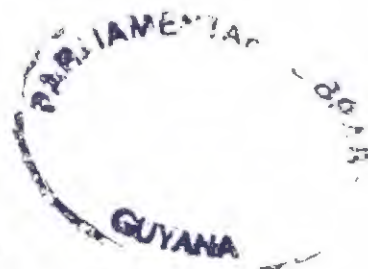


COOPERATIVE REPUBLIC OF GUYANA



SEVENTH REPORT

ON THE

OVERSIGHT COMMITTEE

ON

CONSTITUTIONAL REFORM

(Resolution No. 33 of 1999)

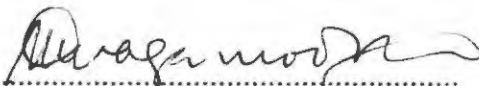
July 20, 2000

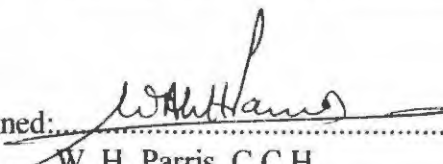
Thursday, July 20, 2000

SEVENTH REPORT
on
THE OVERSIGHT COMMITTEE on CONSTITUTIONAL REFORM

1. This is the seventh monthly report to the National Assembly on the status of work of the Oversight Committee on Constitutional Reform, pursuant to the instructions and requirements of Resolution No.33, passed by the Assembly on December 6, 1999.
2. The Oversight Committee held nine (9) Plenary meetings during the month of June: on Saturday, June 3; Wednesday, June 7; Saturday, June 10; Sunday, June 11; Wednesday, June 14; Saturday June 17, Wednesday, June 21, Saturday, June 24, and Wednesday, June 28, 2000 respectively. Appendix A to this report comprises the Minutes of those nine (9) meetings and related documentation. The unprecedented action of the OSC meeting all day on Sunday, June 11 was the result of the Committee's recognition of the need to speed up its activities, particularly with respect to the approval of legal drafts, and of drafting briefs for Commissions.
3. In a continued attempt to resolve the difficulties involved in Task Force "B"'s work with respect to the Electoral System, the Joint Committee comprising the OSC itself and the two remaining members of Task Force "B" met on two (2) occasions: on Saturday June 3, prior to the OSC Plenary of the same date; and on Monday June 5, 2000. Appendix B to this report comprises the Notes of those Joint Committee Meetings and related documentation. *[It should be noted that Paragraph 5.1 of the minutes of the meeting of Monday, June 5 is an important correction of Paragraph 5.3.11(1) of the minutes of the meeting of Saturday, June 3].* Final resolution of these matters of the Electoral System was still not achieved by 30 June, 2000. Nevertheless, on the basis that final resolution is no longer mainly a technical matter, the Task Force "B" was disbanded with effect from the end of June. The status of the matter as of the end of June, 2000 is accurately captured in the memorandum in Appendix B, entitled "Status of Deliberations by the OSC on the Electoral System (As at Wednesday, June 14, 2000)" and dated Wednesday June 14, 2000 - that memorandum's Appendix A gives the details. The OSC apprised the Elections Commission of the status of this matter formally at a meeting on Saturday June 17, 2000. **The outstanding matter of the allocation of seats to Geographic Constituencies will not inhibit the drafting of the Constitutional changes**, since those issues refer only to the general elections in the year 2001.
4. During June, the weekly Status Report mechanism continued to be used to monitor the work of the OSC. Status Report #9, which gives the status as at the Wednesday June 28, 2000, is appended to this report in Appendix C, and contains a Summary section.
5. Briefly, as at the beginning of Wednesday 28 June, 2000, the OSC had completed 63 % of the work of translating the 171 recommendations into approved legislative clauses for transmission to the National Assembly.

6. At the beginning of Wednesday 28 June, there were 6 Drafting Briefs still to be approved by the OSC. Of these six (6), five (5) related to Briefs on the Electoral System. At its meeting on Wednesday 28 June, the OSC in plenary approved the Electoral System drafting brief, with the exception of the draft for recommendation 9.5.3(4) which was postponed for Saturday July 1, 2000 (see minutes of OSC plenary of Wednesday June 28, in Appendix A). **Thus, for all practical purposes, by the end of June, the OSC had approved all drafting briefs.**
7. During June, drafting of the legislation, and final OSC approval of the legal drafts so far done, that relate to the fundamental rights issues continued to be stymied by some legal implications of our law, with particular reference to the State Action Doctrine. The nature of the problem had been set out in the note entitled "*Note to Oversight Committee from Task Force "E" re Categorisation of Rights*" which is in Appendix C of the sixth report. The discussions with Mr Brian Burdekin of UNCHR which took place on Wednesday 28 June (see the minutes, including Appendix I to those minutes, of the OSC Plenary of Wednesday 28 June in Appendix A of this report) assisted substantially towards a resolution of the problems.
8. The schematic for the final report of the OSC to Parliament was approved (see Appendix C to this report) with a view to the OSC delivering that report to the National Assembly through the Minister of Agriculture and Parliamentary Affairs at the end of July, 2000. This is approximately one month later than was envisaged in the time-bound plan.
9. This report of the OSC's work during June, 2000, together with its Appendices A, B, and C has been adopted and approved for transmittal to the National Assembly by the 38th plenary meeting of the OSC, which took place on Saturday, 22nd July, 2000.

Signed: 
Hon. Moses V. Nagamootoo, JP, MP
Chairman, OSC on Constitution Reform
& Head - Project Implementation

Signed: 
W. H. Parris, C.C.H.
Co-ordinator, Planning & Monitoring
OSC on Constitution Reform

Dated: 24 JULY 2000

LIST of DOCUMENTS in APPENDIX A

1. Minutes of Twenty-fifth through Thirty-third Plenary Meetings of the Oversight Committee.

LIST of DOCUMENTS in APPENDIX B

1. Notes of the two meetings of the Oversight Committee / Task Force "B" on the Electoral System.
2. Memorandum from Coordinator, Planning & Monitoring to the OSC, dated Wednesday, June 14, 2000 and entitled "**Status of Deliberations by the OSC on the Electoral System (As at Wednesday, June 14, 2000).**"

LIST of DOCUMENTS in APPENDIX C

1. Copy of STATUS REPORT (#9) ON DRAFTING OF REVISIONS TO CONSTITUTION
2. Schematic for OSC's Final Report.

END

July 20, 2000

APPENDIX A

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

**MINUTES OF THE 25TH MEETING
OF THE OVERSIGHT COMMITTEE
HELD IN THE PARLIAMENT CHAMBER,
PUBLIC BUILDINGS, GEORGETOWN,
ON SATURDAY, 3RD JUNE, 2000
AT 3.30 P.M.**

