



NATIONAL ASSEMBLY
OF THE PARLIAMENT OF
THE CO-OPERATIVE REPUBLIC
OF GUYANA

OFFICIAL REPORT

*PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION
(2020-2024) OF THE TWELFTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION
OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE DOME OF THE ARTHUR
CHUNG CONFERENCE CENTRE, LILIENDAAL, GREATER GEORGETOWN*

90TH Sitting

Wednesday 18TH December, 2024

**PARLIAMENT OFFICE
HANSARD DIVISION**

The Assembly convened at 10.33 a.m.

Prayers

[Mr. Speaker in the Chair]

MEMBERS OF THE NATIONAL ASSEMBLY (71)

Speaker (1)

*Hon. Manzoor Nadir, M.P., Speaker of the National Assembly

MEMBERS OF THE GOVERNMENT (38)

Peoples Progressive Party Civic (38)

Prime Minister (1)

Hon. Brigadier (Ret'd) Mark A. Phillips, M.S.S., M.P., Prime Minister

Vice-President (1)

Hon. Bharrat Jagdeo, M.P., Vice-President

[Virtual Participation]

Attorney General and Minister of Legal Affairs (1)

Hon. Mohabir A. Nandlall, S.C., M.P., Attorney General and Minister of Legal Affairs

Senior Ministers (16)

Hon. Gail Teixeira, M.P. (Region No. 7 – Cuyuni/Mazaruni), Minister of Parliamentary Affairs and Governance and Government Chief Whip

Hon. Hugh H. Todd, M.P. (Region No. 4 – Demerara/Mahaica), Minister of Foreign Affairs and International Co-operation

*Hon. Dr. Ashni K. Singh, M.P., Senior Minister in the Office of the President with Responsibility for Finance

Hon. Bishop Juan A. Edghill, M.S., J.P., M.P., Minister of Public Works

***Non-Elected Member**

Hon. Dr. Frank C. S. Anthony, M.P., Minister of Health

Hon. Priya D. Manickchand, M.P. (Region No. 3 – Essequibo Islands/West Demerara)
Minister of Education

*Hon. Brindley H.R. Benn, M.P., Minister of Home Affairs

Hon. Zulfikar Mustapha, M.P. (Region No. 6 – East Berbice/Corentyne),
Minister of Agriculture

Hon. Pauline R.A. Campbell-Sukhai, M.P., Minister of Amerindian Affairs [Virtual Participation]

Hon. Joseph L.F. Hamilton, M.P., Minister of Labour

Hon. Vickram O. Bharrat, M.P., Minister of Natural Resources

*Hon. Oneidge Walrond, M.P., Minister of Tourism, Industry and Commerce

Hon. Collin D. Croal, M.P. (Region No. 1 – Barima/Waini), Minister of Housing and Water

Hon. Vindhya V. H. Persaud, M.S., M.P. (Region No. 4 – Demerara/Mahaica),
Minister of Human Services and Social Security

Hon. Charles S. Ramson, M.P., Minister of Culture, Youth and Sport

Hon. Sonia S. Parag, M.P., Minister of the Public Service

Junior Ministers (4)

Hon. Susan M. Rodrigues, M.P. (Region No. 4 – Demerara/Mahaica), Minister within the Ministry of Housing and Water

Hon. Deodat Indar, M.P., Minister within the Ministry of Public Works

Hon. Anand Persaud, M.P., Minister within the Ministry of Local Government and Regional Development

Hon. Warren K.E. McCoy, M.P., Minister within the Office of the Prime Minister

***Non-Elected Member**

Other Members (15)

Hon. Dharamkumar Seeraj, M.P.

Hon. Alister S. Charlie, M.P. (Region No. 9 – Upper Takutu/Upper Essequibo)

Hon. Dr. Vishwa D.B. Mahadeo, M.P. (Region No. 6 – East Berbice/Corentyne)

Hon. Sanjeev J. Datadin, M.P.

Hon. Seepaul Narine, M.P.

Hon. Yvonne Pearson-Fredericks, M.P.

Hon. Dr. Bheri S. Ramsaran, M.P.

Hon. Dr. Jennifer R.A. Westford, M.P.

Hon. Faizal M. Jaffarally, M.P. (Region No. 5 – Mahaica/Berbice)

Hon. Dr. Tandika S. Smith, M.P. (Region No. 3 - Essequibo Islands/West Demerara)

Hon. Lee G.H. Williams, M.P.

*Hon. Sarah Browne, M.P., Parliamentary Secretary in the Ministry of Amerindian Affairs

*Hon. Vikash Ramkissoon, M.P., Parliamentary Secretary in the Ministry of Agriculture

Hon. Bhagmattie Veerasammy, M.P.

Hon. Nandranie Coonjah, M.P. (Region No. 2 – Pomeroon/Supenaam)

MEMBERS OF THE OPPOSITION (32)

(i) A Partnership For National Unity + Alliance For Change (APNU/AFC) (31)

Hon. Aubrey Norton M.P., Leader of the Opposition [Virtual Participation]

Hon. Khemraj Ramjattan, M.P.

Hon. Roysdale A. Forde, S.C., M.P.

Hon. Shurwayne F.K. Holder, M.P. (Region No. 2 – Pomeroon/Supenaam) [Virtual Participation]

Hon. Catherine A. Hughes, M.P. (Region No. 4 – Demerara/Mahaica)

Hon. Geeta Chandan-Edmond, M.P.

Hon. Sherod A. Duncan, M.P.

Hon. Volda A. Lawrence, M.P.

***Non-Elected Member**

Hon. Dawn Hastings-Williams, M.P. (Region No. 7 – Cuyuni/Mazaruni)
Hon. Christopher A. Jones, M.P., Opposition Chief Whip
Hon. Vincero H. Jordan, M.P. (Region No. 5 – Mahaica/Berbice)
Hon. Amanza O.R. Walton-Desir, M.P.
Hon. Coretta A. McDonald, A.A., M.P.
Hon. Deonarine Ramsaroop, M.P. (Region No. 4 – Demerara/Mahaica) [Absent]
Hon. Vincent P. Henry, M.P.
Hon. Dr. Karen Cummings, M.P.
Hon. Tabitha J. Sarabo-Halley, M.P.
Hon. Natasha Singh-Lewis, M.P.
Hon. Annette N. Ferguson, M.P.
Hon. Juretha V. Fernandes, M.P.
Hon. David A. Patterson, M.P.
Hon. Ronald Cox, M.P. (Region No. 1 – Barima/Waini)
Hon. Jermaine A. Figueira, M.P. (Region No. 10 – Upper Demerara/Upper Berbice)
Hon. Ganesh A. Mahipaul, M.P. (Region No. 3 – Essequibo Islands/West Demerara)
Hon. Haimraj B. Rajkumar, M.P.
Hon. Nima N. Flue-Bess, M.P. (Region No. 4 – Demerara/Mahaica)
Hon. Dineshwar N. Jaiprakash, M.P. (Region No. 6 – East Berbice/Corentyne)
Hon. Maureen A. Philadelphia, M.P. (Region No. 4 – Demerara/Mahaica)
Hon. Beverley Alert, M.P. (Region No. 4 – Demerara/Mahaica) [Virtual Participation]
Hon. Richard E. Sinclair, M.P. (Region No. 8 –Potaro/Siparuni)
Hon. Devin L. Sears, M.P. (Region No. 10 – Upper-Demerara/Upper-Berbice) [Virtual Participation]

A New and United Guyana, Liberty and Justice Party and The New Movement (ANUG, LJP & TNM) (1)

Hon. Dr. Asha Kisooson, M.P., Deputy Speaker of the National Assembly [Virtual Participation]

Officers (2)

Mr. Sherlock E. Isaacs, A.A., Clerk of the National Assembly

Ms. Hermina Gilgeours, Deputy Clerk of the National Assembly

Hansard Division Officers (16)

Ms. Allison Connelly,
Chief Editor

Ms. Marlyn Jeffers-Morrison,
Senior Editor

Ms. Shawnel Cudjoe,
Senior Editor

Ms. Shevona Telford,
Senior Editor

Ms. Carol Bess,
Editor

Ms. Indranie Persaud,
Editor

Ms. Lushonn Bess,
Editor

Ms. Roseina Singh,
Reporter

Ms. Somna Karen-Muridall,
Reporter

Ms. Eyoka Gibson,
Reporter

Mr. Daniel Allen,
Reporter

Ms. Rajkumarie Ramdeen,
Reporter

Ms. Jasmine Grant,
Reporter

Mr. Parmanand Singh,
Pre –Press Technician

Mr. Saeed Umrao,
Audio Technician

Mr. Daison Horsham,
Audio Technician

ANNOUNCEMENTS BY THE SPEAKER

Moment of Silence for Persons who lost their lives in December, 2024

Mr. Speaker: Hon. Members, let us please stand for a few moments of silence to recognise the unfortunate deaths of a Member of the House of Representatives of the Republic of Trinidad and Tobago, the late Member of Parliament (MP), Ms. Lisa Morris-Julian, and her children. We also want to pay reverence to the passing of Toshao Ridley Joseph of Tasserene, those who lost their lives while going to St. Cuthbert's earlier this month and those who passed away, as we approach this particularly festive season. The Clerk told me that there is also the former Member of Parliament, Mr. Marshall, who served many years ago.

[The House observed a moment of silence]

Thank you. I will ask the Clerk to send the Speaker, Ms. Bridgid Annisette-George, our condolences on the passing of the Member of Parliament from the Republic of Trinidad and Tobago.

Recognition of Members of Parliament who celebrated their Birthdays recently

While we had some sad moments recently, this December, we have several Members who celebrated their birthdays since we last met. I am just trying to get my notes together here to recognise those persons. We have the Hon. Member, Ms. Walton-Desir; the Hon. Member, Mr. Holder; the Hon. Member, Mr. Jordan and the Opposition Chief Whip, Mr. Jones. The celebration bill is on him. Thank you very much.

PRESENTATION OF PAPERS AND REPORTS

The following Papers were laid:

- (1) The Ministers, Members of the National Assembly and Special Offices (Emoluments) Order 2024 – No. 85 of 2024.
- (2) The Constitutional Offices (Remuneration of Holders) Order 2024 – No. 86 of 2024.

*[Senior Minister in the Office of the President
with Responsibility for Finance and the Public Service]*

REPORTS FROM COMMITTEES

The following Report was laid:

- (1) Third Special Report of the Parliamentary Sectoral Committee on Social Services on the Visit to the Sophia Care Centre, the Children and Family Centre, and the Palms Geriatric Institution on Wednesday, 15th May, 2024.

[Minister of Human Services and Social Security – Vice-Chairperson]

Minister of Human Services and Social Security [Dr. Persaud]: This effectively concludes the Parliamentary Sectoral Committee on Social Services' work programme under my tenure. Thank you.

Mr. Speaker: Thank you very much, Minister. Congratulations on completing your work programme during your tenure.

QUESTIONS ON NOTICE [For Written Replies]

Hon. Members, there is only one question on today's Order Paper and it is for Written Replies. That question is in the name of the Hon. Member, Mr. Sinclair and it is for the Hon. Minister of Education. The Hon. Minister has asked for some time to provide that written answer.

Teachers' Salaries

Mr. Sinclair:

- (a) Can the Minister inform the National Assembly how many teachers in Regions (1-10), net salary per month is less than One Hundred and Fifty Thousand (\$150,000) for nursery, primary and Secondary schools?
- (b) Can the Minister also inform the National Assembly how many teachers in Regions (1-10), net salary per month is more than One Hundred and Fifty Thousand (\$150,000) but less than Two Hundred Thousand (\$200,000) for nursery, primary and secondary schools.
- (c) Can the Minister further inform the National Assembly how many teachers in Regions (1-10), net salary per month is more than Two Hundred Thousand (\$200,000) but less than Two Hundred and Fifty Thousand (\$250,000) for nursery, primary and secondary schools?

The question was deferred.

ORAL QUESTIONS WITHOUT NOTICE

Mr. Speaker: Hon. Members, I did receive questions from the Hon. Member, Dr. Cummings, under Oral Questions Without Notice. The questions she posed do not meet the requirement of being urgent. We are asking her to provide those questions for written replies, which will be sent to the relevant Minister.

INTRODUCTION OF BILLS AND FIRST READING

The following Bills were introduced and read for the first time:

(1) Engineers Bill 2024– Bill No. 21/2024

A Bill intituled:

“An Act to provide for the registration and regulation of persons in the practice of engineering in Guyana and for related matters.”

[Minister of Public Works]

(2) Financial Institutions (Amendment) Bill 2024 – Bill No. 22/2024

A Bill intituled:

“An Act to amend the Financial Institutions Act.”

*[Senior Minister in the Office of the President with
Responsibility for Finance and the Public Service]*

(3) Guyana Horse Racing Authority Bill 2024 – Bill No. 23/2024

A Bill intituled:

“An Act to provide for the regulation of the horse racing industry; to establish a Horse Racing Authority, and for connected matters.”

[Minister of Culture, Youth and Sport]

PUBLIC BUSINESS

GOVERNMENT BUSINESS

Bills – Second and Third Readings

Mr. Speaker: Hon. Members, we will now proceed with the second reading of the Acquisition of Lands for Public Purposes (Amendment) Bill 2024 – Bill No.16/2024, published on 22nd November, 2024.

Acquisition of Lands for Public Purposes (Amendment) Bill 2024 – Bill No.16/2024

A Bill intituled:

“An Act to amend the Acquisition of Lands for Public Purposes Act.”

[Attorney General and Minister of Legal Affairs]

Attorney General and Minister of Legal Affairs [Mr. Nandlall]: Thank you very much, Mr. Speaker. I rise to move that the Acquisition of Lands for Public Purposes (Amendment) Bill 2024 – Bill No.16/2024, published on 22nd November, 2024, be read now for a second time.

This Bill has, unfortunately, excited a lot of public attention and a huge deluge of misinformation and distortion has been pedalled about it in the public domain. As a result, I feel compelled to elaborate for the listening public how those distortions are inaccurate, and to allay whatever fears may have been excited in the public domain by those distortions. I want to also put into the public record that, last week, I received a letter from the Hon. Mr. Jones, in his capacity as the Opposition Chief Whip, requesting a meeting to discuss these very amendments. I responded on Tuesday to that request and accepted the offer to meet. I indicated in that acceptance letter that the Hon. Ms. Texeira would have been attending the meeting with me. A time and place were fixed for the meeting, as indicated in the letter. The meeting took place at the scheduled time and place, that is to say, 3.00 p.m. yesterday afternoon in the boardroom of the Attorney General’s Chambers. At that meeting, Mr. Roysdale Forde, Mr. Ganesh Mahipaul, Mr. Sherod Duncan, Ms. Annette Ferguson and Mr. Vincent Henry were in attendance. At the conclusion of the meeting, it was agreed that certain amendments would be made to one clause, that is, clause 3 of the Bill which seeks to amend section 24.

10.48 a.m.

The meeting concluded in a very harmonious atmosphere and with the common understanding that the parties were *ad idem* on what those amendments should be, that is, amendments to one clause of the Bill. It was also decided that I should send a draft of that amendment, at the earliest, to Mr. Forde so that it could have been examined to ensure, I suppose, that it met the expectations as discussed. The meeting concluded just after 4:00 p.m. and at 5:29 p.m. to be

exact, I sent an email to Mr. Forde with the proposed amendments as discussed. I did not receive any response from Mr. Forde to my e-mail. I sent it to two separate e-mail addresses, roysdaleforde@gmail.com and I think Roysdale Alton Forde at some other address. I did not receive any response. I assumed, therefore, that there were no other objections, and I proceeded to submit the amendments, as per our discussions, to the Parliament Office early this morning.

I outlay this, Sir, for the record because, unfortunately, I am hearing there are still some disagreements in relation to the amendments. The meeting was, as I said, intended to address all of the concerns. There were no prohibitions against the issues raised. I considered it to be a thorough discussion. It was also conducted in a very good atmosphere and a very cohesive atmosphere. Thereafter, I concluded that we had addressed all matters of contention. Unfortunately... [Ms. Teixeira: The conclusion was that we should do this more often.] Yes. In fact, Mdm. Gail Teixeira and Mr. Mahipaul took the occasion of speaking about meeting more often to get that kind of harmony and unity in our thoughts and work. As I said, unfortunately, I am hearing something differently. In the course of my presentation, Sir, I will address what the Bill originally states and what the amendments are, as per our discussions. As I said, there is the larger question of dealing with the distortions that have been peddled.

The impression that has been conveyed in the public domain is that the Government is moving, for the first time in this House, a Bill that would authorise the Government to compulsorily acquire private property for public projects. That is the first notion I wish to reject out of hand. The Law of Guyana, since Guyana was a colony in 1914, reflected a power in the state that allowed the colony at the time, under the hand of the Governor General and the Colonial Secretary, to acquire public properties across the colony of British Guiana for public good. That Act is a 1914 Colonial Ordinance. When we became independent in 1966, it was incorporated into our law, with the necessary modifications and adaptations, and it became the principal Act, the Acquisition of Lands for Public Purposes Act, Chapter 62:05. It is quite an elaborate legislation numbering 17 pages with 29 sections. The point I want the listening public to understand, first and foremost, is that this law authorising the state to compulsorily acquire private property and it has been with us for one century. It was there under the People's National Congress (PNC) Government from 1966 to 1992, and it is with us now. So, there is no new power that is being given to the Government, the state or the Minister in question to acquire public property.

In fact, I heard also that this Bill and these amendments would run counter to the Constitution because it is said, and rightfully so, that the Constitution protects private property. So, I will read from the Constitution, and I want the viewing public to see that this is *the Constitution of the Cooperative Republic of Guyana*. I have it in hard copy for my own use and convenience.

The relevant section of the Constitution reads:

“142 (1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except by or under the authority of a written law and where provisions applying to that taking of possession or acquisition is made by a written law requiring the prompt payment of adequate compensation.”

The Constitution itself, which guarantees the protection to private property, authorises the State, by a written law, to acquire private property once adequate compensation is promptly paid. That is what the law must do to authorise the taking of that property. Now, this provision has been in our Constitution since 1966. The law that the Constitution refers to is the Acquisition of Lands for Public Purposes Act, Chapter 62:05. These are the two laws that have been with us since independence. There is no new power whatsoever that is being given to the Minister of Public Works to take lands for a public purpose that never existed before. That power has always resided with the State.

The next important point I want to make is to explain the rationale for that law, as it is not unique to Guyana in any form or fashion. That law is part of the legal arsenal of countries across the globe in recognition of the fact that the state is in charge of the public good and occasion may arise where to advance the public good, it may become necessary for the state to acquire private property for the public good. Obviously, with the underlying principle that when the state does this, the state must pay prompt compensation, in accordance with the statute or the Constitution that protects private property. As I said, that is the legal position that obtains across the globe. It is not, as I said, a new power. It exists under the doctrine of eminent domain. The principle of eminent domain is this: title for any territory within a state resides with the state itself. That is the fundamental principle. It is that principle that allows the state to come to you, the private citizen, to say that you own a property by transport but there are minerals beneath the surface of the land that belong to the state, and the state has residuary ownership over those minerals and mineral rights. That is one incident of eminent domain. The state,

therefore, has that residuary power to resort to its original title to take that mineral from you as a private owner of the property.

Another incident of eminent domain is where the state needs the property, for which you hold a title, for the public good. Again, in exercising that eminent dominion...Eminent means superior and dominion means control or possession. The state never loses that. You need that. Your title, your transport, your certificate of title are all owned by you, subject to that overarching power of an eminent domain, which lies in the state, to take that transport or title from you and pay you adequate compensation, once it is for the public good. Obviously, you now have to have a law that sets out the process, the procedure that must be followed, and the principles upon which compensation is computed so that the law does not run afoul of the constitutional protection accorded to private property owners. That is why in every country, there is a separate law that contains that procedure, that contains that principle and has provisions that will permit the computation to arrive at value.

So, firstly, the Minister cannot wake up one morning and determine that he will use this for the public good. The public good and the public project has a definition. So, when you decide to embark on a project and you want to take public property, it must satisfy the definition of what a public project is. It must be a project of the kind that will benefit the citizenry or a large section of the citizenry.

Secondly, there is a procedure that is outlined on how the process must unfold. The people must be notified, the surveyor must go and demarcate on a plan the precise area to be acquired and then the question of compensation has to be addressed, because you are dealing with people's private property.

Now, let me put on the public record also that in 1975, there was an amendment done to our law, this very Act, that pegged compensation not at a market value, but at 31st March, 1939 value. The Government of the day between 1979-1991, when it was changed, acquired a number of private properties, but instead of paying market value, they paid the 1939 value. So, you acquired property in 1976, 1977, 1988 and all the way to 1990, but you did not pay market value. You paid the 1939 value. There are many cases that went to the court that demonstrated...and I can quote them if you wish. The Hon. Khemraj Ramjattan and the Hon. Roysdale Forde would know them.

11.03 a.m.

There were many properties acquired, allegedly, for a national interest or for a public good but were never used for that purpose. Persons, after the change of Government and after the wind of democracy permeated the land, went to court from 1992 up to now. They have been getting back their properties because they were able to show the court that compensation was not paid at all. In many cases, compensation was not paid or the compensation that was paid was not in accordance with the market value. It was paid in accordance with a 1939 value. Worse yet, the properties that were acquired were never used for the purpose for which they were acquired.

Members, let me give you two or three examples quickly. The building that used to be Sijan Plaza was owned by the Singh's family. They had a grocery there and a bar upstairs on Camp and Charlotte Streets. The property was acquired for peppercorn consideration and was never used for the public's purpose. They opened a departmental store selling Guyanese product in US dollars in order to raise foreign exchange. Sijan Plaza was not a national project and it was not the purpose for which it was acquired. The Singh's family, in 2009, instituted proceedings. Thirty years after, they went all the way to the CCJ and our Government had to end up paying millions and millions of dollars in compensation for that property. That is one.

The house of Jai Narine Singh Senior, on Lamaha Street, that used to be Jung Bahadur Singh House was acquired. They said that they would put a national archive there and it was a historic building but it was never used for the archival purpose. I, as Attorney at Law, represented the family and got an Order restoring the property back to the family. There are dozens of poor people in West Ruimveldt, right by the primary school. A whole set of properties were acquired. [Ms. Lawrence: *(Inaudible)*] No. They were acquired. I have the record to show. It was believed that those persons used to work on the waterfront. Part of it is extended to Stevedore Housing Scheme. It was believed that they were members of the Working People's Alliance (WPA). The then Administration took all of those properties but kept the people in it to hold it like Swords of Damocles over their heads.

The State took those properties. A lawyer named Birgit Corbin filed an application. When I was Attorney General, I took it to our Cabinet and I explained to the Cabinet what happened. They wanted back the properties. The People's Progressive Party/Civic Cabinet made a decision that I must go to court and consent for all those people to get back their properties. I can go on to talk about Takuba Lodge. I can go on to talk about Achilabar Villas. I can speak about the Hope Estate. All of those were private properties acquired with peppercorn compensation. It was being used as a political weapon in this country. Once a person raise his/her voice against

the Government, this was the Act used as a weapon against people. The people used to be paid a 31st March, 1939, valuation.

When we want to go down the historical road, we must understand the history of these matters. As you see the Hon. Member, Ms. Amanza Walton-Desir, is not here. The Hon. Member will come here to spew the misleading rhetoric, but the Hon. Member is not here to be educated and learn about the history. I digressed into that historical foray so that I can put the public's perception into a historical perspective in order for them to understand. Let me be magnanimous and say, in 1990, it was the People's National Congress/Reform (PNC/R) Government who moved an amendment to restore the position to market value from the 1975 amendment, where they pegged market value at 1939. I want to recognise that. In 2001, we further amended the Constitution under the PPP/C Government, where we added the word 'promptly' to the word 'compensation' and the word 'adequate' to the word 'compensation'. Promptly to the payment. When payment is required to be paid, it is to be paid promptly. Whenever reference is made to compensation, it is adequate compensation.

When I listened to what is being said in the public's domain by those who chose to platform the issue, it is clear as day that they did not read the Principal Act. They read the amendments, which is only one page. Now, tell me, how can you go and lecture publicly on a position where the amendments are being made to a Principal Law that is 18 pages but you have not read the Principal Law?

I have been accused of being very naive. I have been accused of being very naive in life and perhaps I am. I give my fellow human beings the benefit of the doubt but I have been so roughed up with my naivety. There was a lawyer there. The Hon. Member, Mr. Roysdale Forde, was in court yesterday when we were dealing with these Demerara Harbour Bridge matters. Do you know what the Hon. Member told the Judge? The Hon. Member wants the Judge to take into account a person's property in close proximity. The Hon. Member wants me to disclose what is that person's compensation because his property is close by. **[Mr. Ramjattan: Why?]**

Mr. Ramjattan is asking why. The reason it is irrelevant is because my suit is a different quality and price from your suit. Therefore, it will not value the same thing. A person pays for value. If the gentleman's property is a mansion, then he will be paid based upon principles of value, which is the market value for that item. Hear what the Hon. Member told the Judge, he said you must take.... **[An Hon. Member: (Inaudible)]** That is the distortion. The Hon. Member said exactly that to the Judge. The Hon. Member said, your Honour, this property

owner was of Chinese ethnicity and his client is of Afro-Guyanese ethnicity. Therefore, the Hon. Member wants to know what the Chinese man got. The Chinese man got a business on the roadside producing food and all sort of things. It is a multi-million-dollar property and different quality whatsoever. The Hon. Member asked the Judge to take into account the ethnicity of the ownership. The race of the person.

The Judge said, hello, I have read all the laws on this matter and I cannot see ethnicity and race being a factor. The Judge bid him goodbye. The Hon. Member made that submission and the Judge basically told him to leave the court. That is the sort of inflammatory, irresponsible rhetoric that is being spread. Now, there are Afro-Guyanese in that project who got \$80 million and \$90 million too because their properties valued that. There are Indo-Guyanese who got \$10 million too because that was the value of their property. It had nothing to do with ethnicity and colour. You are a disgrace as a Member of Parliament (MP). I am... *[Interruption]*

Mr. Speaker: Hon. Attorney General, please, withdraw that.

Mr. Nandall: I withdraw the disgrace comment. Mr. Speaker, when you have to listen to these things, when you have to listen to the level to which they are descending in order to excite racial hostilities, it is a terrible thing. **[Ms. Ferguson:** That is what all of you are doing.] Oh, is that what I am doing? **[Ms. Ferguson:** Yes.] I am simply putting on the public record what the debate is out there as a result of the misinformation that you have spread. Against that backdrop, I want to go to the Bill. The first amendment added the word ‘prompt’ to the word ‘payment’. Section 7 is being amended, and Section 7(1) that is being amended reads:

“At the expiration of one month from the date of the order mentioned in the last preceding section...

The date of the order is the date of the acquisition order.

...or of any longer period fixed by the order, the land specified therein shall vest in the State, ...”

Once the order is published, the land is vested in the State. The State becomes the owner by operation of law. The State becomes owner.

“...subject to the payment of the purchased money or of any compensation as hereinafter provided.”

Do you know what this first amendment is doing? It is ‘subject to the payment’, we are putting in the word subject to the ‘prompt’ payment of compensation. Could you tell me, by what measure of interpretation could this be bad for the property owner? We are saying that when the State takes the land, the current law states persons are entitled to payment. We are adding the word ‘prompt’ to the word ‘payment’. Persons are now entitled to prompt payment. I had to explain the word ‘prompt’ yesterday, which means immediate. Persons are entitled to immediate payment. Anyone can check the *Oxford Dictionary of English* for the meaning of the word ‘prompt’.

The second amendment states the word ‘adequate’ before the word ‘compensation’. Let us go to the law. Land shall vest in the State, subject to the prompt payment of the purchase price or of any adequate compensation as herein after provided. We are now adding the word ‘adequate’ to the word ‘compensation’ to further strengthen the law to protect the interest of the private property owner whose property is going to be acquired. They are seeing the devil in this amendment. The Government should be complimented for this because we are now bringing it in conformity with the Constitution. Let me recap that. The power to acquire is already there. We are adding to it now that when the Government acquires and is required to pay, it must pay promptly. The Government must pay not mere compensation but adequate compensation as determined by the Act. There are about three sections that tell you how to compute the compensation. Hon. Member Mr. Figueira, are you now not clear? Have you not seen how they have misled you?

Let us go to the third amendment. Inserting after the word ‘provided’ the words ‘but without prejudice to the State’s right to vacant possession of the land’. Let us go back now. It is a pity I do not have a screen so we could have put the words in as I am reading them. I have to do it laboriously. Let us go back again.

11.18 a.m.

“At the expiration of one month from the date of the order mentioned in the last proceeding section or of any longer period fixed by the order, the land specified therein shall vest in the State subject to the payment of the purchase price ...

We put in the words “adequate” and “promptly”.

...or of any compensation as provided.”

Here in the law the sentence stops. All we are adding to it are these words, ‘but without prejudice to the State’s right to vacant possession of the land’. The State already owns it and compensation must be paid. We are saying, the State must have vacant possession. Let us be realistic. If the State owns the land, by what logic should the State not be entitled to possession. Possession is an incident of ownership. [Mr. Ramjattan: *(Inaudible)* all from under your *(Inaudible)*] Hon. Member Mr. Ramjattan, you will not own and not be allowed to possess. Of course, your ownership underlies an obligation to pay. That is all we are doing. We are giving the State the power, when the title is vested to take possession. Why is that so? If the State is going through this extra-ordinary measure of compulsorily acquiring property for the public good, why would one detain the State from taking possession, when that is the whole purpose of the exercise?

There can possibly be one person who does not accept the State’s offer of compensation to hold up an entire public project. [Mr. Ramjattan: One man could hold it up.] You need help, Brother. I cannot help you. You need therapy, my Friend. In the interest of one, a country has to be developed. The whole concept of eminent domain is that the power of a few must bend and bow to the glory of the collective. That is what eminent domain means. [Mr. Ramjattan: You talked like Leninist there boy.] That is what it means. I did not invent it. That is why people as you will never, ever see government again. You will never, ever see government again because you do not have the mentality that it requires to develop.

Mr. Speaker, let me pause here to say, when we did the Berbice River Bridge, we had to acquire dozens of properties at D’ Edward Village without any controversy whatsoever. [Mr. Ramson: Who was the lawyer then?] The lawyer was Mr. Moses Nagamootoo who was acting for this Government. When we did the Hope Canal, we had to acquire dozens of private properties. We just completed the acquisition of 50 odd properties along the East Bank Demerara for the Berbice River Bridge. For the pipeline, from Nuvelle Sandals at Crane from the seawalls, all the way to Viva La’ Force on the West Bank of the Demerara River, which is almost 10 miles beyond Wales Estate, we have acquired over 100 properties, without a single controversy. We have one action in court filed by Mr. Steve Surujbally.

When we did Crane to Schoonard Road, we had to acquire dozens of properties. These were just months ago and there was not a singular accusation of wrongdoing. No one has come forward to accuse the Government of appropriating his/her property without valuable consideration. I have given you, hundreds of examples and live examples. Three or four persons

in the Demerara Harbour Bridge, all coincidentally represented by... Let me not go down that road. They had one Valuation Officer whose valuation they relied on. Anyone in this National Assembly could guess who that Valuation Officer is. He produced a valuation that was four times the value of every other Valuation Officer who the Government and the court relied on. The court itself ordered a valuation and the court's valuation came in line with what the Government was offering. That particular Valuation Officer was 400% higher than everyone else. Always pissing about the place. That is what this Bill does.

In our engagement yesterday, to their compliment and to their credit, the team with whom we met – I mentioned their names – I managed to persuade them that section 7 should be left without amendment. I want to congratulate them for that position. Of course, they made proposals which we addressed elsewhere. I want to put on the record that as of yesterday, the Opposition's team... This was not a team who were speaking without the authority of the Leader of the Opposition because the Leader of the Opposition also called me on the telephone and spoke about the meeting. They were there with the authority of the Leader of the Opposition. When we finished section 7 (1) of the amendments, we were all at *ad idem* on section 7 (1). Concerns were raised and they were addressed in the other Part of the Bill. The need for the State to get immediate possession was accepted as part of the general law.

Mr. Speaker, let me show you what the position is in the rest of the Caribbean because I have it here. In Republic of Trinidad and Tobago, Jamaica and in Belize, there is the position where, even before the title is vested, the State has the power to go on to the land. I cannot find it. I am trying to get it right here now. If I do not get it in my reply, depending on what is being said, I will deal with that.

Guyana stood out in that ambiguous provision that seems to suggest compensation must be paid and that is what we are correcting here today. That compensation must be paid before the possession is given. That position of compensation is going to be paid; obviously, it is going to be paid. One cannot acquire a property without payment of compensation. The State's business must go ahead and the parties always have a recourse for compensation. In none of the cases that have been filed, no one has ever challenged the State's power to acquire over the last three years – no one. Even in the Demerara Harbour Bridge matters, no one questioned the utility of the bridge; no one disputed that it is a public project; no one disputed that their interest should not subserve to the public good. The issue was that compensation was not what they expected. It was only five or six persons. They have a right in law to contest that. We are not

saying do not contest that at all. That is why, in the Act there are about four sections that tell a person what must be taken into account in arriving at market value because that is what in essence the compensation is. It is what a willing buyer will pay, what a willing buyer will sell for and what a willing purchaser will pay for the land, at equal arms-length in a normal situation. That is how one calculates market value. Let me go to the other part of the amendment. As I said, ...

Mr. Speaker: Before you go to that, you will need an extension, Hon. Attorney General and Minister of Legal Affairs.

Minister of Parliamentary Affairs and Governance and Government Chief Whip [Ms. Teixeira]: Thank you, very much, Mr. Speaker. I would like to ask that the Hon. Member be given additional time to conclude his presentation, in accordance with the Standing Orders.

Motion put and agreed to.

Mr. Speaker: In accordance with the Standing Orders, you are allowed a further 15 minutes.

Mr. Nandlall: Thank you, very much, Sir; that should be adequate. In the current law, if the State and the private property owner cannot agree on the compensation, it allows for the matter to go to court for a resolution and that is set out expressly.

In the meanwhile, the current law allows the Minister of Public Works to issue to the property owner an advance payment not in cash but in the form of a bond of up to 80%, for that person to hold. That is the current law. We are changing that to remove a bond and to allow the Minister to pay to the property owner 80% of what the Government is offering as the purchase price or as adequate compensation but in cash. How could that be wrong? We are removing a sterile bond, a bond that the people cannot use, which they are going to hold on to, until the matter is determined in the court. Here, we are removing that and we are putting in the hands of the private owner 80% of what the State is offering for the land. How could that be bad? At what level, could that be bad? Instead of a bond where the private owner does not know what to do with it, we are giving the owner 80% cash. That was objected to at yesterday's meeting.

