therefore, Mr. Speaker, one has to ask why there is this wide context in the definition section. That is, there is nothing saying that the Defence Board can designate countries of Caricom, or even if you want to stretch it and say Caribbean, it does not say anything like that. So it means that notwithstanding that the Honourable Member is talking about Caricom, the effect and impact of the ability to designate extends far beyond the reaches of Caricom, because Clause 4 says,

... the Defence Board may by order designate any country as a designated state for the purpose of this Act.

So what they are saying is that this has nothing to do with Caribbean and Caricom comity, and it means, as I had said previously, that at any one time you could wake up and see all kinds of strange people wandering in our country, and so, there is nothing at all to tell you exactly what are the countries that have been designated, and we cannot accept that it is only Caribbean, Caricom countries, because Section 4 is not coincident with the utterances of the Honourable Minister.

Again, there is no information as to the nature of the official duties these visiting forces are intended to

perform. All they are giving us is a broad definition, Mr. Speaker, nothing at all to tell you what official duties, what would be the official duties, or what would constitute official duties. Nothing! And there is no explanation as to the condition or circumstance that will trigger an invitation by the Defence Board which obviously acts at the behest of the Government.

So why are these things silent? Why are these things silent? In fact, you are asking us to sign on to this Bill which is really, as a Member of our side had said on a previous occasion a bare bones that you have brought before us. We do not know what it is. So what hidden purposes could there be for visiting forces to be in Guyana? The definition of armed forces ... it does not contemplate a one or two persons armed forces. We are the Guyanese people; we have a right to know under what conditions foreign armed forces will be in Guyana, and we are not taken away by the euphemistic term of visiting; we want to know why they would be in this country of ours, and it must be spelt out in the legislation.

Mr. Speaker, therefore, as I said, it raises more questions than answers. Is the presence of a visiting force intended to assist in internal or external security threats and challenges to Guyana? If so, these should be spelt out. They are not divulging anything, and this, Mr. Speaker is to be contrasted with the Mutual Assistance in Criminal Matters Bill ... this must be contrasted with that ... because you would recall that the Treaty also comes with that Bill.

So we knew that when we looked at the Bill, we could have identified provisions in that Bill with provisions in the Treaty that was laid over in this Honourable House, and of course, there was no problem for us on this side agreeing to the passage of that Mutual Assistance in Criminal Matters Bill; we had no difficulty on this side. But we want to know what construct this Bill emanates from. Is it the RSS Treaty, the Regional Security Treaty that we have, that has the OECS countries and Barbados?

Because if that is so, Mr. Speaker, the fact and the purposes underlined in that fact are very clearly defined, and if I might respectfully refer you to the seminal word of Dr. Neville Duncan, I think he became Professor Neville Duncan, on Caribbean security. In speaking about the RSS, he said this at Page 5:

Under the pact, the states agreed to prepare contingency plans and assist one another on request in national emergencies, prevention of smuggling, search and rescue, immigration control, maritime policing duties, protection of offshore installations ...

That might have been relevant, Mr. Rohee, a couple months ago ...

... pollution control, natural and other disasters and threats to national security.

Planning was to be co-ordinated through the operations of the Barbados Defence Force, so what we have here under

the RSS Treaty are clearly defined purposes, clearly defined, so a member state now, and we in Guyana and the Members on this side of the House, we would not know what we are signing on to. But the Honourable Member purports, Mr. Speaker, ought not to come to this Honourable House, and with a blank Bill, that purports to tell us something about Caricom, Caricom, Caricom, and when you read the clause of the Bill itself, its operation is worldwide.

So we are saying where is the beast? Where is the beast? And under this Treaty, are the purposes the same intended, as I just outlined in the RSS Treaty, are the purposes the same? Well, these purposes, most of them are clearly of an external nature. They are not intended for a member state to enter another country and ride roughshod amongst its population. It is largely a boundaries, territorial integrity, and so we need to have some clear definitions of the purposes under which or for which these visiting forces will be in Guyana.

The question is will the true intent of this Bill ... I say true because its intent is non-existent and hidden from us. The question is will the true intent of this Visiting Forces Bill collide with our position of non-intervention in the internal affairs of Guyana?

In fact, that principle of non-intervention in our internal affairs is a flagpole principle; it is a principle that we grew up with in this country, and therefore we would want to know if we are going to sign on to anything that would collide with this principle, because, Mr Speaker, if

I might respectfully refer you to the work of Dr Duncan again at Page 5, he said at the 9th meeting of the Standing Committee of Ministers responsible for Foreign Affairs in June 1983, as far back as then, it was declared that:

Only through genuine respect for the recognition of the non-use of force, non-interference and non-intervention in the internal affairs of states could the people of this region hope to achieve their just goals for a better life.

My respectful submission, Mr Speaker, is that that sentiment remains true up to the present time. We recognise that we can co-ordinate regionally in the interests of our communities to repel what are largely external threats. The Honourable Minister was speaking about Naim's five laws of globalisation when he said some other person spoke about the era of globalisation. This Honourable House has been informed about Naim's five laws of globalisation on previous occasions; it is not anything new ... trafficking in persons, trafficking in weapons, money laundering, and the like, they are nothing new to us.

But as I am saying, the Hon. Minister's address was confined largely to police context a police context. The question is, are these visiting forces going to be involved in doing police work in Guyana too? Is this not what is intended, Mr Speaker? Because already, as I indicated earlier, at the present time we are not against joint operations, but the joint operations must be conducted

within the meaning of the law and within the ambit of our Constitution.

Now, we need to know, the PNCR and the people of Guyana would want to know, whether these visitors could be employed for use against the Guyanese people by the Government, to stop legitimate and Constitutional forms of protest and demonstrations. That is what we would want to know. When we had tried to picket outside of Parliament, outside of the courts, when we are having marches and assemblies that are all legitimate, good, an invitation be extended to some country far away from Caricom, and Caricom, because we are saying, whether you are Caricom or not, you cannot come to this country and ride roughshod over its people because you have been given an invitation by a sitting government.

We want to know that, because, Mr. Speaker, it is a constitutional right for people of this country to protest, to picket, to march, to demonstrate, to speak their minds within the law of freedom of speech, within the ambit, on any matter that affects them, on any matter that is considered government business.

So we are very concerned, and the people would want to know, whether you could bring in armed forces from whatever country, because it is not necessarily Caricom, to get involved in our internal affairs, because we will continue to protest bad governance. We will continue to protest against breaches of the rule of law. We are going to continue to protest against lack of transparency and lack of accountability, corruption. We are going to do all

these things, excesses of the police and the GDF. We are going to continue to do those things, and where we do not know when we are in Regent Street or we are in Camp Street, we seeing some strange police shoe confronting us, you know. We want to know if we have Russian shoe in our face.

So, Mr. Speaker, we must disclose, they need to let us know before we could sign on this Bill, because you see this seminal work of Dr. Duncan is almost prophetic, because when you want, we are saying, do not come into our internal affairs, unless there is some external threat impacting in Guyana. Do not come into our internal affairs. And Dr. Duncan said this. I think this is very relevant now, at Page 6 of his work, Mr. Speaker:

The best guarantee of internal security is for Caribbean Governments to govern justly and effectively. [Applause]

Justly and effectively ... This means they should actively try to preserve their political and institutional property as democratically as possible.

And therefore, Mr Speaker, we are reinforced by insight, since 1983 of the intellectual stand of this region, and we feel that it is relevant today in Guyana, and we call on this government to ensure that if they want us to sign on such a Bill, that they must spell out the purposes that would invite armed forces into Guyana, they must spell out the conditions or circumstances under which such an

invitation would be extended, and also the countries to which such an invitation could be extended, and we are saying clearly, those must be in relation to the external security of this nation.

Now, Mr Speaker, we have gone through these clauses before, they are in the Hansard, but it is apposite for me to mention one or two. May I respectfully refer you, Mr Speaker, and other Members of this Honourable House, to Clause 4(c):

The Defence Board may by order designate civilian personnel as a civilian component of a visiting force.

The PNCR is concerned with this widely ... this widely drafted provision. And my sister is saying wildly, wildly. Well, Mr Speaker, we are concerned, for example, that there is no built-in protection or screening process, that would prevent, for example, a man, a civilian of dubious quality in his country, being designated here. We are very concerned about that. There are some men who might claim that that they are freedom fighters in his country. For example, I am told, could be designated as a civilian component, part of a civilian component of a visiting force, and so there must be some qualification, some qualification criteria, to determine what civilians must be designated, and the qualification to determine who can be designated.

Another clause that is of concern is Clause 20. Clause 20(1), dealing with the question of immunities, Mr Speaker.

Notwithstanding any provisions of this Act, members of a visiting force shall be immune from prosecution of civil and criminal proceedings, in respect of actions taken in the course of their official duties.

Well, that has to be cause for great concern, because the Germans could come and shoot us down with impunity, and then they say that is official duties. You know under our law no superior officer can direct a junior officer to kill anybody. So that cannot be within the official duties, but what if he brings it up, because Clause 31 says so ... Do not worry with all that fancy thing ...

It's a certificate of the Force authority to which a member of the visiting force belongs, stating that anything alleged to have been done or omitted by the member, was or was not done or omitted in the performance of an official duty is receivable in evidence in any civil court.

In other words, this is a mechanism ipso facto to deem an otherwise unlawful act against the Guyanese people, lawful by a mechanism of deeming it by way of a certificate that deals with officials with that here, and so we want to know that no foreigners can come into this country and feel they get some carte blanche right to

slaughter our people who are genuinely protesting their grievances on whatever fault, once it is legitimate and constitutional. And then you have the other fact where their vehicles could strike you down, etc, but that is not the scenario, they are saying vehicles are deemed to be vehicles of Guyana, and the State's Immunities Act of Guyana would apply to these visiting forces, so anytime a visiting vehicle knocks down a Guyanese, well, the action is against the Hon Member Mr Doodnauth Singh in his office as the Attorney General.

But it is this type of situation we are talking about, Mr Speaker. We had hoped that someone on the Government side would come and tell us what really was the thinking underpinning this Bill and if they wanted us to sign-on on it they should have included in the Bill the clear things that we have mentioned earlier. And so I am not saying that there is any act of destruction to tell us about Caricom, police and coordinating crime, etc, and it is relevant because we do not see how armed forces could come into Guyana to deal with crime, that our police force is not doing as they are right now. We want to declare, and so Mr Speaker, we are proposing that this Bill either deals with laws and be brought back, inclusive of those purposes, official duties and cultures to be designated, etc, or if not, we withdraw it, if they do not want to withdraw it, we go to a Select Committee, where we could then put forward to achieve the same purposes by getting these things highlighted in this Bill, in such a Bill.

So Mr Speaker, it is in that context that we would support this Bill only, once there is agreement for it to go to Select Committee to deal with the very issues that have been raised, or it is withdrawn.

I thank you very much. [Applause]

The Speaker: Thank you, Honourable Member. Honourable Member Mr Anil Nandlall ...

Mr. M Anil Nandlall: Mr Speaker, I rise to support the Bill which is before this Honourable House.

Mr Speaker, this Bill as I understand it, comes out of a particular historical context and setting, and having regard to the arguments advanced by my learned friend, Honourable Member Mr Williams, it is evident that I must emphasise the context in which this Bill must be viewed.

Mr Speaker, it is accepted widely that the Caribbean region over the last 10 to 15 years has been confronting an unusually high spate of crime, and not only has the incidence of crime been of unprecedented proportions, but the manifestations of crime itself in the various territories is different. It is different in many, many ways, and one can advance various reasons and explanations as to why the face of crime has changed in Guyana and the region.

But what is clear, what is clear, Mr Speaker is that the traditional and the conventional mechanisms which have

been used within the Caribbean have failed, and have failed abysmally. I do not think anyone can dispute that any country in the Caribbean is presently succeeding in its combat against crime, so that it is incumbent upon us as a nation and as a region, to devise and design mechanisms and new strategies to deal with the evolving and advanced nature that crime seems to manifest itself in, in the region. And it is against that background, and for that purpose, basically, the regional ... our regional heads have met on several occasions and have sought to come up with various initiatives to implement new strategies, to develop new mechanisms and to employ new tactics to confront and deal with this ever-changing crime that we are confronted with.

And as early as 1996, Mr Speaker, a Treaty was signed, and my learned friend made reference to it ... it was signed in Grenada, involving Barbados and the OECS states. And then, Mr Speaker, in 2007 a treaty, the Caricom Treaty on Security Assistance, was signed ... actually, it was signed in 2003, and a decision was made then to enact this Treaty in the form of legislation in each member state of Caricom. And we enacted this legislation, this treaty in the form of the Security Assistance Caricom Member States Act in 2007, and Mr Speaker, that Act established a security assistance mechanism the objectives of which were stated to be, and I quote,

- (a) The efficient and timely response to, and management of , natural and man-made disasters,

in order to reduce and eliminate the harmful consequences thereof;

- (b) Expeditious, efficient mobilisation and deployment of regional resources in order to manage and reduce national and regional crises, and to combat serious crime;
- (c) Combating and elimination of threats to national and regional security, however arising, and
- (d) The preservation of the territorial integrity of the contracting states.

Mr Speaker, this has been part of our law since 2007, and this is what our government committed itself to by signing on to this treaty before that ... and every member state of Caricom did so. And Mr Speaker, I view the Bill that is presently before the House as well as the one that will come after it, as products of this initiative, as products of this Treaty, of this legislation, so that the foundation for this Bill has been laid for quite some time now, and it is not, as my learned friend Mr Williams is creating, that something is being pulled out of the hat and brought as a surprise to the people of this country.

And if I recall, the People's National Congress supported the Bill, when it was this Bill, Security Assistance of Caricom States Bill, in 2007. They supported the Bill. So that you cannot support the initiatives, you cannot support the policy but oppose the implementation of that which is

necessary to make the policy effective ... and that is what is happening here.

Mr Speaker, the Visiting Forces Bill, as I understand it, is a Bill that is a legislation which will be enacted in every Caricom state. That is my understanding, and because of the nature of regional or common legislation that has to be implemented or enacted in various countries, because of the very nature of that type, or that scheme of legislation, they are legislation of a different pedigree.

They are legislation of a different pedigree, and there are interpretive differences, and we have many of those kinds of legislation on our law books, beginning with the Council of Legal Education. Every, every legislation which emanates as a result of a Treaty or some type of agreement arrived at, at the Caricom level, is a legislation of the very type and if you go through the legislation, Mr Speaker, you will see that there is a common thread that runs through it. For example, the Legal Practitioners Act prohibits a person who may have been qualified to practice law as a Guyanese citizen, who may be qualified to practice law in England or the United States, it prohibits that person from being admitted to practice law in Guyana, if that person does not successfully complete a course of training at one of the regional law schools.

Now, one can argue that that is an imposition or a fetter or a restriction on our sovereignty as an independent nation, but that is the position which obtains in every member state of Caricom, that unanimously agreed to enact that legislation, and it is called reciprocity in

international law, Mr Speaker, and it is based on the doctrine of mutuality and it exists on a platform of the comity of nations.

So these are international law concepts that have to be employed and interpreted and used when one is looking at this legislation. One would be totally wrong if one is to analyse this legislation as a legislation enacted by Guyana. Of course, many of the issues raised by my learned friend Mr Williams would have been good issues if this was a legislation availed, drafted by Mr Dhurjon, and coming out of the Attorney General's Chambers. This is a product of the Caricom Secretariat and is a common legislation, so when the issues ... [Interruption]... when the other ... [Interruption] ... I will deal with that just now ... when, Mr Speaker, the benefits and the protection and the immunities which are accorded to the visiting forces officers in Guyana ... similar treatment, similar privileges and similar immunities ... which would be extended when our forces go overseas ... *[Interruption: All we ask you is what are these? What are these?]* ... They are listed in the Bill, Mr Speaker, and I do not feel that it is necessary to go through it. What the Bill says is that if you go, if the Members of the Guyana Defence Force go to Trinidad and Tobago, they are to operate by the laws of Trinidad and Tobago. I do not have to read the whole Bill to say that. That is very clear and stated *ex facie* on the Bill. When those people come to Guyana, whoever they are, they are bound by the laws of this country; they are bound by the laws, and that is how common legislation operates. We cannot have one set of laws for people who come

here and another set of laws for Guyanese people. That is not the position.