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

CHAIRMAN (1) - People's Progressive Party/Civic

The Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information - Head, Project Implementation

Other Members -

From the People's Progressive Party/Civic (2)

Dr. Roger F. Luncheon, (Excused)
Head of the Presidential Secretariat

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

Mr. W. Haslyn Parris, C.C.H.,
Coordinator, Planning and Monitoring

Mr. Vincent Alexander

From The United Force (1)

Mr. Manzoor Nadir, M.P. (Absent)

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

Task Force "E"

Mr Zehar Singh Negi
Legal Draftsman

Officers (3)

Mr. Maurice B. Henry,
Executive Secretary

Mr Oscar E. Moore
Administrative Assistant

Ms Debra H. Cadogan
Administrative Assistant

ITEM 1 CALL TO ORDER

- 1.1 The Chairman called the meeting to order at 3.30 p.m.

ITEM 2 AGENDA

- 2.1 Members adopted the Agenda.

ITEM 3 DOCUMENTS CIRCULATED

- 3.1 The following documents were circulated on Friday, 2nd June, 2000:

- (i) The Agenda dated 2nd June, 2000
- (ii) Minutes of 24th Meeting held on Wednesday, 31st May, 2000
- (iii) Constitutional Revisions by Mr Zehar Singh Negi
- (iv) Status Report (#5)

- 3.2 The following document was circulated at the Meeting:

- Outline of Tasks still to be done by OSC

ITEM 4

CONFIRMATION OF MINUTES

- 4.1 **The Minutes of 23rd Meeting held on Saturday, 27th May, 2000**
- 4.2 **Corrections**
- 4.3 **Page 5, Paragraph 6.1.6**
- **Substitution** of the word “categories” for the word “categorisation” in line 1
- 4.3.1 **Paragraph 6.1.7**
- (i) **Substitution** of the word “to” for the word “into”
 - (ii) **Substitution** of the following for paragraph 6.1.7 (3)

“It was also proposed that if rights, generally, were to be categorised as universal, absolute and relative then the category which the Constitution should give protection to would be all of those rights which could be properly identified as universal.”
- 4.4 **Page 7, Paragraph 6.3.5.8.1**
- 4.4.1 **Substitution** of the word “paragraphs” for the word “paragraph”
- 4.5 **Page 8, Paragraph 6.3.6**
- 4.5.1 **Substitution** of the words “situations existed” for “situation exist” in line 3
- 4.6 The Minutes were confirmed as corrected on a motion moved by Dr Ramsammy and seconded by Mr Alexander.
- 4.7 There were no matters arising from the Minutes.

ITEM 5

BUSINESS

- 5.1 **Continuation of Consideration of Categorisation of Rights - Task Force “E”**
- 5.1.1 The Committee noted the above item but deferred it to a meeting when Task Force “E” would have submitted the drafts on Fundamental Rights.
- 5.2 **Continuation of Review of Drafting Briefs of Task Force “D” - Commissions**
- 5.3 Dr Ramsammy continued his presentation of the Drafting Briefs on Commissions as submitted by Task Force “D” for consideration by the Committee.
- 5.4 The Committee then proceeded to review the Worksheets.
- 5.5 Dr Ramsammy explained that the following paragraphs were standard throughout Worksheets #2D, #2E, #2F and #2G.
- (i) Paragraph 4: Tenure
 - (ii) Paragraph 5: Removal of Member from Office
 - (iii) Paragraph 6: Independence and Impartiality
 - (iv) Paragraph 8: Rules
 - (v) Paragraph 9: Secretariat
 - (vi) Paragraph 10: Staff
 - (vii) Paragraph 11: Funds
 - (viii) Paragraph 12: Immunities
 - (ix) Paragraph 13: Reports
- 5.6 The Committee reminded Dr Ramsammy that, in keeping with an earlier decision, paragraphs 8 to 13 should be reformulated to make them consistent with the respective provisions in the Ethnic Relations Commission Drafting Briefs.
- 5.7 **Worksheet #2D - Recommendation 9.19.3.5 #11: Human Rights Commission**
- 5.7.1 **Paragraph 1: Establishment**
- 5.7.1.1. The Committee **agreed** to the drafting brief as **presented**.

- 5.7.2 **Paragraph 2: Purpose**
- 5.7.2.1 The following amendment was made:
- 5.7.2.2 **Insertion of the words “and prescribe remedies”** after the word “rights” in line 2.
- 5.7.2.3 The Committee noted that the various categories of rights were under its consideration. If the category “Basic Rights” were to be adopted by the Committee then Basic Rights should be included in the **Purpose**.
- 5.7.2.4 Thereafter **Paragraph 2** was **agreed** to as **amended**.
- 5.7.3 **Paragraph 3: Composition**
- 5.7.3.1 The Committee agreed that Dr Ramsamy to reformulate this paragraph.
- 5.7.4 **Paragraph 4: Tenure of Office**
- 5.7.5 **Paragraph 5: Removal of Member from Office**
- 5.7.6 **Paragraph 6: Independence and Impartiality**
- 5.7.6.1 These paragraphs were **agreed** to as **presented**.
- 5.7.7 **Paragraph 7: Powers and Functions**
- 5.7.7.1 The Committee **agreed** to subparagraphs (a) to (e) as **presented**.
- 5.7.7.2 **Subparagraph (f):** The following amendment was made:
- 5.7.7.3 **Substitution of the word “findings”** for the word “fact” in the penultimate line.
- 5.7.7.4 Thereafter **subparagraph (f)** was **agreed** to as **amended**.
- 5.7.7.5 The Committee **agreed** to subparagraphs (g) to (k) as **presented**.
- 5.7.7.6 The Committee **agreed** to the **deletion of** subparagraph (l).

- 5.7.8 **Paragraph 8: Rules**
- 5.7.9 **Paragraph 9: Secretariat**
- 5.7.10 **Paragraph 10: Staff**
- 5.7.11 **Paragraph 11: Funds**
- 5.7.12 **Paragraph 12: Immunities**
- 5.7.13 **Paragraph 13: Reports**
- 5.7.13.1 These paragraphs were **agreed** to as **presented**.
- 5.7.14 The Committee agreed to the **deletion of** Task Force “D” Notes after **Paragraph 13: Reports**.