[**Mr. Mahipaul:** That was not objected to.] No. I am going to get to that formulation and what was suggested, which we accepted. It was suggested that the Minister retains the power to pay the 80% but it was suggested that the Minister must not pay directly to the owner or to the person who presents himself or herself as the authorised or interested person. The Minister must lodge it with the Registrar of the Court. The person entitled must then go to the court,

show to the court that he/she is the duly qualified person to receive the money and get the payment.

They have added expenditure to the person, in their effort, I suppose, to defend the persons they have added a layer of expenditure to. Now, the Minister cannot hand over the money anymore.

11.33 a.m.

The concern raised was valid and let me be fair. The concern, as I gather it, is that the Minister may not be able to determine who to pay in the event of a property dispute. Now, that is a valid concern but that will happen in the odd case. In 90% or more of the time, the authorised property owner will present himself. In the spirit of compromise and I do not have a problem, I want to shield the Minister to ensure that the Minister is acting properly so the Minister will make an application to a Judge, *ex parte*, and lodge the money with the Registrar of the Supreme Court. Those who feel that they are entitled to the money must go to the court, show that they are qualified to receive the money and the court will pay them. Of course, the Minister must do it as soon as the property is vested in the State. That was there in any event, except that the aggrieved person had to write the Minister for the payment. That was found objectionable, so we removed that and put an obligation on the Minister, as soon as the order is vested to lodge the money with the court. We have no problem with parting possession with the money that we feel the people are entitled to anyhow. Whether we give them in their hands, we put it in a bank or we put it in the bosom of the Registrar, it does not alter the principle. The principle is that we are paying what we consider to be market value and we are giving access to the property owner with great immediacy cash money that they can use, up to 80%. That is the essence of what we agreed to yesterday.

The other aspects of the amendment remain unaltered. For neatness, we just removed 24(a) in its entirety, did the new additions and the remainder is left as we are proposing in our original amendment. That is to say that if there is a mortgage on the land and the State acquires the land, we have to ensure that we protect the mortgagee's interest. If the bank has a mortgage, we have to pay off the mortgage and then take possession. We cannot defeat a third party's interest. That is provided for and that will allow the property to be released in the hands of the State free the mortgage which would be registered encumbrance in this case. If the property is a subject of trust or any type of settlement, then we have to pay the people who are the beneficiaries of that arrangement. That is expressly provided for here as well, but I suppose as

the other persons, they will have to go to the court as well because the money is going to be deposited in the court.

There is the last amendment which we have added but it did not feature in the discussion yesterday. It was addressed an issue that I believe the Hon. Member, Mr. Mahipaul, raised. The Hon. Member, Mr. Mahipaul, did some research and I have to credit him with that. He wanted us to establish some tribunal within the law to assess compensation. Mr. Forde and I were able to persuade him that to do that one would have to bring a whole host of new amendments because that tribunal itself has to be like a court of law because the value of people's property would be assessed. It means that those who constitute the tribunal will have to be particularly qualified to deal with proprietary interest, they have to a regime of protection such as judges before they can make such decisions, they must be independent, *et cetera*. To do that in an amendment of this type is beyond its scope. As a substitute, I have removed an archaic section from the principal law that states that the Companies' Clauses and Powers Consolidation Ordinance, 1846, shall apply, remove that because apparently this is very old and does not exist anymore but there was a tribunal established apparently where one can go and settle disputes. I am substituting the Arbitration Act of 2024 which we passed.

The parties, the State and the property owner invoking the provisions of that Arbitration Act can appoint an arbitrator if they do not wish to go to the court and resolve their matter through arbitration to resolve the difference. The only difference is that there will be the difference in quantum and that is okay. At no time you will find 100% agreements. Our experience has shown that we have had over 95% agreements in these cases because the State has not only used the State's Valuation Officer but we hired private Valuation Officers and the property owner had a right to hire their own Valuation Officer. The court itself ordered a different valuation from a different valuation officer. At any given time, there were about four Valuation Officers and then the Act itself, Sections 16, 17 and 18 guide the court on how to calculate the compensation. For example, one is not to take into account any potential increase in value because of the impending project. One cannot call a high price because a bridge going there so that he/she can get additional compensation.

These principles are there as they are in every other country. In Guyana, I do not know why we have this proclivity to invoke and evoke a controversy when one does not exist and there is no basis for one to exist. Mr. Ramjattan sees Leninism and Marxism in this Bill. This is a capitalist creation. It is a complete capitalist creation but the Hon. Member is seeing Marxism and

Leninism. Those are burdens that the people of Guyana will have to bear, unfortunately. Fortunately, after the next election, we do not have the likes of Hon. Member Mr. Ramjattan in the House but... Mr. Speaker, I will rest at this point in time and I ask that the Bill be read a second time. Thank you very much, Mr. Speaker. [*Applause*]

Mr. Speaker: Thank you, very much, Hon. Attorney general. Now we will have the Hon. Member, Mr. Mahipaul.

Mr. Mahipaul: Thank you, very much, Mr. Speaker. I rise to contribute to the Acquisition of Lands for Public Purposes (Amendment) Bill 2024, Bill No. 16 of 2024. I believe it is fitting for me to clear the air on how the Attorney General and Minister of Legal Affairs represented our meeting yesterday.

Let me start by saying that before the letter was dispatched for a meeting with the Attorney General and Minister of Legal Affairs referencing this Bill, there were conversations via telephone between the Leader of the Opposition; the Hon. Member, Mr. Aubrey Norton; and myself. Our position from then was and still is for this Bill to be sent to a Special Select Committee. That was always our position. At the very beginning of our meeting yesterday, as Hon. Members, Mr. Forde, Ms. Ferguson, Mr. Henry and Mr. Duncan would recall, that position was reiterated again and it was dismissed in totality. On the basis of dismissing that request which we believe would have served a greater purpose in terms of addressing the Act that currently exists which is the Acquisition of Lands for Public Purposes Act, Chapter 62:05, which was amended in 1972, 1975, 1990 and 2001, we want an Act that addresses what really is happening in Guyana currently. We believe strongly that this Bill is a reactionary Bill that has suddenly attracted the Government's attention because of what is unfolding with the new Demerara River Bridge. We have made the argument that instead of us being reactionary based on a situation, why not let us look at this Bill in a greater context because Guyana is moving in a different direction right now because of oil resources.

Any government, whether it be the PPP/C Government right now or in 2025 our government, will have to go down the road of massive development for our country. Therefore, the Acquisition of Lands for Public Purposes is an important and, perhaps, the most important piece of legislation that should be addressed wholistically and not in isolation because of a certain situation. That is the basis and it remains the major concern of the parliamentary Opposition. We believe that if the Bill is sent to a Special Select Committee and we are able to

address the Act in its entirety, we will be able to have a more modernised Bill to speak to Guyana currently.

The niceness, the hunky-dory and the pleasantries that the learned Attorney General stood and sought to decorate as though it was an agreement in totality, I wish to clarify that after not getting that main concern, we then moved in the direction of seeking to see if we can get the Attorney General to agree with some changes to the amendment that he has right now before this House. In so doing, there are certain parts that the Hon. Member did not mention also. When the Hon. Member sought to say that he had to define the word 'prompt', it was me who said to him, 'why we cannot define 'prompt' in this Bill to give it a specified timeline?'. It is not that I do not understand that the word 'prompt' means immediately but I wanted a specific timeline so that could give greater assurance to know that okay in two days one will get the money, in three days one will get the money or in five days one will get the money. That is what I wanted because we know that prompt could very well mean instantaneously but I have not gotten my \$100,000 as yet. That is why it is important for timelines and boundaries to be set. That is the direction I was going with.

11.48 a.m.

Secondly, Sir, there was another part of the Bill that spoke to 'shall not exceed 80%'. When we saw the words 'shall not exceed 80%'; that allows for it to be 70%, 60%, 10%, or even 5%, and in so doing, it was recommended by Hon. Member Roysdale Forde let it be 80%, not exceeding. It has to be 80%. That was also accepted by the learned Attorney General and Minister of Legal Affairs. There were more arguments that were put to the learned Attorney General and Minister of Legal Affairs which Hon. Member Roysdale Forde will be able to elaborate greater on, because I do not possess to be a lawyer by any way shape or form, but I do have common sense. I did say to the learned Attorney General that the tribunal to which we are speaking is that tribunal to determine the adequate compensation, not necessarily to replace the entire court system, because if someone feels aggrieved they must still have at their disposal the remedy of the court. They must still have that competent jurisdiction in which they can appeal and seek greater remedy, if the tribunal does not present it the way they wanted it to be.

I did point out that there are several countries that have used tribunals to determine the adequate compensation, such as Trinidad and Tobago, Jamaica, Barbados, St. Lucia, St. Vincent and the Grenadines, Dominica, Antigua and Barbuda, the United Kingdom, Canada, Australia, New

Zealand, India, South Africa, Singapore and Malaysia. These are all countries that are using tribunals to get it done correctly in the best interest of their citizens.

I still feel strongly that if we are to address the Acquisition of Lands for Public Purposes Act and make it more modern for today's society, we can consider a tribunal, having examined all of these legislations that are currently in place. I want to also say that our central... Before I go there, the tribunal is all about addressing the matter in an adequate and in a timely manner so that it can be dealt with quicker. We know how the court system works, we know that there is a certain language, we know there are certain boundaries. There are certain *dos and don'ts*. A tribunal will be more flexible, and it may even give way for people who cannot afford a lawyer to appear themselves and make a case that is greater than what can be done before a judge, with a lawyer present. He who feels it knows it. So if someone that is feeling a pain, that is aggrieved by this compulsory acquisition, and may not have the resources to take a lawyer, but they can appear before a tribunal and be given an opportunity to plead their case, then that can also be considered in modern Guyana.

Our central and fundamental position remains that this Bill should be sent to a special select committee for a more holistic and comprehensive examination. This approach is essential to modernise the existing Acquisition of Lands for Public Purposes Act Chapter 62:05, which has become outdated in light of Guyana's evolving socioeconomic landscape. As the country embarks on a path of unprecedented growth, largely driven by the wealth generated by the oil sector, we are poised to engage in significant public infrastructure projects that will require land acquisition for public purposes. Given these developments, it is crucial that our legal framework be updated to meet the challenges of a rapidly changing nation. The current Acquisition of Lands for Public Purposes Act remains inadequate to address the complexities of land acquisition in today's context. The existing provisions, while functional in a bygone era, fail to reassure citizens that their land, often their most prized possession, will be treated with the fairness, respect, and the transparency it deserves.

The process of compulsory land acquisition, when necessary, must ensure that the rights of citizens are upheld and that they feel adequately compensated for their losses. As it stands, the Act is insufficient to provide this level of confidence, particularly when it comes to compensating citizens for their land. In this regard, we point to section 19 of the existing Act, which states:

“In determining claims for compensation the court shall have power to consider and award to the claimant in respect of compensation for compulsory purchase, in addition to the matters herein specified, any sum not exceeding such per cent of the market value of the land at the time of awarding compensation to the Court seeming fit.”

While this provision provides some flexibility to the courts in determining compensation, it is inadequate in reflecting the true value of the land to the citizen. The compensation process under the current framework is too narrowly focused on the market value of the land at the time of acquisition. It fails to account for the broader, more personal factors that give land its real worth to the individual, factors such as social, sentimental, cultural, and emotional value. Land is not just a physical asset, it is often a vital part of a person’s identity, their livelihood, and their family’s legacy. The value of land cannot and should not be reduced to a mere financial transaction. In a modernised act, compensation should account not only for the physical market value of land, but also for its social and sentimental worth. These are intangible aspects that deeply impact the lives of citizens. For instance, cultural significance: many people’s land holds cultural value, often being tied to ancestral history or religious practices. Losing such land cannot be compensated for by money alone.

Emotional attachment: land is often tied to personal memories, family traditions, and milestones. It may represent a home, a place of growth, or a family’s hard work and aspirations. The emotional connection cannot be measured purely in financial terms.

Livelihood and economic dependency: for many Guyanese land is a critical source of livelihood, whether as farmland, small businesses, or other productive uses. The loss of such land has significant socioeconomic consequences for the individual and the wider community.

Intergenerational legacy: many lands have been passed down through generations, symbolising family legacy and continuity. This intergenerational aspect of land ownership must be recognised in any compensation framework.

Social connectivity: land forms the foundation for community cohesion, contributing to social ties and collective well-being. Displacing people from their land affects not only them but also the wider community’s social fabric.

In many cases, land also carries environmental significance, preserving local biodiversity or supporting ecological systems important to the community. This value extends far beyond market consideration, and it is in that context that I repeat the call for us to examine the

Acquisition of Lands for Public Purposes Bill 2024 in a special select committee. Given the complexities and the profound implications of land acquisition on citizens' rights, we strongly believe that a piecemeal approach to amending the law will not suffice. The current amendments proposed are helpful in addressing isolated issues, and that is why Hon. Roysdale Forde, myself, Hon. Sherod Duncan, Hon. Annette Ferguson and Hon. Vincent Henry went along in examining what is it that these Hon. Members on the other side, with their one seat majority, was going to shove down our throats with or without any participation.

We know that it was after that meeting with the International Decade of People of African Descent Assembly–Guyana (IDPADA–G) was aired publicly, and it was brought to the public's attention, that an engagement was sought *via* writing about a week ago, with no response. We hurriedly got a response, I think it was Tuesday morning, yesterday morning, and we ended up meeting at 3.00 p.m. We could have stayed away because of the untimely invitation, I would call it. We could have said that you do not want it to go to a special select committee, we *ent* participating no more. We could have in a manner basically say to them no, it is either our way or no way. But we know how they *stay*, we know how those Hon. Members over there are. They will often time show us, with that one seat, that they could do it their way. So we took the mature position to the higher ground. [Mr. Duncan: The higher ground.] Yes, we took the higher ground, and we went into the discussion to see how best we could have altered, and made proper representation on what they had, and today we have this amendment before you to amend what they have in the existing Bill before us. The essence of this piecemeal fix to this important piece of Act that exists, it does not take a holistic approach to modernising the entire framework, and that is where we have our problem.

12.03 p.m.

A thorough review of the law is necessary to ensure that it adequately reflects the needs of a modern developing nation such as Guyana. The referral of this Bill to a special select committee would allow for a comprehensive, inclusive process. It would enable public consultations, expert input, and input from all relevant stakeholders ensuring that the final legislation addresses not only the technical aspects of land acquisition but also the concerns of the citizenry, civil society, and even the private sector. This inclusive approach is essential to building trust and ensuring that the final law is fair and balanced. Moreover, this process would allow for the incorporation of social and sentimental values into the legislation which is critical for the Government to demonstrate a commitment to the welfare of its citizens. Politically, this

approach would signal to the people of Guyana that the Government is not simply interested in facilitating economic growth, at any cost, but is deeply committed to protecting citizens' rights and welfare. As the country continues to grow, it is vital that we foster a sense of national unity, trust and security for our citizens. A transparent, inclusive, comprehensive review of the Acquisition of Land for Public Purposes law will ensure that citizens feel secure in the knowledge that they will be treated fairly and justly, in the event that their land is acquired for public purposes.

The essence of our argument and our position on the Opposition's side, is that though we may be in government with the power, we must always consider our citizens. We must understand that we were given this power to be servants of the people, and they must not be our servants. Every act, every action that we sit in this National Assembly and take, must be one where we are confident that the people out there feel safe and secure, and not run away with the perception, as in this case, that they are not being considered.

Sir, I thought that we would have had that understanding of moving to a special select committee so that we can hammer out a piece of legislation that can reflect modern Guyana, and we could have stood together and said we did it for Guyana. Unfortunately, our friends on the other side did not see it fit for us to modernise this legislation. They did not see it fit for us to address this legislation in a more holistic manner. They did not see that it is necessary for us to ensure that all our people are considered when it comes to the acquisition of lands. Whether they are the Amerindians; whether they are the Africans; whether they are the East Indians, the Chinese, Portuguese, or whatever ethnicity; we have to ensure that we give that proper representation. Sir, I want to leave by saying to you that after the Elections 2025, when we take Government, we will modernise this piece of legislation for the benefit of all of Guyana. I thank you, Sir. *[Applause]*

Mr. Speaker: Thank you very much, Hon. Member. Hon. Members, I think this is a good time to take the suspension. It is now 12.08 p.m. Please listen out for the two bells. The first bell will ring at 12.55 p.m. and the second bell will ring at 1.05 p.m. I will be sitting here at 1.05 p.m. waiting for a quorum. Thank you.

Sitting suspended at 12.08 p.m.

Sitting resumed at 1.18 p.m.

Hon. Members, please be seated. I must say that there is some much-improved punctuality. We are only 10 minutes off this time around. Let us now welcome the Hon. Minister of Public Works, Bishop Edghill.

Minister of Public Works [Bishop Edghill]: Thank you very much, Mr. Speaker. I rise to join the debate and definitely lend support to the Hon. Attorney General and Minister of Legal Affairs who is the mover of this Bill, the Acquisition of Lands for Public Purposes (Amendment) Bill 2024. I would have thought this afternoon – we started this morning – that as legislators we would have come to the House with a perspective that says that, whenever there is an amendment you seek to correct some mischief, or seek to correct a lacuna, or seek to strengthen and make things better for the beneficiaries. Everything in these amendments serves to bring benefits to the people of Guyana should the state take a particular course of action to acquire lands owned by private property owners for the public good.

A state must be responsible. When we make laws, whether we sit on the Government's side or the Opposition's side... If Mr. Mahipaul's ambitious thinking and dreaming would become a reality, he should also be thinking that this law he would have to operate with it if he ever gets into Government. I am not sure when that will be. So, we must put a piece of legislation in place, that no matter who is in Government, it is workable, it is in the best interest of the people and it is something that will not stymie or interfere with government's development. I rather suspect that since some people have convinced themselves that getting back into power or getting back into Office is something that is very distant and far, and could only be done by some mechanism that is not known in a democracy, and that is winning the admiration of the majority of the people so that they could put you there to govern on their behalf. If that is not the mechanism, then we would have all these concerns being raised.

I listened carefully to Mr. Mahipaul. He asked for two things – that the Bill go to a special select committee. Now, all we are asking is that in one clause we put in the word, promptly. So, the Special Select Committee has to sit to debate what is the definition of promptly, how prompt is promptly, and we have to take evidence that we did not have in the National Assembly. That is why you go to a special select committee – to properly ventilate an issue; to ensure you engage all the stakeholders – just to change a word that is strengthening and making this legislation more efficient in its operation and bringing greater benefits to the people. I will show you why. We have to admit that Government's development has been so rapid that it has mesmerised people who have interests in becoming the next government. They know full well

that everyday people are watching, seeing, and observing the change in the landscape and the progressiveness that is taking place at the national level. They are also seeing it at the community level, and they know that they are in safe hands with the People's Progressive Party/Civic (PPP/C) Administration. They will continue to support us to ensure that we bring the kind of development that they need.

Mr. Mahipaul said that he would like to see people's social and sentimental values – I am quoting him – be put into the legislation. I know that he was trying to run away but what he was talking about... We will deal with the pig in the room. He did not want to say, ancestral. He is running away because there are different ways of race-baiting. There are different sound bites that you could use but you are saying the same thing.

If I live on a piece of land which has some sourie, five finger, whitie and awara, and I have been eating those since I was six – I am allowed to run in the backyard and eat – and the Government wants that property, what should I do? How do you put that into legislation? Mr. Mahipaul, for your benefit, we have settled numerous matters of acquisitions for public purposes and everyone whom we have engaged has left the table – whether in a boardroom or in the courtroom – satisfied. I will give you an example. For the East Coast of Demerara road upgrade we had people who occupied the government's reserve. They were planting there for many years, and now we are pushing the road through there. We brought the experts from the National Agricultural Research and Extension Institute (NAREI). Minister Mustapha facilitated the people there. We checked how many pepper plants, how many pigeon pea plants, how many ochro plants, and how many pumpkins vines, and we went through the whole list. Some people came with their brown paper bags with the pencilled writing to show what their sales are. When we were finished, they walked away smiling and they were happy. The project is continuing.

This controversy of the acquisition of lands for public purposes becomes cumbersome when it is being weaponised for political purposes. That is when it becomes a problem – when it is being weaponised for political purposes. There are people who are reasonable. There are lawyers with political interests who would not like to see settlements, so they keep dragging, dragging, dragging, dragging, dragging, dragging and dragging. Let me give the experience from the Demerara Harbour Bridge. There were 54 properties, I think, – when we did the surveys, the inspections and the measurements – in the alignment. We knew we had to take possessions of those properties to facilitate the bridge and sections of the road to do the

connection, so we went to the government's valuation office and got it to do a valuation which forms part of the record.

1.27 p.m.

Because we know that some people might accuse the Government of influencing the valuation that comes from the government's valuation office – even though that is not so – we went to a private valuator, one that is known to be used by all of the commercial banks in this country. That valuator put in a report that when you compare that report to the government valuation office's report, they are not too far apart. When some persons engaged in what I want to call weaponizing for political purposes, another valuator was taken by those people. That Member sits in this National Assembly. The person who gave them that valuation sits in this National Assembly. In every case, the valuation was sometimes 100% and more than 100%, which meant that someone was telling the people, 'hold your ground, hold your ground, you could get money'. We could represent not only our policy direction but our actual operation. Every person who lived in an area where they had to be displaced through the Central Housing and Planning Authority (CH&PA), we engaged them to make sure they get residential land, and in some cases residential/commercial, and at least in one case where there were businesses, a commercial land. The people went and saw their lands. Then there was a proposal, based upon the valuations that were before us and all the rest of it, that a certain sum would be offered.

Mr. Speaker, people's lives must be protected, and I would not want to call names. We went so far – apart from giving money to pay rent for up to six months – for some people to live in a rented house, paid for by the state, while they settled their agreement. They got their lump sum, and they got their land so they could build their home and move over. Mr. Speaker, it went further than that. In some cases where people had to get heavy lifting equipment, the Ministry provided the Hydrauliska Industri AB (HIAB) trucks to move the container, move the derelicts, and move everything because we are trying to bring about relief to the people of Guyana by building the new Demerara Harbour Bridge. While we are doing that, we are not sacrificing or putting at a disadvantage the people who are facilitating that development, ensuring that they get all that is required.

When the negotiations failed – and I would like the public to hear this – when we could not get an agreement between our lawyers and their lawyers, the Government said let us go to court, a place that has competence, and in law has the jurisdiction, because we were saying one price, and they were saying one price. The Attorney General is here, and the public record is there.

When the court decided for some persons, it was less than what the Government was offering. That is the nature of the People's Progressive Party/Civic – the Government offering people a package, acquiring their land for public good. They were told by a valuator, who sits in this National Assembly, that they could get a lot more money but when the matter went to court and the judge gave an award, it was less. The day after that ruling, many of the persons who were hyped, they started coming in to start settling because they realized that this was not something that could stand. Just yesterday, we spent two hours in the National Assembly... [An Hon. Member: In the court.] Sorry, in the court. The Hon. Member, Mr. Roysdale Ford, from the Opposition – and I know he would be speaking on this Bill – the Attorney General...

Minister of Home Affairs [Mr. Benn]: Mr. Speaker, if I may?

Mr. Speaker: Hon. Minister, you have the floor.

Mr. Benn: The Hon. Minister of Public Works and the Attorney General before him spoke of a sitting Member of this House who was involved in the transactions, and in some cases, putting his...

Mr. Speaker: The Assistant Deputy Speaker asked, what is the Point of Order?

Mr. Benn: I am suggesting that the Member be named.

Mr. Speaker: Hon. Minister, I do not recognise the Point of Order. Continue please.

Bishop Edghill: For the avoidance of doubt, it is my learned friend, the former Minister of Public Infrastructure and now a Member of the Opposition, the Hon. David Patterson. So, in case any Member of the Opposition would like to be excused from the public thinking it is them, we have solved the problem because I think that is the problem.

Yesterday morning we sorted out six matters. If what we are doing here now, with this Amendment, was in law, we would have never been to the court and the matters would have been resolved. Basically, in the areas where the people did not agree with the Government's offer, the parties agreed to a sum that would be paid to the homeowner or the property owner, until the court makes its final determination. Do you know what would have happened if we did not go that route? The people of Guyana must know, the Demerara Harbour Bridge would have been held up and could not have been built because, if the matter was weaponized, the people would not move; we would have one court hearing to the next court hearing and we

would end up at the Caribbean Court of Justice (CCJ). The people would continue to suffer two hours in the morning and two hours in the afternoon, because some political activists see an opportunity of how they could stymie the Government's development and possibly think they could tell the people, *oh* they did not deliver so that is why they must take them out. That is the problem here.

What was the agreement? We pay a specific agreed amount, the court will continue its process if it takes a year, and I hope it is not that long. Whenever the judge rules, if the Government has to pay more, we will pay more. If they have to repay us, they have to repay us. In these cases, the people were even refusing their own valuation because someone was telling them that they could get more. The issue here has never been if the people were giving up their property for the public interest. That has never been the issue. Everyone agreed, supported the programme, but the issue was we could hold it up by discontent over price. This amendment permanently settles that environment and gives a clear architecture, a clear framework in law. By way of this Amendment, should a disagreement arrive, no matter who gets what, who says what, who wants what, the law will protect the property owners, but the Government's development projects will also continue. When it is settled, we will sort that out. This is all what this Amendment is doing.

I do not know how I could legislate sentimental value and social value. My father-in-law was a man who planted many trees, and he told me, 'when I die, do not cut down these trees'. I never answered because I did not know what size the house was going to be after he died, and some trees might have to be cut down. He had some sentimental values. So, I understand what Mr. Mahipaul is referring to, but how do you legislate that? How do you put that in the legislation?

Let me just say a couple of things and then I will close my contribution, because I do not plan to be long. I just wanted to expose that. A state must act responsibly. If there is anyone in this National Assembly that could get up and accuse the Government and prove their case that since we acquired property from 2020 to now and we did not act responsibly, I would like them to name it and show where we did not act responsibly. Name it and show it for any project, whether it is for a road, whether it is for the bridge, whether it is for the gas to energy project, all of which will bring benefit to all of us. So, if anyone could bring a charge against the PPP/C Government, now and before, in dealing with these matters, make the charge and it will be

answered here today in the National Assembly. We should not allow ourselves to just be *tra la, la, la, la*, going on and on and on to settle matters.

I have good faith in the people of Guyana. I have good faith in the conscience and the reasonableness of the people of Guyana. When you sit down and you talk with the people, and you get their best interest... One man wanted to come after to change his agreement. He was on the reserve. I want the nation to hear this. He was living on the reserve; he had a house on the reserve. We were going to give him land – he would have become a title holder now – money to move his house and other facilities for him to live while he moved his house. He went to the court and he came out with less money and no land, because the judge said that he was not the owner of the land, he was on the reserve. People who are defending these same people in court who would like to weaponize these environments to stop national development, have caused a man no longer to become the holder of a title to a land. The man is now left in the cold with money, no land, because they took the man to court. In law, the judge said how I *guh*n give *yuh* land and the land is the state's land. Sometimes, we hide these things. I believe if there is a fault that I would admit to it is that we, in the PPP/C, do not blow the trumpet enough. We do not go out there on a bandwagon and sing all the praises about what we have done. We do not do it enough. We need to do some more of that so that people will know and understand that. It is difficult.

When a man wants to use race – and it seems that the Opposition loves to get into that race game because they have nothing else to offer – I have addressed the issue of race here over and over, and I am going to address it again. If a man is of Chinese origin, whether his name is Fung-Ang, Liu Ping Ling, or whatever his name is, and he operates a restaurant on the main public road, and he has records to show his sales – his accountant and his filing of his taxes to show the records of what he gets in his negotiations... If you take a man who is operating a business and you relocate him at an agreed price, could you imagine a lawyer, who says he is representing people, goes to the court and asks the judge to look at the man's race, we do not want the discrimination, when the person that he is representing is living in a cottage without windows, operates no business and wants to have the same amount of money as the person who is operating a commercial business? The argument you are going to make... **[Mr. Nandlall:** Because of racism.] ...is because of racism.

1.42 pm

We do not pay compensation because of racism. I would like to say it again, we need to have more Guyanese of African ancestry recognise that the race game is dangerous for the African community. We have some people whose own survival is on that race card and they are not looking after their interests.

I sat and we exchanged in that environment of cordiality yesterday. The judge operated the unamended Act because he was being guided by what is law. We are amending the law today. People complain about the inconvenience that they are suffering. Do you know what the judge said? ‘You are in a construction zone’. Repeatedly, we had to remove the electricity so that the overhead movement of machines would not pose a risk to the Guyana Power and Light Incorporated (GPL) transmission facility and keep giving people blackouts. The heavy-duty trucks are traversing where the water mains are. The telephone lines had to be relocated. Do you know what was the argument? ‘The people are suffering inconvenience. They would like their electricity to be restored’. When one hears those kinds of arguments, he/she knows that these people are being advised and schooled not to move. When the Government is offering to pay rent for them up to \$150,000 a month while they relocate and get their house built and all the rest of it, somebody is going to court. [A Hon. Member: *Shhh.*] Nobody is going to silence me with a *shhh*. Not me. Try that elsewhere. It is difficult to silence me. May I remind the Hon. Member, Ms. Catherine Hughes, that the word ‘parliament’ comes from the word ‘*parla*’, which means speak and when I come here, I will speak. I will not be silenced by any person who has some false sense of superiority; believing that they are better than others in this society. I will not be silenced by you.

Mr. Speaker: Hon. Minister, I just want to say the only person who can silence you in here is me.

Bishop Edghill: Whenever the truth comes out, and whenever the people of Guyana hear the truth, the Opposition says you are shouting. Well, today I am going to shout it from the Parliament Chambers, the Opposition is not representing the interest of Afro-Guyanese. They are putting them at risk. You all are putting the Afro-Guyanese community at risk because every time you could get a compliant Afro-Guyanese and he/she could get in the court, you would use the race card and block development. They are used as pawns in political games, weaponizing a situation to block national development.

The amendment this afternoon gives a judge, someone in a competent court, who has the jurisdiction to follow the law and ensure that people’s lives are not put at risk... People’s lives

must be considered before personal and partisan interests. Let me debunk this call for a special select committee by saying to Mr. Mahipaul and all the other speakers, the Hon. Members, who will come behind me, if you have an amendment, put it on the floor today and we could deal with it because this is a matter of national importance. We can make the amendments today. This provision allows people to move on with their lives even in an environment of national development. I will give you one more instance because as the Minister of Public Works, everything that has to be gazetted or taken for public good comes under my signature and it is not something that we take lightly. **[Dr. Singh: Tell them what public good is.]** Yes, public good is what will benefit everybody, not just one person or to spite somebody, or to shake down somebody politically by using this to take away their property or shakedown. We have people who follow social media, and some people actually believe that social media will guide their success to some political empire that they are assuming. I went to the Providence area like we have been doing, engaging...

Mr. Speaker: As we are in Providence, you would need an extension, Hon. Minister.

Ms. Teixeira: Mr. Speaker, I am pleased to ask your Honour to allow Bishop Minister Edghill to continue with his speech with the allocation time under the Standing Orders.

Motion put and agreed to

Mr. Speaker: Thank you. Hon. Minister, you may continue.

Bishop Edghill: Thank you, Mr. Speaker, for considering the motion so kindly. Mr. Speaker, social media had it, 'Bishop Edghill is bullying people out of their lands'. Oh, the comments. Oh, let us get in the ring. The person I was bullying, when he/she went to the court, did not had any *kagaj*. He/she did not even own the property. **[Mr. Ramson: What is that word, Bishop?]** *Kagaj*. Could you imagine somebody who ridicules a representative of the State, who is trying to put him in a better place? When it is time for the court for us to say, let us sit down and talk about who is getting this money, and how the compensation going, they have no paperwork, no legal right or legal access. When we went ahead to make decisions, two other siblings showed up and said, 'No, do not deal with that one'. You see what is going on there, Mr. Speaker? They were advised to fight the Government; 'You will get more'. When it was time for the money to be paid, it had to go to the registrar because nobody could get it until they got themselves organised. Yesterday, we consented in court where there is a similar matter. A young man who is representing other family members, respectfully so. Senior

Counsel Roysdale Forde asked for some consideration and we agreed – the reasonableness of the Attorney General and Minister of Public Works. He has no legal paper, but he stands to be a beneficiary at some time when those legal things are sorted out. We even made sums available to him while we put the rest of the money with the court so that they could be removed.

A Government that is having the dreams of people realised through the Ministry of Housing, who have already distributed more than 40,000 house lots to Guyanese families, will never take away a lot from somebody without ensuring that their future is secured. That is the People's Progressive Party/Civic (PPP/C). Let me just say this, people's property must be respected. I would never allow anyone to take away my property. I will fight. If the State wants to have my property or anybody's property, we have already amended the law under the previous PPP/C Administration to put in a fair compensation at market value. Do you know what we are doing now? We are paying promptly. We have to go to a select committee to discuss this promptly. We have committed to the court, and we could do the research. Every time an agreement was set up, the cheque was paid to them within 48 to 72 hours. We even had to help people move two and three weeks after they had agreed to two weeks.

People's welfare must be considered. I do not even know if some of the lawyers know what I am going to say here now. We got possession of a particular place in that same zone. Madam Gail Teixeira, we showed up with a truck to help the family move their stuff to the place that we rented for them. One lady, who obviously has some mental challenges, behaved a certain way. The State did not take the attitude. [Inaudible] got to move. We sent away our truck. We called the husband and found out from him what we could do to help the situation. The man explained what was going on. We worked with them socially, sentimentally, and patiently. Then, we removed them. The man started to take off his roof and his windows. The female returned to the house without roofs and windows. There again, we did not take the excavator and push down the house. We patiently understood that if people are having mental challenges, there is a particular way we need to deal with that. I would like you to compare it to those who sent dogs to run off their own party supporters in Sophia. Do you want me to go there? [An

Hon. Member: Yes, go there.] Mr. Prime Minister and Mr. Speaker, we waited until we could have gotten an environment where the person who was sick and troubled was able to move and then we took down the house.