And Mr Williams raised the concern that these people ... whenever there is a legitimate protest and march ... these people can come and break up ... Mr Speaker, that is just an infantile argument, because they will not be permitted to breach the laws of Guyana. Similarly, when Guyana Defence Force Officers go to Grenada to aid with Hurricane Ivan, they cannot go and beat up a set of Grenadians. They are bound by the law of the territory in which they are operating, that is as commonsensical as you can get, so that that argument, Mr Speaker, on the fear that Mr Williams was expressing, is not well founded; it is not well founded, because there is no force that would be allowed to go beyond, beyond, beyond ... puerile is the word I will use.

Mr Speaker, the question being asked is what countries this Bill applies to? Well, my understanding is that it applies to every Caricom state, because it is a Caricom legislation, but what is good about the legislation, about the Bill, is that it is not confined to Caricom states, and this is not a plus, it is but a minus, because Caricom as a region has been proven to be incompetent to deal with crime.

As I speak now, Mr Speaker, as I stand here now, there is an army presence in Diego Martin. Mr Williams was speaking about army being called out in other countries. Well, there is an army presence in Diego Martin and it is not bringing the desired results. There are joint operations

between the army of Trinidad and Tobago and the police force of Trinidad and Tobago, and it is not yielding the results it is believed to be yielding.

The point I am making that it is a position of great foresight that the Caricom Heads have adopted, whereby they are saying, look, in the event that we as a region cannot deal with a situation, we have the option available to go internationally for help. But Mr Speaker, I do not understand, I do not understand why there is opposition for seeking help from overseas, when this government is being criticised by the very opposition for not seeking overseas assistance to deal with crime. If we have a situation that we cannot deal with internally as a country, or we cannot deal with it as a region, is it not a plus for us to have the opportunity and the mechanism in place so that we can import from outside of the region specialised training and specialised personnel if the situation arises?

So I do not understand the opposition against that mechanism being put in the legislation. I say that that is to the credit of the Bill, and not to the discredit of it to have the option to bring people, to bring forces, to bring all sorts of help from outside of the region.

So that, Mr Speaker, this is a Bill that I will commend to this Honourable House, and I ask that it be supported. This is one of the various initiatives that not only the Government of Guyana is employing, but the governments of Caricom States are employing to deal with crime, and it would be sad, and it would be unfortunate, if a Parliamentary Opposition would not

support a mechanism like this that allows the Government of Guyana to bring assistance to deal with a crime situation that is enveloping this country. It would be quite unfortunate if the Opposition would be voting against this Bill, which allows and permits the Government of Guyana to seek help from overseas to deal with the crime situation in Guyana.

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

The Speaker: Thank you very much.

Mr. Ramjattan ...

Mr. Khemraj Ramjattan: Sir, I must confess that I did not realise this great debate here is going to take this turn, because for consistency's sake, and since the AFC a couple months ago had supported this Bill, for consistency's sake, we are supporting it.

I must however make the point that, indeed, what my learned friend Basil Williams indicated, that the designated states were not mentioned, is a very valid point, and it is very much in order. Because when we are talking about the next Bill that will come before this Parliament, the Police Visiting Forces Bill, indeed, we have a schedule that clearly designates those states that can send their policemen here and which we are going to allow, to give them status, and since I only want to speak once on these two Bills, I might as well make reference to our support for that Act No. 6 ... Bill No. 6, too, because in that one we have the designated states being all

Caricom states, South Africa, Canada, United Kingdom, France, the Netherland Antilles. Why is it, in relation to armed forces, however, we are not designating the states, but in relation to police forces, we are designating the states?

That has come as some surprise to me. I could understand that indeed these two Bills had their genesis in the Treaty that Mr Nandlall talked about, and indeed the purpose of bringing in armed forces and having them status here, and being genuine visitors, bringing in the police forces from those other territories, came about for purposes to help, assuming we have a natural disaster, like some country had and we sent Guyanese soldiers there, Grenada for example. If we were to have some national security problem that is so serious that we need the help of some other Caricom sister armed forces and police forces, fine, but why isn't there a naming or designating under this Bill, Visiting Forces Bill? I find rather sinister the explanation offered just now by Mr Nandlall, though it is going to be wide enough. Well, I do not know if it means that since it emanated from a Treaty, that is, Caricom, that by virtue of that an interpretation must be limited to the extent that it can only be Caricom Countries.

But I wish it that it be extended beyond Caricom countries. Of course, but I want to know what is your motive for saying that it may very well be? Why not state it like you did in the Police Forces Bill? And so to that extent, then, indeed, I want to say that that is a fundamental flaw, or it could very well be that I suppose

they are going to do it by order as soon as possible. I want to commend that aspect to this Section 4, which says that the Defence Board might do that designation. The Defence Board, as I understand it, is not exclusively made up of politicians, but I understand that the Commissioner of Police and the armed forces head also comprise. So we do have ... [*Interruption: 'He acting; he can't go against the Government'*] ... and, well, I suppose that might be a political consideration, but the trouble is that we do have certain men who we might want to regard as professionals and not politicians, being in that decision-making process ... it is important.

Additionally, I want to indicate that without this Bill, and its passage through the Office of the President who I am certain will give it assent, this activity of inviting forces into Guyana could be done on what we call the prerogative that the President has, but there is no law that clearly indicated under what circumstances those visiting forces, armed forces, can operate under, and what I think is good about this Bill, because indeed there are some Caricom officials that I had spoken to are now clearly defining the jurisdiction, defining their immunities, and defining literally all aspects of how they can operate, whether they can bring in their vehicles there, and there will be no taxation for the vehicles; claims against the person's property that might be damaged here in Guyana, and to that extent we now have clearly laws, because without this Bill, and the ... assuming the President using his prerogative power inviting, let us say, the Russians to come to give us some assistance and so

on, we might not be in a position to sue those persons, assuming they do go and crash up against Mr Ramjattan's car or some such thing. It would be difficult ... This clears the air on that.

And for that reason, the sunset, they called it the last time, it having set sometime this year after the World Cup Cricket, we have indicated that we would like this to be permanent, and I am glad that it was brought and made permanent. But my little objection to it is that which I support Mr Basil Williams on because, like the police one that will come just now, let us designate the area.

I want to make this additional point now that I have said that I will only speak once on these two Bills, and it is in support of them. It has to do with why are we still, and this where again I suppose my wanting to know and not getting it, and probably the Minister could help me here, when you say designated in relation to police forces, and they put all Caricom countries, South Africa, Canada, United Kingdom, France, wasn't the USA there? Why did we not designate USA? They have competent policemen. They have DEA officials that really want to come to Guyana, even without an invitation, and we are not getting them. It does appear that we want to be elective on those who can be forceful in relation to getting investigative methods out, are not going to be invited. I mean, when we had our flooding here, a lot of Americans assisted in whatever way they did assist.

So I am urging that look, in relation to this designated state, you must not feel that because you might not at this

stage be friendly with the Americans, we un-designate them. We must be open and that is the other point I wish to make to the Hon Home Affairs Minister, this thing is leaving out a very big player that can help in relation to all matters dealt with in the treaty as to why we can bring in police forces and armed forces. It is very important, and for that again, I want to say that it is really some sinister motive here? Why not the Americans?

Mr Speaker, with those few words, and in view of the fact that indeed it had its origins under Caricom expertise, and for the sake of security and the harmonization of courts to answer, I must indicate that some country in the Caricom must make the first step, so even if it is not in any of the other countries, we have taken the first step about freedom of movement and freedom of capital, and we all support that.

We are making the first step in relation now to police being invited and armed forces being invited. I support that. The Alliance For Change supports that, but we feel that you are excluding America here, you are not stating the countries in the armed forces ... you know, this takes away from the full support that we could have given. But of course it is going to have our support though ... and be supported here by the AFC.

Thanks very much. *[Applause]*

The Speaker: Thank you, Honourable Member.
Honourable Member Ms Gail Texeira ...

Ms. Gail Texeira: Mr Speaker, I have listened to the presentations by the previous Members.

I wish to probably take the same ... similar line as Mr Ramjattan in terms of support for the Bill, and also to explain about why the Americans may be excluded from this Bill. However, I think it is important that having listened to Honourable Member Mr Williams, I think he is looking for bogeymen under every nook and cranny. This is a very ... [Interruption] ... this is a Bill that brings order in setting up definitions, clarifying, and allowing for an orderly arrangement, a legalized arrangement, in terms of the presence of visiting armed forces, their immunities, their privileges, and to make it very clear in what situations, if they disobey the laws of Guyana, what would happen to them.

But to go back, and that is, I think that, the world today in terms of the criminal situation and all the different issues, we have brought to this House a number of the Conventions and Treaties in which to support Minister Rohee and Mr Nandlall, is that crime and the trafficking of arms and weapons and narcotics, cybercrime, have become, maybe, the globalisation of crime is what we are dealing with more today than ever before, and it requires countries to have agreements, laws and levels of co-operation unimaginable in the past. Probably 100, 150 years ago, countries were fighting on how to parcel up the world from imperial design. Today, they, the same countries, have to work with what are former colonies in trying to fight crime that is also entering their countries

and everywhere else. And so the changes that have been taking place, globalisation is not only an economic phenomenon, it is also one in terms that it has helped, in a sense, the criminal world and the underworld.

The point was raised about the last Bill that was brought here on 13 March 2007; all the Bills that Minister Rohee brought in relation to security were under what was called sunset legislation, and if you check the Order Paper of 13 March 2007 it gives that indication. However, there are several treaties that have been signed, and I think we only brought here a few months ago, actually less than a month or two months ago, the Inter-American Convention against the trafficking and illicit manufacturing and export of weapons, and the Inter-American Convention on Mutual Assistance in Criminal Matters. These were treaties we had signed, Conventions we had signed, and which was brought to this House to accede, so that we would have ratified these. The Treaty on Mutual Assistance in Criminal Matters and the Security Assistance Treaty are all part of what is normally a regional approach, an approach in terms of this whole hemisphere in dealing with the challenges.

The Bill, I think, speaks for itself, and I think that it is important that the public be aware of some of the issues that have been brought, under Section 4, to do with the Defence Board. It is the Defence Board that designates any country as a designated state, for the purposes of the Act, and declares the extent to which this Act is applicable in respect of any designated state. I think that

is the overarching ... The Bill also goes on to point out that regulations will be made by the Defence Board and this is in another section of the Act, in terms of a number of specificities in relation to the designated state that is providing visiting forces, that is, armed forces.

And so it is not as *carte blanche* as it appears to be in relation to what an earlier speaker said, but in terms ... sorry, we have had in this country visiting armed forces under a variety of arrangements. It is nothing new, but there has been no really overarching legal framework to deal with that. As an earlier speaker pointed out, it is the Presidential prerogative, or it might be a bilateral agreement, or a Memorandum of Understanding, but there is no legal provision other than the UK Visiting Forces Act of 1952, and that specifically deals with, I believe, the British and well, its colony, its former colony, Guyana, but it is not specifically including other countries under that Act. But we have had American troops here, British troops here, French troops, the French navy and all these others coming through on some kind of training programs and operational programs in other cases. But that each instance has had its own arrangements.

I think that if we look for bogeymen everywhere, we will find them, but I want to ask Mr Williams to look clearly at a number of the sections again. These relate to Section 13, which deals with the order of arrest by the defence force. It is not that the visiting forces that are going to be coming in here and running amok. In fact, it makes it very clear, and stipulates very clear, whoever is that

designated armed forces, how are they to operate in Guyana and under whose control. In fact, under Section 13(1) it says:

For the purposes of enabling the service authorities and service corps of a visiting force to exercise more effectively the powers given to them by this Act, the Defence Board may from time to time by general or special order direct officers and soldiers of the Defence Force to arrest members of the visiting force or dependants, alleged to be guilty of offences against the law of the designated state.

And so the Defence Board here, and the Guyana Defence Board, has an important role to play in ensuring that this Bill, and the privileges and immunities of the visiting armed force are not abused. But more than that, it is to protect the population, the civilian Guyanese, in relation to these visiting forces.

In addition to that, Section 15 says, Section 15 (2):

Nothing in Sub-section 1 empowers a member of a visiting force to exercise police functions in respect of a person who is neither a member of the visiting force nor a dependent.

In addition to issues relating to liabilities, injuries and claims of personal damage and injuries, the law of the

Bill is very specific, and therefore gives protection to Guyanese and to the persons in the armed force that is visiting in relation to their rights and responsibilities, and people have gone through already what are the taxation issues.

But I think what is important is that...and where the issue of the Caricom Security Assistance Treaty is clearly marked into the Bill in Section 32, which talks about attachments to and from the Guyana Defence Force, and so it allows for the Guyana Defence Force to be attached to another state, and for another entity and for the army to be also attached to the Guyana Defence Force.

And so it also talks about when they are in command or combination of command situations, and that what is the agreement, and I think again to try to put the bogeymen to sleep, in a sense, Mr Williams' bogeymen, is that in Section 32(4)(b) it says:

If the forces are acting in combination, any officer of the other force appointed by agreement between the government of Guyana and the government of the designated state, to which that force belongs, to command all or any of the combined force,

(1) shall be treated ...

(2) shall have over members of the Guyana Force the like powers of command, punishment and arrest, and

(3) may be invested with like authority as if that officer was an officer of the Guyana Defence Force of relative rank and holding.

And it goes on to talk about forces being deemed to be serving together, or acting in combination only if they are declared to be so serving or so acting by order of the Defence Board.

I think that obviously there are issues that people will raise and have concerns about ... but in the world we are living in today and this is always the battle, and will be the battle for many years to come ... of the balance between security issues and rights issues.

This Bill does not allow an open-ended carte blanche unregulated arrangement. It regulates and manages and sets out a framework for visiting forces in Guyana, in this instance the army ... disciplined forces or armies, and therefore it should give some comfort to those in the Opposition who have concerns about it.

It also makes it clear that in Section 4, as I repeat, as I said earlier, it is the Defence Board by order which designates which states, and by order also which designates what is the aspect of this Bill that is applicable to the visiting force in Guyana, and therefore again it is not an open-ended loose arrangement that guys are going

to just come from different armies and land here and do just what they want. But the Bill, I think, to support a point made by Mr Ramjattan and Minister Rohee sets out clearly defined parameters within which any visiting force coming to Guyana will be allowed to operate, and will not be allowed to operate in certain ways that would offend and do offence to the laws of Guyana or to the Constitution of Guyana.

The issue of the ... and I think that the question about the other countries not signing ... Guyana has historically in relation to Caricom, we have almost been, in most cases, the vanguard in relation to treaty issues. And fortunately, vanguard belongs to Marx and Engels and Lenin, not to the PNC. I am afraid you do not have the copyright on that one. But anyway, the issue of Guyana, Guyana being in the vanguard of institutionalizing, bringing legislation to enact issues relating to treaties, agreements with Caricom, Guyana 8 times out of 10 has been ahead of everybody else, whether it is the freedom of movement of people, whether it is the security issues like this, whether it was Cricket World Cup sunset legislation, and you could go on ... The immigration issues, the amendment of the immigration aspect of Cricket World Cup to allow for the movement of people, during Cricket World Cup, that were Caricom citizens, we were ahead of that. Even 20 years ago in relation to sports and cultural people, we were way ahead of that under Mr Hoyte.

So I do not think we have to, what you say, 'break a lance' over this issue. Do not break a lance over this issue

... *[Interruption]* ... no offence, no offence to my Honourable Member ... *[Interruption]* ... Mr Carberry, no offence over this issue. In fact, we should be proud that we have recognised as a people that there is need for these kinds of legislative frameworks, and that Guyana is prepared to be, if not the first, very close to the first.

In relation to the Americans, the point about the Americans is that in most cases with the Americans, there are bilateral agreements ... in most cases. The United States tends to be reluctant to get involved with regional security type agreements such as this, but has done so when it is Iraq and Afghanistan, for example, where it is a coalition or NATO combined force, so I think the point being made by Mr Ramjattan, I am answering it, in that why United States has not been listed in the other Bill ... but it is the issue of the security assistance treaty we are really dealing with with our Caricom countries; this is in keeping with the Caricom countries.

We know that we have all signed the treaty for the security assistance; we have signed that. We have all signed the Mutual Assistance in Criminal Matters; we have all signed that. It is an issue of who bells the cat first, and the Honourable Member Mrs Backer seems to be very uncomfortable with the fact that Guyana may be first, but you know, you coming on the next Bill, not this one, so that we can anticipate your line ... *[Interruption]* ... my Honourable Comrade.