- 5.8 **Worksheet #2E - Recommendation 9.19.3.5 #12: Indigenous Peoples Commission**
- 5.8.1 **Paragraph 1: Establishment**
- 5.8.2 **Paragraph 2: Purpose**
- 5.8.2.1 These paragraphs were **agreed** to as **presented**.
- 5.8.3 **Paragraph 3: Composition**
- 5.8.3.1 The Committee agreed that Dr Ramsammy to reformulate this paragraph.
- 5.8.4 **Paragraph 4: Tenure of Office**
- 5.8.5 **Paragraph 5: Removal of Member from Office**
- 5.8.6 **Paragraph 6: Independence and Impartiality**
- 5.8.6.1 These paragraphs were **agreed** to as **presented**.

- 5.8.7 **Paragraph 7: Powers and Functions**
- 5.8.7.1 The Committee **agreed** to subparagraphs (a) and (b) as **presented**.
- 5.8.7.2 **Subparagraph (c):** The following amendment was made:
- 5.8.7.3 **Deletion of** the words “including the Amerindian Act” after the word “peoples” in line 2.
- 5.8.7.4 Thereafter **subparagraph (c)** was **agreed** to as **amended**.
- 5.8.7.5 The Committee **agreed** to subparagraphs (d) to (o) as **presented**.
- 5.8.7.6 The Committee **agreed** to the **deletion of** subparagraph (p).
- 5.8.8 **Paragraph 8: Rules**
- 5.8.9 **Paragraph 9: Secretariat**
- 5.8.10 **Paragraph 10: Staff**
- 5.8.11 **Paragraph 11: Funds**
- 5.8.12 **Paragraph 12: Immunities**
- 5.8.13 **Paragraph 13: Reports**
- 5.8.13.1 These paragraphs were **agreed** to as **presented**.

- 5.9 **Worksheet #2F - Recommendation 9.19.3.5 #24: Women and Gender Equality Commission**
- 5.9.1 **Paragraph 1: Establishment**
- 5.9.2 **Paragraph 2: Purpose**
- 5.9.2.1 These paragraphs were **agreed** to as **presented**.
- 5.9.3 **Paragraph 3: Composition**
- 5.9.3.1 The Committee agreed that Dr Ramsammy to reformulate this paragraph.

- 5.9.4 **Paragraph 4: Tenure of Office**
- 5.9.5 **Paragraph 5: Removal of Member from Office**
- 5.9.6 **Paragraph 6: Independence and Impartiality**
- 5.9.6.1 These paragraphs were **agreed** to as **presented**.
- 5.9.7 **Paragraph 7: Powers and Functions**
- 5.9.7.1 The Committee **agreed** to subparagraphs (a) and (b) as **presented**.
- 5.9.7.2 **Subparagraph (c):** The subparagraph was reformulated as follows:
- (a) “Promote the empowerment of women.
- (b) “Promote women’s rights as human rights.”
- 5.9.7.3 Thereafter the reformulated subparagraph (c) was **agreed** to as **amended**.
- 5.9.7.4 The Committee **agreed** to subparagraphs (d) to (r).
- 5.9.7.5 The Committee **agreed** to the **deletion of** sub-paragraph (s).
- 5.9.8 **Paragraph 8: Rules**
- 5.9.9 **Paragraph 9: Secretariat**
- 5.9.10 **Paragraph 10: Staff**
- 5.9.11 **Paragraph 11: Funds**
- 5.9.12 **Paragraph 12: Immunities**
- 5.9.13 **Paragraph 13: Reports**
- 5.9.13.1 These paragraphs were **agreed** to as **presented**.

- 5.10 **Worksheet #2G - Recommendation 9.19.3.5 #27: Commission on the Rights of the Child**
- 5.10.1 **Paragraph 1: Establishment**
- 5.10.2 **Paragraph 2: Purpose**
- 5.10.2.1 These paragraphs were **agreed** to as **presented**.
- 5.10.3 **Paragraph 3: Composition**
- 5.10.3.1 The Committee agreed that Dr Ramsammy to reformulate this paragraph.
- 5.10.4 **Paragraph 4: Tenure of Office**
- 5.10.5 **Paragraph 5: Removal of Member from Office**
- 5.10.6 **Paragraph 6: Independence and Impartiality**
- 5.10.6.1 These paragraphs were **agreed** to as **presented**.
- 5.10.7 **Paragraph 7: Powers and Functions**
- 5.10.7.1 The Committee **agreed** to subparagraphs (a) to (q) as presented.
- 5.10.7.2 The Committee **agreed** to the **deletion of** Sub-paragraph (r).
- 5.10.8 **Paragraph 8: Rules**
- 5.10.9 **Paragraph 9: Secretariat**
- 5.10.10 **Paragraph 10: Staff**
- 5.10.11 **Paragraph 11: Funds**
- 5.10.12 **Paragraph 12: Immunities**
- 5.10.13 **Paragraph 13: Reports**
- 5.10.13.1 These paragraphs were **agreed** to as **presented**.

- 5.11 **Worksheet #2I - Local Government Commission**
- 5.11.1 The Committee noted that this was not a Constitutional Commission hence the drafting brief would not be submitted to Task Force “E” but to the National Assembly.
- 5.12 The Committee agreed for the Drafting Briefs of Worksheets #2D, #2E, #2F and #2G being submitted to Task Force “E” for drafting.
- 5.13 The Chairman then thanked Dr Ramsammy for the invaluable contribution of Task Force “D”.
- 5.14 **Continuation of Consideration of Overarching Clause to ensure Autonomy of Commissions through “Block Vote” funding**
- 5.14.1 The Committee deferred consideration of the Overarching Clause to ensure autonomy of Commissions through “Block Vote” funding to a later date.
- 5.15 **Memorandum Re: Conformity with and Implementation of Time-bound Plan**
- 5.15.1 The Committee deferred consideration of the memorandum re: Conformity with and implementation of Time-bound Plan to a later date but agreed that it should be discussed along with the Status Report (#5).

ITEM 6 ANY OTHER BUSINESS

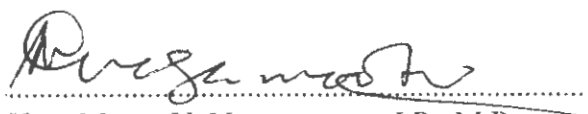
- 6.1 **Outline of Tasks still to be done by OSC**
- 6.2 The Coordinator, Planning and Monitoring presented the document “Outline of Tasks still to be done by OSC”.
- 6.3 From the discussions which ensued, the Committee agreed on the following:
- (a) A follow-up letter should be sent to the Guyana Women Lawyers’ Association with respect to civic education about the revision to the Constitution.