What am I trying to tell you? The State, at no time, while seeking to advance public projects for the public good, disrespects people's individual rights, and their own peculiar

circumstances. We are always sensitive to the fact that ownership is something that people value. While we are getting them to be displaced and replaced, a process of understanding, accommodation, and dialogue must at all times be in place. My Friend, the Minister responsible for the Central Housing & Planning Authority (CH&PA) probably will speak about his experiences, and what he would have gone through in another acquisition. We published in the newspapers everything we would have done, but people kept whispering, 'Hold tight'. Now the highway is built, and the same people who were telling them to hold tight are on the highways. They are driving the same highways and benefiting from the reduced travel time and great accessibility.

Without wanting to detain you or this National Assembly, this is a simple piece of legislation to improve the legal architecture, to ensure that the rights of our citizens are protected; to ensure it is a rules-based environment; and that this kind of activity could never be weaponised politically to fight a government, whether this Government or any other government, but that national development continues to take place. With these words, I say, Sir, I support my Colleague, and I ask that, today, this Bill be passed, and that we continue to move forward with our national development agenda. God bless you. [Applause]

Mr. Henry: On behalf of the Guyana Action Party (GAP), a Member of the Coalition, I hereby stand to make my contribution to the debate on Bill No.16 of 2024, entitled as Acquisition of Lands for Public Purposes (Amendment) Bill 2024.

1.57 p.m.

Mr. Speaker, before I delve into the contents of my presentation, please allow me to express sincere condolences to the family, acquaintances, and the people of the Hinterland and Indigenous communities of Guyana, on the recent gruesome murder of Toshao Ridley Joseph of Tasserene Village, Middle Mazaruni, Region 7. May his soul rest in peace. We ask that the Government of the day facilitate the necessary burial arrangements and assistance, *et cetera*. This is a matter where we are expressing sympathy and to hear the Hon. Member, Mr. Kwame McCoy, make such insulting remarks does not augur well for the Indigenous peoples of Guyana.

The Acquisition of Land for Public Purposes (Amendment) Bill of 2024, if passed, will affect all Guyanese, one way or another. However, from recent actions by the current People's Progressive Party/Civic Government, it would be fair to say that one section of the population

will be affected unfairly and negatively because they are not friends, families and favourites of the Government. An example of this is the treatment of the people of Moca Arcadia where their houses and livelihoods were bulldozed by agents of the State or agents of the People's Progressive Party/Civic.

Notably, lands owned by any Guyanese will be under serious threat because absolute power will be placed into the hands of the Minister. The Minister will declare in his own judgement that one's land is needed for public purposes, and he will also decide the amount of compensation that will be given to the affected Guyanese land and house owners. This amendment before us will allow the Minister, who is a political activist, to become a one-man band that decides whose lands should be targeted for acquisition and becomes the sole evaluator to decide the amount of compensation that will be paid to the affected persons. Of course, the whole of Guyana knows that the man in the engine room, the final judge and jury, will be the ultimate decision-maker. All of Guyana knows the duplicity practised by this individual. This Amendment No. 16 of 2024 is a recipe for the continued entrenchment of the policy of a '*One Guyana*' in which there is no equity or fair play.

Further, from all indications, the move to fast-track the Bill through Parliament is a knee-jerk response by the PPP/C to Guyanese citizens who are exercising their rights to appeal to the judiciary for justice. It is a move by the PPP/C's Government to avoid fair play by paying some affected persons who are in the path of the construction of the New Demerara Harbour Bridge acceptable compensations but targeting others who are mainly of another ethnicity, to pay them unacceptable amounts as compensation. Unfortunately for Guyana, this is the *modus operandi* of the PPP/C Government. One can only imagine the injustices that will be done, if this amendment is allowed to become law, by a Minister who sees only one side of Guyana whenever any decision is to be made. This Bill has its genesis in the Constitution of Guyana that has in article 142 (1) titled 'Protection from Deprivation of Property'. This article states in section 1:

"No property of any description shall be compulsorily taken ... except by or under the authority of a written law and where provisions applying to that taking of possession or acquisition is made by a written law requiring the prompt payment of adequate compensation."

Nothing is wrong with that. That is agreeable. One can now see why the PPP/C Government is before Parliament today to use its very slim majority, a slim majority that is bolstered up by

one seat that is being occupied by an unauthorised person, who sits as a Member of Parliament, to push down the throats of Guyanese, a law to weaken the protection of Guyanese citizens. Article 142 (2) (a) (b) of the Guyana Constitution states:

“Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of the preceding paragraph –

(a) to the extent that the law in question makes provision for the taking of possession or acquisition of any property –

(b) (i) property of Amerindians of Guyana for the purpose of its care, protection and management, or any right ... “

Article 142, section 2 of the Guyana Constitution, firstly endorses section 1 of the said article which states, and I repeat:

“No property of any description shall be compulsorily taken possession of ... except by or under the authority of a written law and where provisions applying to that taking of possessions or acquisition is made by a written law requiring the prompt payment of adequate compensation.”

On behalf of the Indigenous peoples of Guyana, known as the Amerindians, who found Christopher Columbus when he got lost on his way to the East Indies, I reject the part of Article 142, section 2 of the Constitution of Guyana that opens the door for Indigenous or Amerindian lands to be compulsorily acquired by any written law, without the free prior and informed consent (FPIC) of the affected Indigenous peoples of Guyana. We were told that worldwide there is a law where government states can be able to take or get control of lands owned by any person in the country. We are saying, in terms of the first peoples of Guyana, you must first have free, prior and informed consent. I will speak more about that later on.

On hearing that there would be tabled in Parliament, an Acquisition of Lands for Public Purposes (Amendment) Bill 2024, I was elated because I thought that the offensive part of Article 142, section 2 would have been modified to allow the Indigenous or Amerindian Peoples of Guyana their self-determination as spelt out in the 2013 United Nations Declaration on the Rights of Indigenous Peoples. Article 8 (2) (b) of the UNDRIP states that states shall provide effective mechanisms for the prevention of and redress for any action which has the

aim or effect of dispossessing them of their lands, territories or resources. Article 10 of the same UNDRIP states:

“Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the Indigenous Peoples concerned and” – could only be done – “after agreement on just and fair compensation and, where possible, with the option of return.”

The attempt by the PPP/C to make the original Single Windows Bill become law was one that would have, in one stroke, scrapped the rights of the Indigenous peoples and relegated the Amerindian Act to a bin elsewhere. Fortunately, with the advocacy of the Coalition, the Bill was sent to a special select committee. The special select committee, in its combined wisdom, made salient changes to the Bill, including adding a clause that prevents the Single Windows Bill from superseding the Amerindian Act of 2006. This Bill is now said to be one of the best Bills that this Parliament has passed and it happened so because we worked together. We could make things better for Guyana by working together if allowed by those who are now taking the high horses of saying no select committee.

The Petroleum Activities Bill was passed, even though the Opposition, including myself, fought against it. Today, the Petroleum Activities Bill is a serious threat to the Indigenous peoples of Guyana. This is because it gives the subject Minister power to unilaterally identify areas with petroleum, including lands titled and contiguous to Indigenous communities. It seeks developers to apply for exploration and, if feasible, conduct exploration and production without having to gain the free prior and informed consent of the Indigenous peoples, who would normally be in the frontline to face the brunt of adverse social and environmental negative effects of the activity, such as an oil spill.

Today, we are debating a Bill to amend the Acquisition of Lands for Public Purposes. This amendment seeks to make into law that the subject Minister would have power, *et cetera*. All of this will be done unilaterally by the Minister and by extension, the People’s Progressive Party/Civic. One must remember Lord Acton’s *Maxim* which stated that ‘power corrupts and absolute power corrupts absolutely’. This Bill will affect, negatively, the majority of the people of Guyana. The poor and the powerless will be unable to challenge the decisions of the Minister. This amendment Bill will open the door for the Minister to bypass the Amerindian Act of 2006 and open the door for the rapid erosion of the rights, especially the land rights of the Indigenous Peoples of Guyana. This Bill further attacks the well-being and existence of the

Indigenous Peoples of Guyana by giving the subject Minister the authority to, without free, prior and informed consent, take over lands by law.

I do recollect that, during the debate of the Petroleum Activities Bill in Parliament, I requested that whenever Bills are being conceptualised and formulated, the interests of the First Peoples of Guyana be taken into consideration. I do recollect that a reporter asked a senior official of the PPP/C Government to comment on this request that I had made. The answer was that it could not be done by this current PPP/C Government. This means that they did not take into consideration what the Indigenous peoples really want and what we are standing for. That is unfortunate because, one day, not too long from now, they would be coming to ask us to consider them, and they will end up over this side. Any Bill that is brought to this House should have the people of Guyana, including the First Peoples first and foremost as the primary beneficiaries in the equation. The Hon. Attorney General and Minister of Legal Affairs said that we should remember history. Indeed, we should remember history and we should remember that when Christopher Columbus first came here, he found my ancestors. We should all remember history, that we were here first, and we should be given the opportunity to be part and parcel of the development and have our rights being observed in Guyana.

Land for us Indigenous people, is our mother. Without that, we will not remain as Indigenous people. We will not be able to survive and, as such, we ask that now and, in the future, whatever we would like to have for ourselves, be remembered and be placed to be of importance. On behalf of the Indigenous peoples of Guyana, the First Peoples of Guyana, I appeal for the Acquisition of Lands for Public Purposes (Amendment Bill) be sent to a special select committee. Thank you very much. *[Applause]*

Minister of Housing and Water [Mr. Croal]: I rise to express my unwavering support for the introduction of Bill No. 16 of 2024 – the Acquisition of Lands for Public Purposes (Amendment) Bill. This Bill represents another critical step that our Government of Guyana is undertaking to ensure that land in Guyana is managed, utilised and preserved for the benefit of the people and the development of the country as a whole. We are at a pivotal moment in our nation's history. Guyana is undergoing rapid transformation, economic growth, driven by our natural resources and a responsible Government.

2.12 p.m.

However, with progress also comes the responsibility to safeguard the interests of the people, as well as to ensure that the wealth of our land serves the public good. This amendment, therefore, seeks to strengthen the framework through which the State can acquire land for public purposes, ensuring that it is done transparently, fairly and with long-term national development in mind, without hamstringing our infrastructural goals. Our 2020 to 2025 manifesto outlines our Government's commitment to undertake a purpose-driven expansion and modernisation of Guyana's transport infrastructure so that it is more efficient to support a flourishing economy.

The expansion, therefore, has taken centre stage through our Government's strategic macro-development plan, which was brought back to the table for implementation after our Government resumed Office in 2020. Most notably, this plan comprised several transformative infrastructure projects conceived by the People's Progressive Party/Civic. For example, I can outline that it is being administered through my Ministry. You had the Mandela Avenue to Eccles four-lane highway, which we commissioned in 2022; the Heroes Highway, which was commissioned in 2023; the Crane to Schoonard four-lane highway, which was commissioned during this year; and the main bypass four-lane highway and the connectors from Great Diamond to Craig, which are currently being constructed for \$10.3 billion and is scheduled for completion within the first quarter of 2025. In totality, these projects have resulted in the construction of more than 24 kilometres of four-lane highways, with the long-term objective of improving the traffic flow throughout residential communities, commercial areas and industrial areas within Region 3 and Region 4.

Notwithstanding this, we have also seen many other immediate benefits, such as the creation of jobs, reducing traffic congestion, improving the safety for road access for existing and developing communities along those corridors and improving accessibility for Guyanese who are seeking to establish housing and businesses in the new lands which we have opened for residential, commercial and industrial adjacent to those highways. These highways act as a catalyst for the creation of new housing schemes as well as new commercial zones. They also enhance the value of properties along these stretches. The success of these infrastructure goals has given life to the initiation of similar projects, and, in the future, our Government is fully committed to the further development of our road networks. In this regard, through our Ministry, we are equally committed to the implementation of the Government's transformative agenda to keep Guyana on the upward trajectory of rapid progress.

However, realising these projects were not without challenges, key among them was the acquisition of lands that were in the path of these projects, which were occupied or owned by private citizens. Resolving these matters was and can be lengthy. It involved several interventions, including the courts, which stymied the commencement and progress, and by extension, impeded timely completion. This undoubtedly led to the delay of benefits for thousands or, in some cases, hundreds of thousands of Guyanese. Mr. Speaker, for example, for the Crane to Schoonard Highway, we had to pass Order No. 33, where 15 properties had to be acquired over 65 acres of land. For example, the four-lane road from Great Diamond to Land of Canaan under construction, seized under Order No. 26 of 2023, saw the acquisition of 660 acres of land along the stretch or 600 feet in width for 660 acres and Order 69 that affects 44 properties comprising 64 acres. This includes the Guyana Power & Light (GPL) transmission line that has been completed for that phase, which is now in the vicinity of Aubrey Barker Road. Similarly, for the Demerara River Crossing and the connecting road, Order No. 28 and Order No. 46 for the acquisition of properties – over 44 properties.

The challenges and delays are not, in my humble opinion, helpful to the public interest or national good. Therefore, the amendments proposed today will significantly and further reduce these delays and cost overruns that almost always inevitably follow. Land acquisition, though a sensitive issue, has been guided by clear principles and practical processes that ensure fairness, transparency and compassion. This Government has ensured that residents who were displaced as a result of developmental projects undertaken by the State were treated with dignity and respect. For example, Mr. Speaker, allow me while I have addressed this matter in this House before, for emphasis, I have to repeat again today. This is because, in the run-up to today's debate, I have seen many persons alluding to the relocation process involved for those within Mocha and Peters Hall, where we undertook a major infrastructure project when we were constructing the Eccles to Great Diamond four-lane highway. This construction, therefore, resulted in 23 families, first of all, accepting compensation packages valued at millions of dollars, interim support through the rental of houses and support for transportation to relocate. All were part of the transition.

Mr. Speaker, allow me to detail the measures that were taken to mitigate and protect, as far as possible, the livelihood of those settlers during and after the relocation process at the stretch along Mocha at the four-lane highway that was constructed from Eccles to Great Diamond. The process began as early as 2008 and was restarted in 2021. Engagements were done with the residents along that stretch and a preliminary inventory was undertaken as far back as 2008.

A block and occupational survey was done by the Central Housing and Planning Authority in 2009. The plans for the construction of the highway progressed when this was revisited in 2021 with a household inventory exercise. Lands were then identified in the vicinity of Plantation Farm Phase Two and Plot B Plantation Herstelling for the relocation of those residents. Valuation of properties was then done by the Valuation Office of the Ministry of Finance. House lots were then allocated to those persons to allow them to be entered into the system. Relocation contracts were then drafted between the Central Housing and Planning Authority and those beneficiaries. In December 2021, cheques were issued and distributed to those who accepted. Agreements were signed, covering the cost for building, the valuation and displacement costs, including rental for interim housing for those who accepted to move immediately in 2021.

The allottees who signed agreements went through a process for their land identification and many of them commenced construction in January, 2022. Following this, they were then registered and signed for titles, which now ensure that they will have ownership of the relocated area for which they would have never received a title at the location within the Mocha reserve. These titles were processed free of cost. Financial compensation was issued to those settlers for their structures. Valuation of crops was done by the National Agricultural Research and Extension Institute (NAREI), following which compensation was provided based on the valuation. Additionally, assistance was provided in labour and other materials for beneficiaries to complete their houses. Although they were compensated to build their new houses, they were given additional support. This information I have just provided is factual and it is important that it is known because, very often, Members of this House on the other side twist information that is available to them to suit their agendas, and, very often, this turns out to be disruptive to the development of our country. The persons who did not accept were the persons who were encouraged by including one Member on the other side.

As I said, this portion of land was a reserve, and they did not have ownership of those lands. Nevertheless, the Government, this PPP/C Government, treated everyone and provided equal opportunity as we always do in any relocation process. We went beyond the call for compensation and provided every possible avenue. Hence, it became a point when we could not wait any longer because the few who had remained, as I said, were encouraged to continue to stay on the land. We adopted a systematic and practical approach to ensure that households were engaged, informed, compensated and adequately housed during any relocation process.

2.27 p.m.

The relocation of those families from the Cane View Mocha to Herstelling, East Bank Demerara (EBD) corridor further demonstrates this Government's commitment to ensuring that we preserve the quality of life of relocated residents. Due to the diligent work of this Government, those residents who successfully accepted were integrated into their new environment. Today, Herstelling and Farm areas stand as shining examples of harmonious relocation where residents not only coexist but also embrace their new neighbours. This success story underscores that relocation, when done with compassion and strategic planning, benefits all stakeholders involved. Our Government ensured that – and I am repeating this for emphasis – families relocated received compensation beyond market value, while also having access to amenities, which include utilities and proper sanitation.

Minister Edghill spoke about the relocation that was required for those persons who live along the Peter's Hall area and Caribbean Community (CARICOM) schemes for which the bridge path is necessary. Allow me, therefore, to outline some of the interventions undertaken in that relocation effort, as part of the broader facilitation of the Demerara High Rise Bridge project, which is a hallmark initiative. It successfully relocated those residents to developed areas such as Peter's Hall, Providence, Covent Garden and even Farm right on the East Bank of Demerara. These areas are therefore accessible and so construction to the relocated areas could have commenced immediately by all of those persons. The Government ensured...Let me repeat: the Government ensured that all those residents affected, who had to move, were compensated adequately and not disenfranchised. This approach reflects our broader goal of advancing national development without neglecting the individual welfare.

Let me quickly outline the timeline on some of the interventions that were done. The interventions included in this effort reflect the structured and sustained efforts made by this Government to process, both in a transparent and equitable way...They were supported through continuous engagement, infrastructure upgrades and adequate compensation. In March, 2022, an initial engagement was done with those residents, including a preliminary inventory exercise. By July, 2022, valuation requests for the buildings and the lots identified for acquisition were submitted by the Valuation Office. May I remind you of what Minister Edghill referred to or added that, after that process, private valuers were sought, and it became political. This is because wearing both hats of a political person and private person, another valuation was done at three times the value. [Ms. Manickchand: Who did it?] It was

the Hon. Member Patterson. In October, 2022, after all of what I have just said, at a ministerial level, engagements were done with those residents. We had preliminary and technical, and now we are at the ministerial. In January, 2023, the next year, further discussion on the valuation was done with those residents. Another engagement at a ministerial level took place in February, 2023. In March, having gone through and identified relocated areas, where possible, the acceptance started for the relocation to the areas that I mentioned: Peter's Hall, Covent Garden, Farm, *et cetera*. By September, 2023, along with the Attorney General's Chambers and the Ministry of Public Works, another engagement at the ministerial level was done. We continued to have follow-ups to address concerns that came up by those residents.

In October, 2023, the Attorney General's Chambers, recognising that we were still at a delayed process simply because, as I said, persons were encouraged not to engage or further accept, then took a further step by assigning lawyers to individually speak to each one of those affected persons. By yesterday, we completed all the processes that were involved, including the legal process for those who challenged in court. For now, as of this point, this relocation process is now closed at a Government of Guyana level. We have even completed the challenges that were done in the court.

This Bill, therefore, is not merely about the acquisition of land for public purposes. It is about progress; it is about fairness; it is about a responsible stewardship of resources. The projects undertaken under this process, whether highways, housing schemes or other infrastructure, are vital to our national development and economy. The amendment will provide a more streamlined process for acquiring lands, essentially for public infrastructure projects – better roads, bridges, schools and even hospitals. These developments are not just a matter of convenience. They are the foundation of equitable access to services, connecting communities and driving sustainable economic growth. In regions where infrastructure development was delayed due to disputes over land ownership or access, this Bill will enable the Government to act decisively in the public's interest, while ensuring that fair compensation is done to the landowner.

An assessment on land use in Guyana will show large areas utilised or concentrated in private hands. This amendment will empower the State to reclaim lands for public purposes, such as housing, agriculture and community development. By redistributing the land access in a fair and structured manner, we are fostering inclusivity and empowering Guyanese to contribute to national development. We must acknowledge that our land is not just a resource but a heritage.

This Bill strengthens the State's ability to protect critical ecosystems and even biodiversity by designating lands for conservation, reforestation and even ecotourism. It positions Guyana to meet its climate change commitments by ensuring that we can acquire for utilisation for sustainability, safeguarding them against exploitation and degradation.

Through this amendment, the Government is ensuring that acquisition processes are governed by the principles of, and I repeat, fairness, transparency and accountability. It provides a clear guideline on compensation for landowners and the conditions under which acquisitions occur. This will build public trust and reduce conflict or litigation over land disputes. I understand that some may raise concerns about the State's intention. Let me assure this honourable House that this Bill is not about overreach, but it is about balance. It ensures that the State can act decisively in the public interest while protecting the rights of landowners through a fair process. This amendment is not a threat to private ownership, but a safeguard to ensure that land is used responsibly for the collective benefit of all Guyana. These amendments will simplify and expedite the land acquisition process and reduce bureaucratic hurdles that often delay infrastructure projects. It balances the interest of property holders with public needs while promoting an equitable approach that considers social justice and the need for development. I can confidently say that the proposed amendment aligns the Acquisition of Land for Public Purposes Act with national development goals, particularly those related to improving transportation and housing-related infrastructure, which leads to overall economic growth. I stand here, therefore, firmly in the support of these amendments.

In conclusion, the Acquisition of the Lands for Public Purposes (Amendment) Bill 2024 is a forward-thinking piece of legislation that ensures our land resources are managed effectively, equitably and sustainably, and it aligns with our national vision of inclusive development, environmental stewardship and social justice. I therefore urge the Hon. Members on the other side to recognise the critical importance of this Bill and to lend your support to its passage. Together, let us all lay the groundwork for a Guyana that thrives not just today, but for the generations to come. Thank you. *[Applause]*

Ms. Ferguson: Mr. Speaker, a pleasant afternoon. May I join you and other colleagues in extending my deepest sympathy to the young, Indigenous brother, Mr. Ridley Joseph, who passed a few days ago. Let me also, as I am on my feet and since we are in a happy moment, the Christmas season, extend my personal greetings to all Members of this House. We all must remember the reason behind the season. With that being said, Mr. Speaker, I thank you very

much for giving me the opportunity to make my contribution on the Acquisition of Lands for Public Purposes (Amendment) Bill – Bill No.16 of 2024. Being truthful, I do not intend to be too long because I think many of the Opposition's concerns were well elucidated by my former colleagues, Mr. Mahipaul and also brother Henry.

2.42 p.m.

When I say former, Mr. Speaker, you understand what I am speaking about; I am speaking about the former speakers who came before me. I must admit also that when this Bill was laid in the National Assembly, my first impression was why now. That was my first impression – why now? Also, why is it that the Government did not hold public consultations to ensure that what we are experiencing out there currently with the many voices... [Mr. Nandlall: What

are you experiencing?] You know very well. There are concerns that members of the public have with regards to these amendments. I guess if the Hon. Attorney General and his other colleague, Mr. McCoy, had done their work to ensure that the public was well informed, just as they shared here earlier today, I do not think we would have had the public outcry with which we are faced today. Guyanese are of the belief that their lands, whether ancestral or privately owned, are under threat by this Government.

Mr. Speaker, the other point that I wish to raise here is based on my colleague, the Hon. Mr. Croal, who made a point earlier that in the interest of development, they had to access the lands running parallel to Mandela, Eccles and the continuation of the Heroes' Highway to Great Diamond. Again, we recognised and observed how the residents of Cane View were treated. The question I have for the Hon. Attorney General is – why is it that the Acquisition of Land for Public Purposes (Amendment) Bill was not brought to the National Assembly in 2023? Why is it only in 2024? As I said before, when this Bill was laid in the National Assembly, I realised what the Government was up to. Mr. Speaker, you would recall where this People's Progressive Party/Civic is now constructing the new Demerara Harbour Bridge was never the intended project site to construct such a model infrastructure. Mr. Speaker, you know what a caring Coalition Government did. We had a feasibility study done. The feasibility study showed that the prime area for such a project would be the Houston area. In that feasibility study, it was found that one resident would have been affected. I think the Coalition Government had engaged that property holder. Fast track to 2020. When they came into power, they promised Guyanese that they were going to construct this bridge by 2024. We are now hearing that the

project is going to run into 2025. What they failed to do was a feasibility study which would have determined how many residents in that Peter's Hall area would have been affected.

I am aware that the private owners are not averse to moving or they are not against national projects. What they are against is the Government's approach – the bullyism that was used to force people off their lands. We heard about eminent domain; we heard about many of the lands being Government owned and it is only owned by a private person once he/she has a title, lease or transport. We, on this side of the House, knew exactly what was happening to the residents of Peter's Hall because they reached out to us and they said to us, look we have no difficulty in moving. What the Government did was move in on them and said that because of the construction of this bridge, they had to move. Mr. Speaker, I recall there was one resident... [Mr. McCoy: Was it one alone?] It was one resident. That resident did not have a copy of his transport. When I engaged that resident, I was able to acquire a copy of his transport.

On 27th of last month, I visited that resident, and I heard his cry. I believe the agencies – whether it is the Ministry of Human Services and Social Security, which should be a ministry with love and compassion – should have been working closely with the Ministry of Public Works and also the Ministry of Housing and Water. Mr. Speaker, you would recall, as the Hon. Member, Mr. Mahipaul rightfully put, land is sentimental; land has value. Then again, when persons are attached to their lands, I believe if the Government had to acquire these lands, things could have been done in a more mature way. We know that you have to relocate. We know that the children will be disturbed. That very resident said to me that they have been living on that land since 1975, and in the 49th year, he was forced to give up their land. We have so many Social Workers in this country, but they were not able to work with the families so, at least, their minds could have been prepared when it came to them having to relocate. With this new amendment, I am hoping that the Government will see the wisdom in what played out in Peter's Hall. For future development, we will not see a repeat of what occurred in Peter's Hall and Cane View.

The other issue with the initial amendment had to do with adequate compensation. Just before that meeting yesterday, that was another concern for me. How I read the amendment of the Bill is that the Minister of Legal Affairs will determine what is adequate compensation. Therefore, a private citizen would not have the benefit of seeking valuations from other competent valuers. Yesterday, that was clarified. I think many of the points that we raised were addressed. The Hon. Attorney General said that those things were going to be amended. I am

happy to see that there is an amendment to the initial amendment which will address the concerns of the Opposition. The reason we are calling for this Bill to go to a Special Select Committee is to ensure that many of the concerns of our residents and the people out there Ancestral land is a big topic of discussion right now because citizens feel that once this Bill is passed, the Government can move on to their lands by tomorrow. Now, once this Bill is taken to a Special Select Committee, I believe that all the people out there who have concerns can come before the Committee and make their proposals known. Even if we miss something as lawmakers, the recommendations – their proposals – can be taken into consideration.

We had a situation with the Planning and Development Single Window System Bill. We had issues with that Bill. We felt, as an Opposition, that we had amendments that could have strengthened the Bill. The Government agreed with our proposal that the Bill should be sent to a Special Select Committee. We worked collectively and we worked tirelessly. Many of the amendments that the Opposition proposed, the Government did not take those into consideration. Although we are debating this Bill on this 18th day of December, 2024, I believe the Government still has some time to consider the proposal of the Opposition for this Bill to be sent to a Special Select Committee so that we can hammer out the issues and get the voices of our people to be a part of it. We understand the nature of these people across there, Mr. Speaker. It is either their way or no way.

Mr. Speaker, I would like to join with my colleagues and ask the Government to consider our proposal to send this Bill to a Special Select Committee. We could tie it down to days – probably two or three weeks – so we could get other persons. Those who have ancestral lands and do not have titles, leases or transports to those lands can come before the Committee and present their cases. Then, the Committee will be able to say to them if their proposals can be taken into this particular amendment. With that being said, I join my fellow colleagues, and I am calling on the Government to concede to our request by sending this Bill to a Special Select Committee. With that being said, Sir, I wish to thank you very much for your attention.
[Applause]

2.57 p.m.

Minister of Labour [Mr. Hamilton]: Mr. Speaker. Mr. Speaker, the public listening to this debate and what is being said by the Members on the opposite side would believe that the Acquisition of Lands for Public Purposes Act is now being enacted. The public will not know that this piece of legislation existed since 1914 and had amendments in 1972, had amendments

in 1975, had amendments in 1990, and another amendment in 2001. Now in 2024, it is having amendment number five. The Opposition is making it out like the PPP/C Government is bringing a legislation here that has never existed. [Mr. Ramjattan: (*Inaudible*) bringing.] Amendment, Mr. Ramjattan, you are a lawyer and so you must know better. The Act was here since 1914. We are debating an amendment to the Act. The point I am making is that the Opposition is speaking as if we are now bringing a principal Act in 2024 and not an amendment. That is the point I am making. It is an amendment that we are debating.

I have been in this National Assembly since 1998 and the worst set of Members of Parliament (MPs) I have had to endure are those who have been sitting on the opposite side since 2020. When I hear the Opposition Members speak, in and out of the National Assembly, somehow, I am reminded of a song some years ago, which was sung by Lord Nelson. When I hear the Opposition speak, they just make things up. They stand before you and make these things up. Mr. Mahipaul, I do not know if you are old enough to know the song by Lord Nelson called *King Liar*. [An. Hon. Member (Opposition): Joe, you are a liar.] L-I-A-R. I do not want to sing here, but I will read the first verse of this song so that I can frame my conversation around it. It states:

“I know some of you wouldn’t believe me

But if ah lie, ask my good friend Mackie

It was a big lying competition

To see who they will crown as lying champion

Liars from all parts of the West Indies...”

They said...

Mr. Speaker: Hon. Minister, please.

Mr. Hamilton: [*Inaudible*]

Mr. Speaker: Yes, but I am asking you to desist. Please, no more reference to that word.

Mr. Hamilton:

“...from ...foreign countries

From a field about a thousand or so entries

In two days, it boil down and leave just three.”

I come to the Hon. Leader of the Opposition. This is what he said not so long ago. He stated:

“When we were in Government, you could have paid somewhere between \$1,500 for a bottle of gas. It is now like \$5,000.”

Do you see why I remember Lord Nelson? [An. Hon. Member: What did he say?]
He said:

“When we were in Government, you could have paid somewhere between \$1,500 for a bottle of gas. It is now like \$5,000.”

He was staring into the camera. Do you see why I remember Lord Nelson? Then, not so long ago, the Hon. Dawn Hastings-Williams said on social media:

“...speculated that Toshaos critical of government policies may be deliberately targeted, urging the Government to listen to constructive criticism rather than dismiss it. “God help us in this country. It seems now like Toshaos are being targeted, especially those who speak out against the policies of the Government.””

Do you see why I have to remember Lord Nelson? Then, just two days ago, another gentleman, who presents himself as a presidential candidate, stated:

“50 Warwau persons were encouraged by a high ranking government...”

[Ms. Hastings-Williams: Indigenous (*inaudible*)] So, Mr. Nigel Hughes is indigenous. I am now learning something.

“...by a high ranking government official to travel to Georgetown to get government assistance. They pooled their resources travelled to Georgetown only to be left stranded in Church Street. We are providing support and are currently working on accommodation.”

There are about five untruths in these couple of paragraphs. Since this debate started, it has been fabrication after fabrication, and it has nothing to do with the Bill. Importantly, the Opposition has regularly called for us to work together amicably. How do you trust people who, 24 hours ago, sat down with the Attorney General and Minister Teixeira, paid attention

to this amendment, agreed what must come to this National Assembly and then 24 hours after, come to this same National Assembly and pretend that the meeting did not happen yesterday? Suddenly, everything the Opposition agreed to yesterday.... Now, they have come to the National Assembly to speak to the public and trying to suggest that they never agreed to these things. Then you say to us that we must work together amicably. People have to trust you. You have not worked it out, even after four and a half years in Opposition, that the reason you got kicked out of government was because the Guyanese people did not trust you. You have not worked it out as yet. You sat with the Government; you agreed; you accepted the explanations given by the Attorney General; and then you come here and cry *crocodile tears*. [Ms. Lawrence: Joe, have you repented as yet?] I would urge all People's National Congress (PNC) *kavakamites* to leave me alone. Please leave me alone. I have forgotten about you all for a long, long time.

Mr. Speaker, on Sunday, the fringe elements had a *caucus*. On one side was the Opposition politicians, and on the other side was the fringe elements. On Sunday they had a caucus. When you listen to what they said, it is like it is written in the Bill, Mr. Attorney General (AG), that you would take away ancestral lands. [Mr. Nandlall: Africans' lands.] Africans' lands. That is what they basically said. It is nothing of that sort. [Ms. Lawrence: They never said that.] Oh, they never said that. [Mr. Nandlall: The entire programme was about that.] The programme was about that. Yesterday, Mr. Speaker, to build up on the conversation they had Sunday, this is what was said by one, Mr. Vincent Alexander, on this amendment.

Mr. Speaker: I want to caution you there. He is not here so please do not quote.

Mr. Hamilton: (*Inaudible*).

Mr. Speaker: Mr. Alexander is not here. Do you want me to stand, Minister?

Mr. Hamilton: A (*inaudible*) reported:

“What is of concern now is that the acquisition is taking on some interesting angles. For example, the bill talks about prompt compensation, which means that it does not allow for a period of negotiation and so, people can be short changed in the process of compensation. The bill speaks about interested party coming forward and the minister determines who is the interested party.”

It went on to state:

“So, people who have squatted, people who have sought to get prescriptive title can come forward when an attempt is made to acquire and they can then be treated as if they are the owners.”

He is suggesting that this thing has no process, even when the Judiciary is a participant in it. He is speaking to the people by saying things like this. Then, another gentleman:

“Meanwhile, at a press conference today, General Secretary of the Guyana Trades Union Congress (GTUC), Lincoln Lewis called for the Bill to be shelved to allow for nationwide consultation.

He said in its current form, the Bill has serious implications for ancestral lands.”

[**Ms. Teixeira:** Joe, ask what has happened to the Commission of Inquiry (COI) on ancestral lands.] Mr. Speaker, they went on to say that the David Granger Administration’s Land Commission of Inquiry had set out to do just that.

3.12 p.m.

However, the initiative was aborted by the ruling Party. Five years in government; if you wanted to do it, you would have done it. You spent five years on boxes time. Five months, if you wanted. Today is a significant day for the people over there. Today is 18th December. I really do not drink but I took a shot downstairs. Five years they were in Government and they have all these concerns now. Then, the Guyana Trades Union Congress’s (GTUC) General Secretary went on to say that the GTUC sees this Bill as a move by the Government to legitimise land grabbing. Do you see why I think about Lord Nelson all the time? When you listen to these people... The Members came to the House and said, let us take this Bill with these two amendments to the Special Select Committee. They are attempting to say, let us go spend two months just to debate, as the Attorney General said, about two words. [**Mr. McCoy:** Prompt and adequate.] Yes. That is what they are saying this Bill must go to the Special Select Committee for.