So the Bill though ... I think that ... *[Interruption]* ... we should feel, we should feel as a people some level of

comfort that with this Bill, and with the fact that it is under our Caricom treaty, and that it allows, and it is very clear on issues to deal with offences, laws, privileges, liabilities, a combination of working-together, and in fact, it also points out that in relation to, and I read the part, they cannot have a police function. This is not the police section; this is to do with the army.

And so some of the confusion, I think Mr Williams may have contributed to is that he is getting the two Bills mixed up ... *[Interruption]* ... making it like Mr Ramjattan saying that he was getting up to speak on both Bills at the same time, but unfortunately Mr Williams did not clearly state that he would only speak once, and he had one shot at two Bills, but he seems to have had some confusion between the two Bills, because clearly this Bill does not give the visiting force police functions in the state, does not, and therefore some of the concerns I think need to be revised and reviewed.

Therefore, Mr Speaker, not to continue talking too long, I wish to lend, continue to lend support to this Bill, in the aim that this will help our poor developing countries of this Region with limited supplies, limited resources to be able to function better. And let me say about liabilities, when we invite in the press, you see, and your favourite newspaper that some Members like to refer to just why do we not bring in the Americans? Why do we not bring in the Canadians? Why do we not bring in the Trinidadians with their helicopters and this and that and that and that and everything else?

That is what we have been seeing in the newspapers for the last couple years. When they go to do it, it seems to be highly suspect ... but one other state to come in with their visiting forces ... and something happens ... They need also to have protection, and this Bill not only protects us, it protects the members of the visiting force and the designated state in relation to that, and therefore it is a very comprehensive approach. So let me close in saying I support the Bill. Thank you. *[Applause]*

The Speaker: Thank you.

Honourable Member Mr Norton ...

Mr Aubrey Norton: Mr Speaker, it is incumbent on me, first of all, to respond to a few issues raised and then I will proceed to outline the position.

First, Mr Speaker, I want to point out to Mr Nandlall, he did say that people will not be allowed to breach the law of Guyana, and he suggested that once we have this Bill, people are not going to be allowed to breach the law. I want to turn him, his attention, to Article 141(1)(i) of the Guyana Constitution, which states, and I quote:

No person shall be subjected to torture or to inhuman or degrading punishment or treatment. [Applause]

Mr Speaker, I raise this because the Constitution in this country prohibits it, yet it occurs. Mr Speaker, it is for this reason we are saying that we want it clear and we

want mechanisms to ensure that those kinds of things do not happen. Mr Speaker, Mr Nandlall also told us, and I want to quote him, because I wrote it down verbatim, that:

This particular Bill came out of the historical context and setting ...

But then he stopped there; he did not tell us the historical context and setting. Therefore I should tell you. The historical context and setting was Cricket World Cup, and it was limited, this particular Bill was limited, to Cricket World Cup and to support that, Mr Speaker, I remember in the debate, there was no date for it to conclude, and the Hon Minister of Home Affairs went and produced during the debate an amendment which said this Act expires on 13 June 2007. Now, that made it clearly sunset.

And so, Mr Speaker this Bill was developed in the context of Cricket World Cup 2007. I am saying, Mr Speaker, that we have no objection to the intention of the Bill. We have no objection, I repeat, to the intention of the Bill, but the Bill should be adapted to deal with the changed situation, and in this regard, I want to support my colleague, the Honourable Basil Williams, who outlined the problems we had with the Bill and what we think should be done.

Mr Speaker, Mr Nandlall also suggested that the PNCR-1G supported the Treaty on Security Assistance among Caricom Member States. That was true. What he did not state is that in that debate we drew attention to the fact

that Article 6, which dealt with the coordinating Secretariat placed the responsibility, and I quote:

The central liaison office of the RSS shall be designated the co-ordinating secretariat of the security assistance mechanism.

And the PNCR did place on record that Guyana was not part of that mechanism at the time, and we had concerns. So it was not an unconditional support. It is like today, though we are supporting it, we raise our concerns with a hope that the government will operate as a democratic government and be responsive to the issues raised. I believe, Mr Speaker, that every Parliamentary democracy, if positive points are raised, they should be taken into consideration and changes made, and it was in that context that we suggested that.

Mr Speaker, there was a contradiction in what my friend Mr Nandlall was saying. He said, I quote, and I hope I am quoting you correctly, because I was writing as usual, so:

... Caricom incompetent to deal with crime.

You averred in this House that Caricom is incompetent to deal with crime, and then you turn around and say, bring Caricom states to help us. I thought this was a contradiction that has to be pointed out ... *[Interruption]*... I hope it is time. Mr Speaker, Mr Speaker, Mr Speaker, I recall when Mr Nandlall was speaking, he promised to tell us which countries enacted the legislation. And then, like a good dancer, he danced away and never told us.

Well, I will: None! No Caricom country has as yet enacted it. And then he leaves ... I can purport a reason why ... *[Interruption: '... we cannot be the first ... You could be the first, but you must put brainpower into it and adopt it] ... [Applause] ...* What Minister Rohee says ... brought it here without any attempts to make it consistent and contextual, and that is what we are objecting.

And so Mr Speaker, it is important that we state who were the countries that put it in place, not because we have objection to anybody being first, second or third, but because, Mr Speaker, the countries did not put it in place was in fact said is that the governments in the Caribbean were looking at what the Heads said, and the Heads suggested that they should be adopted where necessary, and that is the point to be made there.

Mr Speaker, having said that, I want to submit, as detected in Minister Rohee's presentation that he was more focused on police and security. However, this Bill speaks directly to the army, to the military, and those were the ... *[Inaudible]* ... nuances in the two. Minister Rohee went the historical way of pointing out to us what has been said at the 13th Special Session on Security, Heads of Government, which I thought was good. What he did not identify, and I think as a former Foreign Minister, one of the things you do in diplomacy and foreign policy, is to look at these statements and to see the direction and indication of the document, and in this regard, Mr Speaker, I want to suggest, or merely to substantiate, that nowhere in this document it was

suggested directly or indirectly that this particular thing should be enacted. In fact, I want to quote what they said:

Heads of Government agreed that building on the legacy of success of the security co-operation arrangements put in place towards 2007, some the elements would be upgraded and expanded on a permanent basis. These include the advanced passenger information system, the regional intelligence centre, and the joint regional communications centre ...

which suggests that they identified different priorities, but we as a government, chose, for whatever reason, to go with this particular legislation. And then the Heads directed us. They said the conference agreed, and I quote:

... to explore the establishment of a rapid deployment regional joint force ...

The People's National Congress Reform—One Guyana supports such an approach. We believe that certain mechanisms will offer more scope for what we want to achieve. We believe that Visiting Forces Bill No. 5/2008 has limitations and while we said we support the intention, we believe it should go to a Select Committee where we can fix, develop it, and then bring it back to this House and we pass it in a consensual fashion.

I want to make a point on consensus. Consensus gives more power to you, Minister, when it is done that way, but the power when it is unilateral ... And I implore you, let this Parliament appear to be democratic. Let us send it to a Select Committee, let us discuss it, and arrive at a better mechanism.

Mr Speaker, as it relates to the rapid deployment joint force, regional joint force, I believe this government should hustle to make recommendations for the development of such a force, and such a force should be governed by clearly spelt out rules and regulations, which deal with:

- 1) In what circumstances the forces could be requested;
- 2) In what circumstances the forces could be deployed;
- 3) How they must operate; and
- 4) there must be a clear position as to when the force's tour of duty ends...

So that as a state I am suggesting here that Guyana has a lot to benefit from a rapid deployment regional joint force which suggests the route we should go, and in that context, we can support ... That force must also have mechanisms to ensure it operates in an independent and professional way.

Mr Speaker, there is another issue: while we can support the intention of this Bill, I believe before we can move in this direction, we need to have some work done on military best practices. Let us not fool ourselves. We are still to define in the Caribbean region what are the military best practices, and we need to develop a compendium of information on this issue, and then proceed to implement it and then we would be on firm footing to become involved in the activities that this Bill suggests.

Mr. Speaker, my colleague the Honourable Mr Basil Williams, did point out some of the problems, but let us not forget, Mr Speaker, the situation has changed, and as Mr Williams said, advanced; there are changes. One change which occurred recently is the head of the military saying he is paying allegiance to the government rather than the Constitution.

Now what that portends, Mr Speaker, I am suggesting that we need to clarify where the allegiance will be, whether it is going to be to the government or the Constitution. I believe in today's context, Mde. Teixeira, in today's context, it should be in the context of the Constitution, and I want to tell you something, Honourable Member, I want to tell you something, he who fails to learn the lessons of history is in deep trouble. I hope I have not placed you there. I believe we should learn from the errors of the PNC, we should learn from the errors of the PPP, we should learn from the errors of Guyana, and as we move forward, we should seek new

practices and approaches that will permit us to develop.
[Applause]

On that note Honourable Member, I think it would be an appropriate time to take a suspension.

16:00H - SUSPENSION OF SITTING

17:00H - RESUMPTION OF SITTING

The Speaker: Honourable Member Mr Norton you may continue ...

Mr. Aubrey Norton: Mr Speaker, I really would prefer to continue and conclude, rather than to start again, but since I was given no choice, I would continue. Mr Speaker, there is another issue that should be addressed here and it relates to the question of the Military Forces' comment and what relationship it bears to the fact that, Guyana has existing border problems, territorial controversies.

In the case of the Treaty we have been referring to, The Security Assistance among CARICOM Member States in the objectives as quoted before Article 3(b) states, that the objectives of the Security Assistance Mechanisms are, and at (d) it says:

... the preservation of the territorial integrity of the contracting parties...

Mr Speaker, I believe that when we are dealing with Bills of this nature due consideration should be given to the

fact that Guyana has a territorial controversy with Venezuela and border problems with Suriname. One thing that is missing is that it is not clear here what is the relationship between these military disciplines and the role of these military vis-à-vis these territorial and border conflicts. This is important, Mr Speaker, because in Guyana's context, whatever we do in the military realm and whatever we do in terms of the Guyana Defence Force we must take cognisance of the fact that at the international relations level there are these issues, and whenever States are going to analyse our decisions, they will analyse them in the context of those issues. I would very much like to hear from the Government side, what are the implications of this piece of legislation for the whole question of protecting our territorial integrity. Nothing is mentioned here and people will draw conclusions from it. I believe that Government should be kind, and outline that to this Assembly, so that in our analysis, we can analyse the foreign policy implications and decide the way forward. Because, if per chance it does not speak to these issues, one has to recognise that, as part of Guyana's foreign policy and diplomatic strategy, it has to develop relations that will permit it to deal with any eventuality, vis-à-vis territorial controversy and border issues.

So, Mr Speaker, I would very much like to see or get some explanation in this regard, and to suggest that whatever is done, the implications be carefully studied before we enact such legislation.

Mr Speaker, I have spent time establishing clearly, that the Peoples National Congress Reform – One Guyana believes in regional cooperation. I want that to be made very pellucid that we believe in cooperation at the regional level and we are supportive of activities aimed at promoting that cooperation and we must not for one minute misconstrue this reality. That is the reality. Historically, as a political party, we support regional integration and we continue to do so; but we do believe that the Region must not be the determinant of what happens in Guyana. We as a people, have brains and skills and whatever legislation comes, we must analyse it and seek to adopt it to our circumstance. So while it is good to say that we are in the vanguard and if I was in an ideological struggle, I would have said to you Ms Teixeira, it was not Marx or Lenin, but we are not in that realm. So, it is good to be first, but let us be first in a proper way. That is the point that I was making.

[Applause]

I want to refer to my colleague, the Honourable Member, Mr Ramjattan, who opted for consistency; and you know, certainly implied in that was that, once you did not support, you were inconsistent. I hope that I have been able to establish that the Peoples National Congress Reform–One Guyana is consistent; we are consistent in saying that regional cooperation is necessary. When we met to deal with Cricket World Cup, we were consistent, because we were saying then that this legislation are in the context of Cricket World Cup and that, while there is potential in the future, it has to be adopted. I want to

suggest; there was a little inconsistency, your consistency; but we believe that we have consistently said that we believe in regional cooperation; that, we believe what happened at World Cup, in terms of developing legislation was useful. But to make it adapt to the present situation we need to send it to a Select Committee and ensure that the committee deals with it and produce a Bill that we all can accept and then move on with consensus. I thank you. *[Applause]*

The Speaker: Thank you Honourable Member.

Honourable Member Mr. Rohee ...

Hon. Clement J Rohee: Mr Speaker, I personally felt that we would not have spent so much time exchanging views on this matter, having regard to the fact that a precedent was already set last year when we got their acceptance of the principles spelt out in this Bill. Notwithstanding the fact that at that time it was a Bill aimed at a sunset piece of legislation, but now being made in a different context. Mr Speaker, be that as it may, let me hasten to add that, when we look at this Bill, that is, the Disciplined Forces Bill, it is important that we turn to the Explanatory Memorandum, which ... Mr Norton is very fond of using the word, pellucid ... spells out the genesis of this Bill. It clearly states, that its genesis lies within the confines of CARICOM and if its genesis lies within the context of CARICOM the question that was asked about the states that would benefit from such an agreement is only logical to understand. If the basis of this Bill is to do with the Caribbean Community

... if the genesis of this Bill flows from the decision of the Heads of States of CARICOM, the question as to the designated States logically follows that it is the CARICOM Member States that will be the designated States. You may not want to accept that, but, Mr Speaker, in all seriousness, I think we are being, we are engaging in semantics. This is a CARICOM matter. The other point that I want to make is, I think it was being rather far-fetched, when I heard reference, as we did hear on the last occasion to Cuban troops, Russian troops and I do not know ... Now we are hearing from Germany. There is no way you can think of having German troops ... I think, the Honourable Member Mr Basil Williams was just trying to be somewhat mischievous. He was trying to be mischievous by invoking NATO. There is no military agreement, cooperation between CARICOM and NATO ... so, how could you engage the simplistic argument about German troops coming here? I have to deal with it, Mr Speaker, because these are views that get out there in the public.

There is no military agreement between CARICOM Member States and NATO to allow Germany, which is a member of NATO, to send troops to this part of the world; none whatsoever. I want to debunk that from the very outset because, unless there is some mutual cooperation agreement; some military cooperation agreement, between the CARICOM countries and NATO, there is no way that that can happen. So Mr Speaker I want to disabuse your mind. It is a figment of imagination - a figment of one's imagination.

Mr Speaker, the question as to who are the designated States is quite clear- it is the Member States of the Caribbean Community. And incidentally, Mr Norton ... I do not know what is the document; he did not inform the Honourable House, which document he was quoting from. He did not say which document he was quoting from, where a decision was supposed to have been made and therefore, these two Bills do not figure as priority. He mentioned three other issues which appear to be a priority. Mr Speaker, I want to quote from the Summary Report of the 5th Meeting of the Councils of Ministers Responsible for National Security and Law Enforcement that was held in Trinidad and Tobago from the 3rd to the 4th of April, this year.

In this Report, Mr Speaker, it states under Summary Operational Recommendations: first, from the extraordinary joint meeting of the CARICOM Standing Committees of Commissioners of Police and Military Chiefs, which took place here, in Guyana, among the issues:

Rapid deployment of Regional Joint Forces ... that where applicable, the Visiting Forces, Visiting Police legislation, in support of the Treaty on security assistance should be enacted and those that were made sunset should be re-enacted ...

So I hope, Mr Speaker that Mr Norton could give us greater clarity about this. It is not correct either to state that notwithstanding bilateral agreement that we might

have with various countries, Guyana and France, Guyana and the United States, we do have bilateral military agreements with those countries. In fact, right now, I think there is a military contingent from the United States in this country, providing medical facilities and then recently there was a huge, medical ship, off the coast of Guyana. Mr. Ramsammy, is instrumental in facilitating this. But what we need to note here, Mr Speaker, is that, we want to create a zone of security cooperation in the Region. We want to create a zone of peace in the Region and for that to happen, we, obviously have to pool our military resources as well as our police resources; because in many of the CARICOM Member States, the concept of Joint Services exists, and this is therefore not mutually exclusive. As I just pointed out; whenever security issues are discussed within the Region, it is always the Military Chiefs and the Commissioners of Police that meet together in joint sessions to formulate what is their collective strategic approach to security issues within the Region. That is the way it should be.

So, when I am hearing nonsense over here in that when I am talking about the police and when we are talking about the army ... I think, for the sake of clarity, this is the context in which you must understand how these Agreements are reached.