- (b) (i) OSC should await specimen page from Mr Henry before deciding on the format of the Report to educate the Parliamentarians;
- (ii) At the time when the Report on the OSC was being tabled in the National Assembly, a short statement could be made on the stage the Committee had reached in its work and address the issue of Parliamentarians taking on the responsibility of giving attention to the proposed changes to the Constitution.
- (c) Task Force "E" would submit by the end of the first week in June the procedure to be recommended to Parliament for treating the finalised legislation giving effect to constitutional revisions.
- (d) Dr Roopnaraine to put up a proposal to OSC with respect to the need for an expert on Fundamental Rights.

6.4 Dr Roopnaraine was reminded that he had promised to provide the listing of the recommendations, other than the revision of the Constitution, which require the attention of Parliament.

ADJOURNMENT

At 5.45 p.m. the meeting was adjourned to Wednesday, 7th June, 2000 at 5.00 p.m.


.....
Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information,
CHAIRMAN - OVERSIGHT COMMITTEE

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

**MINUTES OF THE 26TH MEETING
OF THE OVERSIGHT COMMITTEE
HELD IN THE PARLIAMENT CHAMBER,
PUBLIC BUILDINGS, GEORGETOWN,
ON WEDNESDAY, 7TH JUNE, 2000
AT 5.25 P.M.**

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

CHAIRMAN (1) - People's Progressive Party/Civic

The Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information - Head. Project Implementation

Other Members -

From the People's Progressive Party/Civic (2)

Dr. Roger F. Luncheon,
Head of the Presidential Secretariat

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

Mr. W. Haslyn Parris, C.C.H.,
Coordinator, Planning and Monitoring

Mr. Vincent Alexander

From The United Force (1)

Mr. Manzoor Nadir, M.P. (Excused)

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

Task Force "E"

Mr Zehar Singh Negi
Legal Draftsman

Officers (3)

Mr. Maurice B. Henry,
Executive Secretary

Mr Oscar E. Moore
Administrative Assistant

Ms Debra H. Cadogan
Administrative Assistant

ITEM 1 CALL TO ORDER

1.1 The Chairman called the meeting to order at 5.25 p.m.

ITEM 2 AGENDA

2.1 Dr Roopnaraine expressed concern about OSC not giving the necessary attention to the Status Report that was being supplied on a weekly basis. He felt that if the OSC continued in that manner then the jeopardies pointed out in the Report would continue to go unnoticed. He suggested that the Status Report be placed on future Agenda and if possible, be elevated on that evening's Agenda as the first item under **Business**.

2.2 The Chairman expressed thanks to Dr Roopnaraine and said that he would welcome any suggestions from Members that would advance the work of the OSC.

2.3 Thereafter, consideration of Status Report (#6) was placed as the first item under **Business**.

2.3 The Agenda was then adopted.

ITEM 3 ANNOUNCEMENTS

3.1 **Welcome**

3.1.1 The Chairman extended a warm welcome to Members of the Committee, Officials, Mr Negi of Task Force "E", and the Media.

3.2 **Get-Well Wish**

3.2.1 The Chairman informed the meeting that Mr Nadir had indicated to him that he was expected to proceed overseas to visit his sick mother. He then on behalf of the Members of the OSC expressed through Mr Nadir, speedily recovery to his mother.

ITEM 4 DOCUMENTS CIRCULATED

4.1 The following documents were circulated on Tuesday, 6th June, 2000:

- (i) The Agenda dated 6th June, 2000
- (ii) Minutes of 25th Meeting held on Saturday, 3rd June, 2000
- (iii) Draft Bill on the Judicature by Justice Legall
- (iv) Approved Drafting Briefs for the following Commissions:
 - Human Rights Commission
 - Indigenous Peoples Commission
 - Women and Gender Equality Commission
 - Commission on the Rights of the Child

4.2 The following documents were circulated at the Meeting:

- (i) Supplementary Agenda
- (ii) Status Report (#6)
- (iii) Suggested Draft Format of the OSC Report to the Minister of Agriculture and Parliamentary Affairs
- (iv) Errata to the Legal Drafts on the Judicature
- (v) Discussion Note to Facilitate Preparation of a Framework for Task Force "E" to advise on the Parliamentary Procedures required to give effect to the Constitution Revisions

ITEM 5 CONFIRMATION OF MINUTES

- 5.1 **Minutes of 23rd Meeting held on Saturday, 27th May, 2000**
- 5.2 **Corrections**
- 5.2.1 **Paragraphs 5.7.3.1, 5.8.3.1, 5.9.3.1, 5.10.3.1**
- 5.2.1.1 Substitution of the word “should” for the word “to” before “reformulate”
- 5.2.2 **Page 11, Paragraph 6.3 (b) (ii)**
- 5.2.2.1 Insertion of the word “Fifth” before the word “Report” in line 1
- 5.3 The Minutes were confirmed as corrected on a motion moved by Dr Roopnaraine and seconded by Dr Ramsammy.

ITEM 6 MATTERS ARISING

- 6.1 **Worksheet #2E - Indigenous Peoples Commission - OSC Approved**
- 6.1.1 The Committee was informed that the following correction was inadvertently omitted from the above Worksheet:
- 6.1.2 **Paragraph 7: Powers and Functions**
- 6.1.2.1 **Subparagraph (c):**
- 6.1.2.2 Deletion of the words “including the Amerindian Act” after the word “peoples” in line 2.
- 6.1.2.3 Thereafter, the corrected Worksheet was adopted.
- 6.2 With respect to paragraph 6.3, the Committee was informed accordingly:
 - (a) A follow-up letter was sent to the Guyana Association of Women Lawyers.
 - (b) The suggested Draft Format of the OSC Report to the Minister of Agriculture and Parliamentary Affairs was circulated.

- (c) The procedure to be recommended to Parliament for treating the finalised legislation giving effect to constitutional revisions was prepared and had been circulated.
- (d) The listing of the recommendations, other than those for the revisions of the Constitution, which require the attention of Parliament was still outstanding. Dr Roopnaraine was asked to take note.