Yesterday, they had the opportunity. They agreed. The Opposition came today and spoke to the public as if they were not partied to the discussion that happened yesterday. I am told that everything is scuttled because two persons demanded that they were not [**Ms. Teixeira:** (*Inaudible*)] Yes, so that is the issue.

What are the features of the Amendment? The feature of the Amendment is, as the AG said, adding couple of words. The other important thing is that when one listens to the Opposition speak, they give the impression as if the acquisition of lands for public purposes is a legislation invented by the People's Progressive Party/Civic. If you go to sophisticated countries, developed countries... The AG went to the CARICOM countries. He went to the Caribbean. I am trying to go further afield. In Australia, there is a Land Acquisition Act that was enacted in 1989. Some of the same features, as regard to advance payment, are similar to Guyana that are proposed in the amendments. The Australian Act allows advance payment for up to 90% of the compensation amount after acquisition. The advance can be made upon application by the landowner and requires proof of ownership. This is the same thing this Act states. It talks about encumbrances. The AG spoke to if a mortgage is on the property. The United Kingdom (UK) has a Land Compensation Act enacted in 1973 with a similar provision.

In the research, India talks about a case that went in front of one Judge Mukherjee and he was dealing with it. The justification for acquisition of private property for public purposes is that the interests of the public are paramount and that private interests have to be subordinated to public interest. This is not Mr. Nandlall saying that; this is India where a Judge was determining a case. Public interest must be subordinated to the necessities of the Government. The Judge went on to say; it is a right inherent in every serving to take the appropriate private property belonging to individual citizens for public use. This thing you are trying to make out, like if this is a PPP/C's invention or something alien to the world. Jurisdictions across the globe have similar legislation. The Judge went on to say this; the right which is described as eminent domain in American law is like the power of taxation, an offspring of political necessity. It is supposed to be based upon an implied reservation by government that private property acquired by its citizens under protection may be taken or its use controlled for public benefit irrespective of the wishes of the owner.

Do not make it out, Mr. Ramjattan, as if this is a PPP/C invention. Jurisdictions that the developing world look to have similar legislation. The Attorney General and my Colleague, Mr. Collin Croal, dealt with the present cases before the court. The Attorney General outlined the protection of citizens under the Constitution. Mr. Henry was reading parts of the Constitution and he is talking about the other law. The other law he spoke of is what we are debating. He really does not even understand that. That is what we are debating. This conversation that the Opposition is attempting to have out there, to skew an amendment to an Act that existed since 1914, is really reckless. We will do everything in our power to ensure

that we say to the Guyanese people that all that is happening here is the fifth amendment to an Act. It is not a PPP/C invention.

Finally, I would say to my Opposition Friends, you cannot discuss cooperation and collaboration when we cannot trust you. It is simple. I sit with you and that is a propensity. I will give you two examples. Dr. Anthony, you will remember this. There was not a clear winner one year in Region 4 and there was a discussion of a rotating chairmanship. There was not a clear winner in Bartica and there was a discussion of a rotating mayorship and, of course, Georgetown. That is the attitude, the history and the evidence that the People's National Congress/Reform (PNCR), A Partnership for National Unity/Alliance For Change – one caboodle. Same people; same attitude. They sit with you as a Government, agreed to think... How could I forget this one? They sat and decided the electricity rate in Linden. Days of meeting at the Office of the President, shepherded by then Prime Minister, Mr. Hinds, agreed, came to the National Assembly and while the debate was happening, they called Linden and stirred up people, which caused people to lose their lives. We, on this side of the House, as a government... *[Interruption]*

Ms. Teixeira: Mr. Speaker, I think what the...

Mr. Speaker: Hon. Minister Teixeira, I did not hear you.

Ms. Teixeira: *[Inaudible]* very serious, by claiming that someone has blood on their hands and that they kill the people. Is that acceptable in this House?

Mr. Speaker: It is not but I did not hear it. Thank you, Minister.

Mr. Hamilton: Let me say finally, the People's Progressive Party/Civic Government will have the type of interaction with you when you change your ways. You cannot sit with us, agree with us, come to the National Assembly and change your mind because of your own political ruckus. We are elected to govern as we have done. We will continue to govern this country. We will continue to give service and benefits to the people of this country with or without you. We have shown that over the last four and a half months. The amendments are not going to a Special Select Committee. The amendments will be passed here today, on Mr. Charrandass Persaud's Birthday, 18th December. Mr. Speaker, let me say I support fully the amendments that were brought to this Assembly.

Mr. Speaker: Mr. Duncan, we were talking about certain words, please.

Mr. Hamilton: Mr. Speaker, let me say finally, I fully support the amendments brought to this National Assembly, by the Hon. Attorney General. Thank you, very much. [*Applause*]

3.27 p.m.

Mr. Speaker: Thank you, very much, Hon. Minister. I have been hearing a lot of words which I do not entertain in the House. I am asking people to desist. Another matter is, when persons say “you”, whether they are speaking from the microphone or I hear a heckle, “you” normally refers to the Speaker because they speak to me. I get a lot of blows, but my skin is thick. Although this might be the worst Parliament ever, I am still the Speaker. We can object to many things being said but once the speaker says “you”, I take it as being “me”. If I get very offended, I will rise. When an Hon. Member is named by anyone in the speech, then I will intervene. The next speaker is the Hon. Member, Ms. Walton-Desir.

Ms. Walton-Desir: Thank you, Mr. Speaker. I rise to make my contribution to the debate. I must say from the outset that I regret depriving the Hon. Attorney General of my presence. It appears as if he draws inspiration from my presence. I noticed that the Hon. Member took the time to lament my absence from the Chamber this morning and from the meeting yesterday. Given his performance this morning, I can only conclude that my presence perhaps inspires him because he did not come across as cogent as he usually would in the circumstances. Accept my regrets. I understand that you missed me and it is deeply appreciated.

I heard the entirety of the Attorney General and Minister of Legal Affairs presentation. In hearing his presentation, I realised that it is either that the Attorney General and Minister of Legal Affairs does not get it or he cannot sell it. It is either of the two things. I will come to that in a moment. I have to refer to comments made by the speakers before me, particularly, the Hon. Member, Mr. Croal. Mr. Speaker, I think my microphone is somehow cutting off. He stated:

“...treated with dignity and respect”.

I could not help but wonder if this is Mr. Croal’s treatment of the people of Guyana with dignity and respect. Please, do not because the citizens of Cane View Avenue in Mocha Arcadia who had their properties bulldozed, who had some of their livestock attempted to be buried and who were beaten by police... Ms. Shevon Eastman was face down on the ground in the mud. The Hon. Minister has the gall ...

Mr. Speaker: Hon. Member, I normally keep quite abreast of what is happening. These incidents that you are referring to escape my memory. You would have to provide some evidence for me, please.

Ms. Walton-Desir: Mr. Speaker, ...

Mr. Speaker: Sorry, press the microphone again.

Ms. Walton-Desir: Mr. Speaker, as is the practice of this honourable House, when a fact is in dispute, you usually invite Members to lay the evidence to the House. In the circumstances, I will be happy, very happy to lay over that evidence to the House and refresh your memory accordingly. I guarantee you that the people of Cane View Avenue have not forgotten. Do you know what is galling about it? This is why I smiled when the Hon. Attorney General and Minister of Legal Affairs came and told us that the people of Guyana must trust them and that their homes are in the path of the road. The road is completed now and we see very clearly that the people were never in the path of the road, but we must trust them. They will not, with any modicum of decency, afford the residents of Mocha Arcadia the use of that land. Do you know what they will do? They will sell it to the triple F' mafias – their friends, their families and their favourites. They come to this House and tell people about *One Guyana*. If all of you are serious about *One Guyana*, revert those lands to the people of Mocha Arcadia. Let them have it for their use and benefit. Then, we will know that the Government is serious about the welfare of the people of Guyana. Outside of that, you are *sounding brass and tinkling symbols*.

There was another comment made by the Hon. Member, Mr. Croal. The Hon. Member emphasised that the people in Mocha Arcadia were on the reserve in Cane View Avenue. He said, "it was a reserve". I want to bring to the Hon. Member's remembrance, the 76 informal squatters at Greenwich Park Railway Embankment and Uitvlugt Railway Embankment. The day before they were bulldozing properties in Mocha Arcadia and the day after they were handing out titles to these people on the same embankment. That is the problem that we have. They come here to tell us to trust them. In their very administration of the law, they lack the ability to have their conduct confirmed to the requirements of the law, yet we must trust them. I want to remind the Hon. Member because I made some notes ... Let us look at Success. Let us look at Hill Foot. I referenced Cane View. Let us look at Amelia's Ward. Let us look at Sarah Johanna. Juxtapose those against the treatment of squatters in the Conservancy Dam. Even though they were on the Conservancy Dam, they were given light and water ... **[Mr.**

Duncan: In the Conservancy Dam?] In Conservancy Dam. They come here to tell us that we must trust them with the administration of this law.

Mr. Speaker, you have to understand why Guyanese are animated. It is because time and time again, Guyanese, particularly Afro-Guyanese, have been disadvantaged and dispossessed by this Government. I have zero apologies for stating it because it is a fact. Let me tell the Members on the other side, all of you come to this House... If we speak about the dispossession of lands, we are somehow racist. I will address that in my substantive presentation. Right now, I am pointing out just the rank... I do not think we could use the word “hypocrisy” but it is the most fitting word that I could come up with. [Mr. Mahipaul: They are two-faced.]

They are two-faced. ...fork-tongue approach of the Members on the other side. It is so rich to get a lesson on trust from Hon. Member Mr. Hamilton. That has to be the joke of the day that the Hon. Member, Mr. Hamilton, is coming to lecture us on trust. Anything else, Mr. Hamilton – polourie or plantain chips – but not on trust. You cannot lecture us on trust. I note the Hon. Member, Bishop Edghill, was boasting that, as part of their efforts to outreach to people, they were helping with rent of up to \$150,000. There is such a disconnect between this Government and the man in the street. One hundred and fifty thousand dollars is the cost for a one bedroom apartment in Providence. For him to come here and boast that they are relocating families who have been living in three or four bedrooms houses and supporting them with \$150,000 is so far removed from the reality of what our citizens are facing. It does indicate a disconnect. I wanted to address those points, Mr. Speaker.

I want to say here again today, as I said on the last occasion when we passed the Data Protection Act ... [Ms. Teixeira: The Open Data Bill.] The Open Data, thank you, Hon. Member. I appreciate that. [Ms. Teixeira: You are welcome.] On the last occasion I bemoaned the fact that the Hon. Attorney General and Minister of Legal Affairs lost an opportunity. He lost an opportunity to implement ... [Interruption]

Mr. Duncan: A Point of Order, Mr. Speaker.

Mr. Speaker: There is a Point of Order from the Hon. Member, Mr. Duncan.

Mr. Duncan: Hon. Speaker, I am hearing a lot of racial epithets coming from the Hon. Member, Mr. McCoy.

Mr. Speaker: That is not a Point of Order. I thought you were objecting to something your Member just said. Go ahead, Hon. Member Ms. Walton-Desir.

Ms. Walton-Desir: Thank you, Mr. Speaker. I am quite confident that Mr. Duncan would not object to something that I have said. As I said, when we passed the Open Data Bill, I bemoaned the fact that we lost an opportunity to implement for Guyanese, a really progressive framework. Today, this is my anxiety again. The trouble that I have with our Attorney General and Minister of Legal Affairs is that he has a tendency to continuously approbate and reprobate. It is problematic. I have heard the Hon. Attorney General and Minister of Legal Affairs say many times that we are shedding the shackles of colonialism and we are moving forward. Here, the Hon. Member comes to this House to say to us that this is a power that has been reposing the Government since colonial times and that it is not something that he invented. We are aware of that. We are also acutely aware that the Government has a duty and the power to implement frameworks that are progressive which are in keeping with where we are as a country. They like to tout that Guyana is rapidly developing but every opportunity that they get, Mr. Speaker, you will see them prioritising State power over their people and that is problematic. I want to say to us today that this amendment...Of course, it is an amendment. It is operating within a larger legal framework. There is a substantive Bill that is decades old. This opportunity...
[Interruption]

Mr. Speaker: I have to again, caution Mr. Duncan with respect to the words he is using. If you need an early exit, Hon. Member Mr. Duncan, you do not have to get my permission.

Ms. Walton-Desir: Mr. Speaker, will I get back my time? May I proceed, Mr. Speaker?

Mr. Speaker: [Inaudible]

3.42 p.m.

Ms. Walton-Desir: Thank you, Sir. The reality is that progressive legal frameworks are not luxuries. They are the cornerstones of a fair and just society. They ensure that development does not come at the expense of people's rights, of their dignity and their livelihoods. I repeat that. Progressive legal frameworks are not luxuries, they are the cornerstones of a fair and just society, and they ensure that development does not come at the expense of people's rights, dignity and livelihoods. For the time that we are in... Mr. Speaker, I heard the Members on the other side heckled about the preparation of my speech. I want to assure the Hon. Members that my first degree is from an accredited university. [Mr. Mahipaul: Then you have a master's too.] Also, the master's degree, Sir. All are from accredited universities so let there be no doubt as to my ability to prepare my speech myself. I will continue by saying this, we have to

understand the gravity of what we do in this House. In this time where we are facing unprecedented growth, these progressive frameworks... I will continue to harp on it for as long as I am a Member of this House because the people of Guyana deserve this. They deserve laws that are progressive and will take our people into the future. That is what they deserve. We are not coming here for cheap talks, theatrics, who will stay on that side and who will stay on the other side. The people of Guyana are tired. They need us to work to put together a proper legal framework that will safeguard their rights and dignity.

I want to say, there are a couple of issues that I have with the land acquisition framework that currently exists in this country. These are very glaring flaws that we ought to have taken the opportunity to correct. The first one, the current legal framework neglects social and emotional loss. I heard the Hon. Member, Mr. Hamilton, referenced a legislation of Australia. This is why I continue to be troubled by their approach to the welfare of the people of Guyana because that very legislation that the Hon. Member, Mr. Hamilton, mentioned makes social and emotional loss a priority to the degree that the Act requires that this be evaluated and a monetary sum allocated for that. The Hon. Member, Mr. Hamilton, did not mention that and conveniently forgot to tell the honourable House that. We have to understand – the Members on the other side said it – land, for most people, is more than a physical space. It is home. It is identity. That is the mango tree that I climbed on when I was five. This is where I fell and broke my hand. You heard the Hon. Member, Mr. Croal, spoke of all of the roads, all of this and all of that, and they failed to understand the human component. It is not a surprise because this continues to be a Government who prioritises concrete over care.

This current legal framework, the Amendment and the Principal Act – all of it – perpetuate structural inequalities. [Mr. Indar: (*Inaudible*)] Mr. Speaker, I would suggest that the Hon. Member, Mr. Indar, concerns himself with the poles that are collapsing on Aubrey Barker Road. I would suggest you concern yourself with that and do not worry about my turn of phrase. All of your poles are falling and that ought to trouble you. The current legal framework perpetuates structural inequalities as this. We talked about market-based valuations, Sir, but these valuations fail to account for systemic disparities. There is a tendency and there was a study in the United States of America that bore this out where authorities tend to undervalue properties owned by minority communities. How do we safeguard our people against this? We like to talk about the law but it is animus behind the thing that we have to be concerned about. If a country has the best written laws and a government without the spirit and intent to uphold them, we are wasting time.

How do we, as a community, address the historical underinvestment in these areas? We talked about evaluations that are going to be there, *et cetera*, but are we looking at the equitable nature of those guidelines that will guide those valuations, which will make sure that if I am living in Mocha Arcadia my land does not continue to be undervalued because of its location? This is the type of debate that we ought to be having in this House. There is, the Minister, – What is his name? It is so forgettable – Mr. Hamilton who talked about trust and all sorts of why you will be here and why you will be there; this is serious business. People are understandably anxious. We have to put in place mechanisms that will address the opacity of the valuation process. To the degree that the Government is content to ignore all of these implications is the degree to which they are not serious about this. It is the degree to which they are saying to us that they prefer to be concerned about power over the welfare of their citizens. This is why Hon. Member Mr. Hamilton can come and say, ‘oh, it will be passed’, as if that is some sign of... I looked at him and the scripture came to mind: *Why do the heathen rage and the wicked imagine vain things?*”

If there is no lesson to be learnt from Syria, is it not that one cannot just do what one likes for as long as he/she like? Do we not get it? There are other nations who have shown us how to achieve this progressive bent. Let us consider some examples; let us look at New Zealand. Under the Public Works Act, extensive public consultations and environmental impact assessments are mandatory. We, on this side, are often accused of liking studies. Could a person imagine that we are being castigated for wanting to study, do social impact assessments and environmental impact assessments? Could a person imagine where we are as a House and as a nation when the Government is going to accuse us of wanting to do too many studies? God help us. God help us. The lesson here for Guyana, I think, is that we could safeguard the cultural and ancestral aspects of our communities and ensure that their voices are central in the acquisition process.

Mr. Speaker, let us go to Australia as the Hon. Member mentioned. Australia, of course, has a framework for Indigenous lands that prioritises free prior and informed consent. Of course, that is mirrored here in the various provisions of our Amerindian Act. To a large degree, as it relates to Indigenous lands, we have achieved that. The question arises whether we need to take that further to look at ancestral lands, particularly in the context of the lands purchased by freed slaves. We have to have compensation frameworks that go beyond monetary value. Everybody is saying, yes, oh fair market value. Absolutely, but we want to drive the point home that this

goes beyond the price of your house. It is about your home. It is about your ties to the land and the community and that has to be contemplated.

We have to, for example, consider Germany. Germany has a provision that says independent tribunals, not the Minister, oversee acquisitions and that protects the Government from accusations of bias and lack of transparency. It is something that we have the opportunity now that we are revising this framework to implement. There is nothing preventing the Government from doing it – absolutely nothing.

Let us look at Canada. Canada's Expropriation Act ensures comprehensive compensation including relocation costs and emotional damages. Of course, it provides accessible legal resources for affected parties. These frameworks are there for us to draw from. They do not require reinventing the wheel. They require the political will from a Government who must understand that the welfare of the people must be paramount.

Behind every piece of land that the Government will seek to acquire they are real people. There is the Farmer who loses his soil. There is the small business owner who is forced to relocate after having built a clientele for many years in this area. There is the village elder who sees ancestral lands taken and centuries of culture being erased. It is in that context I want to talk to us about African ancestral lands in our country. The purchase of villages by freed slaves in Guyana is a significant chapter in the country's history and a testament to the determination and resilience of formally enslaved Africans. After Emancipation in 1838, freed slaves who were released from that brutal plantation system pooled their resources to purchase land and establish their own communities. This movement marked the beginning of the village movement and it is a critical step to the economic and social independence, not only for the Afro-Guyanese people but for the country of Guyana. The purchase of villages by freed slaves is a cornerstone of our history. It symbolises resilience. It symbolises independence. It symbolises the pursuit of economic freedom.

As we consider this Bill today, we have to honour that legacy. We have to honour it. Freed slaves invested their hard-earned savings to build self-reliant communities. Their struggles for land ownership is a reminder of the deep historical and cultural significance of land to our society. It was symbolic of community engagement. Just as those villages were built through collective effort, any acquisitions of land must involve meaningful consultation with affected communities ensuring that their voices are heard and respected. I heard the Hon. Member, Mr.

Nandlall, spoke of one Member should not hamper development but, is that not the essence of equity that you meet me where I am and you meet my needs as you find me?

Fair compensation – compensation should not only reflect the market value but the cultural and historical importance of the land. This is important to preserving trust and justice. There are trees in this country from which my ancestors were hung and that has to mean something. It has to mean something. We must prioritise minimising disruption to communities and maintaining their structures by ensuring development benefits rather than displacing those affected.

3.57 p.m.

We have to preserve the heritage, the lands of historical significance such as burial sites; sites from which slaves were hung must be preserved; and we must ensure that they are preserved in our national development goals.

Finally, sustainable development: I heard the Hon. Member Collin Croal speak about sustainable development. Nowhere in this proposed amendment or in the existing legal framework is there a reference that mandates the Government to take into account sustainably developing these communities – none. If we are serious, it cannot be a matter of discretion.

Finally, reparative justice: Integrating historical awareness into our policies allows us to address past injustices and promote equity, particularly for historically disadvantage communities. By approaching land acquisition with fairness, with transparency and respect for our history, we not only honour the sacrifices of our ancestors, but we also lay the foundation for a more just and inclusive Guyana.

In conclusion, I want to say this to us: We often talk about this idea of Guyana being the land of six races and we count it as a beautiful thing, and it is a beautiful thing, but with that beauty, comes a burden. That burden is that every group has to be met where they are – every group. It must ensure that no race or community is marginalised, especially in matters as fundamental as land acquisition.

Finally, in this context it means, of course, equity in accessing opportunities. Land acquisition policies must be designed to ensure fair treatment for all communities, irrespective of their race or ethnicity. This includes transparent processes, equitable compensation, and support for those affected. Two, we must preserve the heritage. Land tied to culture or historical identity of any

racial group must be respected and protected. This legacy of each group is a part of our collective heritage, and preservation is vital. Public projects on acquired lands must directly benefit all communities. Infrastructure, housing, or services developed, should not disproportionately favour one group while excluding another. Historical patterns of land ownership must also be carefully reviewed to avoid perpetuating the inequalities that could leave particular racial groups at a disadvantage. Cultural sensitivity and decision making requires that this Government engage communities in meaningful consultation and consider their unique concerns and traditions when acquiring land.

Finally, we could promote unity through fairness. By ensuring that our land acquisition policies are inclusive, that they are just, we can strengthen national unity and demonstrate our commitment to the equality of all races. Something like this Land Acquisition Act presents to this House the opportunity to demonstrate its commitment to fairness, to equity, to equality. In essence, embracing the diversity of our six races it means embedding fairness, inclusion, and respect into every decision we make about land, because the land is a shared resource that must benefit every Guyanese, not just the friends, family and favourites of the PPP/C Government. Thank you, Sir. [*Applause*]

Mr. Datadin: Good afternoon, Mr. Speaker. At the beginning, let me say very clearly that I support the Acquisition of Land for Public Purposes (Amendment) Bill 2024. We sat and we listened about what must be taken into consideration, and the previous speaker, the Hon. Ms. Amanza Walton-Desir said that these things are not presently in our law. She also said that there is no mechanism for evaluation to be done. We cannot only read the amendment without reading the Principal Act; and if we did not read it we should not speak on it. For example, in the Principal Act, section 18 states:

“In determining claims for compensation for lands acquired under this Act, the Court may take into consideration –

a) the market value of the land on the date of publication in the Gazette...”

That is the first thing that could be taken into consideration.

Ms. Walton-Desir: Mr. Speaker.

Mr. Speaker: Go ahead, Hon. Member Ms. Amanza Walton-Desir.

Ms. Walton-Desir: I stand on a Point of Order – Standing Order No. 40. The Hon Member is saying something that I never said. Of course, the law contemplates valuation; it is the basis for the compensation. I would recommend that the Hon Member, if he is going to quote...

Mr. Speaker: Hon. Member, I will check the records, and if you did not say so we will have it withdrawn.

Mr. Datadin: Mr. Speaker, I repeat that the Hon. Member said we needed a mechanism for valuation; we need to take into consideration historical perspectives, ancestral perspectives, all of that, that was not being done. But that is not covered in this amendment, that is covered in the Act. If you bothered to read the Act you would see. The second thing that could be taken into consideration is section 18 (b). You could follow if you find it.

“any damage sustained by the person interested at the time of awarding compensation by reason of severance;”

Let me assist you with what “severance” means. Severance means what the land was being used for, what the person is losing, whether there was historical significance. Read a book for once and you might discover this. The damage that is sustained is the third factor to be taken into account. The “damage sustained by the person interested at the time of awarding compensation”, whether the “acquisition injuriously affecting his other property or his earnings”, which means whether he conducts business there, whether whatever he is doing on that property is taken into consideration. You want a mechanism, you have a mechanism. Just go and look for it. Additionally, “in consequence of the acquisition”... This is (d) if you are bothering to follow.

“if in consequence of the acquisition that he is compelled to change his residence or the place...”

...he lived. That is also to be taken into consideration.

“...place of business...”

...if that is what needs to be taken into consideration.

“reasonable expenses...”

...he incurs for the change.

The legislative framework that has existed in this country for decades provides very clearly all of the factors that the Hon. Member somehow says does not exist. It does not exist in the amendment because it does not need to be in the amendment; it is in the main Act. Now, if you are only going to read the amendment and then come here to pontificate about what should and should not be included in the legislation, then please, please, please go and read the main Act.

The acquisition of land could be and is universally recognised to be under two regimes. Some regimes there is an acquisition board, other regimes trust the court. The Hon. Attorney General, I think quite eloquently explained this morning that for us to put in, as suggested by the Hon. Member Mahipaul, an acquisition board, it requires a lot more than simply saying this is a board. What you have to do is to appoint the Members, to give them immunity, to have a process by which they can hear, take evidence, account for things. It is a much more involved process. However, as has been the case in Guyana, what happens is this: The valuations that go on are considered, if the two sides do not agree, by a court. How that valuation is treated, again, section 18 of the main Act will provide what can be considered in those valuations.

The mechanism of our legislation, which has existed for decades since independence, provides for a mechanism whereby valuations that are being done, are to be, if not agreed, then there is a provision for arbitration now, as one of the amendments move; and if there is no agreement on that, then you can, of course, go to the courts. The law prescribes very clearly, it is literally written in the law, all of the factors to be considered. It is a very detailed provision; it allows for all of the matters that the Hon. Member came here to say did not exist, and we must have forward thinking laws, and we must have things that cover all of it, and we keep coming with only pieces. The piece that you did not read covers all that you spent half an hour speaking about.

We heard the Hon. Member before me speak about state power, and that it is a use of state power. It is worthwhile that we look at what state power has been. **[An Hon. Member:**

So, is it not state power?] It is state power. Let me tell you a little bit about how state power has been exercised under the Burnham Regime. Right near to here, the Turkeyen lands – I hope I have my directions correct – were taken, compulsory acquisition of lands, so that grass could be planted to feed sheep. It went to the Livestock Development Company (LIDCO). That was the reason given for the compulsory acquisition. I think it was Black Belly sheep. That was taken from Mr. Jainarine Singh. Land here was taken to plant grass. Also, the Kisson family in Beehive, all the land was taken; nothing was done until after 1992 when the PPP/C

came into office and started to use those lands for house lots. We heard and we all know of Sijan Plaza, where I believe Citizens Bank is now, or the building next to it, where, again, property that was compulsory acquired. It is useful that we recognise in the amendment certain things that have been said. Prompt payment, for example, has always been an issue with persons whose property is taken. Interestingly enough, if I read to you some of the pleadings of Dr. Fenton Ramsahoye in the case of Ms. Olive Casey Jaundoo and the Attorney General, we should know that that Linden Highway – for those that do not know – that Linden Highway was built on land that was compulsorily acquired.

4.12 p.m.

The land belonged to a Mr. Jaundoo. The case was Ms. Olive Casey Jaundoo and the Attorney General. That land was taken under the Roads Ordinance for which there is legislation still in existence, but not the compulsory acquisition, and it did not provide for compensation. The arguments that went to the court, there were procedural arguments as well, but the substantive argument to the court was, very simply, could you take the land without compensation being given or agreed, and what would be the consequence of doing that? We all know that it has been decided that you cannot take the land without compensation and what compensation should be paid. I will tell you that in the Privy Council's report where this case was decided – Needless to say, the case was filed in 1966. – the courts in Guyana were decidedly unhelpful. In a dictatorial Government, under the Burnham Regime, the courts were constrained, and they were not exactly functioning as the independent bastion that they should be.

For that case – in the first two courts – of course, Ms. Olive Casey Jaundoo never succeeded. Interestingly enough, in the relief that was claimed in that court, was an order that a survey be undertaken on behalf of the applicant and the Government of Guyana jointly. So, all the crops that existed on the property, on the estate of Mr. William Arnold Jaundoo, deceased, with the rights of the representatives and applicant and the Government of Guyana, to submit reports to the courts on value. Also sought was that the Government of Guyana be restrained from commencing or continuing to build the road and road operations, either by themselves or by persons employed by them for that purpose, on the following property, until adequate compensation – the word, adequate, was what was being sought in the court – in the sum of \$250,000 or such other sum as the court saw fit.

The third one was, payment to be made by the Government of Guyana to the applicant promptly for such compensation as may be assessed by the court in respect of the compulsory acquisition

of the land. As far back as 1971, in this country, litigants have been fighting for prompt payment and adequate compensation. These words have meanings. As we all know, in the Ms. Olive Casey Jaundoo's case that went to the Privy Council, the courts made rulings effectively that compensation should be made. It is interesting to note that the law lords in the Privy Council were astonished that no compensation, whatsoever, had been paid by the Burnham Administration to the Jaundoo estate, and the road had been completed by the time that the law lords got it before them. This simple legislation will make prompt payment have the force of law. It is not discretionary; it cannot be dragged out – prompt payment is required. Interestingly, the second amendment to section 7 is adequate compensation. Again, one of the things that Ms. Jaundoo was fighting for in the courts. In the Toolsie Persaud and the Attorney General, in the first generation of cases, the issue arose, and it has frequently arisen in our courts in the Kissoon matters and, I think, in the Sijan Plaza matter as well. What was raised was this: The Government had exercised its power to compulsorily acquire land and had done nothing with it.

One of the challenges – it is a recognised challenge – is that if you compulsorily acquire land as a Government do not use it for the purpose which it was acquired for, or do not use it at all, it would be a reason and a ground for that acquisition to be set aside by a court. That has been the common law. In the Toolsie Persaud and indeed the Kissoon Estate cases, both of those things were pursued. One of the things that must happen – as the development of the jurisprudence in the Commonwealth has come about – is when the Government compulsorily acquires land, they must use it for that purpose, and they must do so expeditiously. They cannot wait years later, having deprived someone of their land, and then not use it for that purpose. That is the reason the state must have possession. Unless the state has immediate vacant possession, how is it that the state can actually carry out and do the things that it wants to do? This dispute and these words are not brought here to this House willy-nilly. These have been the subject and are the subject of so much controversy and litigation. Prompt payment: There can be no basis for anyone to object. Adequate payment: there can be no basis. Upon payment being made, possession should be given.

This amendment goes further. This amendment states that you can deposit. The state can deposit 80% of the value with the court, if there is a dispute. What happens is, the citizen is able to access that 80% immediately. If he is not satisfied and he wants more, or he wants different things, he can go to court for it. You cannot take that to mean that what you are going to do is go to court, take the land, put the money in the court, and there is no recourse. There is

a recourse. The courts are always there as a recourse if you are not happy. Your Honour, we have to be reasonable, and we have to live in the real world. Outlandish valuations that are produced by professionals for reasons that could only be mischief, ought not to be tolerated. If all of the valuers are to produce a value that is identical and the Hon. Member of this House, who in his capacity as a valuator, produces a value three times the value, it is not rocket science, it does not take great logic for one to get to the position of why that is.

We heard that in the Mocha area land was taken, and land that was compulsorily acquired from persons for the highway has not been used and it was given to other persons. We have heard that repeated about the place by various persons. Today, the Hon. Member who spoke before me came to this House and said that was the case – came to this House and said that the land where the highway is, which has been compulsorily acquired, the Government has given it to other persons and their friends. That is simply not true. If one were to drive in that area, one would see that on the two sides of the road there is considerable space. Now, the reasons for that are many. The simple reason, if I may convey it as I understand it, is to do with the alignment of that curve on the road. Anyone who drives through that area, coming from Little Diamond towards Eccles, will realise that the road has a dip. It is not straight. It appears a little bit to be, but it is not. The alignment of the road at the ends – how much space exists on the sides – that road is not going straight through the middle; that road is cutting across and going through it. As a result of that alignment, on the two sides of the road there is considerable space, but that is what the Engineer said was required for the highway to be built, and that is what was taken.

We also have to take into consideration that what has been raised and repeated by the honourable speaker before me is about areas that are being regularised. The insinuation is clear. Regularisation and titles are only being issued to Indo-Guyanese, or apparently everyone except Afro-Guyanese, which is simply not true. I can report to you that in the Prosperity/Mocha area that 166 persons were regularised. These are people who were squatting and did not have any titles. That has now been regularised by the Central Housing and Planning Authority. In Amelia's Ward, 423 persons who were squatting have been regularised. In Bare Root/Bachelor's Adventure area, 226 persons. Those areas are not predominantly Indo-Guyanese; they are predominantly Afro-Guyanese. Presently, 222 persons are in the process of being regularised in Mocha/Arcadia. The Hon. Members on the Opposition are making much ado about that, encouraging persons not to be regularised and to keep fighting. Why is that so? It could only be so that the false narratives about racism, favouritism, and whatever *ism* they

would like to attach to it, could be kept going. There is no such real dispute. These disputes and complaints are really conjured for a purpose. We cannot continue to say these things that are not true. We cannot continue to say these things, spread them into the public domain, and then have them repeated by persons as if they were God-given facts. They are simply not true.

In terms of some legislation and in terms of advancement, the speaker before me kept saying things about progression, advancement, and legislation that should be able to meet the needs of a developing country. The Hon. Attorney General has brought to the House an amendment to an existing law in a very complicated area of law, as all land law is. He has tried, if I daresay, Your Honour, and has succeeded in making all the peeves, not only the pet peeves, all the complaints that people have whenever faced with compulsory acquisition, and has addressed them frontally.

4.27 p.m.

Things such as prompt payment, adequate payment, possession to be given upon payment, advance payment of 80% that could be deposited with the court – as long as the title holder goes to the court and says that he or she is the title holder, he or she can uplift that money. What else is that other than a progressive infrastructure? Speed and efficiency are required, but fairness is guaranteed if both sides, the side that has to pay which is the government, and the man that is losing his land, happen in the shortest possible time.

We are not in the days where compulsory acquisition went on so that you could get a space to plant grass to feed sheep. We are not in those days. This is real development. Never before have such few words advanced and guaranteed the property rights of citizens in this country, and ensured that the constitutional guarantees are buttressed so that property rights in Guyana, *vis-à-vis* the state and its ability to acquire, are protected in a fair and reasonable manner. Also, never before have such few and simple words in an amendment caused such disquiet amongst the Opposition. Again, we are faced with a situation in the Opposition where their speakers advanced a proposition that was false and then spent 20 minutes criticizing the Government on the false premise. We say that the legislation that exists does not exist and then we spend 20 minutes criticizing the Attorney General for not bringing the legislation, when the legislation has been here since 1966 and, as usual, not willing to listen to any of the responses. That if anything is the greatest waste of...