Mr Speaker, the other point I would like to make is that, when we read this Bill, in relation to our domestic situation, we have at the same time to read this Bill in the context of the external situation, that is to say the same

privileges and immunities, the very privileges and immunities that a CARICOM Military Force would enjoy here in Guyana, it is the same the Guyana Defence Force would enjoy in another jurisdiction within CARICOM. It is the same ... [*Interruption: "You do not know what they would do!"*]

Mr Speaker, I asked the Army for a report on what were their experiences during Cricket World Cup vis-à-vis the Act that existed at the time - The Disciplined Forces Act for the purposes of Cricket World Cup. What have they told me? They told me that:

The legislation that existed at the time, helped to bring improved levels of coordination and cooperation amongst Regional armies and other external countries, whose military were also providing security support to Cricket World Cup.

That the development of contingency plans to cater for the deployment of Members of the Guyana Defence Force outside the jurisdiction and all orders necessary to support such deployment.

That there was a better understanding of the parameters by which troops could be deployed and the duties they may be required to perform.

and finally,

They got a much better understanding of the regional resources that were available under the Disciplined Forces Bill, as it relates to troops operating in Guyana as well as those out in other jurisdictions.

So, they have accumulated a wealth of experience during the period of Cricket World Cup, in respect of the Visiting Forces Act, that prevailed at that time and it is precisely this experience that they would like to build on. It is precisely this experience that the other Member States of the Caribbean Community and the military chiefs would like to build on as well. Someone said, I believe it was Mr Ramjattan, that this is mutually beneficial to all of the armies within the Region. Mr Speaker, reciprocity is an underlying factor - what is called the ackee of this Bill; and that is how we need to understand and conceptualise the Bill as well.

Mr Speaker, the Honourable Member, Mr Williams ... I do not know for what reason ... but he chose to ignore the same Bill that he is now rejecting in this form. He said at the time when they accepted the Bill that it was for the purpose of Cricket World Cup and now ... I looked in the Hansard to recall what the speakers from the opposition benches said in relation to this Bill and I noted that he used the word that, at that time, this Bill was a no-ball; he said that the Bill was a no-ball. He asked the same question - it is kind of becoming rhetorical - whether foreign troops will be present in Guyana to suppress

activities of the opposition, whether it has to do with protests or marches. Again, I think Mr Williams was being rather mischievous here, because, if you look at the experience you would see how the Joint Services have been quite accommodating to the opposition actions, whether it has to do with the cost of living or what the case may be.

Mr Speaker, on the last occasion when I spoke, I made reference to the conspiracy theorists and here again that is being invoked by the Honourable Member, Mr Williams - conspiracy; that this is going to happen. So there is a tremendous amount of theorising, speculating and hypothesizing. Mr Speaker, I want to submit that the key and critical question is not really what is going to be the nature of the official duties of the Disciplined Forces or what duties they are going to perform here. That is not the key and critical question; I do submit that that is one of the questions, but it is not the key and critical question. The key and critical question or the real question is, what will be the restrictive and what will be the constraining factors for these forces, when they are going to be in Guyana. It is not so much what they are going to be doing. To what extent are they going to be restricted and to what extent are their actions going to be constrained. Mr Speaker, this brings me to Section 6 of the Bill, Clause 32(1), which speaks about: Temporary Attachments to Guyana Defence Force and to Forces of another Country. Mr Speaker, this is the overriding clause, because whatever disciplined Force is in our jurisdiction, whatever visiting Force is in our jurisdiction,

they will fall under the purview of the Defence Board and therefore, it means that, you as a visiting Force must be subjected to the Defence Act of Guyana, but subject to what is here in this Bill, insofar as your rights, duties and obligations are concerned.

Mr Speaker ... [*Pause*] I firmly believe ... someone asked, why are we rushing with this Bill; and another voice I heard enquiring, which other country has done so as yet. I think Guyana was one of the first countries to declare 1 July as Caricom Day, followed by Antigua. In fact, they are the only two countries in CARICOM that, up to today observes Caricom Day as a National Holiday. [*Interruption: 'That is why up to today, it is the only two!'*] [*Laughter*]

No, I am making a different point. The point I am making is; why did they, at that time, rush to make the 1 July a national holiday? Why did they not wait on the other Member States before doing that? Why did they not wait on other Member States to designate 1 July as Caricom National? So, I do not know about the consistency in the argument.

The other point I want to make, Mr Speaker ... No, that point was made on the opposition benches and I have to deal with it ... [*Noisy Interruption*] ... I cannot allow that to slide. The other point, Mr Speaker... let me give another example ... Minister Jeffery would know and it has been published in the newspapers. All the other Member States of CARICOM are going to be signing the Economic Partnership Agreement but Guyana is not

going to sign because the President himself has said that, public consultations will take place before the signing takes place ... *[Noisy Interruption]*... So, let us not use this argument about, who else has signed it and why are we the only ones rushing to sign this, because it can spin in different directions.

Mr Speaker ... not many, we have much more to say ... Mr Speaker, I am happy to hear that the AFC ... because the last time we met in this Honourable House, which was on Tuesday, they decided to support the PNCR's position, insofar as opposing the Amendments that were put by the Hon Member Mr Robert Persaud. It shows that the AFC has a much more dynamic approach to these matters. *[Laughter]* While there are some who are stuck in a rut and have a fixed agenda not to support anything because they have a seat agenda; the AFC is moving themselves to be a little bit more dynamic, and doing things in a much more dynamic way; and I was very pleased to hear the Honourable Member, Mr Ramjattan stating how the AFC supports. He asked the question about the designated states and I already addressed that question; because I take the point he made that, with the advent of such challenges as climate change and given the fact that Guyana is a low-lying coastal state and so many other challenges that we face. *[Interruption: ... 'Well, you have your view on that, Mr Murray. Let us agree to disagree on that one']* ... The fact of the matter is that with the challenges of climate change, and we have seen it manifesting itself in so many ways around the world, you obviously will have to call, at some point in time, on your

neighbours. You know what they say? You can choose your friends but you cannot choose your neighbours. So, Mr Speaker, I think that this is the way in which we need to examine this particular matter.

Mr Speaker, the Honourable Member, Mr Norton said that, before we bring a Bill like this to the Honourable House, we must exercise brain power, as he puts it, we must put brain power, first into the Bill...*[Laughter]* But, Mr Speaker, let me make known to the Honourable Member that the Bill that we have before us was formulated by the CARICOM Leaders Drafting Facility, which is based in Kingston, Georgetown, where representatives of the different AG's Chambers around the Region and legal draft representatives from around the Region, would sit collectively and formulate—Fourteen Member States draftsmen and women, or should I say draftspersons from fourteen Member States would sit within the CARICOM and formulate drafts of this kind. That is where the common knowledge ... that is where the brainpower of the Region is brought to bear in formulating this type of document. Further than that, Mr Speaker ... *[Interruption]* ... I need to clarify, on a point of order ... I would like to ... I did not say that. I want you to recognise that I said that in adopting this change to Guyana, we have to utilise brainpower, as it is being placed as if I was saying that no brainpower was placed in the Bill; that is totally untrue.

Hon. Clement J Rohee: Mr Speaker, I would not want to get into an exchange of views on this. I will allow that to pass, but all I would like to say to reiterate my position,

which is that, this Bill in its present form is the labour of key draftspersons from around the Region who sat and formulated it, given the collective brainpower within the Region.

Mr Speaker, now, the other point I should make, maybe is this. This is what you call harmonised legislation. That means that, after the technical persons would have met and formulated the text, it goes to the respective Attorney Generals or Ministers of Justice to make a determination, whether they are comfortable with the text that was formulated by the technical persons.

Mr Speaker, at this stage, since this is already considered harmonised legislation ... well, Mr Speaker, I think governments are vested with the authority to sit on behalf of the people, to formulate legislation of this kind, in order for it to be considered at the National level. So, Mr Speaker, I wish to conclude by stating that, Guyana having sat at various levels and formulated this document, which is what is going to be discussed at other Member States of the Community and which is likely to be adopted by other Member States of the Community; it does not matter whether we are number one, two, three or four. Having had the mandate of the Heads of Government and all the others who participate on behalf of the Nation at these forums ... By the way, Mr Speaker, I forgot to mention a very important point.

A point was made about interference into our internal affairs. Let me say that, when we talk about interference in our internal affairs, I wonder, how can we speak about

interference in our internal affairs, when you have persons signing a so-called petition, I think that is what it is called ... they went around getting signatures to a petition, presented it to the CARICOM Secretariat and sent a delegation to Antigua, for what purpose? They did that precisely because they saw the need to call on CARICOM, to address questions about our internal concerns- issues like governance and so on. So, why are you being inconsistent in talking about- there should be no interference into our internal affairs; when you, yourselves are sending delegations calling on CARICOM States to be in our internal affairs?

Mr Speaker, we have had many other experiences. We have had the St. Lucia Accord, which the PNC was very ... *[Interruption: Well, you all signed that!]* ... enthusiastic about; they supported it and it was part and parcel of interference into our internal affairs. So, there are many other issues we can talk to. So, when we talked about interference into our internal affairs, Mr Speaker, I think that we have to look at that in the context of the new dispensation existing in the world today and in the Region. Mr Speaker, I would wish to close by commending the Bill to the Honourable House and to call on Members on both sides of the House ... I do not support taking this Bill to a Select Committee: Because of the fact of harmonised legislation, we would not be in consonance with other Member States, if we were to ransack, so to speak, this Bill, because of our wish to engage in its contents, in debating its contents once again

and going back over the whole process. Thank you, Mr Speaker. *[Applause]*

The Speaker: Honourable Members, I now propose that the Bill be read a Second time.

Put and agreed to

Motion carried

The Speaker: Let the Bill be read a second time please

Bill No.5/2008 read the second time

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

ASSEMBLY IN COMMITTEE

The Speaker: Honourable Members, I have received no notification of any amendments.

Mr Robert HO Corbin: Mr Speaker, we did not have any opportunity to amend, it is a waste of time; he said that this thing must be passed as is. So, I do not know why you are indulging us in their farce, Sir.

The Speaker: Thank you, Mr Corbin. Hon Members, I propose the Question that –

Clauses 1 to 34 stand part of the Bill

Motion put and carried

The Speaker: Clause 1-34 to stand part of the Bill.

RESUMPTION OF ASSEMBLY

Hon Minister of Home Affairs ...

Hon Clement J Rohee: Mr Speaker, I wish to report that the Bill was discussed and considered, up to Clause 34, there are no Amendments, and I would wish to request that the Bill be read a third time.

Motion put and carried

Bill No. 5/2008 read a third time and passed as printed.

The Speaker: Honourable Members, we can now proceed with the second matter.

ITEM 2 THE STATUS OF VISITING POLICE FORCES BILL 2008 – BILL NO. 6/2008

Bill - Second Reading

A BILL intituled AN ACT to provide for the presence, activities, privileges and immunities of members of foreign police forces and civilian personnel in Guyana and for matters connected therewith.

(Read a first time on 2008-06-26)

Hon. Minister of Home Affairs ...

Hon Clement J Rohee: Mr Speaker, in moving the Bill that is entitled: The Status of Visiting Police Forces Bill – Bill No. 6/2008 I wish to state that there is parallelism between this Bill and the Disciplined Forces Bill.

Mr Speaker, the Visiting Police Forces Bill, has its antecedents in Cricket World Cup and the Heads of Governments of the Caribbean Community, in taking note of the successes that were achieved during Cricket World Cup recognised that the Visiting Police Forces Bill should be enacted as part of a strategy to enhance security within the Region. As I said, Mr Speaker, there are tremendous amounts of parallelism between The Police Forces Bill-The Forces Bill and the Cricket World Cup period. We saw ranks from Trinidad and Tobago performing functions here in Guyana, bomb disposal experts were present here from the Trinidad and Tobago Police Force; and Guyana Police Force ranks worked in Barbados as part of the visiting forces team, as well.

Mr Speaker, the re-enactment of the Visiting Police Forces Bill will see a slew of measures being pursued by Member States of CARICOM, to enhance the corporation of the Police Forces around the Region. Since the Police Forces around the Region play such a critical role in ensuring the public order, safety and security of the citizens within the Region; and since the Police Forces in the Region are faced with tremendous challenges, including the Police Force here, in Guyana; it has become acceptable that, for them to confront these challenges, they have to do so in a collective manner. They have to share their resources, they have to pool their resources and they have to cooperate on many fronts. As I said earlier, the forces that are bent on destabilising the Region, especially from a security perspective, have to be dealt with frontally. In order to deal with them frontally,

we all recognise that in unity there is strength and in bringing about the unity of the Police Forces around the Region, therein lies the Regional strength of the Forces.

Mr Speaker, I believe that this Bill, having brought about a tremendous amount of success in the Cricket World Cup; and the Heads in their wisdom having recognised that it would be wise to make this cooperation a permanent feature within the Region, I believe that it is only just and important that this Honourable House considers positively, The Visiting Police Forces Bill 2008. Thank you.

The Speaker: Are you next, Mrs Backer?

Mrs. Deborah J Backer: Yes, Sir.

The Speaker: I have misplaced my list at the moment. Please proceed Honourable Member ...

Mrs. Deborah J Backer: Mr Speaker, you can trust me on this matter. Sir, I rise to say that, having listened very carefully to Mr Rohee, both in his initial presentation and his wrap-up, just now and the comments of the other PPP/C Members who spoke, Mr Nandalall and Ms Teixeira; it is obvious to us, that we are engaging in an exercise of futility. Mr Rohee has clearly said that this thing is cast in stone; the Heads in their wisdom have decided and he accepts, and once they accept, we are irrelevant. That being so, Sir, we will not be prepared to engage any further in the debate on this farce. Thank you. *[Applause]*

The Speaker: Honourable Member, Mr Nandalall ...? Honourable Members Mr Ramjattan ...? Mr Trotman ...? Ms Teixeira ...?

Ms. Gail Teixeira: Mr Speaker, I just want to make one comment, in relation to the issue of this being a farce and the comment that is being made. This is not a farce, this is the Parliament and I cannot as a Member of Parliament let the comment go unrebuted. That is to say that this Bill was tabled on 26 June and any Member of this House, Government or Opposition could have indicated and have been the habit in the past, that they had a problem with the Bill or a Motion. In fact, we have had instances in the Ninth Parliament where, and I will give this one; the Motion on Cheddi Jagan, the Opposition, Mr Carberry on behalf of his Party, had problems with it and Mr Carberry and I sat and worked to amend it to make it amendable to this House and to win the support of this House. Therefore, it behoves both sides of this House to carry their responsibilities and not abdicate them, and wait for when there is a position on the floor, and then just sit back and say that it is a farce. This is a very lazy and I think very convenient argument; and I am very disappointed with Mrs Backer's comment. I think that the Opposition, if they have specific amendments they wished to raise, they can use the opportunities this House provides to table Amendments, so that we could have discussed it ... [*Interruption: 'So, what would we discuss?'*] You had no idea, Mrs Backer, what would have been the arguments today. You cannot wait until you come to the House and then decide that the reason why

you have not put Amendments is because you did not have a choice. This is a level of convenience and ‘mama guying’ the public out there and therefore not carrying out your responsibilities as Members of the Parliament. I therefore, support your Bill, Mr Rohee. Thank you.
[Applause]

The Speaker: I will accept you in the place of Mr Norton, Mr Corbin ... I have Mr Norton ...

Mr. Robert HO Corbin: Yes, Sir, but ...

Ms. Gail Teixeira: You are replacing Mr Norton?

Mr. Robert HO Corbin: I am not replacing anybody.

The Speaker: ... accept you in the place of Mr. Norton.

Mr. Robert HO Corbin: Mr Speaker, I feel compelled to clarify the records. The Honourable Member, Ms Teixeira has said this Bill was brought on 26 June and today is 3 July. The PNCR made it clear, its position on this Bill, and through our Chief Whip, indicated that while we are participating in the Debate, we believe that as already agreed, Bills that pose problems, I think this is accepted as a norm here, should be sent to Select Committee. This is not something that we are inventing today. We have agreed on this a long time; Bills that pose problems will normally be sent to a Select Committee. It is not an unusual procedure and the request was made before the vote by this side of the House, through the appropriate channels that there be some delay to allow this matter to go to a Select Committee. It does not lose any time because, after the

Select Committee process is complete, you do not come back for a debate; the debate is finished and the issues which affect the Bill are ventilated further in the Select Committee. At that stage we come back and if there are any amendments to be made, et cetera, you can do so. So, I resent the Honourable Member suggesting that, we are in any way negligent in our responsibilities. We are following the agreed procedures and we are debating a Bill which has implications for bringing foreign troops into Guyana. We are saying, we needed to clarify certain specific guidelines, but the Minister made it very clear, and I think that he was very honest with us and I respect his honesty. What he is saying is that, there is no point in going to a Select Committee, because we would not be able to change anything there and it is for that reason, we will not proceed with the next Bill either; because we had in mind to suggest that both of them be sent to the Select Committee and it would have been dealt with by the same Select Committee because the issues are the same.