ITEM 7

BUSINESS


- 7.1 **Consideration of Status Report (#6)**
- 7.1.2 The Coordinator, Planning and Monitoring, presented for the consideration of the Committee Status Report (#6). He asked Members to refer to Status Report (#5) since the Sections in that Report were more detailed.
- 7.1.3 The Coordinator pointed out that all of the drafting briefs for the 20 recommendations on Commissions had been approved by OSC excepting one, Recommendation 9.19.3.5 #18: Land Distribution and House Allocation Commission. This he noted was not a Constitution Commission but a policy paper which would have to be prepared by the Government.
- 7.1.4 The Coordinator drew Members' attention to the Table on page 3 which summarised the status of each drafts person's work. He said that the 0s in the third Column: # of Drafts TFE approved (not including Preamble) meant that OSC had not made a final decision. Mr Negi's drafts were corrected to read "10" since he had no outstanding drafts for Task Force "E"'s approval.
- 7.1.5 The Coordinator also drew Members' attention to the last three rows which stated that:
 - 96% Drafting Briefs was approved by OSC
 - 49.4% Legal Drafts done of approved briefs; and
 - 51.9% Legal Drafts done that have been reviewed by OSC once.
- 7.1.6 He said that there were 39 outstanding drafts for first review by the Committee and asked whether the Committee should not increase its meetings to deal with the outstanding drafts.

- 7.1.7 Following a discussion, it was decided that in addition to its statutory meetings the Committee would meet on Sunday, 11th June, 2000 for the following three sessions:
- 9.00 a.m. to 12.00 noon
 - 1.30 p.m. to 5.00 p.m.
 - 7.30 p.m. to 10.00 p.m.
- 7.1.8 With respect to the questions as to whether the Committee needed expert's advice in order to resolve the issues related to the treatment of Fundamental Rights, Dr Roopnaraine made a formal proposal to the Committee recommending that Mr Brian Burdekin, of the United Nations, who was paying a visit to St Lucia to visit Guyana and to speak to the Members of the Committee and Task Force "E" on Fundamental Rights. The visit to Guyana, he explained, would be of no cost to the OSC.
- 7.1.9 This proposal was accepted by the Committee and the Coordinator, Planning and Monitoring, was asked to make the necessary arrangements with the United Nations Office in Georgetown to facilitate Mr Burdekin's visit.
- 7.2 **Continuation of Consideration of Overarching Clause to ensure Autonomy of Commissions through "Block Vote" funding**
- 7.2.1 The Committee continued its review of the above document.
- 7.2.2 Following discussions on this matter, the Committee agreed to the following:
- (a) The "Subvention" referred to in Paragraph 3 should not be as a result of a shortfall between estimated Revenue and Expenditure but as the estimated Expenditure requested by the Commission. There must be no retention of any revenue.
 - (b) Provision should be made for Commissions not to be the direct recipients of grants or donations from any organisation.
 - (c) The document should be modified based on the discussion and comments on it.
- 7.2.3 The Committee also granted a request made by Dr Luncheon to give him further time to consider the implications of the Commissions receiving grants or donations from International Bodies.

- 7.3 **Memorandum Re: Conformity with and Implementation of Time-bound Plan**
(a) **Outline of Tasks Still to be done by OSC**
(b) **Status Report (#5)**
- 7.3.1 The Coordinator, Planning and Monitoring, in presenting the above document for the consideration of the Committee referred to paragraph 5 of the Memorandum. It required the Committee to give urgent consideration to apprising the Minister of Agriculture and Parliamentary Affairs on the procedure to be followed in presenting the Constitutional revisions to the National Assembly. The need for the development of a civic educational programme for the guidance of +Parliamentarians and the general public on the subject of the Constitutional revisions was also emphasised.
- 7.3.2 It was decided that the procedure for reporting should be given further consideration.
- 7.3.3 It was also decided that the OSC did not possess the scope to deal with the type of educational programme needed. The Guyana Association of Women Lawyers should be encouraged and assisted to implement its programme as planned.
- 7.4 **Continuation of Consideration of Categorisation of Rights - Task Force "E"**
(a) **Principles**
(b) **Basic Rights**
- 7.4.1 The Committee noted the above item.
- 7.5 **Consideration of Legal Drafts submitted by Mr Zchar Singh Negi**
- 7.5.1 The Committee deferred consideration of this document to a later date.

ADJOURNMENT

At 7.40 p.m. the meeting was adjourned to Saturday, 10th June, 2000 at 2.00 p.m.


.....
Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information,
CHAIRMAN - OVERSIGHT COMMITTEE

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

**MINUTES OF THE 27TH MEETING
OF THE OVERSIGHT COMMITTEE
HELD IN THE PARLIAMENT CHAMBER,
PUBLIC BUILDINGS, GEORGETOWN,
ON SATURDAY, 10TH JUNE, 2000
AT 2.15 P.M.**

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

CHAIRMAN (1) - People's Progressive Party/Civic

The Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information - Head, Project Implementation

Other Members -

From the People's Progressive Party/Civic (2)

Dr. Roger F. Luncheon, (Excused)
Head of the Presidential Secretariat

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

Mr. W. Haslyn Parris, C.C.H.,
Coordinator, Planning and Monitoring

Mr. Vincent Alexander (Excused)

From The United Force (1)

Mr. Manzoor Nadir, M.P.

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

Task Force “E”

Mr Cecil Dhurjon, C.C.H., S.C.,
Chief Parliamentary Counsel
Mr Zehar Singh Negi,
Legal Draftsman

Officers (3)

Mr. Maurice B. Henry,
Executive Secretary

Mr Oscar E. Moore
Administrative Assistant

Ms Debra H. Cadogan
Administrative Assistant

ITEM 1 CALL TO ORDER

1.1 The Chairman called the meeting to order at 2.15 p.m.

ITEM 2 AGENDA

2.1 Members adopted the Agenda.

ITEM 3 ANNOUNCEMENTS

3.1 **Welcome**

3.1.1 The Chairman extended a warm welcome to Members of the Committee, Officials, Members of Task Force “E”.

3.2 **Excuses**

3.2.1 The Chairman announced that Dr Roger Luncheon and Mr Vincent Alexander had asked to be excused from that meeting.

ITEM 4 DOCUMENTS CIRCULATED

- 4.1 The following documents were circulated on Friday, 9th June, 2000:
- (i) The Agenda of the 27th Meeting
 - (ii) The Agenda of the 28th Meeting
 - (iii) Minutes of 26th Meeting held on Wednesday, 7th June, 2000
 - (iii) Memorandum re: Guidance from Mr Burdekin in the matter of Constitutional treatment of Rights
 - (iv) A letter dated June 5, 2000, sent to Mrs Rosemary Benjamin-Noble, President of Guyana Association of Women Lawyers by Mr Parris
- 4.2 The following documents were circulated at the Meeting:
- (i) Memorandum on Suggested Draft of Report Format of Constitutional Revisions of OSC for the National Assembly
 - (ii) PPP Proposal on Electoral System dated Friday, June 9th 2000