[Mr. Mahipaul: *(Inaudible)*]

Admittedly,

Guyana's experience as it relates to compulsory acquisition was tainted. It was tainted because of the way it was used by the Burnham Administration. President Ali and his Administration

is no Burnham Administration. The laws of this country will be obeyed; the laws implemented by this Parliament will be followed. This Amendment goes a long way to make the process of compulsory acquisition not only quicker but more fair. Thank you very much, Mr. Speaker.
[Applause]

Mr. Speaker: Thank you very, very much, Hon. Member Mr. Datadin. I enjoyed listening to your presentation today. Hon. Members, it is a good time to take a one-hour suspension. We come back for 5.30 p.m. We still have five speakers to conclude this Bill.

Sitting suspended at 4.32 p.m.

Sitting resumed at 5.39 p.m.

Please be seated. We will now hear the contribution of the Hon. Member, Ms. Nima Flu-Bess.

Ms. Flue-Bess: Thank you, Mr. Speaker. I now rise to add my contribution to this Bill. I would like to start by responding to the Hon. Member that went before me, the Hon. Member, Mr. Datadin, who made mention of adequate and prompt payment, which I will address a bit later, and regularisation in Mocha/Arcadia. However, I did not hear Mr. Datadin made mention that a letter was sent to the Minister of Housing and Water back in 2020 and in 2023. It states:

“Correspondence sent to your office and request for meeting with the NDC reps”

This was sent by the Chairman of the Neighbourhood Democratic Council (NDC) of Mocha Arcadia. I will read the first paragraph which states:

“Reference to letters that were sent by the Mocha Arcadia NDC to your office dated the 18th November 2020 and 18th July 2021 captioned “Assistance to Remove Squatters from reserve” and “Mocha Arcadia Flooding situation and clearing of land in the Mocha Arcadia NDC” respectively, there has been no response to same from your office to date. The status quo remains the same though several promises by Mr Aaron to report same to you.”

In the closing paragraph it states:

“Moreover, I’m hereby writing on behalf of the newly elected Council of the Mocha Arcadia NDC as a means of encouraging dialogue, clarifying our NDC boundaries and responsibilities and to working along with you and your agency for the benefit of the residents of our community and to improve relationships generally with your agency”

Yet, still, Mr. Datadin says that he does not understand what is the objection about the regularisation in Mocha/Arcadia. I would like to know if the Hon. Member would like anyone to walk into his house, or his area of responsibility, without any form of communication and conduct a business. That is something that should be noted.

I also note the Hon. Bishop Edghill's response. I like a statement he made that a state must be accountable and responsible. I like that statement – a state must be accountable and responsible. In the Hon. Attorney General's (AG's) presentation he made some important points, and I note carefully he identified that the law is a century old. He then made a statement, by what logic should the state not possess land? All we are doing is giving the state power to possess. Those are his words. It can be confirmed in the *Hansard*. I take note of those words even as I peruse the proposed Amendment.

The Hon. Mr. Croal stood before this House and gave a flowery presentation on the works of his Ministry. When it comes to compensation, relocation and all of that, he highlighted for the first time that the Cane View issue they had engaged in 2008, they did a survey in 2009 and then they revisited there in 2021. What was missing from that piece of information was that the residents of Cane View were told to put up their moneys because they would be called shortly to pay for the lands. That was not mentioned in his presentation.

Secondly, he spoke glowingly about lands identified in the vicinity. He identified the areas: valuation of properties was done, relocation contracts, and all of that, in December, 2021. What the Hon. Minister failed to report to this House was that the people of Cane View who were relocated to these areas... I am more than willing to take a walk with the Hon. Colin Croal to these areas so that we can identify all of the incomplete homes where these persons are living. That is supposed to be a successful story according to him. Many of those homes are not completed. There is no fencing, for some of them the plastering is not done, the ceiling is not completed, the drainage is not completed, and those people are there living but, yet still, the Hon. Member stood in this House to say that is a success story of relocation. What happened to the new cost that these said families of Cane View have to face for paying transportation to have their children taken back to the village so that they can be cared for by their grandparents, aunts or uncles? What about the efforts and the moneys they have to find to take them to and from school? That was not considered in the relocation. That was not considered in the package he gave/that was given to those families. Life has not been better for those people. Life continues to be hard for them because many of them have to walk far distances if they cannot

afford to pay a taxi, or they cannot get a bus to go where they have to go, so that they can take care of their families. That was not mentioned.

What about the negotiation when the staff from the CH&PA engaged the people at Cane View and some of them were told to go 9.00 o'clock, in the night, at the office to conduct business. I did not know those were the hours for negotiations. Those are the things that must be mentioned. No thought, no care, no consideration was given to the people of Cane View who had an established culture, who earned from their land. You removed them to an area where they cannot earn anything from the land. They farmed their lands and they had their cattle. All of that was well established in the Cane View area.

Then the Minister, who said that they followed all of those procedures in communicating with the people, had one meeting at which I was present, one single meeting with the residents of Cane View, and promised at that meeting there will be follow-up meetings to engage with them. All we saw happen was, you pull out one, get the other one, try to get this one to move, try to get that one to move and that was it. You did not take into consideration persons who had their investment, persons who earned from the land. Where was the land for Mr. Mark Gordon? Everyone should remember Mr. Mark Gordon. He had 17 big pigs, he had 79 piglets, he had his turkey, ducks, fowl, his crops on the land, and many others. Where was the land allocated for Mr. Mark Gordon to continue his living? These people were told to sell what they had and take what the Government is giving to them. Is that fair? Is that the process of relocation we are talking about? Something has to be wrong. Then you want to tell the people that the persons whose homes were destroyed did not want to accept the compensation. If I have spent years investing, earning for my family, providing for them on the land, and then a government comes and tells me that they would relocate me because a road is supposed to pass there, but they are not giving me land where I can return to earn, they are not giving me land where I can return to enjoy.

5.49 p.m.

Look at Lashonda Ellis, a single mother working at the Ministry of Home Affairs, who was fired from her job during the Cane View issue, this was because she stood up and was trying to get a Guyana map from the wall for her daughter, who was crying for the map that the teacher made for her. She was handcuffed. She was placed behind a police vehicle and taken to the Providence Police Station. Are you are telling me that we are following the laws of Guyana? Are we really doing that when it comes to the relocation of residents? Is this process actually

fair? Is this process actually fair and equitable for all Guyanese? What about those people from Cane View who are still sleeping on the floor? Christmas time is here. What about those children who do not have a home? They cannot even put up a Christmas tree. They cannot even hang a single decoration because the Government claimed that the road was passing there. That was the claim of the Government. These are things that we should not forget. We cannot forget them.

We talked about the residents at Peter's Hall. The bridge was not to go there. You are building a new bridge just less than a mile away from each other. The old bridge is a mile away – approximately. You have displaced so many residents who have lived their entire lives in that area, and you are annoyed and upset when people try to stand up and speak out for their rights. Is that right? That cannot be fair. When we talk about relocation, people's life should not be worse than before. People must be able to return to a living where they are comfortable, where they can feel at home, where they can find some sense of security in the place they are being placed. Not that they have to be hustling and bustling trying to make ends meet and trying to come to reality with what is happening. One of the residents of Peter's Hall lived his life there with his family. It is difficult to note that a senior has to be removed. We know the attachment seniors have to their properties, especially if they have lived their lives there. That man had every little thing in his yard. He had his little shallot, his pepper, his fruit trees – all these things he had. He got up every single day in the morning to tend to his plants, to pick and to reap whatever was sown there. Now, he has to be removed.

The Government think they have done an excellent thing by taking the family to an area. One – the people now have to catch a bus. There are no neighbours around. They cannot plant anything, as yet, in the yard. You rented a house with air conditioning (ac) for a senior who has lived all their life in an environment where they can enjoy the fresh air and expect that individual will be so happy and comfortable. That is not what they are accustomed to. Then the said senior would leave the same fancy house they provided and just go back and stand and watch his place where he used to live. He stands there and he watches. Who provides the psychosocial support that is needed when these people are relocated and have to readjust to a new living, to a new environment and all of that? Who provides it? You will tell the man that he is wrong, or he is stupid, or something they would want to say. Again, Mr. Speaker, when people have an attachment to the things that they have, they have lived for years, it will affect them. It has to be a process. The people who are administering the change and having these people relocated ought to show grace and compassion for these people.

That is what they know. Would any of the Ministers want anybody to say they are going to do development and come and grade down their home, put them out the next day and all of that? No, man. We need to think about that. Even as we are dealing with people, we have to find ways and means of communicating, meeting the persons and trying to assist them to be comfortable so that they can relocate. Where is that? Where can we find it? You are coming to take in the name of development, but you are not willing to help the people to enjoy the development because of the stress that you add to their lives from the unfair practices and injustices that are meted out to them. We need to think about that. The Hon. Colin Croal likes to talk about his flowery works. Do you see this picture? Sorry, I could not put it in colour.

[The Hon. Member displayed a picture.]

I hope Parliament can provide coloured ink the next time. This is Diamond at the back. When you drive through Grove and you turn into Kaneville, there is a passageway to go down to the back and you drive about two miles. In driving the two miles, you pass streets with lights, no houses. You pass bush along the sideways, you are going down, no houses. You come to another street, there are lights. Then you reach a section, it is completely dark. When you go down past the dark, there are people living there. The Government placed them there. There are people living without lights and water. Again, Mr. Speaker, I will be more than willing to go with the Minister so that we can visit the area and let us see if I am telling the truth or not because I was there. There are people living there without lights and without water on those very lands where they were relocated. What are we doing? Relocation? Why would they put lights in a street where nobody is living and the area where people are living has no lights? We are talking about development. I would like the Minister who made the presentation earlier to make himself available for us to go and fact-check what was presented before this honourable House. Mr. Speaker, I bring this other issue before you, again.

[The Hon. Member displayed pictures.]

Relocation in the name of development. Do you see here? These are plantain trees. Do you see this? Again, I am sorry it is not coloured. This is the Gas-to-Shore Project where, while the work was being done, a number of persons lost their farms. They were graded down for the project. What compensation was given to those people? What compensation did they give the people who had all the plantain suckers graded down, the sapodilla tree graded down, and all these things? What compensation did they actually receive? It is quite interesting that we sit in this House, and we talk glowingly about relocation and development whilst we punish people

unfairly. Quite interesting. After witnessing what happened to the residents of Cane View and Peter's Hall, it is not surprising to see this PPP/C-led Government coming to this House to make changes that will legitimise their bullyism to continue with the marginalisation of ordinary Guyanese. We did not have the legislation change when they graded down Cane View, so now it is coming. All the things that have been happening to people, we did not have the change in the legislation. Suddenly, we saw the need to make the change when the challenge came from the people at Peter's Hall. Suddenly, we see the need for the change – the Acquisition of Lands for Public Purposes (Amendment) Bill 2024.

This Acquisition of Lands for Public Purposes (Amendment) Bill 2024 is deeply tied to issues of historical injustice, ethnic identity, and socio-political dynamics. It is not a simple matter of land acquisition, but a test of fairness, justice, and equality in governance. Everybody wants to see development, but development has got to be fair when you are approaching it. People are involved. There must be fairness. I like when the Hon. Colin Croal said, 'Oh, we have been transparent. We have been fair and compassionate'. Where was this transparency? Where was this fairness? Where was this compassion when you dealt with the people at Cane View and when you dealt with the people at Peter's Hall? Where exactly is it? Where is the compassion? We have inherited a legacy of inequality. Historical injustice persists where indentured servants hold clear land titles due to their indentureship agreements in contrast to the African communities. We are still grappling with unresolved ancestral land claims that are being perpetuated through the systems of inequalities. Our ancestors lost their lives. Many worked tirelessly to build infrastructure, dig the canals with their hands, the drains, pull the canes, and all these things they would have done. Their culture, their identity, was taken from them. The current approach symbolises a dystopian reality. It is marked with suffering, injustice, and abhorrent practices. It deepens existing divides.

We come with an amendment. How do we help? What are we doing to assist all of this? We got this legislation, we got the laws, we got all these things, but what are we doing? We come in 2024 to make an amendment again. There are so many issues that need to be addressed, so why do we not address them if we are amending? Why do we not address them if we are amending the laws? Why are we just being selective in deciding that adequate and prompt payment is enough? What is adequate for an individual who lived for over 50 years on their land? Toil it, grew their family and everything right there, as against someone who came to the same area and probably lived for a year. Yes, they might have a fancy house, but they have no crops, no livestock, nothing on the land. They just got a nice big fancy house.

How do we consider that? What is adequate compensation? Is it just the building that we value? Is it just the building that we add the value to? That person would have lived 50 years there. That person would have been able to tell you 'I fetch mud'. I built this. I do that. I did that. As against someone who came and met a road because the persons there were able to work, develop and make things possible so the place could become a community. What is adequate compensation when you remove an individual from the support system that they have in their community? We got to be fair. Nobody is against development, but we have to ensure that the process and the steps that we take bring equity and fairness. I heard the Minister mention, 'Oh, we have moved this body from here and we have moved that body from there and there was no problem' and all of that. I would love to go and do a survey and take all these people that you all said you removed and let us go through the process of what was being done. We might be surprised at what we will find if we are talking about equity and fairness.

6.04 p.m.

Human rights and displacement is an issue. Disposing people of their land without proper consultation – not only one meeting and then they decide to publish something in the newspaper, and then they send a message somewhere or they send two of their staff to stick two things on their gates, whether they are at home or not, and then they move in with a grader and grade the people down. That is not proper consultation.

Compensation should include not only the building. The point is, we are only thinking about compensation in the form of finance but also the psycho-social support given by the Government would be part of the package. In the case of the elderly who returns just to watch, and you dare to provide that kind of support to them, it will help. This is what we need to look at.

Cultural consideration undermines basic human rights. People who are connected historically and spiritually to their lands should be considered. Any policy ignoring this fact violates peoples' identity and dignity.

Employing twenty-first-century legal and political tools to justify unjust actions, mirroring the colonial tactics of displacement and marginalisation, this misappropriation harms vulnerable populations while eroding the trust in the Government. It is the ordinary people that suffer.

Why did the bridge not go to Houston? Let them tell you why the bridge did not go to Houston. Why did it have to go to displace so many people? Why did it have to go there? That was the

Government's decision. Although a study was done to explain why it was recommended that the bridge go to Houston, it was not. The Government made a decision to take it that side. Look at the number of persons who are displaced – their lives are disrupted. The Government made a conscious decision to do that. It was not done by accident. If you stand and look at the bridge and at all that is happening, you will get a picture of what they are doing. These are the things we must know. They should explain to this nation how many businesses suddenly own the lands along the Heroes Highway. How, suddenly, all these businesses own all these lands that opened up, and we are talking about national development? We put a Highway, and from that time, you see all these businesses take over the place. How is that? That is because it is something that was pre-planned.

The question is, which lands are you planning to attack? Who are you planning to give the lands to? These are questions we have to ask, based on the actions we see by the Government. Where is the genuine effort and fairness in this? It is Just two words, and I will repeat the words that Mr. Datadin used – “adequate” and “prompt” payment. That is all that is important. Nothing else is important. We have to do better when it comes to development versus displacement. We talked about infrastructural development for economic progress. It cannot come at a cost of just displacing communities, like how you buried Cane View. They buried Cane View, and a set of flowers are growing there, so that no one, in a few years from now, would not remember that there was an area named Cane View that existed. I am quite sure that every family that lived in Cane View and every child that was born there will remember Cane View.

We have to be conscious of this – “fair compensation and resettlement”. Development must serve the public good equitably. That is how it must serve our people. Historically, we know about marginalisation. We are in 2024, the twenty-first century. Why is it that we cannot come up with proper mechanisms that will bring fairness and equity to all? We should be able to do that. We must, Mr. Speaker.

I recommend inclusive dialogue. You are making a decision, and you are bringing an amendment here. You have decisions that will affect the lives of people, and you do not see it as necessary to have proper dialogue and engagements with these people. It is important that we have that.

Citizens' participation... When you talk about moving the people, it is space. It is human space there. You must engage these people. We must consider the ancestral claims. Advocate

properly the legal frameworks so that the people can be comfortable. Guyana is made up of six races and not one. Whatever decisions are made, we must consider all of that as we go through. We must have respect for our people. We must have the necessary oversight mechanisms when it comes to the relocation of our people. It must be properly planned and structured, so that when you have to remove people you can engage them properly.

Mr. Speaker, in closing, when the Ministry of Housing and Water initially spoke about removing the people at Cane View, I was asked some questions about the cultural background and all those things about the area. I recognised that the information was not important. It was not even used or considered. If it was used or considered, the actions taken by the Government would not have been taken. If we are going to engage people on relocation and doing what they have to do, we must be able to consider. I thank you. [*Applause*]

Mr. Ramjattan: Mr. Speaker, these amendments that were brought here by the Hon. Attorney General and Minister of Legal Affairs seek to deal with matters that are far more important in my view, than the acquisition of land as it were. It has to do with what I call the collision course – and you would appreciate this – of utilitarians and libertarians. This means human rights as against developmental projects.

When, in 1966, and even before that, we had started the construction of that Charter called the Constitution of Guyana, we had to put in there, certain fundamental human rights, which are going to be justiciable. This means you could carry them to court if there are violations or you can work out agreements with the State of Guyana in relation to how far you could in a sense allow the State to ‘violate it’. What we have here is, more or less, that collision course in a very concrete sense. To that extent then, we have to be cautious because we must not *willy nilly* embark on the changes of laws that affect the Constitution, or the Constitution being affected by laws and by very neat bypasses, artifices and devices, because then we would be limiting that human right that we called “there shall be a right to property”.

The “right to property” clause, as far as I am aware, was more or less drafted identical to the United Nations Human Rights Convention on Political Rights where article 142 (1) states it. It has remained that way, more or less for quite a while with the amendment of 2003, which then gives the words “prompt and adequate” being part of our Constitutional vocabulary:

“No property of any description shall be compulsorily taken possession of and no interest in right over property of any description shall be compulsorily acquired, except

by or under the authority of a written law and where provision applying to that taking of possession or acquisition is made by a written law requiring the prompt payment of adequate compensation.”

This occurred whilst I was a Parliamentarian and I think you too, Mr. Speaker, in 2003 by Constitutional Amendment 23 of 2003. We put in the words “prompt and adequate compensation” there. When we put in the words “prompt and adequate compensation” there, it necessarily meant that every law, in relation to compulsory acquisition, automatically went in there. It is a nice thing that Mr. Anil Nandlall, the Hon. Member, seeks now, from 2003 or since when he became a Parliamentarian, as necessary and he takes a lot of kudos for it, that he is now putting it in this compulsory acquisition act and that we should all be proud of him. Well, I am proud of him even if he did not do this, I would still be proud of him. That is a good thing that “prompt and adequate” are in the Act now because it is in the Constitution. You cannot read the Constitution without “prompt and adequate compensation”. That being so, I then saw that in that same section 7, what I regard as a very dangerous development, whereby he sought in the Act to insert the words,

“but without prejudice to the State’s right to vacant possession of the land”.

I have done a number of cases in the courts, right up to the very highest levels. I have argued that, indeed, this is a cherished and entrenched provision in which you cannot take away private peoples' lands or lands that belong to the citizens of Guyana, even when you have compulsorily acquired it and take that away before there is any prompt payment or adequate compensation. There was a recent full court decision in which Chief Justice, Roxanne George indicated that you have to before you get possession, ... That is why you cannot take away Mr. Steve Surujbally’s land and get possession yet because you have not done what is called compensation. It has not been prompt or adequate. Whatever law you have now, the trouble is, you have to at least get that done first. [Mr. Nandlall: You have to give me one of the cases.] There are lots of cases. [Mr. Nandlall: You must give one.] I am telling you. [Mr. Nandlall: You *mekking* up stories.] *Mekking* up stories? Do not bother with you. This is why we have to be very vigilant and alert to our Constitutional rights. I will quote the Constitution. The Constitution states that you cannot take away my property unless prompt payment and adequate compensation are paid. What does that mean? It means that you can bring a provision here and say, “without prejudice to the state’s right to vacant possession of the land”.

6.19 p.m.

Meaning that, when you arrange your 80%, you can now go onto the land and start building your road. [An Hon. Member: (*Inaudible*)] Do not bother [*inaudible*] You just keep what you have there. You are going to read it in reply.

Mr. Speaker, I am stating clearly that what the Constitution says is that you can take possession or compulsorily acquire when it is that you have gotten adequate and prompt compensation. I believe, and I honestly state this to this honourable House, that if there was no need for wanting to have a right to vacant possession of the land, and they believe that they have it right now, why are they bringing by inserting that "without prejudice to the State's rights to vacant possession of the land"? Why are they bringing that here now? [Mr. Nandlall: The State always had that right.] The State never had the right to possession until, of course, compensation was paid. The whole point of it is that... [Mr. Nandlall: I will stay quiet.] Yes, well please do. [Mr. Nandlall: You are quoting the law wrong] All right. Whatever it is. Do you want to give us the reason it is that you ask that section 2A(c) be brought here?

Section 2A(c) – the Hon. Attorney General seeks to put in the Compulsory Acquisition Act. Section 7(1) of the Principal Act, that is your clause 2 of this amendment that you seek to bring here. Clause 2(c) – first of all, he says in section 7, put in the word ‘prompt’, as if we did not know that the word ‘prompt’ is the characterisation of our compensation. It is adequate, yes, and now he puts in (c). [Mr. Nandlall: *Duhz nuh a good thing?*] Of course, I am saying it is a good thing. Yes, clap yourself. You love that. As if it was not in the Constitution. [Mr. Nandlall: Why you *busing* we down *mon*?] We had done it in the Constitution in 2003 long before you ever came to the Parliament here. [Mr. Nandlall: All right *mon* (*inaudible*)] Good.

Mr. Speaker, what is happening now is that they give the impression that we now will have the power as a State. That, as soon as you make all these other laws about 80% and you can give the court an *ex parte* order or whatever, they have a right to go into that land. That is control *freakism*. You have not paid the adequate and prompt compensation yet, but you want possession. That is what they want, and that is why he is putting that there. Now, you can say that the colonial people never saw the need to do that but, now Mr. Anil Nandlall, Hon. Member as he is, who would like to clap himself, is saying that ‘I have the power to do that and to take possession of the land, notwithstanding the completion of the arrangement for compensation.

I was there when the 2003... I was with that side of the table, and we proudly did what we were supposed to do. It is important that we see this little device moving and be alert and vigilant to it as to what it is that he seeks to do. If you want to put ‘the right to possession of the State to have the land’, then put it in the Constitution. Put it in the Constitution. It is not there in the Constitution. Just like how they are saying that the residency requirement must be required in the Constitution before we can talk about residency requirement, it does not have anything stating that you have a right to the possession of the land prior to paying compensation. [Mr. Nandlall: Where it says it does not?] It states only that you must take my land after you pay me compensation, and in constitutional, adequate and prompt... Right. That is what it is. You would want to say, but it does not prohibit it. Well, what are the expressed provisions of it? [Mr. Nandlall: Did you instruct Sherod Duncan yesterday?] [Inaudible] Man, you want to tell me...

Mr. Speaker: Hon. Attorney General, allow the Hon. Member to make his presentation, please.

Mr. Ramjattan: Without that section or clause, I will call it at this stage. It necessarily means that we are not in conformity with the Constitution. You are adding something in the law that is not in the Constitution, and that is what I am saying. You know, the collectivist attitude of these *commandists* and communists, they feel that they could go and take away the people’s land without paying the compensation. I agree with a concept called eminent domain. I agree that we have it in our Constitution, but our Constitution says that before you take possession of it, you must... [Mr. Nandlall: Burnham used to do that.] Well, whatever Burnham did, I fought Burnham too, so do not give me that bull. You love to bring back history conveniently. Well, I was there with you. You probably were not there when I was there. The trouble is, we were all there, we fought against it, and we said the Constitution is the supreme law, and no other law that is inconsistent with the Constitution could ever... [Mr. Nandlall: Which law (inaudible)?] This one here I am saying.

Mr. Speaker, we have a situation where, under the existing law, as Hon. Mr. Croal indicated, and let us take Mr. Croal’s narrative as accurate that what we did was, we went, and we talked to the people. We went and paid them \$150,000 rentals at some apartment. We went and fed them. We went and did all the good things for them. That is true. Do you know why? It is because the Constitution indicates that you just cannot go and dispossess the people like that. What this amendment seeks to do now is not like what Hon. Mr. Croal did. It is to say,

“...without prejudice to the State's rights to vacant possession...”

They can go with it so they might not give you the \$150,000 apartment building or any food or anything because that is what it is all about here. It is far more colonialist than in 1914. You tell me whether this is advancing human rights in all the judicial colloquiums we had at Bangalore, and even in Georgetown here and a lot of other places. We are now going to water down and dilute that human right called the right to property. That is what we are going to do by stating that the State, and by this devious method... Yes, devious method. Yes. [Mr. Nandlall: *(Inaudible)* You have exhausted *(inaudible)*] No. Well, I want to emphasise it because it might very well come up in court. [Mr. Nandlall: *(Inaudible)*] Yes. Well, that is right. All the other provisions of this amendment here ought to be unnecessary because he then goes on to say,

“24A: (1) Where any land is acquired under this Act...”

You cannot acquire any land and take possession of it until you pay the prompt and adequate... By this devious means, he will want to say that the article must be read now in what way? [An Hon. Member: *(Inaudible)*] Yes, section 7(1) will state,

“At the expiration of one month from the date ... the land specified therein shall vest in the State, subject to the payment of the purchase money or of any compensation as hereinafter provided.”

That is where the full stop is, but he is going to put in now,

“...but without prejudice to the State's rights to vacant possession of the land”

This is serious business. That is why I say that the powerful State, just like in the accused versus the State in criminal matters, we give him a right to silence, we give him a right to this and a right to that, and all the rights. It is because the State is regarded as powerful and the pivot or the axis is always in the State's favour. That is how we then try to entrench rights for ordinary citizens. The powerful State must also be told in no uncertain terms that it should not take advantage of the common citizen who has a piece of property somewhere.

What the PPP Government is doing, the PPP Government seeks now to go and take away and say, from that, ‘We have not worked out compensation yet but we could now go and take the land’, and they start building the road on the land. What are you going to do? What will the common citizen who is poor and has no money to pay lawyers and things like that do? They are going to say, ‘All right, boss. Anil, I will agree to that sum of money’ and you take advantage

of them. That is what the imbalance is here that a lot of people do not appreciate, and it is very fundamental that we must not disinherit or disenfranchise property rights of property owners in this country in this manner.

All this talk about fairness, transparency and accountability will be a thing of the past. It will be a thing of the present and future under this legislation. This is because, as you know, Mr. Speaker, after signing that oil agreement, there is a lot of money now, and they can do the infrastructural works, although, for them, it was a rotten contract, the most rotten contract they ever could think about. Now they are using it, building there, building here, whatever, without any feasibilities, without any arrangement to see whether it is going to hit hard against people's rights and ancestral rights and so on. No. We feel that the road must run like that. No feasibility. The road must run like that. This is the high-handedness of it now. Do you know what we are going to do? Under this Constitution, on this law, as it exists now, prior to today, we are now going to say that we have a right, without prejudice to our right to possession of the land even before compensation is paid. That is the deviousness I notice about it. That is the dangerousness about it and that is what makes it very diabolic. Thank you very much, Mr. Speaker. *[Applause]*

Prime Minister [Brigadier (Ret'd) Phillips]: Mr. Speaker and fellow Members of Parliament, it is with a deep sense of duty and purpose that I rise today to share thoughts in support of the Acquisition of Lands for Public Purposes (Amendment) Bill 2024. The amendments of this Bill represent a vital legislative step, a cornerstone for national development, ensuring fairness, transparency and efficiency in the acquisition of lands for public purposes.

One of the previous speakers talked about the land acquisition issues in Cane View and in Mocha, and they misrepresented what took place there. First of all, if you were there living for 15 years or 55 years and you do not have title to the land, you are a squatter. You are living illegally on the land, and they have been living illegally on the land, and a caring government did not move them off the land. A caring government offered compensation and worked with them for over one year. Do you know what?

6.34 p.m.

Go and visit the 20-odd Guyanese who are now living on land, with titles for the land, and living in homes that were constructed from the compensation that they got from the Government. That is the part of the story you must speak. **[Ms. Flue-Bess: Let us go.]**

Do you know what? We as a people, especially African Guyanese people, when you are in

leadership position, you must not mislead the masses. Do not mislead the masses. What you need to tell this House is that, immediately after losing the election in 2020, after the People's Progressive Party/Civic (PPP/C) had formed the Government, a former Minister and the former head of the lands and survey department went into Mocha and told those people not to move. That happened. Valuations were presented showing \$592 million for the land when the land was collectively valued at \$56 million. That happened. This is a Government, led by two young Ministers in the housing sector, who went in and met with every family, spent hours with their technical staff, noted everything that they owned and put a value to it, and worked through the compensation – fair and adequate compensation.

Our country's position is one of ongoing transformative development. What we are seeing here today, in the House, is a case and a continuation of the disruptive political agenda of the Opposition. This must stop. Our people demand and must have better leadership from our Opposition. Go and check the records. African Guyanese are getting house lots in large numbers under the PPP/C Government than they had under the coalition Government from 2015 to 2020. [Ms. Rodrigues: More empowerment.] It is more empowerment. We call it *Dream Realised*, but in addition to *Dream Realised*, it is a case of empowerment. We have a record of the last A Partnership for National Unity/Alliance for Change (APNU/AFC) Government giving out... When they knew that the *writing was on the wall* and they had lost the election, they were giving out house lots. Do you know what? They were giving out house lots without any development of the areas – no roads, no electricity, no drainage and no water. Yet the Hon. Member will come and tell us about people living at the back of Diamond. I ask that you present the titles for the lands for the people living at the back of Diamond. We have not given out any title for any land in any area that already has roads, water, electricity and drainage. Go and check the record. That is the history of the PPP/C.

The Acquisition of Land for Public Purposes (Amendment) Bill addresses all of these challenges head on. It ensures prompt and adequate compensation, introduces advance payment of up to 80% to provide immediate relief, and strengthens the verification process to protect legitimate ownership claims, contrary to what the Hon. Member Ramjattan just said. We are compensating all legitimate owners of lands. The amendment to this Bill, in particular, seeks to accelerate the delivery of essential public services with great efficiency and accountability, while ensuring that Guyana's development uplifts all its people and respect their rights and heritage. Land acquisition is often seen as a technical, administrative process, but its implications are far reaching. This Bill, therefore, is about striking a delicate balance between

safeguarding the rights of our citizens and advancing the common good of our national development process through critical public projects.

This Bill seeks to amend the Acquisition of Lands for Public Purposes, Chapter 62:05, to address two essential objectives. One, to ensure prompt and adequate compensation for those whose lands are compulsory acquired. Secondly, to enable the state to take possession of such lands in a timely manner, facilitating the swift execution of public interest programmes. Our Government has always been clear in its vision. We have made a steadfast commitment to foster inclusive growth through the provision of adequate and efficient Government services and the creation of suitable infrastructure that can be conducive to the progress we seek to achieve. However, development cannot happen without land and the acquisition process must be handled with justice and sensitivity, and we have a history of doing that.

Allow me to highlight the key amendments and the benefits they provide to landowners and the state alike. This amendment introduced the word “prompt” before “payment” and “adequate” before “compensation”. What does this mean for landowners? These two critical words modify the specific circumstances under which landowners are compensated, ensuring that once their lands are acquired, they are compensated fairly and without delay. Our Government is founded on fairness and a commitment to prosperity for all, and we will not tolerate unnecessary hardships on our people. Further, it ensures the state's right to vacant possession of the land. This provision is essential to prevent delays in the start of public projects, projects that improve lives and drive economic progress. With this amendment, landowners are assured of their rights while the Government is equipped to fulfil its obligations of continually building our country.

The new section 24A establishes a robust framework for advance payments of up to 80% of the estimated compensation. This is a revolutionary provision with several benefits. The first benefit is immediate relief. Landowners can now receive a substantial portion of their compensation upfront. For families, this could mean financial security during relocation or reinvestment. We believe in respecting the property rights of our citizens. We are ensuring that through advance payments, landowners are not left in limbo. They can receive a substantial portion of their due compensation immediately.

Secondly, the advance will only be issued when proof of title is provided. This prevents fraudulent claims and ensures that rightful owners are compensated. A third important benefit is mortgage protection. For lands under mortgages, the advance payment will assure the

creditor's interest, protecting the financial obligations tied to the property. Our Government understands that the acquisition of land can cause anxiety, but this framework ensures relief, fairness and trust for all stakeholders. Since taking Office, the PPP/C Administration has made record breaking achievements with regards to development we have fostered for the people of our country. To ensure that the efficiency of such public development continues, we must ensure that the concerns and issues that may be contributing to delays are adequately addressed, while considering the welfare of our people.

In the case of land acquisition, delays can arise for various reasons. In some cases, it is the lengthy process of verifying ownership, particularly where land has been passed down through generations without formal titles. In others, disputes arise over the adequacy of compensation or the valuation of the land. Other issues could arise, such as complex legal challenges and prolonged negotiations with multiple stakeholders, which could create further roadblocks.

There is also, of course, the matter of aligning with global standards. In progressive democracies worldwide, prompt and fair land acquisition processes are non-negotiable. For example, in Australia, the Land acquisition Act of 1989 ensures that compensation is determined promptly, based on market value, with legal safeguards to protect landowners' rights. In India, another example, the Right to Fair Compensation and Transparency Act mandates both timely compensation and rehabilitation for affected communities, balancing development needs with social justice. Similarly, in the United Kingdom (UK), the compulsory purchase process is governed by clear legal frameworks that prioritise fairness, ensuring that landowners receive adequate compensation and have the right to challenge valuations through independent arbitration. As with these and other international examples, this Bill aligns Guyana with global best practices and demonstrates that our Government and, by extension, Guyana are committed to justice, efficiency and the rule of law.

The amendments proposed in this Bill also have a positive impact on national development as they are not abstract legal changes. They will have a direct and tangible impact on our country's development. Further, whether it is in the construction of a new school, an expanded hospital or a modern highway, this Bill ensures that essential public projects proceed smoothly and efficiently. Above all, the amendments to this legislation directly contribute to our overarching vision of driving economic growth for our people. It sets out the framework for national projects to begin efficiently. National projects create jobs, improve connectivity and stimulate local economies. This Bill encourages an uninterrupted commencement of critical national

projects that are dependent on land acquisition. Therefore, its successful enforcement unlocks the potential for greater prosperity for our people. I know that when we speak of land acquisition, again, concerns are raised. The 80% cap, as opposed to 100% upfront payment, is a prudent safeguard. It protects public finances while ensuring landowners receive significant relief upfront.