I just wanted to correct the record, that we did make a formal request through the appropriate channels that this Bill be sent to a Select Committee. There would not have been any delay. In any event, the Minister boasted that we are way ahead of CARICOM, so even if it went to a Select Committee for another week or two, we would still be ahead of CARICOM. So, that could not be the reason.
[Applause]

The Speaker: Honourable Member, Mr Rohee ...

Hon. Clement J Rohee: Mr Speaker, as far as I am aware there is no automaticity in Bills going to Select Committee. It does not necessarily mean that because there is disagreement between both sides of the House that it follows automatically. I understand that, in instances where Bills are considered to be very complex in nature, which I do not consider this to be, because of the precedent. Mr Speaker what we need to consider is the precedent. The precedent was that these two Bills were brought before this Honourable House for Cricket World Cup ... [*Noisy Interruption*] ... They were agreed to in principle. All the Bills are basically the same in nature; so once you agree with the basic tenets outlined in the Bills, the question of expediency is another matter. So, I would simply wish to say, Mr Speaker, that having regard to the fact that there is no automaticity in taking Bills to a Select Committee ... In fact, Mr Speaker, there have been several Bills that have been brought to this House; Conventions have been brought to this House and many other pre-negotiated texts were brought to this House, laid before the National Assembly and for which we could do very little, for which we did pretty little but to accept it; having regard to the fact that it was ironed out long in advance at the OAS, United Nations and so forth.

So, Mr. Speaker, if Guyana is part of the Caribbean Community and if the Government sends its representatives to the Caribbean Community to iron out something on behalf of the Nation, it brings this Bill to the House in good faith. The Bill is a harmonised piece

of legislation; therefore, Mr Speaker, I believe that if the shoe was on the other foot, we would have seen the same and heard the same thing. So, I do not understand what all the hulla baloo is about. Mr Speaker, I respectfully put this Bill to be read the second time.

Motion put and carried

The Speaker: Let the bill be read a second time, please

Bill No. 6/2008 read the second time

ASSEMBLY IN COMMITTEE

The Chairman: Honourable Members, I propose the Question that Clauses 1 to 27 together with the Schedule stand part of the Bill

Motion, put and carried

Bill No. 6/2008 read a Third time and passed as printed

ASSEMBLY RESUMED

The Speaker: Let the Assembly resume, please.

Hon Minister of Home Affairs ...

Hon. Clement J Rohee: Mr Speaker, I wish to report that the Visiting Forces/Police Forces Bill was read in Committee and passed without amendment and I would like it to be read a third time.

The Speaker: Hon members, the question is that the Bill be read a Third time and passed as printed.

Put and agreed to

Bill No. 6/2008 read a third time and passed as printed

**ITEM-3 HIJACKING AND PIRACY BILL
2008 - BILL NO. 8/2008**

A Bill intituled AN ACT to make special provisions for punishment for the offences of armed robbery, hijacking and piracy and for matters connected therewith.

(Read a first time on 2008-06-26)

The Speaker: Hon Minister of Home Affairs ...

Hon. Clement J Rohee: Mr Speaker, The Hijacking and Piracy Bill 2008 has been languishing for some time. In fact, we brought this Bill to this Honourable House, I think on more than one occasion and we withdrew it because more work needed to be done on this Bill. Mr Speaker, I believe that this Bill is timely and necessary and it is being looked forward to with a great sense of anticipation by the fishing community in Guyana; a community that relies tremendously on fishing as a form of livelihood.

My Speaker, piracy and hijacking of the property of fisher folks, particularly at the mouth of the Corentyne

River, has posed tremendous challenges for the law enforcement agencies, particularly the Coast Guard and the Guyana Police Force. What was lacking, Mr Speaker, was the legislative framework to allow the Joint Services; particularly the Guyana Police Force and to some extent, the Guyana Defence Force, which has jurisdiction, or I should say, which has powers of arrest in our territorial waters. As a result of this absence of the legal framework to give the necessary backings to the law enforcement agencies, it became necessary and incumbent upon us, to bring this legislation to the House, in order to address at least that deficit, in the security architecture to address hijacking and piracy.

Mr. Speaker, I believe that the Bill in its present form reflects, as many laws would, the expectations, the hope and aspirations of the constituents that are affected. Not only does it do that, it also gives a sense of vision, and security; and sends a strong signal to the affected communities and to the persons who are engaged in this type of devious activity; that the Administration is not prepared to sit by and not address piracy and hijacking in the interests of the persons affected. Mr Speaker, Clause 5 of this Bill defines piracy and there is also the question of punishment of piracy and also the punishment of accessories to the crime. Mr. Speaker, the Bill also addresses issues of forfeiture, which we know sometimes tend to be contentious and sometimes debatable. In many other existing Acts, for example, in the Narcotics Act, there is also provision for forfeiture. In the Money Laundering Bill that is now in Select Committee, there is

provision for forfeiture as well. Mr Speaker, once again, when you are dealing with forfeiture, the question of burden of proof is a pivotal one that has to be addressed in any Bill of this nature. The question of granting of bail is a matter that has gained currency of great prominence within recent times. In Clause 13 (1) to (4), the conditional ties under which bail should be granted for persons charged with hijacking and piracy, are all laid out. One of the important features of this Bill, Mr Speaker, is that it touches on the question of jurisdiction in territorial sea and in territorial waters of Guyana. This is important, Mr Speaker, because from time to time we will have situations arising where vessels, owing to the absence of the GPS or even in the presence of the GPS, the question of the location of the vessels, is one that gives rise to a determination of whether the vessel was in Guyana's territorial waters or not. So, the Bill addresses that question as well Mr Speaker ... *[Interruption]* Mr Speaker, those who have read the Bill and read it carefully, would recognise that the main characteristics or features of crimes committed in the areas of piracy and hijacking are found in this Bill, are reflected in this Bill. Mr Speaker, I believe that this Parliament with one united voice should send a strong signal to persons who are engaged in piracy and hijacking; and in a similar manner, to persons who are being affected by hijacking and piracy. This Parliament could do them no better service than to send a strong signal that it is not prepared to stand by and allow this travesty, this deprivation of property, this doing-away, destruction of the livelihood of poor fishermen. Therefore, I believe sending that strong

signal, from this National Assembly would enhance, from a general perspective, the interest of the House of Assembly in ensuring that hijacking and piracy is a matter that needs to be addressed and that the Parliament is prepared to throw its weight behind such a Bill in addressing this matter. Thank you, Mr Speaker.
[Applause]

The Speaker: Mrs. Backer ...

Mrs. Deborah J Backer: Thank you Mr Speaker. Before I turn briefly to the Bill under review - The Hijacking and Piracy Bill-Bill No. 7/2008, Sir, with your leave I just would want to comment very briefly on a few things my learned friend said, and I am using learned very generously, Sir. The Hon Minister said that the Bill was timely, it was necessary and was being looked forward to by the fisher folks, and he went on to say ... well, let me deal with that first.

Sir, prior to this Bill coming to the House, there existed and there still exists, sections under our Criminal Law Offences Act, where persons who committed these very acts were charged and could be charged under. So, I want to let it be known very clearly, that prior to now, those offences were offences and they remain offences under Section 8:01. So, it is not that this Bill is going in ... forgive the pun, Sir, uncharted waters, because legislation is there as we speak, and it has been there for years. The Hon Minister made what I consider a startling statement when he said that by the coming into force with this Bill, the legislative framework that was lacking to allow the

Guyana Police Force and GDF to arrest vessels, are now taking care of it. Sir, I do not know which Clause ... My Bill ends at Clause 16, so most probably that was in Clause 17 ... *[Laughter]* ... and I did not get a full text of the Bill. Sir, he also spoke about the sense of vision, that:

This Bill is a reflection, a sense of vision and security and it sends strong signals to the communities, generally and to the fishing communities in particular that the Government is throwing its weight behind this problem.

He also mentioned the history of forfeiture.

Mr Speaker, no one can seriously doubt that, in the last two years attacks on our fishing boats have risen and have risen dramatically. During these attacks, our fishermen were beaten and brutalised; and on the few very unfortunate occasions, they have been murdered and of course, many times millions of dollars worth in seine, fish, fish glue, engines and sometimes, even entire boats, have been stolen. Mr Speaker, the PNCR-1G recognises the devastating effects piracy has on a particular section of our community that is involved in fishing and in the Budget debate not too long concluded, we referred to that and we referred to the fact that, something needs to be done. I think the Government, like us, are on the same wavelength on that issue. Piracy is on the increase. Sharma would say it is on the rise, and we appreciate and we are sensitive to the fact that piracy and hijacking are serious offences.

The Government has made it no secret that they regard the existing sections that I just referred to as inadequate and indeed, Minister Rohee and one of the Honourable Members at one of the many meetings that he had with the fishermen, when he was being besieged by them, he promised that he would make piracy a non-bailable offence. I am very happy to see, Sir that some amount of sense has prevailed and unless the Hon Minister is going to move an Amendment, I see that, that non-bail that was promised is not here. Indeed, Sir, at these very meetings; because on several occasions, the Government had to send emissaries, as it were to Regions 5 and 6 to deal with the irate fishermen; and on many occasions - and this was reported in the press and including the Chronicle - the fishermen would always remind the Government that we are your constituency.

So, Sir, this Bill is not unexpected and as I said before and let me state this again very clearly, we agree in principle and we support in principle a Hijacking and Piracy Bill. However, what we would have been happier to see and what we would have been happier to support, was a comprehensive overhaul of our entire Criminal Law Offences Act. That is why, Sir we called some time ago, for the setting up of a Law Reform Commission, because it is such a Commission that would look at certain aspects ... and given the crime and security situation, I am confident that had the Government the wisdom to support that Motion it would have been unanimously agreed to, not only in this House, but by John and Jenny Public; that crime and security legislation

should have been the first set of legislation that any law reform commission should deal with and look at to overhaul. So, had we done that, we would not only be looking at piracy and hijacking, we would be looking at the entire overhaul of our criminal law and the offences and perhaps the creation of new offences; but the Government continues to resist an overall review of our laws. So, we go on as if we are playing hopscotch - we jump from here to there and we make a baby or two and we jump somewhere else and we turn around and come back in a most ad hoc hopscotch way.

The Speaker: You play hopscotch?

Mrs. Deborah J Backer: Yes, Sir, I am not as old as I look. The other thing that this Government seems to feel, although they have been proven wrong over and over again is that harsh penalties would lead automatically to a reduction in the crime. That does not happen. It does not happen here and it does not happen elsewhere. Remember, we passed the Kidnapping Act with harsh penalties and kidnapping did not go down. We passed the Trafficking in Persons Act with harsh penalties and we are still on Tier 2 or whatever. We are on a Tier that we ought not to be on in trafficking ... and still what? [*Inaudible*] We have been torn up at the back, I've been told. Sir, Sir, the Money Laundering Act; remember that, Act? ... Big fanfare! A forfeiture that Mr Rohee spoke about ... you could forfeit this and you could forfeit that. You could blow, huff and puff and blow down the house and you can take this and you can take that. No one property was ever forfeited. Then we go to the Act that he

actually referred to, the Narcotics Drug and Psychotropic Substances Control Act, passed by the PNCR, so we know. Because, look at the harshness of that 1988 Act; has it led to a reduction in the smuggling and the movement of cocaine? No. Has it led to a reduction in the smuggling, the use and the movement of marijuana and other dangerous drugs? No. Because the thing that would lead to a reduction in piracy, hijacking, armed robbery, in robbery on land and in larceny and whatever you call it, is good preventative, policing methods. *[Applause]*

Sir, I am going to get to importation and all, but before I forget. To emphasize the point I made about this belief the Government has, that harsh penalties means low crime. The Hon Minister Persaud, when he spoke at the Fisherman's Day, which was on Sunday last, 29 June, he told the fishermen very proudly that Minister Rohee had tabled the Piracy Act which comprehensively addressed, the problem of them being attacked. You see, we are giving these people false hope. *Look, we now have an Act, if somebody hijacks you or somebody commits armed robbery on you at sea, they will go to jail for life.* But, Sir, you have to catch them; that is the first thing you have to do. They may have to go to Suriname and then they have to have a bilateral agreement to bring them back here. Under this Bill, for whatever reasons, it is only charges on indictment. So what it means is that in the Magistrate's Court you are only going to have a PI, and you know, Sir the period between a PI and the High Court ... because these offences will have to be tried before a judge and

jury. So, if there is no bail, which is quite possible when you look at the restrictions and the clauses, which my learned colleague Mrs Rhiel will deal with: There may be a man, Mr Ramotar, I am just using that name, who is charged with an offence, he is not granted bail and it may be about four to five years between the PI and when he goes before the judge and jury, but he is going to remain in jail and there is no provision here for the AJA to be applied.

Mr. Speaker, again this brings to the fore, the absolute necessity ... If we want to go that way with these kinds of offences we must abolish PIs and move to paper committals. Again I say, if we look at the criminal law holistically, that is the kind of thing we are thinking; not taking this offence and making a separate ... because if we go this way, we would not need much longer a Criminal Offences Act. We will have about 300 Acts covering 300 offences. But of course, the thing to do is, you have it in one Act - the Criminal Law Offences; but we do not want to do that in a holistic way, we want to pull out, we will say our constituency wants this and we pull this one out; do not worry with this one, so we will leave it in, and that is what we are doing. The reality is that fisher folk will rejoice, but in the next couple of months [...’ *“Right”*] when they continue to be attacked, because Government only seems to be dealing with that activity, they are curt: no bail; a million dollars; life imprisonment; and that is going to end piracy and hijacking as of tonight or tomorrow when the President assents the Bill. Sir, it would not happen like that and I

really hope that the PPP/C is receptive enough to understand that, this Bill is not cast in stone. It has good sections but the forfeiture section ... there is need for some amount of work ... and at the appropriate time, we will move that this Bill also goes to a Select Committee.

I do not intend to speak on the Bill proper but I cannot overemphasise too much, how necessary ... I will not go through Clause-by-Clause but I am still relevant unlike other speakers. Sir, I do not want to go through Clause-by-Clause, but the aspect of enforcement, preventative policing ... the Disciplined Forces Commission Report, which has been languishing for four years speaks about that, that your first line of attack must be preventative policing. So I hope that when the Honourable Minister gets up to respond, he is going to suddenly remember, that he forgot to tell us about the money for the boats, for the police and the soldiers. The same way they gave them eleven vehicles or something for the 169th birthday gift; that if we do not have joint, and here is where joint will come in Minister Rohee - joint patrols by the GDF and the Police, the Coast Guard and Police, and unless you are going to have preventative policing, this Act in itself will not stop piracy, it will not stop hijacking and it will not stop armed robbery.

We are understaffed and when I say we, Sir, I mean the Guyana Police Force is severely understaffed, so I do not know where he is going to get the men from. Because Hon Minister Rohee as he goes about speaking to the community groups, he says that they must be involved with dangerous criminals, so they cannot go to sea,

because these pirates are dangerous people. So, I do not know where the Hon Minister plans to get additional manpower to man these boats and to have more effective control of our rivers and our coastline. Sir, it comes back to the fact that we will not get the proper and full contingent of what is our full strength of the Police Force, unless we are prepared to pay better salaries and offer them generally better conditions of work; so it is a circle.

For some reason, that part of the circle that speaks about remuneration, better packages, conditions of service; that is one aspect of the circle that the Government feels they must always jump off when we get there and when we pass there, they jump back on, but Mr Speaker, that is the core. So, Minister Rohee may want to pat himself on the back but as I said, we support in principle, this Bill, but this Bill in itself, will not give us the relief that we are looking for. Before I leave, I want to quote from an unusual source, the Guyana Chronicle and it is dated the 2 March 2008 and I presume Sir, that you have heard of that newspaper. Page three said,

*... Guyana mulling revival of co-operation
council with Suriname ...*

This was an interview done with the then Minister of Foreign Affairs, Mr. Rudy Insanally and he said:

*While there were no formal talks in over
two years, there was yet some level of co-
operation to assist in curtailing the*

escalation of piracy against Guyanese fishermen.