ITEM 5 CONFIRMATION OF MINUTES

- 5.1 **Minutes of 26th Meeting held on Wednesday, 7th June, 2000**
- 5.2 **Corrections**
- 5.2.1 **Page 3. Paragraph 3.2.1, line 3, final word**
- 5.2.1.1 **Substitution of the word “speedy” for the word “speedily”**
- 5.2.2 **Page 6, Paragraph 7.1.8**
- (i) **Substitution of the word “United Nations Commission on Human Rights” for “the United Nations” after the word “of” in line 4**
 - (ii) **Substitution of the word “at” for the word “of” in the last line**
 - (iii) **Substitution of the words “expert advice to be tendered on” for the words “expert’s advice in order to resolve” after the word “needed” in lines 1 and 2**
- 5.3 The Minutes were, thereafter, adopted as corrected on a motion moved and seconded by Dr Ramsammy and Dr Roopnaraine, respectively.

ITEM 6

MATTERS ARISING

- 6.1 **Page 7, Paragraph 7.5 - Consideration of Legal Drafts submitted by Mr Zehar Singh Negi**
- 6.1.1 The Chairman apologised to Mr Negi for the Committee's failure to consider his legal drafts at the last meeting. That was on account of an unfortunate error.
- 6.2 **Page 3, Paragraph 3.2 - Get Well Wish**
- 6.2.1 Mr Nadir expressed his appreciation for the Committee's words of support on the occasion of his mother's illness.

ITEM 7

BUSINESS

- 7.1 **Consideration of Legal Drafts**
- 7.1.1 **Equality, Environment and Economy by Mr Zehar Singh Negi**
- 7.1.2 Mr Negi presented the draft Bill on Equality, Environment and Economy for consideration of the Committee.
- 7.1.3 **Clause 1: Short title**
- 7.1.3.1 This Clause was **agreed** to as **presented**.
- 7.1.4 **Clause 2: Insertion of new article in the Constitution**
- 7.1.4.1 **New Article 137A: Equality**
- 7.1.4.2 Paragraphs 1 to 3 of the new article were **agreed** to as **presented**.
- 7.1.5 **Clause 3: Repeal and re-enactment of article 36 - Environment**
- 7.1.5.1 The new article was amended by
 - (i) **Insertion of “, pure water”** after “soils” in line 2
 - (ii) **Deletion of “and providing pure water”** in the last line

- 7.1.5.2 The re-enacted article was agreed to as amended.
- 7.1.6 **Clause 4: Insertion of new article in the Constitution**
- 7.1.6.1 **New article 137 - Right to healthy environment**
- 7.1.6.2 Paragraphs 1 and 2 were **agreed to as presented.**
- 7.1.7 **Clause 5: Repeal and re-enactment of article 18 - Land for productive and beneficial use**
- 7.1.7.1 This clause was **agreed to as presented.**
- 7.1.8 **Clause 6: Repeal and re-enactment of article 13 - Objective of political system**
- 7.1.8.1 The following amendment was made:
- 7.1.8.2 **Insertion of** the word “increasing” after the word “providing” in line 2
- 7.1.8.3 The re-enacted article 13 was agreed to as amended.
- 7.1.9 **Clause 7: Repeal and re-enactment of article 14 - Goal of Economic Development**
- 7.1.9.1 This clause was **agreed to as presented.**
- 7.1.10 **Clause 8: Repeal and re-enactment of article 15 - Benefit from economic development to people**
- 7.1.10.1 The following amendment was made:
- 7.1.10.2 **Substitution of** the word “shall” for the words “has the responsibility to”
- 7.1.10.3 The re-enacted article was **agreed to as amended.**
- 7.1.11 **Clause 9: Repeal and Re-enactment of article 16 - State to foster forms of development**
- 7.1.11.1 **Deletion of** the words “development of” in line 2
- 7.1.11.2 The re-enacted article was agreed to as amended.

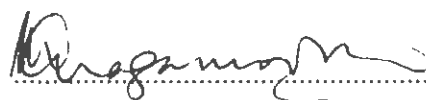
- 7.1.12 **Clause 10: Repeal and re-enactment of article 17 - Private enterprise**
- 7.1.12.1 The re-enacted article was agreed to as amended.
- 7.2 **Consideration of Ranking of Implementation sequences of Constitution Reforms**
- 7.2.1 The Coordinator, Planning and Monitoring, presented the Ranking of Implementation Sequences of Constitution Reform and the Rationale for the Ranking in Tables I and II, respectively, appended to these Minutes.
- 7.2.2 The Committee considered the Ranking as proposed by the Coordinator but decided that on account of the importance and far-reaching effects of the matter it would not come to a conclusion until the political parties were given an opportunity to consider the implications. In the meanwhile the Legal Draftspersons would use this Ranking as a framework for the execution of their tasks.
- 7.3 **Consideration of Draft Format of Content of OSC Report to the Minister of Parliamentary Affairs**
- 7.3.1 The Coordinator explained that the Draft Format was the brain-child of the Executive Secretary. He endorsed the document and recommended its adoption by the Committee.
- 7.3.2 After some discussion, the format was agreed to as presented. It was also agreed that it should be supplemented by an Appendix with the Recommendations as listed in the Report of the SSC.

ANY OTHER BUSINESS

The Chairman drew Members' attention to the Coordinator's letter of invitation to Mr Burdekin. The letter was circulated to Members.

ADJOURNMENT

At 3.40 p.m. the meeting was adjourned to Sunday, 11th June, 2000 at 9.00 a.m.



.....
Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information,
CHAIRMAN - OVERSIGHT COMMITTEE

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

MINUTES OF THE 28TH MEETING
OF THE OVERSIGHT COMMITTEE
HELD IN THE PARLIAMENT CHAMBER,
PUBLIC BUILDINGS, GEORGETOWN,
ON SUNDAY, 11TH JUNE, 2000
AT 9.30 A.M.



ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

CHAIRMAN (1) - People's Progressive Party/Civic

The Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information - Head, Project Implementation

Other Members -

From the People's Progressive Party/Civic (2)

Dr. Roger F. Luncheon,
Head of the Presidential Secretariat

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

Mr. W. Haslyn Parris, C.C.H.,
Coordinator, Planning and Monitoring

Mr. Vincent Alexander (Excused)

From The United Force (1)

Mr. Manzoor Nadir, M.P.