Final compensation will be adjusted to reflect accurate valuations. Regarding the state's right to possession, we would not place our citizens in a situation where they would be displaced. Our Government is enabling development, development that serves the greater public good. There is also a stringent verification process, as the Bill introduces strict requirements for proof of title, ensuring that only rightful owners are compensated. Hon. Members of the Opposition side of the House, rest assured that within this legislation are the requisite safeguards to ensure that no citizen is left behind.

6.49 p.m.

In conclusion, I wish to reaffirm that our Government's agenda is not about taking advantage of the people; it is about advancing a shared vision for national progress while safeguarding the rights of every citizen. We are building a modern and forward-looking Guyana, one that is transparent, fair and responsive to the concerns of its people. The concerns raised above about land acquisition, particularly those surrounding fairness, ancestral heritage and transparency, are not being ignored. This Bill carefully addresses those worries by ensuring there is prompt and adequate compensation, introducing advance payments for immediate relief, and establishing clear processes to protect legitimate claims.

It is important to recognise that this is not just a matter of domestic interest; it is one that international human rights and development organisations closely monitor. The principles of fairness, equity and the protection of property rights are fundamental human rights standards. Our Government is unwavering in its commitment to upholding them. This Bill ensures that the fair and equitable treatment of our people is non-negotiable, while it firmly rejects any notion of unnecessary displacement or marginalisation. At the same time, we must recognise that the interest of individual landowners must be balanced with the collective interest of society. I should read that again. We must recognise that the interest of individual landowners must be balanced with the collective interest of society. The schools we need to build, the roads and bridges that connect our communities, and the hospitals that save lives are not abstract

ideals. They are the foundation of a better and more equitable Guyana, and they require timely access to land to become a reality.

Our Government has a proven track record of delivering to the people of Guyana. From investing in healthcare and education to modernising infrastructure, we have worked tirelessly to improve the life of every citizen. As Guyana takes its rightful place on the global stage, we must adopt international standards that demonstrate our commitment to justice, efficiency and accountability. This Bill reflects those standards and shows that we are a nation ready to embrace progress while ensuring that the path to development remains open and accessible for all. I urge that we all consider, not just what our Government has done but what we will continue to do, always with transparency and trust as our guiding principles. As we move forward together, may we do so in unity and recognise that progress cannot wait but it must be just.

Mr. Speaker, our Government remains committed to striking the right balance and preserving the dignity and heritage of our people, while delivering the infrastructure that will carry this nation forward. I ask this Assembly and the citizens of Guyana to trust in our Government's commitment to building a better future for all – a future where development uplifts us as a people, where concerns are heard and addressed, and where we stand united as a nation that values its rights, its heritage and its boundless potential. Thank you, Mr. Speaker. I ask the Members to support the Bill. *[Applause]*

Mr. Speaker: Thank you very much, Hon. Prime Minister. Hon. Member, Mr. Forde, you have the floor.

Mr. Forde: Good evening, Mr. Speaker. Good evening, colleagues – Members of this honourable and distinguished House. I want to commence my contribution to the debate on this very important piece of legislation by acknowledging the contributions made in the course of the debate, this afternoon, by Members on our side. I believe that in the debate and the presentations made, the citizens of this country can come to the conclusion that there is an urgent need to review and enact a new piece of legislation governing the acquisition of lands for public purposes.

It is remarkable that, in the course of the presentation from Members on the other side of the House, particularly those who were present at the meeting yesterday afternoon, they failed to recognise that very early in the discussions, the principled position of us on this side of the

House was that there was a complete need for a new piece of legislation, and that was the basis for the call for us to proceed to the select committee. It was only after the Hon. Attorney General indicated his position – that there would be no need for a new piece of legislation, and it will not go to a select committee – that we proceeded to analyse the piece of legislation which is before us.

My learned friend, the Hon. Attorney General, Mr. Nandlall, in his opening presentation, indicated that he sent to me, by way of e-mail, the response reflecting the proposed amendments. To date, to now and at this hour, I am yet to receive that piece of email sent. When we come to this House and we speak about trust and distrust, we must understand that the distrust exists legitimately on this side of the House in relation to the Government. The distrust is legitimate when the current Government has as the basis for all its legislative and financial agenda the promise made to the Guyanese people that it will renegotiate the oil contract. Up to now, you have not done so. When you deal with questions of trust, it is not bilateral between the Opposition and the Government; it is that you have failed to discharge your obligations and promises made to the Guyanese people. When, as a sitting Government, in the face of a court order directing the President to engage in consultations for the appointment of a Chancellor of the Judiciary and Chief Justice and you failed to do so, that is evidencing your distrust of the Guyanese people and your failure to comply with the constitutional obligations of this country.

In the course of this debate, we are yet to understand the true rationale of the Government and largely the Attorney General for coming to this honourable House with this proposed amendment. We are yet to really understand. The Guyanese people are yet to understand what the true mischief is and what are the factors and circumstances which triggered the need for this piece of legislation. Since this honourable House not simply being a legislative body, but it records, for posterity, the events that take place in our country, I wish to place on record the true facts and circumstances which initiated this perverse piece of legislation before the House. The Attorney General initiated a number of proceedings, seeking to obtain possession of a number of properties in the Peter's Hall area so as to acquire them for the purpose of the construction of the bridge. In every single application that was filed, the Government, through the Attorney General, sought the immediate possession of these properties, prior to the court determining the question of compensation.

The court, through Justice Graham, in a decision which was subsequently upheld in the Full Court by the Hon. Chief Justice and Justice Corbin, rejected the proposition, as a matter of constitutional law and statutory law, that it was possible to obtain possession before the payment and determination of adequate compensation. Mr. Speaker, it is necessary that I refer to the decision. I have it here – before you ask if I walked with the decision – as a matter of record to lay over to the honourable House. I am reading the decision of Justice Graham at the material parts which, as I said, was upheld by the Appellate Court. This is Justice Graham at paragraph 34, Mr. Speaker. I know that you are very interested in these things. This is what the honourable Judge said:

“The Land Acquisition Act in Guyana codifies this principle by establishing essential compensation payments before vesting. Such expressions require that the value of the property be ascertained. The procedure for land acquisition must comply with legislative mandates which clearly states that the possession by the State is subject to the payment of compensation. Article 142 of the Constitution protects citizens’ ... from compulsory acquisition unless authorized by law.”

This is paragraph 35:

“In balancing the Respondents individual rights against the Applicant’s public interest duty, the Constitution allows for property acquisition but mandates protection of individuals through adequate compensation. The Act grants the State the authority to acquire private land, but Section 7(1) specifies that the State’s acquisition of land must be with payment of compensation. The provisions for assessing compensation are found in Sections 13 through 19 of the Act.

36. It is clear that at the time of the institution of the instant action there was no agreement by the parties on the quantum of compensation. It is also clear that the parties are still not agreed on compensation and therefore the Applicant’s request for immediate possession is premature in accordance with the Constitution since there is no evidence that the quantum to be paid as compensation was determined. Resolving such disputes is not merely a legal obligation, but a matter of ensuring dignity and equity for those impacted.

37. Accordingly, in the Court’s view, within the construct of the Guyana Act for compulsory acquisition of property, albeit the property is now vested in the State,

immediate possession is not valid until full compensation is determined and becomes due. Where the parties object to the other party's proposal, then the steps prescribed by statute for acquisition, not being completed, the possession is restricted, until payment is determined...

38. The Court therefore holds that payment as set out in the Act must be understood in relation to when full compensation [full compensation] has been determined, whether by Court order, assessment or by agreement. If full compensation has been determined, it is only then when payment is ascertained and becomes payable that the issues of immediate possession arises. It cannot be inferred that the Government has power when the legislative [position] is clear that the vesting of property is subject to compensation paid. Unless or until it is determined (or agreed as between the parties), the legislative provisions would be violated."

Mr. Speaker, the court concluded – just for completeness at this stage – at paragraphs 48 and 49 that:

7.04 p.m.

"In summary, section 7 of the Acquisition of the Land for Public Purposes Act, Chapter 62:05 is structured to ensure that while the state has the authority to acquire land, such power is balanced by the necessity of compensation. The use of the "subject to payment" underscores that acquisition is subject to compensation, reflecting principles that prioritise fairness and clarity in statutory interpretation. The rights of the landowners are safeguarded through these stipulations, maintaining the integrity of property rights within the context of compulsory acquisition as guaranteed at Article 142 and Article 39 of the Constitution...

49. Granting immediate possession without resolving compensation disputes between the parties undermines the constitutional protections afforded to landowners under Article 142 of the Constitution. It would allow for the taking of property without just compensation, violating both statutory and constitutional mandates. Resolving the dispute is not merely a legal obligation but a matter of ensuring dignity and equity for the parties in dispute."

Mr. Speaker, without seeking to amend article 142 of the Constitution, the Hon. Attorney General has brought a Bill to this National Assembly which effectively seeks to confer the right

of possession, as stated in the proposed amendment C. The Attorney General told us and took us around the Caribbean to Trinidad, Belize, Jamaica and all of those places, but what is significant is that in none of those countries, the law exists where payment of compensation must take place before the state obtains possession. So, what the Attorney General did was to pluck two concepts. Firstly, that the state can obtain a right of possession when it is inherently inconsistent with article 142 of the Constitution, whilst at the same time inserting a provision to deal with advance payment. When you examine, for example, Trinidad, where the learned Attorney General seemed to take some of these legislative provisions from, there is a right of possession in the state even prior to the payment of compensation and even sometimes prior to the payment of the vesting order being made. Those are completely and radically different provisions. So, when the adverse circumstances are brought into this Bill, it creates what I consider a legislative mismatch of provisions. You see it clearly in 24A of the very provision which starts off in the first line:

“24A. Where any land is acquired under this Act...”

Judicial authorities have declared that for the purposes of compulsory acquisition, it is not when simply the state is able to obtain a vesting order that the land is acquired, but the land is acquired upon the payment of full and adequate compensation. Inherently, in the first four words in the first sentence lies an inherent conundrum and conflict which cannot be resolved. When the land is acquired, it means the land is being taken, vested and full compensation is paid. Nevertheless, it proceeds to lay out a remarkable, though incoherent, legislative system, a regime, which makes it impossible for the advance payment to be legitimately made in the context of the Constitution and the legislation that exists.

We are in peculiar circumstances. The Full Court approved in this same judgment...and of course, this was a case argued by Dr. Todd, Mr. Smart, and led by me against representatives of the Attorney General. The Court dealt with, specifically, the concept and the underpinning principles in relation to this advance payment. As I pointed out earlier, all of the applications before the court sought to have a provision that the Court makes an order that the moneys be lodged pending proceedings. You were told, Mr. Speaker, that yesterday in the Court a number of persons surrendered their properties. I need to bring some clarity to that. Out of the five or six cases that were heard yesterday, most of the persons agreed to accept, by consent, a payment paid to them and because it was not completed, the Court would proceed to hear the

proceedings. That is a completely different situation, where the parties' consent to a particular situation.

What we are having here is a legislative, enforced position where the state is, by legislation, seeking to create the circumstances where the citizens must surrender their right to property, as declared by the Court and as set out and enshrined in the Constitution, for 80%. When, at the same time, 80% does not constitute full and adequate compensation as determined by the Court. At paragraph 40 of the decision, dealing with the question of lodging money pending determination of adequate compensation, the Court has approved and upheld in the Full Court:

“The importance of lodging money pending compensation... is highlighted by the Applicant's offer to deposit compensation with the Court, which landowners can choose to uplift. This sum represents the State's Chief Valuers assessment, which the Respondents dispute arguing that allowing the parties to uplift this amount effectively compels them to accept it before compensation is finalized, indicating an attempt by the Applicant to circumvent the statutory assessment requirements in the face of the dispute on the adequacy of compensation and that this invites future litigations...

42. The dispute regarding compensation is the *crux* of the Applicant's substantive matter. Seeking immediate possession without affording the Respondents...”

The citizens of this country, irrespective of race, class, creed and where you live...This is a Bill that will touch each and every one of us, from the Rupununi to Georgetown to Orealla to the Essequibo Coast and Linden, every part of this country without affording them the requirement...

“42...for fair hearing on the disagreement of the adequacy of the compensation required by law, undermines the established statutory process set out in sections 13-19 of the Act for determining compensation. The argument of an amount being an interim payment pending determination of the compensation would amount to an amount of the value assessed by the Valuation Officer and not an amount determined following assessment within the statutory framework established for assessing compensation.

44. In the Court's view, granting immediate possession on the basis of an interim amount not assessed and not fixed by the Court in keeping with the statutory framework would undermine the Act and the constitutional protections under Article 142. When parties contest a proposed compensation amount and statutory acquisition steps remain

incomplete, possession cannot be granted until all the legislative conditions are satisfied. Therefore the Court holds that the deposit of the value assessed by the Valuation Officer...”

Or, as in this provision here, by the Minister:

“...as an interim payment does not satisfy the legislative requirement for a determination of the adequacy of compensation permitting...immediate possession sought by the Applicant.”

The conundrum and the embarrassment that this Government now faces, because of this legislation, must lie at the foot of the Hon. Attorney General. As I said, it is a mismatch. The provision in section 4 of the Trinidadian Constitution is incomparable as it relates to article 142 of our Constitution. It is because of the historical injustices which took place from the time of the Crown – in relation to the assertions made against the PNC and the Government and the assertions made against this side of the House now against the Government in relation to land, in relation to the issues affecting land and the emotion that it triggers in this nation – that this House, by virtue of an amendment to article 142, laid a foundation that cannot be circumvented, that irreparably ties and irreversibly ties and connects the question of the adequacy of compensation to the prompt payment. It could not be separated.

So, to pluck a provision from a completely different constitutional architectural environment and place it into this system is improper. To the extent that we want to have and to promote the Government’s agenda for development... and I want to make it clear so that we will have a clear understanding on this fundamental issue, we sit in this House as representatives of all of the Guyanese people and we support the development of this country. We support the development of the country, and we support the development of infrastructural works for this country in the context... **[Mr. Ramson: (Inaudible).]** Oh, shut up... of the law and the Constitution. It is a fundamentally different position when you seek to bring in place provisions which are not consistent.

It is amazing that the leading country in the Commonwealth, whose Constitution and legislative system is the closest to us, mirrors the decisions made by the Full Court. In India, section 17 of the old Land Acquisition Act of 1894 had a provision that stated clearly, before the taking of possession of the land, you must tender and pay at least 80%. The Hon. Attorney General brings to this distinguished House... **[Mr. Mahipaul: Which year was that?]** Since

1894 in England...a piece of legislation, which is inconsistent with the decisions made by this Court a little over a few months ago. We are told that there is no need for any new Bill, either they are directly saying so or it is by inference of their rejection of the concept of taking this issue to a select committee. The new legislation in India, which was passed in 2013 by the Parliament of India, did a number of important things which are not present in our law. The references to Mukherjee and so on have all been repealed. The validity of those judgements has been set aside by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In this Act, a few principles, which are present in it, are completely absent from our law. I am not standing up here today speaking as an Opposition Member of Parliament only. I have had the opportunity to be a lawyer representing people who are suffering as a result of the compulsory acquisition process.

7.19 p.m.

The Government needs to understand that not every criticism of a system and a process is necessarily a criticism of them personally, and stop being so petty. This new Bill in India guarantees the right to fair compensation, rehabilitation, resettlement, and bringing transparency in land acquisitions, rehabilitation and resettlement. India puts in place a whole system to address a lot of the concerns that were raised by my Colleagues. The whole concept of a social impact assessment and how that impacts the lives of the people's whose properties are going to be compulsory acquired. We are told that this Bill and this simple amendment guarantees transparency. I will cede five minutes to the Hon. Prime Minister if he could identify the clause in this Bill that promotes transparency. In the course of the proceedings, we have had to file court proceedings within these compulsory acquisition processes initiated by the Hon. Attorney General to obtain what does not exist by way of express provision or by the Government's commitment and demonstration to transparency in relation to what is happening.

The People's Progressive Party/Civic today, through the Hon. Minister of Public Works, the Hon. Minister of Labour and the Hon. Prime Minister, not by pure accident all of them being African Guyanese, stood in this House, berated the Opposition and sought to caution African Guyanese from listening to the Opposition. It is because of the persons in Peter's Hall, I have seen it personally. I have seen the crying, the tears and the destruction of their lives. We made an application to the Court on 18th September this year, which was heard promptly by Justice Kisooson. We went to Court to obtain compensation agreements signed by the Government and its agencies with persons who have received compensation. The people are saying for race,

political and other reasons the process has not been fair. The allocation of property and compensation rights have not been fair and equitable. The Court entertained the application and granted certain orders. The Court granted an order that:

“on the basis that the State has invoked its powers under the Constitution and under the Public Purposes Act...”

This is from the decision of Justice Kisoona. I could lay it over with the Court. It states:

“For the purpose of us taking a single purpose that is the construction of a Demerara Harbor Bridge.”

In this context, some of the documents ought to have been properly provided at the time the request was made by the Senior Counsel, referring to myself, because of the question of relevance. The Court went on to state:

“It is in the context that relevance and the ability of the court to justly deal with the issue before it, that it must be examined in the context of the 50 properties that were or in the process of being acquired by the State within a single area.”

The Court went on to state:

“The orders sought in the notice of application must be granted. All of these documents, without a doubt, relate specifically to the process of taking the assessment of compensation for the properties adjoining and pursuant.”

They have a direct bearing on what the court has to determine in relation to these issues. The Court made this Order, I think, on the 20th and fixed the hearing of these proceedings on 30th September. The State has refused to deliver those documents to the Court. They have appealed to the full Court and that appeal is pending. We are at the close of almost three months after. Nevertheless, the Government comes with this sense of urgency, speaking about transparency in relation to the process for which they are themselves refusing to provide information as ordered by the court. There is no doubt that this piece of legislation and the substantive Act continue to perpetuate all the colonial features of oppression against the citizens.

Mr. Speaker, I want to put on record a statement by a court for us to sit here today and for the purposes of prosperity in the future. I will call the name of the case, Sardar-Ul-Mulk against

the Government of Khyber Pakhtunkhwa, paragraphs 23 and 22 with a decision of the Pakistani Court. It states:

“A full scale law of land acquisition for the whole of the British India was introduced since the year 1857, which was amended in the following year in 1870, followed by the present law of 1894.”

According to the Gazette of India of 1892, the object of the law was to protect public funds. It means that this law did not aim for a determination of fair compensation.

“Fair and adequate compensation for a land acquired by public purpose is also an important issue in international human rights law. It has assumed greater importance in the background of forced eviction for a range of public purposes. The Act of 1894...”

This is like the 1914 Act until it was repealed in its entirety in 2013 by India.

“...is a relic of colonial law in the Indo-Pak Subcontinent. There has been self-evident public dissatisfaction with the determination of compensation by executive authorities concerned. It is high time we considered introducing a new law altogether so that the colonial tinge of the law could be transformed into a human rights approach through constitutional obligation of the executive authorities of the State.”

Mr. Speaker: Hon. Member of Parliament (MP), Senior Counsel, your time has expired three minutes ago, so you will need an extension to continue.

Mr. Mahipaul: Thank you, very much, Mr. Speaker. May I ask for the Hon. Member to be given an extension in keeping with the standing orders?

Motion put and agreed to.

Mr. Speaker: Thank you. Hon. Member, you may continue.

Mr. Forde: In the same case, the Judge continued at paragraph 24 to state:

“A human rights approach to land acquisition may be defined as recognition of land as property and peaceful enjoyment of its possession; a source of livelihood in terms of economic rights and a characteristic of identity linked with social and cultural rights.”

I would not read the part because of time in the decision of our Court... I just want to say that the Court specifically stated that until full and adequate compensation is paid, the landowner

has the right of possession and has the right to enjoy possession. I just want to make it clear. It seems as if it is a source of derision and discomfort for Hon. Members of the House to have Members of this side of the House speak on the issues of African ancestral lands and also to speak on land rights in relation to our Indigenous people. African ancestral land rights in Guyana lack the comprehensive legal protection afforded to Indigenous lands. These lands include lands established by villages by freed Africans, through collective purchases which holds significant cultural, historical and socioeconomic values.

Under the current legislation, as well as these proposed amendments, they failed to adequately safeguard these lands from arbitrary acquisition and insufficient compensation. This creates inequities that perpetuate historical injustices and leave many of the Guyanese communities, particularly African and Amerindian communities, vulnerable to displacement and to the loss of cultural heritage. I call on this honourable House for protections similar that exist in relation to the Amerindian Act to be enacted as a matter of law and as a matter of urgency to secure African ancestral lands, so that they could be legally recognised as a distinct category of landholding, acknowledging their historical and cultural significance. I would have hoped to hear them on the other side standing to support such principles. Free, prior and informed consent must be part of our law in relation to all the people of the country. I call for us to establish a National Lands Commission to deal and protect with all lands in this country.

We are here today not because we want to come before this House and be incapable of saying and determining the difference between the word '*batilion*' and the word 'battalion' but, because we want to understand that the Hon. Member, Mr. Ramson, could finally say battalion and not *batilion*. We want to focus on the need to have proper legislation to protect the land rights of our people, which this current Bill and the substantive piece of legislation fail to do. Thank you, very much, Mr. Speaker. [*Applause*]

Mr. Speaker: Thank you, very much, Hon. Member Mr. Roysdale Forde. Hon. Attorney General and Minister of Legal Affairs, Mr. Mohabir Anil Nandlall, Senior Counsel, you have the floor.

Mr. Nandlall (replying): Thank you, very much, Mr. Speaker. Let me begin from where the last Member left off. [*Interruption*]

Mr. Speaker: Hon. Attorney General (AG), just give me one minute to interrupt you so I do not have to interrupt you again and call on Minister Parliamentary Affairs and Governance to move that the Standing Order be suspended so we can proceed beyond 8.00 p.m.

Mr. Nandlall: Yes, Sir.

Mr. Speaker: Ms. Teixeira, we have to move the motion because we are going to go beyond 8.00 p.m.

Suspension of Standing Order No. 11

BE IT RESOLVED:

“That Standing Order No. 11 be suspended to enable this sitting of the National Assembly to continue with its business beyond 8.00 p.m.”

[*Minister of Education*]

Minister of Education [Ms. Manickchand]: May it please you, Sir, respectfully asking that the relevant parliamentary provision be suspended to allow us to go past 8.00 p.m. until the work of our business is done this evening as instructed by the Chief Whip of the Government.

Question put and agreed to.

Standing Order suspended.

Mr. Speaker: Thank you, Minister Manickchand. Hon. AG, you may continue.

Mr. Nandlall: Thank you, Sir. The issue of African ancestral lands has been a running theme through this debate. We have heard all manner of allegations and contentions that this Bill affects African ancestral lands. The Bill is public and the law that it seeks to amend is also public. Anyone who is interested in this topic can go and read the Bill and the substantive Act, all 14 pages of the Principal Act and if the person could find anything, either expressly or by implication, makes reference to any ethnic group in this country, including African Guyanese, then I will resign from this Parliament. If any person can find any reference to any ethnic content in either the Bill or the Principal, I will resign.

7.34 p.m.

The second point I want to make is, every person on that side who chose to speak about African ancestral lands has not left us at all with any definition of what this concept is. No one is yet to explain what this concept of African ancestral land is. My grandparents – maternal and paternal – are from Mon Repos and they own two properties in Mon Repos by transport. I suppose that those two properties would be my Indian ancestral lands. I am just reasoning by way of parity.

[**An Hon. Member:** (*Inaudible*)] Not the entire village, just the two plots of land for which transports were issued. I am saying, by my limited understanding of the law, that could be my Indo ancestral lands. Translate that to the Hon. Member, Mr. Forde, ancestral land, where is it? I know that he is from Pike Street, Kitty. It cannot be that his father owns the whole of Kitty.

[**Mr. Ramson:** Is he an ethician?] The Hon. Member cannot be because he is upsetting his Cde. Leader. Cde. Leader is right there too and Dr. Luncheon. It cannot be that the entire of Kitty is his ancestral land.

When we do these things, unfortunately, we have other people grabbing on to these concepts and misleading themselves. This whole concept of African ancestral lands was topical under the previous Coalition Government. President Granger, to his credit, established an entire Commission to address this concept of African ancestral lands. They had a Commission of Inquiry. [**An Hon. Member (Government):** Another one?] Yes, another one into African ancestral lands and up to now, we do not know where the report is that speaks to this glorified concept of African ancestral lands. I do not want what I am saying to be in any way misinterpreted. Reference was made, for example, to the village of Victoria, formerly Northbrook. It is an historical fact that is the first village bought by the freed slaves. It was Plantation Northbrook. A transport for the land purchased is inexistence for that village. All lands on that transport may be referred to, collectively and communally, as African ancestral lands because it was stated in a Transport.

Those who are championing the rights of Afro-Guyanese, let me tell them today that the entire village, excepting the persons who went by themselves and obtained prescriptive titles for the lands, are occupying individually, are the only people who have obtained Titles individually from that village. The entire village that the Hon. Member, Ms. Walton-Desir, wants to represent and wants people to believe that she is representing their interests, the people are just living there. Whoever got titles for that village had to take individual steps to get those titles in their individual names.

[**An Hon. Member:** (*Inaudible*)] There is a street in there titled the “Benn Street”. It is a very straight street. The Hon. Member is a lawyer and can easily go in there to help the people regularise their occupations – all of them who are squatting on

communally owned lands. The Hon. Member has never done one in her life but comes here and create the impression that she is representing the interests of those people.

They love to talk about Linden. I have heard repeatedly my colleagues, the Ministers of Housing and Water, Ms. Rodrigues and Mr. Croal, stated in this House that we have given titles to more people in Linden in one year that they have given to the entire country in five years. You would come here and regale the world of how you care about Afro-Guyanese. Right now, as I stand here, Number One Village, West Coast Berbice; Number Two Village, West Coast Berbice; Number Three Village, West Coast Berbice; Number Four Village, West Coast Berbice; and Number Five Village, West Coast Berbice are five Afro-Guyanese villages being regularised by this Administration, where thousands of African Guyanese will get Transports and Certificates of Titles. This Government is doing that.

You can speak about African interest, but you cannot point to one piece of land that you have ever secured for the ordinary Guyanese people. [Ms. Parag: Ms. Walton-Desir...]

The Hon. Member, Ms. Walton-Desir, has in Linden. The Hon. Member, Ms. Ferguson, has four house lots. You took for yourselves and nothing is wrong with that. Do not pretend here as though you are representing Afro Guyanese. [Mr. Ramson: What about Mr. Mingo

and Mr. Lowenfield?] Mr. Lowenfield has 200 acres at Billy Hide Out. Another Pan Africanist leader from the African Cultural and Development Association (ACDA) got the whole of Nineteenth Village, the seawall front. The other Earth Scientist, what is his name? Kares and all these people. A gentleman named Hopkinson got 200 acres at Plantation Ogle. These are not ordinary Guyanese. These are not ordinary Afro-Guyanese. These were the friends and families of the Coalition Government. When it comes to ordinary Guyanese, you cannot point to house lots that you have given. We have at Ann's Grove, ...[Interruption]

Mr. Speaker hit the gavel.

Mr. Speaker: Hon. Member, I remember when the Hon. Member, Mr. Forde, was speaking we had a fair amount of silence. Hon. Attorney General and Minister of Legal Affairs, I trust that your Colleagues will give you the same silence that they gave Mr. Forde.

Mr. Nandlall: Sir, at Ann's Grove, another very famous Afro-Guyanese village, the Prime Minister, Mr. Croal and I commenced a regularisation exercise, where 400 Afro-Guyanese families will get Titles after 450 years of living there. That is what we do and we do not have to puff our chests... [Interruption]

Mr. Speaker: Hon. Member Ms. Ferguson, please, you are now becoming a bit overbearing, even for me.

Mr. Nandlall: At the level of the Mahaica/Mahaicony/Abary Agricultural Development Authority (MMA/ADA), President Ramotar signed off 50 leases to Afro-Guyanese rice farmers, giving them 10 acres of land each. They went to the bank, borrowed moneys, went to the Institute of Private Enterprises Development (IPED) and took small loans. They bought tractors on credit but when the Coalition Government got into Government, they revoked all 50 of those leases to give back to members of the People's National Congress (PNC). That is what they have done to the ordinary Afro-Guyanese. There were Court Orders. When we were in Opposition, we challenged the revocation of the leases and we won all 50 cases. Mr. Basil Williams appealed and lost all 50 appeals. **[Mr. Ramson: Did he appeal the cases?]**

Yes. That is what we have done for Afro-Guyanese. That is just a tip of the iceberg. I can go village by village and talk about what we are doing for Afro-Guyanese, such as land rights right across the length and breadth of Guyana.

Mocha Arcadia is being mentioned with alarming regularities here. They will not tell you that, after 400 years of Afro-Guyanese living there, today, the People's Progressive Party/Civic Government is regularising the entire Mocha Arcadia to give them Transports and Titles. That is an on-going project right now. When we tried to move those who were squatting in the face of a highway, they made that into a big racial issue. They misled 27 people who were in the path of the highway. They tried to persuade 27 of them to stay there. There were 20 who ignored them and seven remained. The seven had to be forcibly moved because the highway would not have stopped to accommodate seven squatters. The 20 who were moved live in transported lands today. They have houses with their families. That is what we have done.

We heard about the Success squatters. The Success squatters that were removed from GuySuCo's lands at Success, 95% of them are Indo-Guyanese and we moved them. Today, they want to convert the Success squatters into Afro-Guyanese, so that they could feed off of that narrative. Success and Better Hope, my Constituency, they want to convert them and they want to Africanise them now because they want to feed them into a narrative. You heard them speak of the Success squatters. They do not even know who the Success squatters are or were. This is diabolical racism – diabolical racism. **[Ms. Ferguson: (Inaudible)]** I am going to get to that.

Let us go back to the Court yesterday, even without the amendments... The Hon. Member, Mr. Forde will bail me out. ...the Judge spoke to the six families who were in Court. Do you know what the Judge said to them? He said, the Government is offering one price and you want another price. You are not challenging the acquisition. You agree that the Government should take the land but your only problem is that the prices are different. The Government have removed 55 persons but five of you remained in the middle of a construction site. The power lines have been removed and piles are driving at 100 feet in depth. There is a crane operating which endangers the lives of you and your families, as you sit there, and you want this Court to stop that construction so that we can negotiate with you an acceptable price. That is what you want this Court to do. That is what you are asking this court to do.

7.49 p.m.

You are asking me, as a Judge, forget the 50 people who have already complied, forget the hundreds of thousands who are going to benefit from this bridge being completed on time, because you have an issue with the compensation I, as a Judge, must put the bridge project on hold while I sit with each of you and find out what is acceptable to you. Is that what you want me to do? Could I do that? Would that be in the interest of justice and fairness? [An

Hon. Member: (*Inaudible*) That is what the Judge said and Hon. Member Mr. Forde cannot deny that. The Judge did a mediation session that lasted for nearly four hours, where he spoke to each member of the family like that and said, tell me, what do you want me to. It is in that... [Mr. Ramson: He did not mention that in his speech.] No. He did not mention many things in his speech. That is how the Judge... That is without the amendments, the Judge said you were asking me to hold back.

Look at the other case with Dr. Steve Surujbally that the Hon. Member, Mr. Ramjattan, mentioned. Now, we have Dr. Steve Surujbally's land and he took us to court because he refused to accept the compensation. Right? [Mr. Ramson: (*Inaudible*)] Oh yes, and Dr. Steve Surujbally, as we all know, is a fellow with big afro hair. We know that. The entire pipeline to run the gas from the ocean to the gas-to-shore project, we had to put that on hold until us, the Government and Dr. Steve Surujbally, worked out a compensation package. They said that is the law; that is the Constitution. All of us want the blackout to end. All of them want the blackout to end. All of them are cursing the Government, rightfully so, when they have a blackout, they want the blackout to end. They want cheap cooking gas, but we must sit with Dr. Steve Surujbally for the next three years and put the whole project on hold, while

we negotiate whether he should get \$2 million more or not. Does that make sense? Which constitution of which country will contenance that type of foolishness? Which constitution of which country?

That is why, I do not go to the law just like that. I reason out because the law is logical. There is no system of law that will allow one human being to hold the public interest at ransom. No system of civilised law will ever do that. I am not even going to any law book. I am reasoning and that is what the concept of eminent domain is about. Let me read it back again because we still do not seem to understand. I am going to go to the judgements that they referred to. Hon. Member Mr. Ramjattan spoke of Bhagwati, so let me deal with the man named Durga Das Basu. Hon. Member Mr. Forde was inviting us to go to India. *A Commentary on the Constitution of India, 9th Edition*, 2021 Durga Das Basu, at page 5624, explains the concept of eminent domain thus:

“The right of the State or the sovereign to its or his own property is absolute while that of the subject or citizen is... paramount.”

Listen to the distinction – one is absolute and one is paramount. I continue:

“The citizen holds the property subject always to the right of the sovereign to take it for a public purpose.”

Let me repeat that:

“The citizen holds the property subject always to the right of the sovereign to take it for a public purpose. This right is called “eminent domain”. A superior right inherent in society and exercised by the sovereign power or upon delegation from it, whereby the subject matter of rights may be taken from the owner and appropriated for the general welfare.”

That is the concept. The State’s power to take is a draconian power. I will be the first to admit that but that is the nature of the power. One thing it is contingent upon, you must pay compensation, nothing to do with vacant possession. Let me come to the Constitution now that we are accused of violating. I want us to listen carefully, because the Constitution has been misquoted by the Hon. Member, Mr. Ramjattan and it was not quoted at all by the Hon. Member, Mr. Forde, and there is a reason. Let us go to the Constitution; it states:

“142. (1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except by or under the authority of a written law- ...”

This is what the written law must do. Listen carefully to what the written law must do. It states:

“...where provision applying to that taking of possession or acquisition is made by a written law requiring the prompt payment of adequate compensation.”

The law that authorises taking must provide for prompt payment of compensation. There is no requirement there that the State is not entitled to vacant possession. The law that must authorise the taking must satisfy one requirement, which is prompt payment of compensation. That is the only requirement that the law must satisfy. That is what the Constitution states. I am challenging them and we can test it. Let them go to the court and let them challenge the law. A great moment has been made of a Court ruling but, in law, we have different judges who interpret the law differently. **[Mr. Ramjattan: (Inaudible)]** I am going to quote the Court of Appeal. Hold on.