Sir, and I read it somewhere but I could not pick it up back, but there was a mention by the Justice Minister in Suriname that, there had been a recent agreement with Guyana, vis-à-vis fishing and security of their respective fishermen. If that is so, Mr. Speaker, I would be grateful if the Minister ... and I think he should want to tell us about that, because that is also a direction that we have to go to. When we have these things, because it is our neighbouring country, Venezuela and Suriname; because those small boats do not go out far, we are talking about deep-sea fishing. The Minister of Agriculture spoke about deep-sea fishing when he spoke to the fishermen on World Fishermen Day on Sunday. So, we have to enter, and if we already have, well, I hope the Minister would tell us, we must strengthen our bilateral agreements as they relate to piracy and the security of our respective fisher folks.

In summary Sir, what I am saying is that, while the Hijacking and Piracy Bill may be one limb, you know, there is this saying that you cannot walk on one foot. If the Government feels that just dealing with this narrow area, this is a panacea and everything will be alright, they are sadly mistaken. So Sir, I end by saying that, because of certain aspects that my colleagues will go into, we will respectfully ask that this Bill ... we support it in principle, but that this Bill also goes to a Select Committee. I thank you, Sir. *[Applause]*

The Speaker: Thank you Honourable Member. Honourable Member Mr. Moses Nagamootoo ...

Hon. Moses Nagamottoo: Mr. Speaker, I rise to support this Bill: The Hijacking and Piracy Bill 2008 and I readily recognise that this, as a singular piece of legislation does not constitute a silver bullet to eliminate crimes in the sea or crimes in our riverain areas, or crimes for that matter in any part of our jurisdiction, whether within our territorial waters or on the high seas. It maybe, reaffirms the will of Parliament as a tribune of all of our people, that there is a purposeful consent, if I may say so; the Honourable Member on the other side used the word '*consensus*' or '*consensual*'; consent that we want to send a very forceful voice with purpose to those who harass honest, hardworking folks earning a living in the difficult way from 'the sweat of thy brow' and recognising also, that fishermen have a 'pride of place' in our nation. As independent persons eking out an independent living, that they need the protection of this Parliament, our legislators and the coercive capacity of the law and the institutions of the law.

I agreed with my learned friend and colleague Deborah Backer, that simply writing into a law all the punishments and the penalties that would be prescribed for offences, would not be enough; enforcement is important and critical. That does not mean that we underestimate the law, which is our shield and which is our sword, in carrying the fight against murderers in the sea, pirates, hijackers, people who are committed to violence of the meanest types.

I note in responding that I owe my good friend, the Opposition Leader, Robert Corbin an exchange, when he had referred to the Bible on the last occasion; that we must never forget that it was Christ who upon looking at Peter had said, Peter upon this rock I shall build my temple ... [*Interruption: 'Church!'*] ... my church. I recognise, Sir that in saying that, the fishermen have always had a pride of place. This Law ... not only must we support it in principle, but we should all join in this House to let the fishermen throughout Guyana, not only in Corentyne know that criminal activities in our waters and in the high seas, on vessels owned by Guyanese or registered in Guyana or carrying the flag of our State, would not be condoned; and that harsh penalties would await those who would be caught, tried and eventually put away.

When I said just now that it was not only Corentyne, because we would send a wrong signal if we try to politicise this piece of legislation; it ought not to be the subject of politicisation and I ask, through this House, that my learned colleagues on the other side of this House, ought not attempt to do so. They ought not, because I have read of piracy off the Bartica coast, in the Essequibo River. There is no race that is attached to the victims and there is no mercy that has been shown towards them, of any race, in any geographic area. In March 2007, I read in the Stabroek News of Sunday 24 March 2007 of an attack that was carried out against 'The Lady Shanta,' where four masked men swarmed the boat in the Waini River and they escaped with the outboard

engine, the crew's ration and clothing and \$500,000 in fish. I read also about the fishing boat of Prince Christopher, a fisherman who also was attacked and shots were discharged at the Casting Meadow George. So, if I look at the names and the geography that this is a matter that is only peculiar to Berbice, on the Corentyne:

Gunmen hijack boat in Essequibo River

was another headline and this was moored alongside the Parika Stelling, yesterday morning, whatever that date was. This was people waiting for others to come onboard – for the Essequibo; and this was on 25 March 2006. The piracy I referred to on the Corentyne ... this Bill combines piracy, which is an act of violence and other acts of degradation and savage in nature, involves an economic crime. It involves plundering, pillaging, the theft of property and of course recently the six fishermen who were killed. Six fishermen in one swoop lost their lives, three bodies washed ashore ... I am not sure, but my reading informs me that the other three bodies have been found.

Hence, this Bill in being described by the Hon Minister as comprehensive is in fact an attempt to deal with the diverse aspects of this criminal enterprise that is known as hijacking and piracy. Because it provides for the forfeiture of the assets, deemed to be coming from the acts of banditry at sea, if I may say so; and dealing in a way that sends the message that, one cannot benefit from the rewards from criminal activities. Also it prescribes

the penalties under the law, of custodial penalties on conviction; so that, it is in fact, a hybrid law.

Mr. Speaker, a while ago, as we were debating the previous Bills before this House, that were the spill-over from the Sunshine legislation, reference was made ... [*Interruption: 'The Sunset Legislation'*] ... the Sunset Legislation, sorry. Reference was made to the Treaty to which we have seen it; and in this instance also, we are perhaps many, many years late in a sense, in bringing a legislation, even though some areas would have been ... of the Summary Jurisdiction Act; has provided for us to deal with criminal offences or some of this kind, that combines consideration of criminal activities on the high seas. This is a fulfilment of provisions of the Geneva ... of what was then in 1958, the Geneva Convention on crimes on the high seas and now I believe that it is The United Nations Convention on the Law of the Sea; that the provisions in this Act, and I was happy to read that, coincides with some of the provisions of the United Nations Convention on the Law of the Sea of 1982. It was considered, it provides not only to deal within jurisdictional waters but on the high seas as well; so that has not been contemplated by any of the existing laws in our stature. In a sense, this has answered to the requirements of International Law and this House and the framers of this piece of legislation ought to be complemented for making it comprehensive and for making it broad, to include the enlightenment of international law, into domestic legislation.

Mr. Speaker, I have come from the Corentyne, I was born into a family of fishermen and I have, in my days going to school formed part of the fishing work of the family. So, I can speak from my heart about what a law such as this one, would mean to those fishermen in my village, my own family who are still in the fishing business, and all of the fishermen on the Corentyne and throughout Guyana. I say this because, not since we could claim an affinity to the victims of the criminal activities at sea, but to recall how important it is to be protected by your Parliament and to be protected by your laws, courts and security forces. My father's fishing boat, as long as I knew it, was the first boat I ever saw; it was moored in the...Channel in the Corentyne. The first thing that I observed was the name of the boat; it was called the *Daily Bread*. I suppose if you had fish, you would need bread.

It emphasised simply in a nutshell, how small fishermen see what they do and I was happy to see in the newspaper of 11 March 2004; because I am going back in time - 2007, 2006 and 2004 - a letter in the newspaper signed by one 'Ken' and these were his words:

Fishermen are some of the hardest working people, daily risking their lives on the high seas to earn a decent living. Many of them barely manage to eke out a living. Some days their fish do not sell and they have to return home empty handed and they have to look into the eyes of their children and see the emotional and mental distress that emerges from the poverty. The robbery of

these fishermen is an example of how mentally defiled these criminals are, in their warped perception of the world. I hope that these robbers are caught and made to pay for their sins.

I refer back to the issue of 'Daily Bread' and 'the sweat of thy brow,' that righteous people see the criminal activities on the sea as a sin; and if our Parliamentarians cannot punish the sinners, then what are we here for? That is why, whether this Bill goes to Select Committee or not, I would like to hear from my colleagues who would follow me, their unanimous condemnations of these acts of piracy and other degradations that have reaped havoc to the lives of our hardworking people.

Mr. Speaker, I wish to refer to the cruelty of these hijackers and pirates. Of course, those of us who have read literature or have even seen *Pirates of the Caribbean*, there is a type of romanticism attached to piracy; and we have to distil that notion of romanticism. Sir Morgan and the fat buccaneers and we read in the Aegean Sea, there was the piracy of even Julius Ceasar, I read somewhere, 75 B.C. So it is a very old profession but oftentimes mistakenly romanticised as a glorified activity, by which one gains a living. We must demystify that approach that glorifies these ruthless criminals.

So, in supporting this Bill today, I want also to refer, as I said, that not only are the fishermen killed, as on a few occasion, but I have seen reports of the fishermen locked in their iceboxes, thrown overboard, made to swim to

shore, sometimes for three or four miles out from shore and left to drift on their iceboxes, fending for themselves for days. So, we must not look in a romantic way at the acts of the pirates, but look at the sufferings of the victims; and that is why I say here today, that even passing this law today in this Parliament, is showing solidarity with the victims. *[Applause]* It is not a silver bullet that would bring an end to all of this, but we need to show solidarity to the victims.

Mr. Speaker, as my learned friend and colleague, the former Attorney General Mr. Bernard De Santos shared with me that the law had to have a deterrent effect. I have read the provisions and hopefully, we have all read the provisions regarding bail. I wish to say, that except for the Clause that says that;

... a person charged with murder, in the course of committing an act of piracy or hijacking, would be denied bail.

This Bill reinforces the presumption of innocence and it reinforces all the principles of law, that if you go before a Magistrate, you could be granted bail but there are certain prescriptions by which bail should be granted, that is, the prosecution should be able to address the issue, to speak to the issue ... *[Interruption: 'Always!']* ... and all of that in a bail application is normally taken into account. I agree with my friend who said superfluous, but it is placed in the law and even if it is repeated, it re-emphasises ... it does not hurt. Therefore, it also says, for those who have said that a Bill that was coming to this

House would be draconian; it also says that the Bill confirms with the principles of laws and jurisprudence and it should not be flawed or criticised or attacked as being deficient on that basis.

Mr. Speaker, I will repeat, my learned friend ... her words are so full of wisdom ... it is with these few words and I wish these words were fewer ... had she not spoken and I had to now respond to her ... And with these few words Sir, I wish to commend this Bill and ask for the unanimous support of this house. *[Applause]*

The Speaker: Thank you Honourable Member. Honourable Member Mrs. Riehl ...

Mrs. Clarissa S Riehl: Thank you Mr. Speaker. Mr. Speaker, like my colleague before me, Mrs. Backer, I wish to say to this Honourable House that, we in principle have no grouts against a Bill of this nature, because we feel too, like all Members of this House, that piracy is a heinous crime and there has been a great upsurge in our territorial internal waters, in the Corentyne River and indeed, I think it may have extended way into the high seas. So, this legislation in fact, hits on all of those areas. But, Mr Speaker, like my colleague before me, I wish to restate a very basic situation, because criminologists and all the books on criminology posit that, laws per se and heavy penalties do not deter crimes of any nature, - it is always the fear of being caught. All the books on criminology will tell you that it is the fear of being caught that is the real deterrent to...

If our would-be pirates and hijackers would suffer fear, perhaps one or two gun-boats like the Surinamese used to race our CGX ... [*Interruption: That was our gun-boats who did that.*] ... from the Corentyne River ... our CGX Oil Drill from the Corentyne River; If they were fearful of having gun-boats manned by the GDF Coast Guard up and down our river and our waters, and I think that that is what they would most want. I am not saying that we should not pass legislation but the most important aspect, is trying to get at these persons who commits these heinous offences.

Piracy and hijacking, like my learned colleague, Mr. Nagamootoo said, do not affect one racial group ... When he first began his presentation, he asked us all to show support on both sides of the House, because it does not in fact, affect one race group and he quoted somebody from Bartica and another gentleman whose name he called. Like all crimes, Sir, we on this side of the House have always been saying that, crime does not necessarily have a racial ... Criminals go after people who have what they want, whether it is money, the loot they go after; whether it is a shop to be broken, or whether it is a bank to be broken, they do not care who owns it. You could be black, white, blue or green, Indian, Chinese or whatever if you have the loot they will go after you. So, I agree with him, that piracy and hijacking do not only affect Indo-Guyanese from your constituency in the Corentyne areas, it is all over. At least we agree on that point and we agree that fishing is a very honourable profession, as far back as in Peter. I am getting biblical like my friend there; St.

Peter was the original fisherman. So, Mr. Speaker, we fully empathise with the victims of these heinous crimes. I just wanted to make that in a very brief opening remark because I will be very short, sir.

I wish just to walk through the various sections of this Bill, which has, I think, six Clauses and to comment a little as I go along. I see that we have armed robberies, which is really robbery as defined in the Criminal Law Offences Act, but which happens indeed on vessels. So, it pertains in the ocean. We have hijacking which is also defined and this is in Section 2 of the Act-Clause 2 (b), defined here; and I see in the definition of hijacking, there is also the attempt to take over the control of the vessel. So, the inchoate part of the offence of hijacking ... if you only attempt it ... it is treated as the whole. So that the inchoate part - an attempt at hijacking, is also treated as the full hijacking and the penalty to be suffered is the same; which is an interesting development because we as law students all know that, the inchoate offences attempts incitement et cetera are treated generally different from the whole offence. Vessel, of course includes the description of vessels of all forms of ships and floating crafts, including the description of even an aircraft, which perhaps could land on sea.

Mr. Speaker, I come now to the very first offence listed and that is Clause 3, which deals with;

*... a person who commits armed robbery,
committing an offence and liable to*

conviction on indictment, to imprisonment for life together with a fine of \$1,000,000

This is the penalty indeed for all the offences, whether it be robbery at sea, hijacking at sea and piracy all three of which offences have the same penalty structure which is life imprisonment together with a fine. Also, there is another part of the penalty that must be added into that and that is:

... upon conviction of any of those three offences, in addition to the imprisonment for life and the fine of \$1,000,000, there is also the forfeiture of everything connected to the offence.

Sir, this could very well be called Draconian legislation, because the penalties are everything when you get caught. Everything is thrown at you. You get imprisonment, you get the fine; and we know as lawyers ... lawyers would know that, *together with* means that the fine has to be paid, it is not the usual *and*, it is the fine which has to be paid or catered for separately, then the imprisonment for life.

I know that the seeming Draconian nature of this legislation might end up being only feelings, because when you check our Criminal Law Offences Act, for instance, when you look at the offence of manslaughter, you would see the penalties for imprisonment is the exact, same thing,- life imprisonment. Yet, daily in our court when criminal sessions are on, people plead guilty to manslaughter and come away with five or ten years of

imprisonment. The point I wish to make is that, even though it might look Draconian on paper, when it comes to the implementation at the High Court, I do not think that this Act, itself could change the nature of the judge's discretion, to put a lesser penalty to this offence. That is my dilemma, that you cannot tie the judge's hand in the same way that you could tie a magistrate's hands per se, because a magistrate, as we all know ... again I am appealing to lawyers here ... a magistrate has a preset statute and he has to comply 100 percent with what that statute says. But the judge has an inherent discretion in dealing with the penalty, hence, the example of the manslaughter. I am wondering how that will pan out in the event of the person coming before the High Court, charged with one of these offences. Whether he will come away with a mere ten years or five years, like the man who kills another by committing unlawful acts and death occurs and he is charged for manslaughter.

I see also piracy defined here which comes straight out of the Law of the Sea definition of piracy, is also Article 1:01 of the Law of the Sea just listed over. I have no grouse with that, because it is a very comprehensive definition of piracy. The Section that I have a little problem with Sir is Clause 7. It says in Clause 7:

Every person who murders a person on board a vessel that is on the attack, while committing an offence of armed robbery, piracy or hijacking is liable on conviction, on indictment to suffer death.

I am wondering, having regards to the Felony Murder Rule, and I had a little chitchat with my colleague, Mr. Williams; whether the Felony Murder Rule is what this section is trying to get at here. But I think if that is so, that the draftsman ... with the type of drafting here, that a person could well escape with a skilful lawyer ... let me give an example of how it might work on the ...
[Interruption]

The Speaker: Before you move on to the example, Honourable Member, we are now at 19:00H, the time when the Standing Order requires us to take a suspension. However, we have three more speakers to conclude this debate and this is our last item. I am prepared, if Members wish, to continue uninterrupted until ...
[Interruption: 'Fine, Sir!'] ... the matter is finished. However, I will need a Motion that the appropriate Standing Order be suspended, to allow us to continue uninterrupted to the conclusion of our business.