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

Task Force “E”

Mr Cecil Dhurjon, C.C.H., S.C.,
Chief Parliamentary Counsel

Justice Oswald Legall

Officers (3)

Mr. Maurice B. Henry,
Executive Secretary

Mr Oscar E. Moore
Administrative Assistant

Ms Debra H. Cadogan
Administrative Assistant

ITEM 1 CALL TO ORDER

1.1 The Chairman called the meeting to order at 9.30 a.m.

ITEM 2 AGENDA

2.1 Members adopted the Agenda.

ITEM 3 ANNOUNCEMENTS

3.1 Welcome

3.1.1 The Chairman extended a warm welcome to Members of the Committee, Officials and Members of Task Force “E”.

3.2 Excuses

3.2.1 The Chairman announced that Mr. Vincent Alexander had asked to be excused from that meeting.

ITEM 4 DOCUMENTS CIRCULATED

4.1 The following document was circulated on Friday, 9th June, 2000:

- The Agenda for the 28th Meeting

4.2 The following document was circulated at the Meeting:

- Minutes of 27th Meeting held on Saturday, 10th June, 2000.

ITEM 5 CONFIRMATION OF MINUTES

5.1 **The Minutes of 27th Meeting held on Saturday, 10th June, 2000**

5.2 **Corrections**

5.3 **Page 6, Paragraph 7.2.2**

5.4 **Substitution** of the word “Meanwhile” for the words “In the meanwhile” in line 4.

5.5 The Minutes were, thereafter, confirmed as corrected on a motion moved and seconded by Dr. Roopnaraine and Dr. Ramsammy, respectively.

ITEM 6 MATTERS ARISING

6.1 **Page 6, Paragraph 7.2**

6.1.1 **Consideration of Ranking of Implementation Sequences of Constitution**

6.1.2 The Chairman advised Members that he had undertaken to circulate the proposal to the Party he represented on the OSC at the earliest possible time. He was unable to do so yesterday.

ITEM 7 BUSINESS

7.1 **Consideration of Legal Drafts**

7.1.1 (a) **Presidency**

7.1.2 Mr. Cecil Dhurjon presented his Legal Draft on the Presidency.

- 7.2 **Draft 1: Alteration of Article 90 of the Constitution**
- 7.2.1 **Insertion** of new paragraphs 2 and 3
- 7.2.2 The following amendments were made:
- (i) **deletion** of the words “,whether by accession or election,”.
 - (ii) **deletion** of paragraph 3.
- 7.2.3 It was agreed that the draft should include a proviso for a person who holds or has held the office of President by virtue of accession - the period of accession to be determined by Parliament.
- 7.2.5 Thereafter, Draft 1 was **agreed** to as **amended**.
- 7.3 **Draft 2: Alteration of Article 90**
- 7.3.1 **Substitution of a new paragraph for the renumbered paragraph 1.**
- 7.3.2 The Draft was **agreed** to as **presented**.
- 7.4 **Draft 3: Alteration of Article 106 of the Constitution**
- 7.4.1 **Insertion of new paragraphs 6 and 7.**
- 7.4.2 The following amendments were made:
- (a) The **insertion** of the words “the votes of” after the word “by” in line 2 of paragraph 6;
 - (b) the **insertion** of the words “not less than” after the word “by” in line 4 of paragraph 7.
- 7.4.3 Thereafter, the Draft was **agreed** to as **amended**.
- 7.5 **Draft 4: Alteration of Article 101 of the Constitution.**
- 7.5.1 **Insertion** of proviso immediately after paragraph 1.
- 7.5.2 This Draft was **agreed** to as **presented**.
- 7.6 **Draft 5: Alteration of Article 107 of the Constitution:**
- 7.6.1 **Insertion of new Article 107 above the proviso.**

- 7.6.2 The following amendments were made:
- (i) the **insertion** of the word “and” before the word “shall” in line 4;
 - (ii) the **deletion** of the word “and,” after the word “Minister” in line 5.
- 7.6.3 Thereafter the Draft was **agreed to as amended.**
- 7.7 **Draft 6: Repeal & Re-enactment of Article 120 of the Constitution.**
- 7.7.1 The Draft was **agreed to as presented.**
- 7.8 **Draft 7: Alteration of Article 170 of the Constitution**
- 7.8.1 **Amendment of Paragraph 5.**
- 7.8.2 The Draft was **agreed to as presented.**
- 7.9 **Draft 8: Alteration of Article 180 of the Constitution**
- 7.9.1 **Amendment of paragraph 5**
- 7.9.2 The Draft was **agreed to as presented.**
- 7.10. **Draft 9: Alteration of Article 225 of the Constitution.**
- 7.10.1 The Draft Amendment of paragraph 225 (4) (a) was **agreed to as presented.**
- 7.11 **Draft 10: Repeal of Article 231 of the Constitution.**
- 7.11.1 The Draft was **agreed to as presented.**
- 7.12 **Draft 11: Repeal of Article 232 (7) of the Constitution.**
- 7.12.1 The Draft was **agreed to as presented** subject to research to be done by the Legal Draftsperson to determine whether it was in conflict with other provisions in Article 120.
- 7.13 **Draft 12: All Articles**
- 7.13.1 The Committee noted that the crafting of this provision was still in progress.
- 7.14 **(b) Parliament**

- 7.14.1 **Draft 13: Sectoral Standing Committees**
- 7.14.2 From the discussion on the nature and magnitude of the functions of the Sectoral Standing Committees, it was observed by Members that Parliament was being asked to execute a function other than its traditional legislative role. As a consequence, further consideration of the Draft was deferred until later in the day.
- 7.15 **(c) National Security**
- 7.16 **Draft 14: Insertion of New Title 6A in the Constitution**
- 7.16.1 **New Title 6A - Defence & Security**
- 7.16.2 The following amendments were made:
- (i) the **deletion** of the words “as the impartial arm of the State” after the word “function” in line 3 of paragraph 3.
 - (ii) the **substitution** of the words “take account of” for the word “portray” in paragraph 5;
 - (iii) the **insertion** of a comma after the word “efficiency” in line 6;
 - (iv) the **deletion** of the word “desperate” in the last line;
 - (v) the **substitution** of “constituents” for “constituent” in the last line.
- 7.16.2 Thereafter, the Draft was **agreed** to as **amended**.

SUSPENSION OF MEETING

At 12.15 p.m. the meeting was suspended to 1.30 p.m. that afternoon.

RESUMPTION OF MEETING

The Committee resumed its consideration of Legal Drafts.