Hon. Member Mr. Ramjattan was on this side of the House in the year 2001 when the Government of Guyana, the People’s Progressive Party/Civic Government, acquired a plot of land at Water Street from Mr. Toolsie Persaud Limited. Hon. Member Mr. Ramjattan was very much on our side of the bench when we acquired the Toolsie Persaud property. It was done in 2001. **[Mr. Ramson: Was it from an Afro-Guyanese?]** Mr. Toolsie Persaud is another Rasta man. The Government took, again, we were threatening Afro-Guyanese ancestral lands when we took Mr. Toolsie Persaud’s land. We took it to give it to Afro-Guyanese and Indo-Guyanese but a majority of Afro-Guyanese vendors vending on Water Street, Georgetown. **[Brigadier (Ret’d) Phillips: That is our track record.]** That is our track record.

The very argument was raised in that case about taking possession and compensation must be paid. This is what Justice B. S. Roy, who heard the case in the High Court... Justice Roy is a very experienced Judge who sat in the Court of Appeal for a number of years. I do not wish to cast aspersions and any other judges, including those who were appointed two months ago. I am not going to cast aspersions on them. This is a seasoned Judge and this case went to the Court of Appeal. There is a ruling. Justice Sandil Kissoon made reference to it and we are looking for it. This case, upheld by the Court of Appeal. Mr. Rex McKay, Senior Counsel Edward Luckhoo argued and Miles Fitzpatrick with Doodnauth Singh appearing as Attorney

General. Justice Roy had to interpret Section 7(1), the very Section 7(1) of the current law, and this is what Justice Roy had to say:

“...the words “the land shall vest in the State” must be read disjunctively and independently of the words “subject to the payment of the purchase money or of any compensation as hereinafter provided.”

Let me repeat that, so that it sinks in because understanding is very difficult here. It states:

“The words “land shall vest in the State”...”

These are the very words in the Act.

“...“must be read disjunctively...””

Meaning separately, not conjunctively.

“...“and independently of the words “subject to the payment of the purchase money or compensation as hereinafter provided.””

The land is vested in the State and the payment of compensation is a separate thing. It must be read disjunctively. That is what the Judge is saying. I continue:

“In the first place, it must be emphasized that the whole object of the Act is to facilitate the acquisition of Lands required for the public purpose.”

[**An Hon. Member (Government):** The whole purpose.] The whole purpose of the Act is to facilitate the acquisition of lands required for public purpose. There is no other reason for the Act. That is the purpose of the Act. It states:

“There is nothing consensual...”

This means there is no requirement for there to be an agreement.

“...about the provisions of S. 7(1). “

That is what they are arguing that you must have compensation and there must be an agreement to compensation if title is vested. The Judge is saying, no, there is no such consensual requirement. It states:

“It is simply coercive. The words “the land shall vest in the State” simply mean what they say.”

It shall vest in the State. That is all that it means.

“It is nothing short of a statutory vesting declaration. It is unilateral and it is complete without reference to the expropriated owner.”

I am not saying so. It states:

“The private law analogy of the rights of an unpaid vendor have no application or relevance to the provisions of S. 7(1) of the Act.”

The reference to a private law analogy has no reference at all to Section 7(1) of the Act. It continues:

“All of this of course must not be interpreted to mean that S. 7 (1) contemplates or advocates the concept of expropriation without compensation.”

The Judge is saying, I am not saying that Section 7(1) means that you can take the land without expropriation.

“Far from it. S. 7 (1) makes it crystal clear that there must be “payment of the purchase money or of any compensation, as hereinafter provided.”

That is how judges have been interpreting the same section all the years in Guyana. Hon. Member Mr. Ramjattan was on this side of the House when the Judge gave that judgement in 2001. [Mr. Ramjattan: Exactly and it is recorded in the (*Inaudible*)] It is not finished; the Judge continued by stating:

“In my view therefore...”

[Mr. Ramjattan: It was overruled.] Who will overrule it? [Mr. Ramjattan: (*Inaudible*)] The Court of Appeal upheld this. [Mr. Ramjattan: It did not.] The Court of Appeal of Guyana upheld this. The Judge continued:

“In my view therefore so long as the amount of compensation to be paid to the expropriated owner is not assessed and determined by the High Court in accordance with S 15 of the Act, the compensation payable under S. 7 (1) of the Act remains at large.”

The Judge is saying, so long as there is an agreement or so long as the court has not assessed what the compensation is, the issue of compensation remains at large, but the land is already acquired and possession is already taken.

8.04 p.m.

What is at large is the compensation. [Mr. Ramjattan: No, it is not.] I am reading from the judgment; you can say what you want. [Mr. Ramjattan: I was *[inaudible]* at the judgment recently that it was overruled.] It is only after assessment by the court that the expropriated owner's right to compensation becomes justiciable, claimable, and actionable. The duty and responsibility of the state, between the date of vesting of the land and the assessment of compensation by the High Court, remains in the nature of an obligation to pay compensation in accordance with the section. [Mr. Ramjattan: *Daats* right.] That is what we are saying. *Daats* right. That is what we are saying. [Mr. Ramjattan: That is the emphasis, that is what *(inaudible)*] You are mentally scarred. What the judge is saying is that the obligation of the state to pay remains intact, but the state must get the ownership and get the possession. That is what the judge is saying.

The meaning of the expression 'subject to, therefore' cannot, in my opinion, be interpreted to mean a condition precedent. The subject to, cannot be a condition precedent; to do so would be to cast a wholly erroneous complexion to the section. It would make nonsense of the intendment of the legislation and must be read accordingly. That is what the judges have been ruling, and that is why all the cases, all the Caribbean territories, have that position. They all have that position and that is why I made reference earlier to Trinidad, I made reference to Belize, I made reference to Barbados, I made reference to Jamaica. All the relevant provisions are here, and Mr. Forde alluded to them. In these territories, the vesting order is not even made as yet, and the state takes possession. They have a constitution that is identical to Guyana.

[Mr. Ramjattan and Mr. Forde: No.] The constitution of these countries... *Oh*, my God. The Constitution of Trinidad, the Constitution of Belize, and the Constitution of Jamaica, are almost identical in their protection to private property like the Constitution of Guyana. All these provisions, empower the state to take possession long before a title is vested, in keeping with the concept of eminent domain. Now, if you do not understand the concept of eminent domain, then you will not understand the unusual power that the state has. I cannot teach those who are incapable of understanding what eminent domain means. You want to distort the concept of eminent domain; that is what they want to do. As I said, it is open for the Hon.

Members to go to the court. Mr. Forde has a long history of winning many cases against me, from 2020 to now. We can continue that record. Pandit Ramkissoon and Ms. Sarah Brown are here, testimony to his legacy in the courts. They are here today, so it is open for them to challenge it, and we will go and argue it. I would not challenge the Hon. Member Walton-Desir to go to court. She is an attorney-at-law, but I have never seen her anywhere close to a court. So I cannot challenge her. Mr. Roysdale Forde is an eminent Senior Counsel. The Hon. Kemraj Ramjattan told us that he appeared in many cases like this. I asked him to name one, and he could not name one. He told us he appeared in many of these cases, and he could not recall one. Poor Hon. Member, there were so many.

Oftentimes we are asked in this Parliament to work together, and we are asked to trust each other. I want to conclude by reciting what transpired yesterday because we met in good faith. Hon. Member, whose birthday we are celebrating, Mr. Christopher Jones, texted me in the morning to ensure that the meeting is still on, and I gave him a thumbs up because I was in court. They turned up at the Attorney General's (AG) office – the Hon. Member Mahipaul was there, we had to wait about 20 minutes for Mr. Forde, Ms. Annette Ferguson was there, Hon. Member Sherod Duncan was there and Mr. Vincent Henry. [Dr. Singh: Was Ms. Walton-Desir there?] No, we were told Ms. Walton-Desir was fighting to come, but from directions, upper, she was told not to come. A bird whispered that information to me. She got dressed and everything, I was told. I felt for her because she does dress well. It would have taken a lot of effort, then to be told that you cannot attend the meeting is rough. It was rough. We met and throughout the meeting, Dr. Ashni Singh, everything Mr. Forde... First of all, we agreed on section 7, after some discussion, that we are not going to change section 7.

Mr. Mahipaul was raising some arguments and Mr. Forde, to his credit, overruled the arguments. If *yuh* hear 'Annette', *umhmm*, *umhmm* right through. Yes, yes 'Roysdale'; *umhmm*, yes 'Roysdale', right through. I have never seen her so animated – *umhmm*, yes; *yall* cannot do that; *eheh*. That was the extent of her contribution, *umhmm*, yes. When 'Roysdale' changed his position, yes, yes 'Roysdale', *yuh* right. Yes, yes 'Roysdale', *yuh* right, *umhmm*. That was the extent of the Hon. Member's contribution to the meeting. 'Annette', I am not misrepresenting you; I am not. Any meeting I go to, I want a disciple like that to follow me. I want a disciple like that; I could never go wrong. [Dr. Singh: 'Aubrey Norton' want a disciple like *duh tuh*.] *Yeah*.

When Mr. Forde raised the matter about interest – How would the Minister of Public Works determine who is an interested party? – the Hon. Member said, ‘you want to put the Bishop in that position, because people will come with different interests, more people would claim, two or three people may be entitled. How will the Bishop decipher that? Hear ‘Annette’, *umhmm*; *oh meh* God, you want to do...; *don’t* put the Bishop in that position. The Hon. Member was there. [Ms. Ferguson: Mr. Speaker, I just want to place on record what the Hon. Member is reporting is not true.] We had a very, very productive engagement, to sum it up. Mr. Forde said to me, okay, let us move on from section 7. We will leave section 7 as it is. That is the man’s position. Of course, ‘Annette’ *seh umhmm*, yes ‘Roysdale’, *leh* we move on.

I heard the presentation today about how section 7 is so horrendous, and Mr. Forde said yes, let us deal with the compensation, and let us put the power in the court; let the Minister lodge the money in the court and lodge it immediately when the state takes possession. [Dr. Singh: And what did ‘Annette’ say?] Yes ‘Roysdale’, that is fair. Yes, yes AG, that sounds right. Then ‘Roysdale’ *seh*, hear, let us put it to the Registrar. [Dr. Singh: And what did ‘Annette’ say?] Yes, the Registrar, yes. And she pronounced the last syllable of whatever ‘Roysdale’ *seh*, like she did not say Registrar, she said *rar*. He said *Regist*, and she said *rar*. Any one of them could stand up and contradict me.

Ms. Ferguson: Mr. Speaker, I stand on a Point of Order.

Mr. Speaker: Go ahead, Hon. Member – 40 (a) or (b).

Ms. Ferguson: Mr. Speaker, if we can use both I do not mind support for both 40 (a) and (b), but I just...

Mr. Speaker: Hon. Member, the Point of Order... Hon. AG, you can continue.

Mr. Nandlall: Sir, I detained the House to depict accurately the atmosphere of camaraderie and cooperation that permeated the meeting. That is why I am shocked here to hear that this thing is contentious. In fact, I will challenge the Hon. Member Mahipaul. At the conclusion of the meeting, do you know what Hon. Member Mahipaul said? We can finish the parliamentary sitting at 10.10 a.m. because this is the only thing that we are contesting. Ten minutes after ten he said. Did you not say so, Hon. Member? He said there is nothing to debate; there is nothing to debate because they agreed with everything, and we could have an early day. [Dr.

Singh: *Yuh* know *wha* happened? ‘Aubrey’ overturned them.] No, ‘Amanza’ Walton-Desir overturned them, when she *mek suh*... [the Hon. Member gestured with his hand.] At the

end of the meeting, while they were having a private smoke, I saw the Hon. Member Ganesh Mahipaul complimenting Minister Teixeira and saying we should really meet more often; and they shared a mint. Ms. Teixeira gave him a mint and he sucked away liberally.

Mr. Speaker: Hon. AG, you have effectively consumed your 45 initial minutes in concluding. You may need an extension to continue.

Brigadier (Ret'd) Phillips: Mr. Speaker, may I ask that the AG be allowed to continue, in keeping with the Standing Orders.

Motion put and agreed to.

Mr. Speaker: Thank you. Attorney General you may continue.

Mr. Nandlall: Mr. Speaker, I want to conclude by assuring the people of Guyana that there is nothing untoward, there is nothing adverse about this Bill. The state had the power, in any event, to take vacant possession; that is how the law was being interpreted all the time. There has been an interpretation that has gone against the grain, and Hon. Member Mr. Forde has made mention of it. The people of this country have to choose, importantly.

We have to end the blackout. To end blackout, we have to within the next year acquire over 200 pieces of private properties across this country. To complete the road works scheduled for the next year we have to acquire a lot of pieces of property. The truth is that the people of Guyana are anxious for development, and they will choose. Do we want the blackout to end, or do we want the blackout to continue while one or two persons detain a process over adequacy of compensation? The law will not be legal unless it guarantees adequate compensation to be paid promptly. The law will be illegal if it does not do so. We are saying that the law in its current form, as amended by this Bill, satisfies those requirements. With those few words, I ask that this House pass this Bill as printed. Thank you very much, Sir.

8.19 p.m.

Mr. Speaker: Thank you very much, Hon. Attorney General. Hon. Members, I now put the question that the Acquisition of Lands For Public Purposes (Amendment) Bill 2024 – Bill No.16 of 2024 be read a second time.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Mr. Chairman: Hon. Members, we are now in Committee. The Bill has three clauses and we have two amendments.

Clause 1

I now propose the question that clause 1, as amended, stands part of the Bill. Hon. Attorney General, do you want to make an intervention here on that amendment?

Mr. Nandlall: I am sorry, Sir, you lost me there. Sir, I move that the amendments as circulated be passed as printed.

Mr. Chairman: We have first your amendment:

“Insert after clause 2 the following as new clause 3 –

Section 12(1) of the Principal Act is amended by substituting for the words, ‘Companies Clauses and powers Consolidated ordinance, 1846’ the words ‘Arbitration Act 2024.’”

Mr. Nandlall: Yes, Sir. That is the new clause 3.

Mr. Chairman: That is the new clause 2. I am sorry, that is the new clause 3. That is the new clause 3.

Clauses 1 and 2

First, let me propose that clauses 1 and 2 stand part of the Bill. I put the question that clauses 1 and 2 stand part of the Bill. Those in favour say aye.

Hon. Members: Aye.

Mr. Chairman: Those against say no.

Opposition Chief Whip [Mr. Jones]: Division.

Mr. Chairman: Hon. Member Mr. Jones.

Mr. Jones: Division.

Mr. Chairman: I had just proposed the question. I have to put it before you get a division. I now put the question that clauses 1 and 2 stand part of the Bill. Those in favour say aye, those against say no. The ayes have it. Do I hear the call, Hon. Member Mr. Jones?

Mr. Jones: Division.

Mr. Chairman: There is a division on clauses 1 and 2 being part of the Bill. Let us ring the bell and take five minutes for Members to get in place. Hon. Members, we will have to go clause by clause because the Hon. Member Mr. Jones is not objecting to clause 1. He wants the division on clause 2, in particular sub-section (c). Let me seek the Clerk's advice. Could we go back?

Clause 1

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

Clause 2

Mr. Chairman: I put the question that clause 2 stands part of the Bill. Those in favour say aye. Those against say no. The ayes have it.

Mr. Jones: Division.

Mr. Chairman: There is a call for division. Let us ring the bell and get everyone in place – five minutes.

Mr. Ramjattan: Mr. Chairman, is clause 2 going to be broken down into sub-sections (a), (b) and (c)?

Mr. Chairman: It is clause 2, the whole clause.

Mr. Ramjattan: The whole clause will be...

Mr. Chairman: Yes.

Mr. Ramjattan: We are not objecting to the whole clause; we want (a) and (b) and we support; we are not supporting (c). [Mr. Ramson: It would not make a difference going through with this here. (*Inaudible*)] We cannot do that?

Mr. Chairman: The convention is that we put the entire clause and not a sub-section of it.

Mr. Ramjattan: All right. **[Mr. Ramson:** *[Inaudible]* like this but you do not like this *[inaudible]* do not make a difference.] That is the trouble.

Mr. Chairman: When I was proposing you could have proposed an amendment. It is only two minutes; let us give another two minutes.

Assembly divided: Ayes 33, Noes 30, as follows:

Noes

Mr. Sears

Mr. Sinclair

Ms. Alert

Ms. Philadelphia

Mr. Jaiprashad

Ms. Flue-Bess

Mr. Rajkumar

Mr. Mahipaul

Mr. Figueira

Mr. Cox

Ms. Fernandes

Ms. Ferguson

Ms. Singh-Lewis

Ms. Sarabo-Halley

Dr. Cummings

Mr. Henry

Ms. McDonald

Ms. Walton-Desir

Mr. Jordan

Mr. Jones

Ms. Hastings-Williams

Ms. Lawrence

Mr. Duncan

Ms. Chandan-Edmond

Ms. Hughes

Mr. Holder

Mr. Forde

Mr. Ramjattan

Mr. Norton

Mr. Patterson: Excuse me. I was voting and talking and not being heard.

Mr. Forde: Mr. Clerk, you did not ask me.

Hon. Member (Government): Three times.

Mr. Forde: He did not ask me...

Mr. Patterson: ...nor did he record my vote.

Mr. Forde: Mr. Chairman... Mr. Chairman...

Clerk of the National Assembly [Mr. Isaacs]: Mr. Patterson.

Mr. Patterson: No.

Mr. Isaacs: Ms. Coonjah.

Ms. Coonjah: Yes.

Mr. Holder: I said no as well.

Mr. Patterson: Clerk, I would like my vote to be recorded.

Mr. Chairman: Mr. Patterson, we heard you afterwards.

Mr. Forde: Mr. Chairman, my name was not called. My name was not called.

Mr. Isaacs: Yes. I called, Mr. Forde.

Mr. Chairman: Yes. It was.

Mr. Forde: I did not vote.

Ms. Singh-Lewis: You answered; you voted.

Mr. Chairman: Please call back, Mr. Forde. He did not hear.

Mr. Isaacs: Mr. Forde.

Mr. Forde: No.

Mr. Holder: I said no as well.

Mr. Chairman: Mr. Patterson, you are recorded as, no.

Mr. Patterson: Thank you very much, Sir.

Mr. Chairman: Mr. Holder, we did hear you. Yes.

Ayes

Ms. Coonjah

Ms. Veerasammy

Mr. Williams

Dr. Smith

Mr. Jaffarally

Dr. Westford

Dr. Ramsaran

Ms. Pearson-Fredericks

Mr. Narine

Mr. Datadin

Dr. Mahadeo

Mr. Charlie

Mr. Seeraj

Mr. McCoy

Mr. Persaud

Mr. Indar

Ms. Rodrigues

Ms. Parag

Mr. Ramson

Dr. Persaud

Mr. Croal

Mr. Bharrat

Mr. Hamilton

Ms. Campbell-Sukhai

Mr. Mustapha

Ms. Manickchand

Dr. Anthony

Bishop Edghill

Mr. Todd

Ms. Teixeira

Mr. Nandlall

Brigadier (Ret'd) Phillips

8.34 p.m.

Dr. Kissoon

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

Clause 3

Mr. Chairman: Hon. Members, I have another amendment. This is a new clause 3. I propose the question that the new clause 3 stands part of the Bill.

Clause 3, as amended, agreed to and ordered to stand part of the Bill.

Clause 4

Hon. Members, I now propose the question that the amended clause 3, which is now the new clause 4, stands part of the Bill. I will now put the question that clause 4 stands part of the Bill. Those in favour say aye. Those against say no.

Mr. Jones: Division.

Mr. Chairman: The ayes have it.

Mr. Chairman: There is a call for a division.

Mr. Jones: Division.

The division bell rang.

Assembly divided as follows: Ayes:34, Noes:30

Ayes

Dr. Kissoon

Noes

Mr. Sears

Mr. Sinclair

Ms. Alert

Ms. Philadelphia

Mr. Jaiprashad

Ms. Flue-Bess

Mr. Rajkumar

Mr. Mahipaul

Mr. Figueira

Mr. Cox

Mr. Patterson

Ms. Fernandes

Ms. Ferguson

Ms. Singh-Lewis

Ms. Sarabo-Halley

Dr. Cummings

Mr. Henry

Ms. Mc Donald

Ms. Walton-Desir

Mr. Jordan

Mr. Jones

Ms. Hastings-Williams

Ms. Lawrence

Mr. Duncan

Ms. Chandan-Edmond

Ms. Hughes

Mr. Holder

Mr. Forde

Mr. Ramjattan

Mr. Norton

Ayes

Ms. Coonjah

Ms. Veerasammy

Mr. Williams

Dr. Smith

Mr. Jaffarally

Dr. Westford

Dr. Ramsaran

Ms. Pearson-Fredericks

Mr. Narine

Mr. Datadin

Dr. Mahadeo

Mr. Charlie

Mr. Seeraj

Mr. McCoy

Mr. Persaud

Mr. Indar

Ms. Rodrigues

Ms. Parag

Mr. Ramson

Dr. Persaud

Mr. Croal

Mr. Bharrat

Mr. Hamilton

Ms. Campbell-Sukhai

Mr. Mustapha

Ms. Manickchand

Dr. Anthony

Bishop Edghill

Mr. Todd

Ms. Teixeira

Mr. Nandlall

Mr. Jagdeo

Brigadier (Ret'd) Phillips

Clause 4, as amended, agreed to and ordered to stand part of the Bill.

Bill considered and approved.

Assembly resumed.

Bill reported with amendments, read the third time and passed as amended.

Security Interests In Movable Property Bill 2024 – Bill No. 20/2024

A Bill intituled:

“AN ACT to provide for the creation and registration of security interests in movable property and for related matters.”

[Minister of Tourism, Industry and Commerce]

Minister of Tourism, Industry and Commerce [Ms. Walrond]: Mr. Speaker, I rise to move that the Security Interest in Movable Property Bill 2024, Bill No. 20 of 2024 published on 27th November, 2024, be now read a second time.

Mr. Speaker, the Security Interest in Moveable Property Bill is a critical piece of legislation that will pave the way for creating a modern, inclusive, and efficient system for secure lending in Guyana. It represents another milestone in our journey to transform Guyana's economic landscape by fostering financial inclusion, empowering small and medium-sized enterprises (SMEs) and increasing access to credit. Currently, our secure transactions framework is outdated and fragmented. Guyana currently lacks the centralised system for managing these kinds of secure transactions involving movable property. This absence has created several challenges. First of which, obviously, is that there is a barrier to credit access. Without this system lenders, particularly commercial banks, are hesitant to provide loans to businesses unless immovable property, such as land and real estate, is offered as collateral, sidelining movable assets as viable security. This Bill now seeks to remedy this.

The Bill also addresses the problem of limited access to credit for SMEs and low-income individuals. Many SMEs struggle to access credit because they are often considered high risk by borrowers due, of course, to insufficient or inadequate collateral. Commercial banks are therefore reluctant to extend loans to SMEs that do not have tangible immovable assets. Further, a significant amount of our population would be excluded from accessing financial services because they do not own immovable property, further limiting their economic opportunities.

8.49 p.m.

The existing laws governing movable properties are dispersed across multiple acts, making the system cumbersome and discouraging lenders and borrowers alike. Additionally, registration and enforcement processes for secure transactions involving movable property are time-consuming, costly, and complex, further discouraging the use of assets as collateral. There is no provision under existing laws to recognise and use modern personal assets, such as intellectual property or digital assets as collateral, despite their significant value. This gap stifles innovation and limits opportunities for entrepreneurs and the creative industries in Guyana's rapidly growing economy. This Bill seeks to resolve these issues by introducing a

comprehensive, modern, and inclusive legal framework to govern security rights in movable assets. Its primary goal is to modernise Guyana's secure transaction system, addressing inefficiencies, and creating a unified, efficient, and technology-enabled structure aligned with international best practices.

The Bill simplifies the process of using movable assets as collateral for secured credit, by consolidating fragmented legal mechanisms, making credit more accessible to a wider range of borrowers. The Bill does not introduce radical changes to policy but builds on long-standing legal and commercial principles. It adapts these principles to modern financial realities, ensuring consistency with established practices while introducing much-needed updates.

The Bill fosters greater efficiency, transparency, and legal certainty in credit markets by streamlining the secured transaction system. Under this framework, all movable property assets can qualify as collateral, irrespective of their type. These include tangible assets like equipment, inventory, crops, livestock, and vehicles, as well as intangible assets such as receivables, intellectual property, and negotiable instruments. This expanded scope allows borrowers to leverage a diverse range of personal and business assets for credit, creating new opportunities for financing. The Bill consolidates previously fragmented mechanisms for securing credit, such as bills of sale, finance, leases, and pledges of goods, into a single legal device called security agreements. These security agreements are consensual agreements securing the payment or performance of obligations. This shift eliminates redundancies, reduces administrative burdens, and ensures a coherent legal framework for secured transactions in Guyana. While there is no radical shift in the underlying policy, this Bill introduces several transformative measures designed to improve the lending and borrowing landscape, particularly for movable assets. Permit me to highlight the key provisions that will reshape the way security interests are created, registered, and enforced.

In clause 2, which speaks to the scope of the application, the Bill applies to various types of security interests, including liens created by judgment or law, transactions that create a security interest regardless of form, finance leases, commercial consignments, long-term leases of goods, and outright assignments of intangibles. However, it does not cover rights of set-off, certain land-related transactions, wages, annuities, tort claims not tied to commercial activities, or specific transactions like these, involving ships or certain licenses where security interests are prohibited. Additionally, security interests registered under the Companies Act of Guyana remain governed by the provisions of that Act and are excluded from the provisions of this Bill.

Part III and Part IV provide that the security interest is a property right in movable assets created to secure the payment of a performance or an obligation. It arises through a security agreement between the grantor, which is the debtor, and the secured creditor, the borrower and the creditor. The agreement must be in writing, signed by the debtor and specify both parties, along with the secured obligation. The collateral must be described in sufficient detail either by specific listing, category, or type of asset. The agreement can secure both present and future obligations and may apply to specific movable assets, categories of movable assets, or all the debtor's movable property. If the property or asset is jointly owned, all owners must sign the agreement.

Section 10 provides that the description of the collateral must be specific enough to identify it for it to be enforceable. The debtor has to have the rights in the collateral. Thus, you cannot sign an agreement with movable property or collateral that does not belong to you. To perfect the security interest, the agreement must be registered, or the creditor must take possession or control of the collateral. Perfection ensures that the creditor's rights are enforceable against third parties and remain valid as long as there are no gaps in registration or possession.

Section 11 speaks to the perfection of a security interest. Perfection is basically the process of making a legal claim to a debtor or a borrower's property enforceable against a third party. It gives the secured person priority over an unsecured party in the event of the debtor's insolvency.

Part II and Part VIII speak of the registration of the security and interest. I guess there is a requirement that it has to be registered in order for the security interest to be perfected, that is, enforceable. The registration of security interest in movable property is managed through an electronic track register maintained by the registrar.

Clause 46 provides that when registering security interest an initial notice must be submitted which includes details about the debtor, secured, creditor, collateral and the term for which the security interest shall be effective. Once entered into the register, the notice becomes effective and is assigned a registration number. The registration can be amended or renewed as necessary, and any errors will not be invalidated unless they are significantly misleading. The electronic register allows for real-time registration and public access to information on existing claims, reducing inefficiencies of the previous manual process. Through the registry's priority system, lenders can determine the order of claims with priority given to the first registered interest. This ensures greater transparency, reduces disputes and creates a more efficient credit

system. A predictable priority system will determine the ranking of the claims, fostering, of course, trust in the lending process.

Clause 10 (4) provides that, once the initial notice is registered, the security right becomes valid against third parties. This protection also extends to proceeds from the collateral such as monies or receivables with automatic protection for certain types of proceeds. For others, the creditor must update the registration within 10 days to maintain the protection.

Parts VI and VII establish the priority system. The priority among competing security rights is determined by the time of the registration of the initial notice. The Bill establishes that a non-consensual creditor can only gain priority by registering their notice before the key security right takes effect against third parties. Additionally, a possessory lien on goods takes priority over security rights as long as the lien holder retains possession of the goods. The Bill also introduces a principle of an innocent purchaser, ensuring that buyers who are unaware of existing security rights can acquire collateral free of those interests.

Part IX provides that if a debtor is in default, a secured creditor can take possession of the collateral or render the collateral unusable. This is in accordance with section 64. This section provides remedies for enforcement of the security interests, a very important part of the section, Mr. Speaker.

Clause 63 provides for the general principle of enforceability. It provides that, and I read :

“If the debtor is in default, a secure creditor may –

(a) take possession of the collateral; or

(b) without removal, render the collateral unusable in accordance with section 64.

2. A secured creditor may proceed under this section –

(a) to judicial process; or

(b) without judicial process, if the debtor does not resist the removal of the collateral.”

The commencement of enforcement requires registration of the enforcement form which will identify- (a) the debtor, it will identify the secured creditor, and it will identify the collateral against which enforcement is sought.

Clause 63 (4) provides that:

“A prior notice to the debtor is not required for the secured creditor to repossess or render the collateral unusable under this section.”

The enforcement process can involve the sale of the collateral either through auction, private sale, or tender. Creditors must notify interested parties of the sale, except in cases where the collateral is perishable, or an immediate sale is required. After the sale, the creditor must provide a statement of account detailing the proceeds, costs, and any remaining debt. The proceeds from the sale are used first to cover the costs of the sale, followed by payments to subordinate creditors with any surplus returned to the debtor. Additionally, creditors may propose or retain the collateral in satisfaction of the debt, but if objections arise, the collateral must be sold. The Bill also outlines the right of debtors or entitled parties to redeem the collateral by curing defaults before the sale.

Part XI provides for the repealing of the Livestock Loans for Development Act and the Bills of Sale Act, as well as Parts X, XI, XII, XIII and XVII of the Pledge of Goods Act.

Clause 95 provides that any prior security interest that was enforceable against third parties under the previous law will remain enforceable against third parties during the transitional period under the Bill.

Clause 94 identifies that this transitional period is a period of six months, beginning at the commencement of this Act. The Bill also outlines how other security interests may be considered perfected during the transitional period and addresses the priority of prior security interests during this time. The Bill provides for things like Bill of Sale, how to treat with the transition, and to register those kinds of interests and safe vehicles. If a security interest is not perfected under this Bill within the transitional period, it will be deemed imperfect.

The specific benefits and importance of the Bill are many. Access to credit is essential for economic growth, without it, businesses struggle to invest, struggle to expand, and they struggle to compete. For borrowers, this Bill is transformative. It allows them to use movable property, such as personal and business assets, as collateral. Even if you do not own a movable property, borrowers can use the same collateral for multiple loans, following the priority rules. This is specifically beneficial for small and medium enterprises and individuals who often face challenges in accessing credit due to insufficient collateral. The Bill, therefore, promotes financial inclusion, enabling more people to participate in the formal credit market.

9.04 p.m.

For lenders, the Bill creates a more secure and predictable lending environment, it reduces risks, establishes clear rules for enforcing security interests and recovering debts in the event of borrower default. The priority system ensures orderly ranking of lenders' claims to collateral, reducing the risk of disputes. This clarity and security make it more attractive for lenders to extend credit to individuals and businesses they might otherwise consider too risky. The Bill enables borrowers to access larger loans, longer repayment periods and lower interest rates. Studies have shown that countries with robust secure transaction laws see increased credit availability with credit rising as a percentage of gross domestic product (GDP).

The Bill provides certainty to lenders by establishing a well-defined process for registering and enforcing security interest in moveable assets. This lowers risks, as I mentioned, especially in high-risk sectors like oil and gas where large investments are common. It is worthwhile mentioning that women and vulnerable groups, when this Bill is enacted, will see great relief as it will assist women-owned businesses to overcome barriers to credits, further fostering financial inclusion and enabling them to contribute to Guyana's economic growth. It provides also, access to the formal markets, one of the great challenges we have with small and micro enterprises, the fact that they operate informally. This Bill continues to encourage these businesses to formalise their operations, reducing reliance on the informal sector.

The Bill also allows for use of receivables as collateral for loans. This is especially useful in sectors with long payment cycles, allowing businesses to access liquidity before payments are received. By pledging receivable, companies can secure short-term finances for operational costs or bridge funding gaps.

The Bill diversifies credit sources by encouraging non-bank financial institutions and reduces reliance on real estate collateral, rendering financial systems less vulnerable during crises. It establishes a predictable priority system. Additionally, it strengthens our financial infrastructure, including collateral registries and risk management systems, promoting better reporting and informed credit decisions.

This Bill was drafted with positive reference points. Several countries such as Mexico, Ghana and Colombia have adopted similar secured transaction regimes and have witnessed remarkable increases in lending into small and medium-sized enterprises (SMEs) and under-served communities.

In Ghana, for example, small businesses and farmers face significant challenges accessing loans due to reliance on immovable property. A moveable collateral registry was introduced in 2010, allowing businesses to use machinery, vehicles and accounts receivable as collateral. In the first year of implementation, there were over 40,000 movable collateral registrations in the first year alone, increasing access to farmers and small businesses in rural areas.

In Honduras, like many developing economies, businesses lack access to credit due to collateral requirements favouring real estate. In 2010 as well, Honduras implemented a modern movable collateral framework in a simple, low-cost registry system. This resulted in more than 90,000 loans being secured, using movable assets in the first three years. Sixty percent of loans benefitted small businesses and women entrepreneurs in particular, gained access to credit as movable assets like inventory and equipment were accepted as collateral. The source documents are from the World Bank.

In 2013, Jamaica implemented their secured transaction system which had a transformative impact on businesses and the financial environment, particularly, once again, for small and medium-sized enterprises. Small and medium-sized enterprises and sectors like agriculture, manufacturing and retail have seen tangible benefits. For example, Jamaican farmers and shop owners can now use livestock, equipment or inventory as collateral to secure loans, driving economic growth in under-served communities.

Last year, St. Lucia and other Caribbean Community (CARICOM) member states successfully implemented their collateral registry of movable assets which is expected to enhance economic opportunities, particularly for self-employed individuals in the tourism sector.

Before I conclude, I wish to assure this honourable House that this Bill comprehensively represents the thoughts of many stakeholders, thoughts gathered during a suite of consultations. The Bill underwent a series of consultations, starting in 2018 and 2019, with input garnered from stakeholders in Georgetown, Essequibo and Berbice. Recognising the significant importance of the Security Interest in Moveable Property Bill 2024 and its potential to transform the legal and financial landscape, the Government prioritised, ensuring the Bill's effectiveness and relevance.