Hon. Leslie S Ramsammy: Mr. Speaker, I would like to move just that Motion to allow us to continue uninterrupted.

The Speaker: I take it that this is agreed by all Members?

Motion put and carried

You may proceed Honourable Member ...

Mrs. Clarissa S Riehl: Thank you, Mr. Speaker. I am at Clause 7 of this Bill, which says:

... every person who murders a person onboard a vessel that is under attack while committing an offence of armed robbery, piracy or hijacking ...

... the three offences in this Bill. As I and my learned friend Mrs. Backer said it is wholly indictable; all the offences here are straight indictable, with no reference to the AJA? So they go straight before a judge and jury and we have to take that into consideration. I can see a skilful defence lawyer saying in a situation where: I am a hijacker and I ram another boat in the course of hijacking and one of the crew onboard the other boat falls and as a result hits his head or something like that and dies. I cannot be said to murder that person, because I could say that I do not have the *mens rea* for murder. I went to hijack and during the course of the hijacking or piracy, a man died. So, I am troubled by the way this section is worded. It is worded in such a way that you have to search through, that I have the *mens rea*, and as I said, my lawyer is saying that I just went there to hijack, I had no gun nor knife, I rammed this boat ... and a jury will believe it.

There is something that bothers me about the drafting of this Section. I know what it is intended to capture but the question is I do not know if it is the draftsmen I am seeing sitting here; whether the intention of the section has been fully gotten by this particular ... Because it says, *everyone who murders onboard a vessel*, so you have to have the intention to murder, not only ... you have to have what we call Malice Support Clause; if you do not

have that how can you proceed during the course of these other offences. You may not intend to murder, just to rob or to whatever, and I have known people who have gotten away with this same kind of offence. When they go to court to say, look, I might be part of this enterprise, but my intention was never to murder; you know, I took myself away from that, but the others went ahead and murdered but, well, I am not in that. So, it is something to be looked at.

Sir, I now move to Clause 9 – *Forfeiture on Conviction*. I have already said that that is part of the general penalty. Once you are convicted, that the forfeiture of any buildings, vessels, machinery, et cetera, everything can be forfeited once you are convicted. I come now to the civil aspect of forfeiture, which the Bill contains and this is not dissimilar to the Narcotics Act, with which I am very familiar, because I think the lone forfeiture case that was done in the Narcotics Act was done by yours truly and unfortunately, the man went to prison, came out and resumed to live in his house. It was not taken hold of by the official receiver but that is a different story; he refurbished his house and went back living in it; and we went through the entire proceedings of forfeiting that house. So ... so much for the Narcotics Act which was since 1988 and the forfeiture provisions therein ... You see, when we pass legislation, it has to be so tight that people cannot escape through it and if there are too many stages, perhaps that is where people may escape, but that is another situation.

The civil proceedings outlined here from Sections 10, 11 and 12, if you look at the Narcotics Act which is a very well thought out Act and, as I said, that also had been christened at the time with the adjective, draconian. That Act has 28 Provisions, from Section 36 to Section 64, spelling out all the procedures in dealing with forfeiture after conviction; even the restraining order which this Act also says that the DPP can call for. That Act as I said, was so well thought out, that everything was laid out in the Act. For instance, this Bill in Clause 10 says that,

... where on an application made to the Court trying an offence under this Act by the DPP that the person accused is in possession or control of certain property.

The Bill itself seems to exempt property less than \$2,000,000 so they are going after property in the civil proceedings, but only property in excess of \$2,000,000. I do not know why that is so; perhaps they felt that it is not worthy to go through the process for property less than \$2,000,000, but the DPP, it seems, can apply to the Court for the restraining order. In that Narcotic Act, as I said, the 28 Provisions laid out specifically all the procedures; The DPP would have to put an advertisement in the papers, so that, if your home or any equipment in your possession belongs to somebody else, they will know what the score is, because everything has to be advertised. So everything is laid out and spelt out, so that you can follow the law.

In this Act, as I said, there are a mere three sections dealing with restraint, which is like, freezing the person's property with the forfeiture; so you freeze first and then you seize if you have the conviction. But these Sections, as I said, 28 and 3 in here ... they are lacunas, they are gaps. Nobody knows how the DPP will approach the Court and they do not know how the restraining order will work ...

The Court shall make a Restraining Order, prohibiting the accused or any person from disposing or otherwise dealing with the whole or if appropriate, a specified part of the property, diminishing its value unless it is shown et cetera

What I am trying to say, Sir, is that, this Act, while it appears to have copied the concept of forfeiture, it needs to redo the procedure, especially in light of the fact that, these legislations, like all legislation that this Administration has brought to the House, with one exception, lack the regulations. Only one bit of legislation I recall, coming from the Minister of Finance, came with the regulations. I think Clause 16 makes provision for regulations, to carry out the Provisions of this Act. If you want the effectiveness of this Act, you really need to come with the regulations, especially with this deficiency in the procedures laid out for forfeiture. It is so beautifully laid out in the Narcotics Act, that you can even list them from the Act- the Narcotics Act, and make them your regulations in this Act, because it is so beautifully put there. By the way, we would like to see

that Clause 16 is subject not to negative resolution but to affirmative one. Of late, that is another tendency with this Administration, to bring everything with negative resolutions, instead of affirmative resolutions, where you can see what you are dealing with.

There is another gap even in the laying out of the procedures or the attempt in Clause 10 to lay out the procedure. You have, for instance, Sir, Clause 10(7), which says:

in the Courts ...

and in all instances we are dealing with the High Court, and this is concerning the civil forfeiture proceedings ...

... if it is considered appropriate to do so in the interest of justice, on the application of the DPP or if the whereabouts of the respondent cannot be ascertained on its own initiative, may adjourn the Hearing of an application under Sub-section (1) for periods not exceeding 2 years as it considers reasonable.

That is Clause 10(7) as I said, in the Civil Forfeiture Proceedings. Then you would expect the next Section to say what should happen after the two years: That the courts could proceed *ex parte* or one-sided, if the respondent whose property they are seeking to forfeit, escapes to Suriname, Brazil, Venezuela or wherever, and he leaves his house and the other things here which were part of the things that they would like to forfeit. Or in

this instance, he might be in prison or wherever, or the person who owns it, because this forfeiture proceedings go not only to the person who is convicted but to other persons whose property he may have had in his possession. So, what happens after the two years, nobody knows. It is just that there is a lacuna there and then the next Section says that;

... the court shall not make a civil forfeiture order if it is satisfied that there would be a serious risk of injustice.

I do not know if that is intended to fill the gap.

You see the kind of sloppiness in the drafting of this Act. One would expect, if you have subsections laying out the course, and you come to a point where the court may adjourn, what happens after that? When would the court pick it up and take it again and in what form, and how it is done or should be done?

The other Clause, I have some problem with here, Sir, is Clause 12 – *The burden of proof.*

When a person is accused of having committed an offence under this Act, the burden of proving that the property held by him or someone on his behalf, is not the proceeds of any crime and is untainted property shall be on the accused person and the person claiming on his behalf.

It seems to me, Sir that the person here is merely accused of an offence; it does not say when a person is convicted

of an offence and it seems to me ... I do not know what the draftsman is getting at here. Because, how can you move to begin to forfeit and talk about burden of proof, unless a person is first convicted. I was mindful at one stage of putting in a short Amendment to say,

It is not when a person is accused ... it is when a person is convicted of an offence.

Because an accused person still has the benefit of his innocence and I do not think that we can move to forfeiture and talk about burden of proof in that context. I am just a little baffled by the total heap of legislative work before me here.

We then come to Clause 13, which deals with *no bail*: No Bail for the offence and no bail for the one where murder results, that is, the one where a person is charged with an offence under Clause 7 - no bail. We all know that the High Court reserves the right to carry out the rules of the Constitution - Article 144, and that has just been turned on its head. This no bail thing has just been turned on its head, by no less a person than the Chief Justice, where bail was granted to a person who is on a murder charge. So, I do not know how much ... You see, the thing is, all of these legislations are subject to the Constitution.

Clause 13 (2) speaks of the areas where bail may be granted and what consideration ... So, those considerations are no different from the same considerations that the High Court would use in granting bail; because they usually listen to the DPP side and

things like the likelihood of the accused misusing his liberty, by indulging in other criminal activities; so that is applicable to every offence where bail is considered. The likelihood of attempts by the accused, to tamper with evidence of a witness, that again is ... so these things, and as my learned friend, Mr Nagamootoo, the Honourable Member Nagamootoo says, there is no qualm, there is no harm in regurgitating them in this legislation. I agree.

Your Honour, Mr Speaker, sorry, I think that all in all, the legislation needs a bit of overhaul now, and we feel that ... you know, or some explanation. I do not know if anybody coming after me can explain some of these aspects of the legislation that we have here, and if not, our suggestion is that the Bill goes to a Select Committee. It is a short Bill, Sir, and I do not know why the Government is so afraid of the Select Committee process, because it is the easiest process to unravel things, to hear explanations, to have and to get the Bill properly aligned.

In principle, we feel that hijacking is an offence that is ready to be looked at, Sir, seriously looked into, and we feel that this Bill, you know, can address it if it is done properly.

I think that would be all, Sir. Thank you. [*Applause*]

The Speaker: Honourable Member Dr. Leslie Ramsammy ...

Hon. Dr Leslie S Ramsammy: Thanks, Mr. Speaker.

I seem to be the odd person out here, I'm not a lawyer. And Mr. Speaker, I do not want to keep the House ... and

so I am going to shorten what I had planned to say. But since the Minister of Agriculture is not here today, I think I should put certain things in the record.

I am about to disagree with my friend, Honourable Member Deborah Backer. This Bill is not in response to a constituency; it is in response to a problem that we have, and I think that the Minister of Home Affairs, the Honourable Member Deborah Backer herself, and the Honourable Member Moses Nagamootoo have addressed the issue of persons directly affected, of the 13,000 persons that are directly employed in this industry, and the family members that depend on them.

What we need, what has not come up here today, is the importance of the industry, because this Bill is addressing also the fact that the fishing industry is an important part of our economy. It has moved from where we used to export less than 2,000 tons per year in the 1980s to more than 12,000 by 1998, and at the moment, to more than 25,000 tons. It generates at this time about US\$55M in foreign exchange earnings, and it now is a significant part of our GDP, more than 3 percent of GDP, say 6 percent of our GDP, so it is an important part of our economy, but it is also an important part of our nutrition, because indeed, the most significant contributor to the protein content of our diet is fish, and so if you look back over the years of between 1980 and 1988, there was an average consumption, per capita consumption, of 27kg of fish in our country, and that increased by 1991 to about 45kg, and presently the per capita consumption of fish is 60kg, and so fish has increased in its importance, and it is

ironic, because many people talk about how fish was a staple in our diet, and that today we need to diversify, and it is true: we have diversified, but we also consume per capita more fish in our diet today than at any time in our history, partly because we also, in terms of our caloric intake, total caloric intake, we eat more per day than we have ever done before. *[Interruption]* Yes, yes, look at the many people ...!

So that this is a very important industry ... I think we have consensus in the House that the Bill is required. I think we also have consensus that a law in itself does not solve the problem, that we have to have enforcement, and there are many examples of laws that have been passed that have not accomplished the goals that they have set themselves, but there are also examples of those that accomplish, and indeed, because I have researched this, I do not want to go back, I see my friend talk about history, but I think I should say one part of it, because the debate that the Honourable Members have engaged in about laws and enforcement and so, was exactly the debate that occurred in England, when piracy had emerged as such a big problem, with the buccaneers, Morgan and Drake and all these examples. The British decided to do something, and in fact, in a debate in their Parliament in the early 1700s is exactly the same debate: Why you passing a law? Why these draconian penalties? It does not work unless you enforce it, and guess what? Between 1716 and 1726, the laws were passed, and between that decade, that period, more than 400 persons were hanged for piracy, and it ... *[Interruption]* ... but that works

sometimes. And what happened is that soon after that, piracy began to decline, and now it is emerging again in different parts of the world.

So I think that we need to respond to a problem we have, a problem that affects not only a particular constituency, but affects our country and our development, and as we pass this law, that is our job in the House, to pass the laws, we must then ensure that the authorities that are responsible for enforcing the law do so, and I believe that once that is done, we would find that the goals that we have set ourselves through this law would work.

But we owe it to our people, we owe it to the fishermen and the operators of boats, both in the shallow waters and in the deep seas, we owe it ultimately to our country to pass this law, and to make it work, and so I hope everyone would support the passage of this law.

Thank you very much. *[Applause]*

The Speaker: Thank you, Honourable Member.
Honourable Member Mr. Khemraj Ramjattan ...

Mr. Khemraj Ramjattan: Mr. Speaker, I want to cut it somewhat shorter than I had prepared, simply for the purpose that the arguments and concerns already articulated by the very many speakers on this Bill, are articulations which I support, as regards the concerns we have, one which has to do with what I regard as the inelegant manner of the drafting of this Bill, is of course in the definition section, we are dealing here with three,

and I just want to cut it short by stating my points and then take my seat.

In the interpretation section, we have definitions for armed robbery and hijacking, but yet in that definition section, I notice we did not have what is piracy. We go to the substantive body of the Bill to ask for it, and we get that. And ... who is my guru? [*Interruption-Corbin*] ... Probably you do not know what my guru is, or who my guru is, you know. Yes, you better believe that. [*Applause*] Now, if you could just live his legacy.

But I want to state that we also have some other inelegant provisions, which have, and I mentioned one just before I came back into here, after the debate, that we have nowhere that says that if you are convicted, you suffer life imprisonment and you have to pay \$1M fine. Which man, if he is convicted, going to pay \$1M fine? And then another one, he is fined \$250,000 together with life imprisonment. Now, I do not know what they really had in mind there, because even when you have murder, manslaughter, these other offences and you have life imprisonment, it is not attached with any further fine, together with. So I do not know the nature of the message we sent there. Whenever they do their delinquency here, they have to ensure they also have a fine they got to pay up when they suffer the imprisonment.

Moreover, there are certain aspects of this that has need, somewhat unclear as to the intent that they are getting at. Take, for example, the same Section 7,

Every person who murders on board a vessel ... shall suffer death

I understand the section under our Criminal Law Offences Act, murder is murder is murder, and you suffer the penalty of death, if convicted. What this is getting at, obviously, but it is not doing it in a very elegant drafting method, is that in furtherance of robbery or in furtherance of piracy, if death occurs, then I suppose that is what they mean here, because that could have been better put. In furtherance of these crimes of armed robbery, hijacking and piracy, if death occurs, and that shall be murder, and for that murder, you get the penalty of death. And they should have cleared it up; I do not understand how they constructed and reconfigured this thing to the extent ... By the way, it was reformulated, and reformulated, as far as I understand, until we come to this point.

The other one has to do with the forfeiture of certain vessels which again, I want to argue, has some complications about them, because we are not getting the procedure like in the Psychotropic Act. What we do have is that an application can be made, and that application made to the High Court, because I think it is the High Court we are getting at, and then, what is strange is that whatever specified property that constitutes, and this is it, directly or indirectly the proceeds of the alleged crime, or as indirectly constitutes the proceeds of the alleged crime in Part 2 there, then we can have that application being granted, and you take over the property.

Now I want to ask the question, what evidence will the prosecution have to produce or adduce to prove that indeed this property was directly or indirectly the proceeds of the alleged crime? Take, for example, you have a person who committed a crime in the high seas or wheresoever, hijacking or piracy, he has a house; let say at Lusignan, and his wife is there, are you going to take the house that his wife lives in? Because we have now the section which says, and this is where it is so contradictory,

When a person is accused of having committed an offence under this Act, the burden of proving that the property held by him, or someone on his behalf, is not the proceeds of any crime, and is specified property shall be on the accused person and the person claiming on his behalf.

It shifts the burden, but I want to say that my concern here is that that could very well be unconstitutional, because it could deprive a person of his property, when the presumption of innocence of innocence is also a constitutional right, because this section says that a person is *accused* of having committed an offence. So you could end up seizing a man's property here, by virtue of this section, yet you have this same section, inherent in him having just being an accused, he has not been convicted yet, the presumption of innocence.

This kind of draconian nature of this piece, and this section, we have to be careful about; not because there is

a tremendous public opprobrium against these crimes, hijacking, piracy, we are then going not to have an objective balancing act in relation to how we draft the draconian nature. I agree there is need for 'draconian-ness', if I may say so, about certain provisions, when it comes to this. The struggle however, is that it must be balanced with constitutional rights of every sort, and for which we must not easily erode, and what I see here is, especially with Section 12, you can have a person just accused, he may very well be innocent, but yet his property could be taken away simply because he has not to a satisfactory level proven that the proceeds are not directly or on purpose, untainted property.

Now there is this other very important section that I have tremendous concerns about, and that, I feel, comes as a result of, and this is just my suspicion, as a result of what Chief Justice Ian Chang ruled the other day. I do not know if this is getting back at Mr Ian Chang.

A court shall not grant bail to any person charged with an offence under Section 7.

Now, under Section 7, it is effectively murder that is the charge. Section 7, in this Act, is saying that if anybody murders during the course of a hijacking, or piracy and is charged with this offence now this section is saying bail cannot be granted. And it is doing so in very sweeping terms, very sweeping terms which is in a sense, eroding that precedent that was created a couple ways ago, in the Hemchand Persaud case, because what we are having now is a different variety of murder: murder under

Section 13(7), sorry, under Section 7 now is non-bailable. All other murders, it would appear are of a different threshold; bail could be granted for that.

And that is what is somewhat inelegant again, about this section, because ... yes, it does. Under our Constitution, I think it is Article 139, it is indicated quite clearly, it is indicated therein quite clearly that bail is grantable for any offence, bail was only taken away by the magistrates, even in murder, and that is what the personage of Mr Ian Chang was talking about. But any person who is arrested and detained and not tried within a reasonable time, that is Article 139(4), and is not tried within a reasonable time, must be released either unconditionally, or upon reasonable conditions.

What we have here now is that the Constitution says that, and a precedent was set a couple days ago by our Chief Justice, an extremely ... bright criminal judge, adjudged in all the areas, I must say, and a very landmark decision, if I may say, that is around the Caribbean now, saying that yes, indeed, Constitutions that are written in the Caribbean, did not take away from judges this right to bail even for murder, and we have here now, in retaliation to that, that murder of the types in the high seas or in our territorial waters, is the type that bail should not be granted in relation to.

So it does leave a dearth, and what it has, Mr. Speaker, is this additional characteristic, that someone, if somebody come in my home, in my dwelling and kill, murder, it is not that aggravating as if he kills in the high seas, because

for the high seas one, he cannot get bail, not that one, but for this one inside my home, he could get bail. He could go in the rum shop, I think Hemchand Persaud was of that type, and there is an allegation of murder, he can get bail, but when he goes into the high seas, he cannot get bail.

So it is indeed that clarification that is needed. I think it is highly ... it should be regarded as unconstitutional, against Article 139. So there is, and I have made a note here, a distinctive aggravating circumstance relative to Section 7, and that should not be, because if they come and kill, like they did in Lusignan and Bartica, they do all over the place these days, even in rum shops after fighting, once it is murder, murder is murder, and not one that has a different threshold or that has a different implication. That I notice about it.

The other aspect I find, and that is probably one that we have to mention, and I do so simply because I want not a political posturing to be taken that 'look, we pass the Bill, and that necessary mean that piracy and hijacking would come to an end. This must not be the case, and so that you get political point-scoring that look, we pass the Bill, everything is all right, as I have noticed in the press that the Minister of Agriculture was telling some people in Corentyne; no.

We must understand that the principles in relation to the criminal process are important, because you have to balance that with the Constitutional provisions of fundamental human rights, but more than that, the administrative section that can deal with a diminution of

crime must come from better detection, which is a result of investigation, a better prosecution, a far superior Director of Public Prosecution's Chambers than we have now, and a better system of keeping them in the jails. Very many times we do good detection work, we do good prosecution work, put them in the lockups, and in a short while they gone, through 7-inch flooring.

So we must not jump and say, look, everybody in this Parliament must support this thing. I agree, yes, we will support it to the extent of the consensus I mentioned, but we must also not come to the conclusions that these new offences are going to be so effective that they are going to stop crime. A crime, and what the constituents within the 13,000 fisher folk population would want, is the same kind of administrative arrangements that probably worked in England in the 1700s. You get policemen and the sloops going after them. But you do not even have sloops here! *[Interruption – you got Prados!]* So the publicity will not advance the enforcement to make it more effective, and you are going to say that we have Bill now, people from 63 koker there, we have a Bill, and we go and show off with it. No, that does not work. As a matter of fact, it might have a reverse effect. And I was only recently reading an article about when they become so draconian, defensive in the arrangement, criminals also get hardened to the extent that when they do an act now, and they can leave their victims alive, they make sure they finish them off, because they know that 'they gon get hang'. I have spoken to this in a couple articles that I have done about the death penalty: it hardens criminals, it

coarsens the actions, but of course there were signs that very many Members did not like my suggestion about the death penalty and its removal and so on. They feel it has a deterrent effect. Well, I have a different opinion. There are arguments, I know, on both sides.

So notwithstanding the draconian nature we have had the Psychotropic Act. Very many little fellows just for a smoke get three years for that. Do they deserve three years? But I am not going to come back to that, because as I indicated, I wanted to be short, so for those concerns here, Mr Speaker, I am saying that under the proposal, the proposal for a Select Committee might be useful. Now on this other score that when judges generally go to treat ... what was the construction to be given to Section 7? Because we have not the proper explanations as to their genesis here we would be hard put to help those judges, and so in a Select Committee the draftsman could very well come and say, you know what I had in mind Mr Ramjattan when I did Section 7 the way I did ... this was it ... and that record can help us with our interpretation in a court of law, because Hansard is not an extraneous document. Hansard is now allowable, is now permissible in courts of law, to let us understand what the intent of the government is, intent of Parliament is, so we could not have had that thing like with Queens Atlantic, because that is not Parliament's intent ... this corrected the thing.

So it is important that it goes there, and these contradictory things that deprivation of property, presumption of innocence might have ... might go under these sections, we could sort them out, because the

draftsmen could very well come up, or there could be a brilliant argument on the other side as to why there is need for this, notwithstanding the Constitutional provisions.

So I am urging that the procedure be taken, and so that we can get this Bill behind us, and we can understand the nature and content of it better, so that in the application in the High Court, whenever we are prosecutors or we are defence counsels or even judges, we will understand this better. Thank you very much. *[Applause]*

The Speaker: Thank you, Honourable Member. Honourable Member Mr. Rohee.

Hon. Clement J Rohee: Mr. Speaker, I am very pleased to observe that there is unanimity on the Bill save for a few exceptions which I felt a little upset about, and that was the question, about the observation I should say, that was raised to the effect that what we have before us is a sloppy piece of drafting, sloppy was the word that was used. I am not going to allow anyone to put words in my mouth, *sloppiness in drafting, inelegant manner of drafting, untidy drafting, untidy drafting that needs to be overhauled.*

Mr. Speaker, the Chief Parliamentary Counsel of this country is a Senior Counsel. I think sometimes we tend to forget, and I would not denigrate the expertise of the Chief Parliamentary Counsel nor his... and his technical staff. I heard someone ask the question *So what if he is a Senior Counsel?* If such a comment was uttered from this

side of the House one could well imagine ... yes, it was out of order.

But Mr. Speaker, most of the Bills that have come to this House, I would say almost all of the Bills that have come to this House, have come after lengthy debates, weeks and sometimes months of drafts, and I take umbrage, Mr. Speaker, to some Members of this House denigrating, belittling, belittling, belittling, saying that what we have before us ... And further, Mr. Speaker, they are quite entitled to their opinion, but I believe that as members of the legal fraternity, and it is strange and interesting to note, that those comments came from members of the legal profession. *[Interruption]* No, I have to emphasise this!

Mr. Speaker, I want to say the question is where do you start? Where do you start in addressing a socio-economic phenomenon of this nature? You have to start somewhere, and in our view, you start consulting with the people on the ground. Politicians begin by consulting with people on the ground. What are the issues that are confronting, them? What are the issues that they are concerned about? And as a result of those consultations, Mr. Speaker, many times when you go to meet the fishermen, they are dissatisfied that things are not moving quickly. They say that we came sometimes, and you say that you are going to pass a Bill in the National Assembly and nothing has happened.

And Mr. Speaker, they are in their rights to make criticism of us when we go to meet with them, and they

accuse us of dragging our feet on a matter that is of great importance to them. And now we come to this Honourable House, Mr. Speaker, we are confronted with all kinds of booby-traps and tripwires, seeking to throw a spanner in the works by telling us that the Bill needs to be overhauled, sloppy drafting, it needs to be tidied up. Mr. Speaker, I think we need to get a little serious in this House! I think we need to get a little serious.

Mr. Speaker, so what I am saying is that we start by consulting with the persons affected to get a sense of what the issues are. Having done that, Mr. Speaker, one then tends to find a way to translate those concerns into law, and that is precisely why we are in this Honourable House, because we are concerned about passing laws. We are concerned in this Honourable House with passing laws, and therefore we start first with the leaders, with the leaders and legislative setting, in order to address first and foremost the concerns of the persons in the fishing industry, because we do not want to send the law enforcement agencies to enforce what does not give them a legal right to do, and that is precisely what we are seeking to do here this afternoon. Mr. Speaker, having legislated we move to the next step, and I agree with the Honourable Members when they say that law is important, but enforcement is equally important. And then the third dimension of this Bill, enforcement has to do with international cooperation which I will touch on as we go along.

Mr. Speaker, one of the challenges that we have in dealing with piracy is the border between Guyana and

Suriname is the jurisdictional issue, which is a major challenge, because many of these acts of piracy fall within the area of dispute between Guyana and Suriname, and that is one of the challenges which the Coast Guard particularly faces when going after the pirates..

Mr. Speaker, someone spoke about joint patrols. Well, I do not know what they meant by joint patrols, whether they meant police and coast guard. I was not very clear. Joint patrols, whether it meant police and coast guard, or whether it meant joint patrols between Guyana and Suriname, because I want to get that clear. Well, I am happy to hear that reference to joint patrols does not include the joint patrols between Guyana and Surinamese authorities, although we would have wished to have that, because it would bring a greater sense of security to the persons who engage in this industry.

Mr. Speaker, so apart from the jurisdictional issue that poses a fundamental challenge, another area that poses a tremendous challenge has to do with the financial cost, in terms of maintenance of a presence on a continual basis in these areas, \$30M in fuel per month, Mr. Speaker, is what is required. And we all know that fuel is not as cheap as it was some time ago, so this poses a major challenge. So while we would like, by all means, one would wish by all means to ensure effective and efficient enforcement, we have to recognise that there are certain challenges associated with sustaining the presence of the Coast Guard, whether jointly with the police or individually for these purposes.

Mr. Speaker, over the past five years, from 2003-2007, we have had \$116M in articles stolen as a result of piracy, approximately 412 persons affected by this, and the major areas that have been designated areas where the pirates are active, Mr. Speaker, is offshore the Corentyne River, the Mahaicony River mouth, Essequibo River, North West District, and in the Pomeroun areas.

Mr. Speaker, I have listened very attentively to some of the points, or most of the points that were made and I simply would wish to ... [Pause] Mr. Speaker, I notice you said we only have three speakers and I am the last in that respect.

It is a fact that piracy is on the increase, no, I have to say I agree with that. So at least we have a common area of agreement on piracy in our nation. Let me give some kudos to the Opposition, at least, on that.

Mr. Speaker, I agree that we need a comprehensive approach to this matter, but again, we need to start somewhere, and at least we have made a start in the right direction. With this Bill, we have made a start in the right direction, and it is providing some comfort level to the persons affected, and that is what I meant by sending a strong signal from this Honourable House to the persons affected as well as the perpetrators.

Mr. Speaker, the question of harsh penalties not acting as a deterrent to the perpetrators and the question of fear. Mr. Speaker, why is there fear of being caught? This is a very debateable question, and there is no one single answer to this, but I would want to submit, Mr. Speaker

that it is because of the fear, not only of being caught, because you are fearful of, in respect of this particular Bill, having your property forfeited. You are also fearful of having your freedom taken away from you for life. You are also fearful of paying a hefty fine, and that is precisely why you will seek to become much more sophisticated, in evading the law enforcement agencies. So the penalties also act as a deterrent, and also as a fear factor against the perpetrators, Mr. Speaker.

Mr. Speaker, Honourable Member Mrs. Riehl spoke about tying the hands of the judges and the magistrates, and raised the whole question of discretion. Mr Speaker I remember when I was a Member of the Elections Commission, the Bollers Commission, Mr. Bollers, when we used to meet ... Sir Harold Bollers, when we would meet from time to time, and when we recognise that the speaker was the then Mr. Stanley Moore, whenever I asked for certain things to be done, he would tell me in response that this is not the place for these things to be done. You have to change the law. Let the party take these things to the National Assembly to change the law, and then the ... at that time it was called the Elections Commission, would be able to implement the thing that you are asking for. *[Interruption]* You do not know the origin of that term, Mr Corbin. That did not originate with me. I can discuss it with you over some Grey Goose!

But Mr. Speaker, the fact of the matter is that if you do not legislate in a way that does several things:

- one, you can legislate and make the law flexible;
- you can legislate in order to take away the discretion;
- you can legislate in order not to give the judges and the magistrate too much discretion;

But you have to legislate! If you do not do that, the judges may well come back and say that the laws allow us to do this, but the Constitution allows us to do that. And that is precisely what is in fact is inherent in the section dealing with bail.

I do not agree, Mr. Speaker, that Clause 13, Section 13, of the Bill, as Mr. Ramjattan claimed, is an attempt to get back. I take objection, Mr. Speaker, to that allegation, and I think he is being, I do not know if it is being un-Parliamentary, but I think he is being rather ingenuous, he is being suppositive and seeking to rekindle a controversy which only the other day took front page once again.

But Mr. Speaker, as regards bail, I think, as a layman I would submit that this Section 13 must be read to be in accordance with, or subject to, the Constitution. We have to do that. And therefore, Mr. Speaker, it does not take away the right to bail of a person as entitled them under the Constitution. I think even the Honourable Member Mrs. Riehl, would also agree with Mr. Ramjattan on this one. All that the Section seeks to do is to spell out in greater detail some of the conditionalities under which these must be given.

Mr. Speaker, I want to conclude, Mr. Speaker, by submitting that on the 19th of May 2008, Mr. Speaker, myself and the Minister of Justice and Police of Suriname, the Honourable Mr. Santoekie, met at Nickerie, and we formulated a declaration, or an agreement, to address a number of issues including, Mr. Speaker, the question of piracy. And at item 4 of our joint declaration, we said we will give special focus on cooperating in order to combat transnational organized crime, with particular attention to smuggling of goods and piracy on the border. We have published this, made known to the press. This was made known to the press, Mr. Speaker.

So Mr. Speaker, I wish to commend this Bill to the House. I do not support it going to a Select Committee. We want to encourage the persons who are engaged in this activity to let them know the National Assembly is as one fighting piracy, fighting hijacking, and we also want to send again, as I said, the strong signal to both constituencies and the perpetrators of the crime, and those affected, that both or all three sides of this House stand in firm resolution that, as someone said, or some person said, this is a matter that affects all of our supporters, and therefore, we should respond to the call to put the necessary measures in place in order to provide them with the comfort level so that they may continue with their trade and their livelihood, Mr. Speaker.

Thank you. *[Applause]*

The Speaker: Honourable Members, I propose the question that the Bill be read a second time.

Question put and carried

Bill No. 7/2008 read a second time

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

IN COMMITTEE

Honourable Members I propose the question that Clauses 1-16 in the Bill stand part of the Bill.

I put the question that Clauses 1-16 in the Bill stand part of the Bill.

Question put and carried

ASSEMBLY RESUMES

Hon. Clement J Rohee: Mr. Speaker, I wish to report that the Bill was considered at the Committee stage, without amendment, and I now wish that it be read a third time.

The Speaker: Honourable Members, the question is that the Bill be now read a third time and passed.

Question put and carried

Bill No. 7/2008 read a third time and passed as printed

Honourable Members, that brings us to the end of our business.

Could I have a Motion for the adjournment of the House?

Hon. Clement J Rohee: Mr. Speaker, I wish to move that the House be adjourned to a date to be announced later.

The Speaker: Honourable Members, the House is adjourned to a date to be fixed. Thank you very much.

Adjourned Accordingly At 20:07H