In 2021 and 2022, further consultations were conducted alongside comprehensive, technical teamwork by a team of experts to ensure the Bill addresses the needs of all stakeholders and aligns with international best practices. In 2023, the Ministry of Legal Affairs, in collaboration

with the Ministry of Tourism, Industry and Commerce reviewed and incorporated the recommendations gathered during the consultations and from legal technical experts. The final version of the Bill was completed in January, 2024 and sent out to stakeholders for final review in May, 2024. This process of continued review and refinement that demonstrates Government's commitment to getting the Bill right, ensuring its success. The Bill was first read in the National Assembly on 27th November, 2024.

In conclusion, with the passage of this Bill, Guyana can now join this progressive, global movement to modernise our financial system and support inclusive growth. This Bill represents a forward-looking pragmatic solution to a long-standing challenge. It is a testament to this Government's commitment to economic diversification, poverty reduction and national development. As Guyana's economy continues to grow, we must ensure that all Guyanese can share in the benefits of our prosperity. By creating a robust, secured transaction regime, we are unlocking the potential of our people, our businesses and our country. I therefore urge all Hon. Members to support this Bill, which will enhance the environment, for the inclusive innovative and resilient Guyanese economy that we are working to build. Thank you, Mr. Speaker. *[Applause]*

Mr. Ramjattan: I immediately want to put in the public record that what Minister Walrond has indicated as the reasons behind the Bill and its purpose and, of course, its larger commercial purpose in enhancing the ability to, especially small businesses and persons involved in businesses, secure credit, do find attraction on this side of the House. Quite frankly, we are going to support it fully.

[Mr. Speaker left the Chair.]

[Mr. Seeraj, Presiding Member, assumed the Chair.]

I want to, however, shed some concerns of mine, and that has to do with the Commercial Registry. In view of the fact that we are going to have the registration of so many, and in various forms of what is called moveable properties, which can range from a car, motorbike, right down to tractors and even crops that are still to be cut, so whatever will be the documentation that has to be registered, and I understand it will be in electronic form, there certainly will need far more resources in our Commercial Registry. Of course, it will be one that is functional and not one whereby like how we have suffered as lawyers in the Registry over some period of time, where transports may not have the annotations in relation to certain matters, agreements, liens

and mortgages, and where has to go and check out the Registry to find certain things happening that are not accurate. It is the accuracy of the Commercial Registry and what it will have in its electronic version that is going to make a system like this work very well. I hope that the necessary resources and the necessary personnel to ensure the functionality of this new institution that we are creating will be on stream.

The other concern that I have is a review that might be required as to how the lenders are dealing with the debtors. That was always a difficulty. We have seen the advantageous positions of lenders, as against creditors. By the end of the time period for repayment and it does not happen, then the tractor will be seized, movable property will be seized, and you have a tremendous amount of discord that emanates from the debtor. You might very well have what is called, an imbalance in relation to he who is lending the credit, as against he who is borrowing. By the time the year is ended, the man loses his tractor, his combine and everything. We have to be very cautious. As a Government, I am urging Minister Walrond to keep abreast in relation to what is happening there, as to whether we will be having, as Dr. Cheddi Jagan used to talk about, usurious zamindars taking charge of legislation like this, and literally taking away the peoples' property because of a number of legalistic approaches they might have in relation to the perfection of all these things in the Registry and so on. It could be of course, disadvantageous to the poor, which this Bill in my opinion seeks to direct credit to.

In addition, the third concern has to do with the burgeoning litigation that might be forthcoming out of this institution of movable property, security interest. Every Bill that comes to Parliament with this infrastructure requires, sometimes initially a number of cases being brought. Of course, we have a situation where the High Court will be dealing with a number of cases. In that context then, we will need the courts to make rulings. I understand that you have appointed a number of High Court judges recently. We probably will need to see the Court of Appeal judges being appointed so that at least this additional rush of cases that might come on within a year or two, in relation to the provisions of this Act, we can cater for them.

Those are the three points I wish to make as concerns. Hopefully, the Hon. Minister and her Cabinet can take them in good stead. I do not mean to oppose in any way. This is welcome. The concerns, however, are what I would want to see always being reviewed and addressed. I and the Opposition support this Bill. Thank you very much. *[Applause]*

Presiding Member [Mr. Seeraj]: Thank you very, Hon. Member, Mr. Ramjattan. I will now call on the Hon. Member, Dr. Singh, Senior Minister in the Office of the President with Responsibility for Finance and the Public Service.

9.19 p.m.

Senior Minister within the Office of the President with Responsibility for Finance and the Public Service [Dr. Singh]: I rise to add my own voice of support to the contributions that have already been made earlier in favour of the Security Interests in Movable Property Bill 2024. My Colleague, the Hon. Minister Oneidge Walrond, the proposer and mover of the motion in favour of this Bill, has already articulated in abundant and adequate detail the basis for and the merits of the Bill. I am pleased, as I am sure we all are, in the House to hear the supportive contributions offered by the Hon. Mr. Ramjattan also in favour of the Bill.

I wish only to make the following observations. This Bill represents the latest instalment in a long sequence of legislative and other interventions made by this People's Progressive Party/ Civic Government and predecessor PPP/C Governments in strengthening the financial sector. An effort that we have been making over time in recognition of the very important and very strong symbiotic relationship between economic growth on the one hand and financial sector development on the other. A matter that Hon. Minister Walrond addressed in her presentation.

Over time, we have seen our Government bringing to this Parliament and enacting modern central banking legislation, the Bank of Guyana Act and its subsequent amendments; modern financial sector legislation, in particular, the Financial Institutions Act, initially in 1995, and subsequent amendments to lay the foundation for strong regulation and supervision of financial institutions in our country; an initial Money Laundering (Prevention) Act and subsequent Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) Act to lay the foundation for what we now have, which is a robust anti-money laundering framework, a framework, incidentally, that was just commended through the Caribbean Financial Action Task Force mechanism; legislation to regulate other sub-sectors of the financial sector, such as the Money Transfer Agencies (Licensing) Act; the Credit Reporting Act; and the Guyana Compliance Commission Act. All comprising critical elements of a comprehensive legal architecture, which in turn would establish a robust institutional architecture for a strong, stable and well-regulated financial system. I might add, of course, that we have through the regulators, in this instance, the Central Bank, have issued a vast array of guidelines in support of the legislation here again to ensure a strong financial sector. Guidelines that address licensing of

financial institutions, branching, credit exposure review and classification provisioning, acquisition of control of financial institutions, limits on large loans and loans to shareholders, directors and other related parties, corporate governance, risk management, technology risk management in particular, and the list goes on. A comprehensive array of supervisory guidelines here again to preserve the integrity and strength of financial institutions operating in our financial sector.

We have also, of course, enacted legislation to improve the efficiency and effectiveness of the market for credit, including in new and emerging non-traditional forms of credit, including the Hire Purchase Act, which this Parliament enacted not so long ago. We have enacted legislation and implement other policies to promote more affordable access to credit, including the special provisions in relation to the low-income housing window, which has enabled banks to provide more affordable credit for home ownership, the introduction of mortgage interest relief (MIR) and the restoration of the ceiling for eligibility for mortgage interest relief. Here again intended to promote access to credit, particularly for home ownership. The result of all these efforts has been a banking system that has been growing in line with the growth that we have seen in the economy more broadly. This is not only a recent phenomenon. If one were to look back, for example, a lot of the legislative efforts that I mentioned started in the mid-1990s, like the Financial Institutions Act came in 1995 and the New Central Bank Act came around the same period as well, we saw corresponding and without a doubt consequential growth in the financial sector. For example, if one were to look only at commercial bank deposits to get a sense of how the sector has been growing, from December 1992 to December 2014, to put that period in perspective, commercial bank deposits grew from \$30.8 billion to \$339.3 billion, an absolute or a nominal growth of \$308.6 billion or a 1,003% growth during that period.

In fact, if I were to look more recently, I think it is useful to compare and contrast growth during adjacent periods if we were to look, and I think this puts in perspective what distinguishes this Government from our colleagues on that side of the House in terms of facilitating and promoting economic growth, for example at the growth in commercial bank deposits during the period from the end of 2015 to the end of 2019, we would see that during that period commercial bank deposits grew by a mere 25.5% over that four-year period. In contrast, during the period from the end of 2020 to June 2024, not quite four years but three and a half years, commercial bank deposits grew by a staggering 67.8% to put that into perspective. You see the same with growth in credit to the private sector as well. During the period from 1992 to 2014, private-sector credit grew from a... I think these numbers are really

worth placing on record. In December 1992, total credit by the banking sector to the private sector, total credit what we describe as private sector credit, amounted to \$8.7 billion. By December 2014, that had grown to \$202 billion. In other words, from 1992 to 2014 private sector credit grew by \$193 billion or 2,213%.

Again, if we were to come and look at the more recent periods, during the period from the end of 2015 to the end of 2019, private sector credit grew over that four-year period, when the A Partnership for National Unity/Alliance for Change (APNU/AFC) was in government, by a mere 18.2%, and in fact contracted in a number of critical sectors. Contracted in mining and quarrying by 9.5% and contracted in manufacturing by 14.2%, just to give you some examples.

In striking comparison, during the period from the end of 2020 to June 2024, a mere three and a half years since the PPP/C resumed Office, during that period from end 2020, like I said to June 2024, that three-and-a-half-year period, we saw that total private sector credit grew by 57.8%. Underlying that 57.8% are some very important sectoral numbers that I would like to highlight. Just for emphasis, I will repeat for emphasis, from December 2020 to June 2024, total private sector credit grew in Guyana by 57.8%. Underlying that was a growth of 54.7% for real estate mortgage loans, reflecting the tremendous dynamism in the housing sector. Growth in credit to business enterprises of 74.7%, comprising 77.7% in agriculture, 44.8% in mining, 100.4% in manufacturing and 69.6% in services and credit to households grew by 20.4% during this period. In total like I said, 57.8% growth in private sector credit during the period from the end of 2020 to June 2024.

At the same time, the quality of the lending portfolio held by banks improved dramatically, reflecting the positive developments in the economy. The fact that businesses were doing better, they were making more profits, they were growing, and fewer businesses were defaulting on their loans. Here again, just to give viewers and listeners... Just to give you Sir and my Colleagues in the House and those who are viewing us through the cameras so graciously provided by the media this evening, non-performing loans as a per cent of total loans moved from where the percentage was in December 2020 at 10.83%... Let me repeat that just for clarity. In December, 2020, non-performing loans as a percentage of total loans amounted to 10.83%. By June 2024, non-performing loans, as a percentage of total loans, had declined to 2.12%, reflecting a tremendous improvement in the quality of loan portfolios as a result of businesses doing better and as a result of borrowers doing better more generally in the Guyanese economy. I thought I would spend a few minutes sharing those details to make the

point that there has been a sustained effort by this Government over the years, in our previous terms in Office and since we have returned to Office, to strengthen the legislative and institutional frameworks within which the financial sector operates to improve the ease of access to credit which is reflected by the growth in credit numbers and to improve the quality of credit which is reflected in the quality of lending portfolios held by the banks and the reduction in default rates.

I might add that the Hon. Mr. Ramjattan made a number of useful points which I would not disagree with. He spoke of course about the importance of capacity to implement the legislation, particularly in relation to the commercial registry and you are absolutely... Through you, Mr. Speaker, we would not disagree with the Hon. Mr. Ramjattan in that regard. It is important that the commercial registry be equipped with adequate capacity to discharge the important new responsibilities that will devolve on it. I will hasten to add that, we have not, in fact, been waiting on the enactment of the legislation to build that capacity. That work has, in fact, already started and is very much a work in progress, including the deployment of an electronic platform to serve as the registry and training on the use of that platform which will constitute the electronic registry in which secured interests will be entered and can be tracked and monitored.

9.34 p.m.

Mr. Ramjattan also made the point about litigation and overburdening the court system. It will be recalled that it is, in fact, this People's Progressive Party/Civic Government, in our pre-2014 term of office, that worked with the judiciary to introduce rules of the court that saw the introduction, for the first time in this country, of a commercial court. It would be recalled that the introduction of a commercial court, with the exclusive mandate of hearing commercial matters, did make a tremendous impact on the speed with which commercial matters were considered and ultimately concluded. Here again, we know that as much as we share with every other stakeholder group in Guyana, a recognition of the importance of efficiency and timeliness in the judiciary's hearing and concluding of matters...In fact, it is specifically for that reason that the moves that were made recently have seen a significant increase in the complement of judges who have been appointed to the judicial bench.

Mr. Ramjattan also made a third observation in relation to usury and usurious lending. I want to make the point that this legislation, in fact, this Bill, responds directly to that concern because there are a lot of people who previously might have been unable to access credit because they

did not have immovable property. They only had movable assets, or they were seeking to buy movable assets. In the absence of immovable property, they ended up having, sometimes, to buy assets under very loose hire purchase arrangements. I do not want to single out any particular sector, but they were buying a big piece of equipment, or they were buying some vehicles, or they are buying something else on some kind of credit arrangement and ended up paying what would have been exorbitant effective interest rates because they did not have access to credit in the formal financial system.

[Mr. Speaker resumed the chair.]

First of all, the Hire Purchase Act, which the Hon. Minister brought to this Parliament, helped to address that question and improve transparency in the formal hire purchase sector. Recognising the fact that there are still some people who might not, for a variety of reasons, have access, particularly because of the unavailability of immovable collateral, but who would ordinarily have movable assets that they could pledge, what this Security Interests in Movable Property Bill does is provide an avenue through which those persons can actually have access to the formal financial sector and the formal banking system by pledging their movable assets as collateral, thereby potentially helping them to access interest rates that are available in the formal banking system that are much more affordable than the usurious interest rates that would otherwise only be available to them if they were forced to access credit outside of the formal banking system. There is much more that I could say and would very much like to say on the remarkable transformation that is taking place in the financial sector and that we will continue to aggressively push to see implemented. It would be noted that, earlier today, I had the privilege of tabling, on behalf of the Government, a proposed amendment to the Financial Institutions Bill, which will lay the foundation for international banks to open representative offices in Guyana. We anticipate seeing big international banks taking a first step towards entering the Guyanese market, an extremely positive development, and the Bill to facilitate this was tabled earlier today. When we debate that we will, no doubt, speak more about it.

The point that I wish to make, in conclusion, is that this Security Interests in Movable Property Bill is a most commendable and a most welcome addition to our legal architecture and the financial system. I commend my colleague for bringing it to Parliament on behalf of our Government. I am delighted at an opportunity to speak in support of it, and I am particularly pleased to hear Mr. Ramjattan, on behalf of the Opposition, express his strong support for the

Bill too. With those words, I commend the Bill to the House and will, at the appropriate time, urge its unanimous passage. Thank you very much. *[Applause]*

Ms. Walrond (replying): In wrapping up this very short debate, I wish to thank my colleague, the Hon. Dr. Ashni Singh. I wish to also thank the Hon. Khemraj Ramjattan for his support and their contributions in support of this Bill. I wish also to acknowledge the contributions of the public servants who have worked extensively to prepare this Bill and the other stakeholders who collaborated and whose contributions made the Bill what it is today. This Bill, in closing, will bring a sea of change in the commercial environment by addressing what has been identified by many stakeholders to be a very key need in the business environment. The creation of a comprehensive framework for secured interest in movable property will remove a key constraint that has confronted thousands of Guyanese citizens and small businesses. The Bill opens up avenues of credit previously unavailable to them. When this Bill becomes law, the lack of immovable property will no longer be an insurmountable barrier to the dreams and aspirations of ordinary Guyanese people. I therefore commend this Bill for passage in this House.

Question put and carried.

Bill read a second time.

Assembly in Committee.

Mr. Chairman: Hon. Members, Bill No. 20/2024, the Security Interests in Movable Property Bill 2024 has 102 clauses.

Clauses 1 to 102

Clauses 1 to 102, as printed, agreed to and ordered to stand part of the Bill.

Assembly resumed.

Bill reported without amendments, read the third time and passed as printed.

Mr. Speaker: Hon. Members, we will now proceed with the second reading of the Wills (Amendment) Bill 2024, Bill No. 17/2024, published on the 22nd November, of this year.

Wills (Amendment) Bill 2024 – Bill No. 17/2024

A Bill intituled:

“An Act to amend the Wills Act.”

[Attorney General and Minister of Legal Affairs.]

Mr. Nandlall: It is my privilege to rise to introduce, for its second reading, Bill No. 17/2024, the Wills (Amendment) Bill 2024. This is a small legislative intervention, but it has great practical value and would bring reprieve and redress to a wide cross-section of our population. Death is inevitable, and one of the important documents that each of us and all of those who are listening should contemplate making, at one point in time in our lives, is a document called a last will and testament. This is because it is that instrument that permits the maker, who is called a testator, to dictate how that testator’s properties should be distributed upon death.

That document called a will has been in the British legal system for over 400 years and was devolved on all British territories after they gained independence. Guyana, being one of those territories, inherited the British concept of a will. Today, we have legislation that governs the making of wills, and it is called the Wills Act, Chapter 12:02, Laws of Guyana. It came into force in the colony of British Guiana in 1906. It is a very antiquated piece of legislation which has not undergone many changes over the last 120 years or so. This change comes because of a necessity for the change. As expected, a will, before its validity is maintained, must comply, as one would expect, with certain formalities in order to protect the validity of the instrument. The formalities are quite settled and have remained intact for the last 100 or more years. The formalities are very simple. The will must be in writing, and it must be executed by a testator, meaning the maker of the will, who must be of sound mind and memory.

9.49 p.m.

You must be *compos mentis*, meaning that your mental state must be intact to render you capable and mentally capable of executing a will that would govern your affairs after you die. Apart from the testator being of sound mind and memory, the will must be in writing.

Thirdly, the will must be signed by the testator, or someone authorised by the testator. If there is no signature or the testator cannot sign, there must be some mark affixed by the testator or upon his instructions. The mark must be situated at the bottom of the will, meaning that the dispositions must be at the top and the mark or signature must be at the end. Anything falling below that signature or mark will not be considered part of the will.

The other most crucial or as crucial a requirement as any of the above is that the will must be witnessed by two witnesses who must subscribe their signatures or authorised marks next to the signature of the testator. These two witnesses must sign, they must see the testator sign, and they must sign in the presence of each other. These are the main, formal requirements of a will before it is valid in law. There is a great belief out there that the will must be lodged at a certain place before it is valid; that is not a legal requirement. You can lodge your will anywhere. The testator may also appoint someone he/she trusts to be the executor of the will. That person is expected, or bound by law, upon the death of the testator, to probate the will or apply to the court for the probate of the will. That person stands in the shoes of the testator and is to give effect to the wishes of the testator as set out in the will, including, of course, paying the just debts and expenses of the testator. So, it is the net estate, essentially, that has to be distributed in accordance with the instructions of the testator.

When the testator dies, there is a procedure that is followed that allows the will to go through the process called probate. The procedure for that is the 1954 Non-Contentious Probate Rules of the United Kingdom, which we have received, and those rules continue to govern the process by which wills are probated. That process requires an application to be made to the High Court for the will to be probated. The application must be accompanied by a number of documents. Among the documents that are required is an affidavit from one of the two subscribing witnesses. That affidavit, once there with all the other statutory documents, would constitute the requirements for the probate to take place. The requirement for that witness is mandatory for the purpose of probate. However, if the witness cannot be found, the person who is undertaking to probate the will has to follow a course of action to satisfy the court that efforts were made to locate one of the two witnesses, and that those efforts were futile.

Now, though I am standing and speaking about the steps, as they are required by the law, the actual process is not as simple. If you cannot find the witness, you simply cannot go to court and say that you cannot find the witness. You then have to go with an application to the court for leave to advertise for this witness, having sworn an affidavit to say that all of your diligent efforts to locate this witness were futile. You first have to say that to the court and then seek the court's leave or permission to advertise in a daily newspaper circulating within Guyana for one of these witnesses to come forth. That is why if you pick up the *Guyana Chronicle* today and look in the classified advertisements section of that newspaper – or the *Stabroek News* or the *Kaieteur News*, for that matter – you will see pages of notices of the type to which I am making reference, inviting the person, whose last known address is stated as it is known, to

make contact with the Attorney-at-Law for the person who is making the application for probate. If that witness does not respond to that advertisement, then another application has to be made to the court. To that application, the advertisement would have to be annexed to demonstrate to the court that, in compliance with the court order, an advertisement had been placed in the newspapers, inviting this particular witness to come forward and no such person came forward. It is only under that circumstance that the court will dispense with the requirement of an attesting witness and proceed to probate the will.

In the ordinary course of things, no one knows when they are going to die, unless they are terminally ill. A person can make their will in 2020, but they may die in 2025 or even a longer period between the date of the will and the date of death. Even more complicating is the fact that even when death comes, the application for probate may not be made in a timely manner. You will have another few years that can possibly elapse without an application being made for the probate. Every time there is a distance in terms of time, you have difficulties in locating the witness or witnesses. As I said, the witnesses would have subscribed to the will at the time it was made. Death may come five years later, and the application for probate may come five years after death. You are talking about a 10-year period right there to locate a witness who is sometimes not even known to the testator because wills are normally made by lawyers. When the lawyers take the instructions and they make the will, they ask a Secretary, a Clerk, or someone who may be in the office to witness that will. These are not persons who are necessarily known to the testator. Right there, you see the vagaries and difficulties that are attendant in securing the signature of that witness on that attesting affidavit in order for the probate of the will to take place.

It is against that backdrop, Sir, that this amendment is being moved. This amendment simply permits the witness, when he/she signs the will as a witness, to execute that attesting affidavit to state that he or she witnessed this will, the testator executed this will in his/her presence, and he appeared to be of sound mind and memory. It is that affidavit, instead of being executed years after the making of the will, that the law is now permitting to be made at the time the will is made and when the will is being witnessed. It is for the simple reason that, at the appropriate time, one would not have to go looking and expending a great amount of money and time in seeking to secure the signature of a witness. That affidavit would be executed at the time the will is being executed and shall be stapled to the will as an annexure. When the deceased's relatives are going to a lawyer to probate the will, they are going there with the will and at least

an affidavit of one of the attesting witnesses, saving themselves a lot of time and money and bringing great speed to the probate process.

Mr. Speaker, in our country – Guyana – estates are normally done by the Chief Justice or by the Judge holding the office of Chief Justice. This amendment has been inspired, in part, by representations made by the current honourable Chief Justice, who explained how many cases have to be delayed and how many resources have to be spent on dealing with applications to advertise for witnesses and to dispense with the need for an attesting witness. One thing that I should also emphasise is that the failure to take advantage of this facility, which the Bill offers, does not affect the validity of the will. If you fail to execute the affidavit at the time of the will, it does not affect the will; you would simply have to go through the elongated process of locating that witness at the time when you are making the application for probate. This gives you an opportunity to conveniently execute that affidavit and save everyone a lot of problems and save the estate a lot of unnecessary expenses.

10.04 p.m.

Mr. Speaker, we also take the opportunity of adding to the Wills Act, a very old legislation, a power of the Minister to make regulations because we may have to come back and make changes. We thought it be best to give the Minister power to make regulations at the same time and create offences, if at the time that is thought to be desirable, when there is a breach of those regulations. This is because wills can be forged and a lot of things, which are prosecutable and chargeable under the ordinary laws of forgery. If we decide to promulgate regulations and there is a breach of those regulations, you will want also a power, at the same time, to punish the breach of those regulations by permitting criminal offences to be created.

That, in short, is what this amendment is about. It should not invoke any controversy whatsoever. I cannot imagine any objection being made to this amendment. This amendment will help every single Guyanese who decides to make a will. Let me give some public legal advice. Every person should consider making a will so that when they die, unnecessary disputes do not arise in relation to how their properties should be distributed. Those must be clearly set out in their will. Disputes may come – you cannot stop them – but at least reasonable steps would have been taken to minimise those disputes as far as possible. This Bill helps with the expeditious process of concluding the final legal rights in terms of the estate and assets of a deceased person. I commend this Bill to the House. Thank you very much, Mr. Speaker.
[Applause]

Mr. Speaker: Thank you very much, AG. Our next speaker is the Hon. Member, Ms. Annette Ferguson.

Ms. Ferguson: Thank you very much, Mr. Speaker. I stand on this side of the House to give our support to this Bill, the Wills (Amendment) Bill 2024, Bill No. 17 of 2024. First of all, I want to assure the Attorney General and also those on the opposite side that we, on this side of the House, give our full support to the Bill.

I also want to commend the Hon. Attorney General for his explanation on the background of the principal Act, Act 12 of 1906, I think it is, and also what this amendment seeks to address to bring relief to families. I do agree with you, Hon. Attorney General, that death is inevitable, and it is our responsibility to ensure that we make things easy for our loved ones so they would not have to go through what the principal Act speaks to. I think, though, Mr. Speaker, the *onus* is on us as leaders to ensure that this critical information is made public because at this time of night, 10.10 p.m., many persons are not up to hear what the Attorney General just shared here with us. So, I am calling on all of us... I know the Government has its programme, *Issues in the News*, and tomorrow there would be the normal Thursday presser. Rather than the Hon. Member using his platform tomorrow to probably *buse out* the Opposition, I would encourage you, Hon. Attorney General, to encourage that Hon. Member to ensure our masses are educated so that persons would do what is necessary.

I think, Mr. Speaker, with those few words being said, I want to say to the Hon. Attorney General that you have our full support with this simple amendment. May God richly bless us all. Thank you. [*Applause*]

Mr. Speaker: Thank you very much, Hon. Member, Ms. Ferguson. Hon Member and Minister of Education, the Hon. Priya Manickchand, proceed.

Ms. Manickchand: Thank you very much, Mr. Speaker. Mr. Speaker, at this late hour, I will be as short as I can. This is a small and simple amendment that I think will go a far way for the people who have to use the courts for the probating of wills.

The Attorney General went through what the formalities of a will are, but for the completeness of my presentation, I will go through them again. I think it is massively important – especially coming from a big family myself where my grandfather had 16 children, eight of whom have remained alive for a long time and so, I saw that in a real way – to leave oneself, in writing, how he or she wants his or her assets to be divided, and who he or she wants them to go to. It

allows you to – I would not say prevent – to negate or lessen conflict amongst those surviving you. It allows you to leave to friends, pets and charities, if you want to. A will gives you the opportunity to speak as though you have not died about how your assets would be distributed and to whom.

For a will to be eligible for probate, it had to have gone through certain formalities. It must be in writing. It must be signed by the *testator*, the person who is making it, or marked and signed by him or her or at his or her direction and in his or her presence. It could be in writing on any material. It must have an attestation clause, and it must be witnessed by at least two persons who are present at the time that the *testator* is signing. They must see the *testator* signing, although they do not need to know what he or she was signing, and they must be present at the same time and see each other sign. Those are the requirements.

So, a *testator* must leave the will in writing. He or she must mark it or sign it and there should be two witnesses who can say, as an endorsement, that they saw the *testator* sign and that they saw each other sign also. To do all of that, the *testator* has to be of sound or appear to have sound mental capacity so that he or she had *mens rea* and understood what it was he or she was doing. I am very glad that we have included the ability to make regulations. Guyana, so many years after Independence, has not made its own non-contentious probate rules. So, by our Civil Law of Guyana Act, we have adopted the Non-Contentious Probate Rules of the United Kingdom (UK) of 1954, even prior to our Independence. It is those rules that we use.

What is required when a person dies and leaves a will is that the executor named in the will, that is, the person who will take care of the deceased's business – or if no executor is named, there are processes by which it is determined who will do it – must go to the court and ask the court to validate the will to say this is the *testator's* intention that is left here in writing, this is the will and this is how the assets must be divided, distributed, bequeathed and devised. One of the requirements that has become standard, although it is not required – and I will come to why I am glad we can make regulations...Section 10 of the Non-Contentious Probate Rules that we follow do not require *affidavits* of attesting witnesses. A court can ask for it if there is doubt about whether the *testator* actually executed this will, but it is not a requirement. Over time, in Guyana, the courts have made that a requirement, that one of the documents that must be submitted is an *affidavit* of an attesting witness that states this person saw the *testator* sign. I am saying to you that the non-contentious probate rules that we currently follow do not require that. Sometimes these practices develop for reasons.

What is the purpose of having two witnesses sign or attest that they have seen the *testator* sign? It is because by the time the will comes up for probate, the *testator* would have died so he or she would have been the only person who could say, this is his or her document and this is what he or she wanted. That person is no longer alive. I think the logical conclusion was that these two witnesses would be alive to say, yes, we saw him or her sign and he or she was of sound mental capacity, and this is what he or she wanted to happen with his or her assets. So, if there was any doubt that this will was an authentic document, then a requirement would be asked for an affidavit of attesting witnesses.

Guyana has developed a practice where before a person files anything, he or she has to ask for the *affidavit* of attesting witnesses or witness. Perhaps because he or she wants to be sure from the beginning or perhaps because cynicism and experience has taught that many inauthentic documents were attempted to be probated. Let us take my grandfather's will. He went 20 years before his death to a then-old lawyer named Mr. Lalta Ramgopaul and executed his will. The two witnesses on that were the clerks in an already-aged lawyer's office. Chances are they were aged. He died 20 years later and four years after he died, his executor attempted to probate the will. So, we are talking about a 24-25-year period. Then the executor was forced to go find two scribbles, the names of two persons they never met and never knew and who were just clerks in an office. There are some law offices that have clerks who have been there for 30 years and there are some law offices who change clerks every two years. So, you could very well be chasing down someone who is living in New York or New Jersey. He or she is not even there legally so you cannot find them officially and you definitely cannot get them to go attest to any *affidavit* to say where they were when they saw this will being signed. So, you have a problem now with providing to the court something that has become necessary, although it is not a legal requirement. That has caused a lot of families a lot of trouble.

10.19 p.m.

You simply cannot find these witnesses. Then, a person has to go spend a lot of money on making application after application to advertise for the witnesses and then apply for the will to be probated without the witnesses.

This amendment allows lawyers and testators...I know a lot of people do not go to lawyers. They would stay at home and make their wills or they will go to the Justice of Peace (JP) in the community. I hope the JPs and the lawyers are going to pay attention to this amendment. As they execute the will, whoever is the witness, whether it is a clerk or a neighbour... Hopefully

it is not a beneficiary because the gift would lapse, but the witness would be good. —, if either could attest right there at the bottom of that will or on a separate document that is attached to the will that either saw the testator sign, he was of sound mental capacity, saw another witness sign and everyone signed in the presence of each other, that document would be used in 20 years or 30 years when the probate is going to happen. It makes life a lot easier. For that reason, I commend this amendment.

To the Attorney General, I say, this is a good opportunity for us to remind ourselves why we wanted a law commission. These are pieces of legislation that have so much more work that can be done with them in a holistic way. I am not of the A Partnership for National Unity/Alliance For Change's view that we must study everything before we actually make any amendments. I believe we can make amendments even as we are looking at holistic changes. I think the clause in the Bill which allows the Minister to make regulations really opens the door for us to make our own non-contentious probate rules here in Guyana that are Guyanese, that are unique to us and that take our realities into consideration. I think this is a good opportunity too for us to remind ourselves that we have a law commission. These are the sorts of holistic study I would like to see happening.

This is an entire area of law that is used every single day in the courts and that can cause people, an entire family a lot of pain, including a lot of division and separation between siblings, grandchildren and so on. I think this is a good area for us to look at holistically, either by regulations that the Minister is now entitled to make or through our law commission that we have established. For that reason, Sir, I commend the Wills (Amendment) Bill 2024, Bill No. 17 of 2024 to the National Assembly for passage. [*Applause*]

Mr. Speaker: Thank you, Hon. Minister of Education, Priya Manickchand. Hon. Attorney General, you have the floor.

Mr. Nandlall (replying): Thank you, Mr. Speaker. I want to thank the two Members of the House who spoke in support of the Bill. There is really nothing for me to add to what have already been said. Mr. Speaker, again, I commend the Bill and I conclude the second reading, Sir.

Mr. Speaker: Thank you, very much, Attorney General, Minister of Legal Affairs.

Question put and carried.

Bill read a second time.

Assembly in committee.

Bill considered and approved.

Assembly resumed.

Bill reported without amendments, read the third time and passed as printed.

Christmas Greetings

Mr. Speaker: Hon. Members, by agreement of the Chief Whips, this Bill concludes our business for this 90th Sitting of the National Assembly. I want to take this opportunity to say we have had a very busy year. As we close on an extremely busy year for the National Assembly and a momentous one, I take this opportunity to extend to you and your families season greetings. On behalf of my family and I, to the Clerk and his staff and their families, may they have a joyous holiday season. To the staff of the Aurther Chung Convention Center, the security forces, those who provide for our safe environment here and also for the sustenance to all of them, the media, enjoy a Merry Christmas. Hon. Member Ms. Volda Lawrence, you have the floor.

Ms. Lawrence: Thank you, Mr. Speaker. It gives me great pleasure to rise on behalf of the Leader of the Opposition and Members of the Opposition, the APNU/AFC, to extend Christmas greetings to yourself, staff of the National Assembly, staff of the Arthur Chung Convention Centre and the extended service providers to us in this House. As we depart this House, I want to ask each and every one of us to take this opportunity to impact a family or two by making their lives happier this Christmas time. This is a season of giving and love. Despite everything that Hon. Member Mr. Kwame McCoy has said to me, I want to specially wish him a Merry Christmas and a prosperous New Year. Thank you, Sir.

Mr. Speaker: Thank you, very, very much, Hon. Member. Hon. Prime Minister, you have the floor.

Brigadier (Ret'd) Phillips: Mr. Speaker, may I take this opportunity, notwithstanding my shortness of breath, to wish you and your family, the Clerk and his family, all members of Parliamentary staff and their families, Members of the Opposition and their families, and my

fellow Members on this side of the House and their families a Merry Christmas and a prosperous New Year. I look forward to working with all of you next year.

Mr. Speaker: Thank you, Hon. Prime Minister. I now call on the Prime Minister to move the adjournment.

ADJOURNEMENT

BE IT RESOLVED:

“That the Assembly do now adjourn to a date to be determined.”

[Prime Minister]

Brigadier (Ret’d) Phillips: Mr. Speaker, I ask that we adjourn to a date and time to be decided in the New Year.

Motion put and agreed to.

Mr. Speaker: Thank you, very much, Hon. Prime Minister. Hon. Members, we stand adjourned to a date to be fixed. Drive safe and stay safe during this festive season.

Adjourned accordingly at 10.29 p.m.