- 7.17.1 **THE STATE, THE JUDICATURE, ETC, by Justice Oswald Legall**
- 7.17.2 Justice Legall presented the draft Bill on the State, the Judicature, etc. for consideration of the Committee.

- 7.17.3 **Clause 1: Short Title**
- 7.17.3.1 The Clause was **agreed** to as **presented**.
- 7.17.4 **Clause 2: Alteration of the Constitution**
- 7.17.4.1 Subparagraphs (a) to (e) were **agreed** to as **presented**.
- 7.17.5 **Clause 3: Insertion of New Article**
- 7.17.5.1 **New Article 122A - Independent Judiciary**
- 7.17.5.2 Paragraphs (1) and (2) of the new article were **agreed** to as **presented**.
- 7.17.6 **Clause 4: Alteration of Article 128**
- 7.17.6.1 Subparagraphs (a) and (b) were **agreed** to as **presented**.
- 7.17.7 **Clause 5: Alteration of Article 123**
- 7.17.7.1 The Clause was **agreed** to as **presented**.
- 7.17.8 **Clause 6: Alteration of Article 127**
- 7.17.8.1 The Committee agreed that the Secretariat should make available to the Legal Draftsperson the Minutes based on the decisions of the OSC with respect to the appointment of the Chancellor and Chief Justice.
- 7.17.9 **Clause 7: Alteration of Article 146**
- 7.17.9.1 The Clause was **agreed** to as **presented**.
- 7.17.10 **Clause 8: Alteration of Article 153 of the Constitution**
- 7.17.10.1 Subparagraphs (a) and (b) were **agreed** to as **presented**.
- 7.17.11 **Clause 9: Alteration of Article 197 of the Constitution**
- 7.17.11.1 Subparagraphs (a) to (c) were **agreed** to as **presented**.
- 7.17.12 **Clause 10: Alteration of Article 198 of the Constitution**
- 7.17.12.1 Subparagraphs (a) and (b) were **agreed** to as **presented**.

- 7.17.13 **Clause 11: Alteration of Article 199 of the Constitution**
- 7.17.14 The Clause was **agreed** to as **presented**.
- 7.17.15 **Draft 12: Alteration of Article 203**
- 7.17.15.1 Subparagraphs (a) to (d) were **agreed** to as **presented**.
- 7.18 Draft 13: Sector Standing Committees**
- 7.18.1 On the resumption of discussions of the above draft, Members agreed that:
- (a) there would be need for article 65 to be amended to invest the Parliament with the additional power of “oversight”;
 - (b) creation of a new article other than article 119 to provide for the Committees;
 - (c) the name of the Committees shall be the Parliamentary Sectoral Committees.
 - (d) the Chairperson and Deputy Chairperson of the Committees should come from opposite sides of the Assembly.

ANY OTHER BUSINESS

The Coordinator requested that the Secretariat should forward to the OSC such Legal Drafts as are available for discussion at the OSC meeting to be held on Wednesday, 14th June, 2000.

ADJOURNMENT

At 3.40 p.m. the meeting was adjourned to Wednesday, 14th June, 2000 at 5.00 p.m.



.....
Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information,
CHAIRMAN - OVERSIGHT COMMITTEE.

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

**MINUTES OF THE 29TH MEETING
OF THE OVERSIGHT COMMITTEE
HELD IN THE PARLIAMENT CHAMBER,
PUBLIC BUILDINGS, GEORGETOWN,
ON WEDNESDAY, 14TH JUNE, 2000
AT 5.15 P.M.**

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

CHAIRMAN (1) - People's Progressive Party/Civic

The Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information - Head, Project Implementation

Other Members -

From the People's Progressive Party/Civic (2)

Dr. Roger F. Luncheon,
Head of the Presidential Secretariat

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

Mr. W. Haslyn Parris, C.C.H.,
Coordinator, Planning and Monitoring

Mr. Vincent Alexander (Excused)

From The United Force (1)

Mr. Manzoor Nadir, M.P.

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

Task Force “E”

Mr Cecil Dhurjon, C.C.H., S.C.,
Chief Parliamentary Counsel

Justice Oswald Legall

Ms Roxane George,
Asst. Director of Public Prosecutions

Mrs Alexis Downes-Amsterdam,
Principal Parliamentary Counsel

Officers (3)

Mr. Maurice B. Henry,
Executive Secretary

Mr Oscar E. Moore
Administrative Assistant

Ms Debra H. Cadogan
Administrative Assistant

ITEM 1 CALL TO ORDER

1.1 The Chairman called the meeting to order at 5.15 p.m.

ITEM 2 AGENDA

2.1 Members adopted the Agenda.

ITEM 3 ANNOUNCEMENTS

3.1 **Welcome**

3.2 The Chairman extended a warm welcome to Members of the Committee, Officials, Members of Task Force “E” and the Media.

3.3 **Disappearance of Cellular phone**

3.3.1 The Chairman expressed his concern and that of the OSC Membership with respect to the disappearance of a cellular phone belonging to Dr. Roger Luncheon within the precinct of the Parliament Chamber.

3.3.2 He also expressed his complete revulsion to the fact that such an event occurred when the OSC was meeting for the first time on a Sunday. He cautioned Members of the OSC and Task Force "E" not to leave anything unattended in the Parliament Chamber and its surrounding rooms.

3.3.3 He said that the disappearance of the cellular phone should not be taken lightly nor should it be dismissed but should be followed up since what had occurred was not only the misplacing of the cellular phone and unless it was returned it would be considered a theft.

ITEM 4 DOCUMENTS CIRCULATED

4.1 The following documents were circulated on Tuesday, 13th June, 2000:

- (i) Memorandum re: Visit of Mr. Brian Burdekin, of UNCHR;
- (ii) Minutes of 28th Meeting held on Sunday, 11th June, 2000;
- (iii) Status Report (#7) on Drafting of Revisions to Constitution;
- (iv) Legal Draft on Local Government Commission by Justice Oswald Legall;
- (v) Legal Draft on Constitution Reform (First Draft) by Mrs Alexis Downes-Amsterdam.

4.2 The following documents were circulated on Wednesday, 14th June, 2000:

- (i) the Agenda of the 29th Meeting;
- (ii) A letter from the Guyana Association of Women Lawyers;
- (iii) Legal Draft on Part-time Judges, etc;
- (iv) Memo Re: Status of Deliberations on the Electoral System (As at Wednesday, June 14, 2000).

ITEM 5 CONFIRMATION OF MINUTES

- 5.1 The Minutes of the 28th Meeting held on Sunday, 11th June, 2000 were confirmed on a motion moved by Dr. Ramsammy and seconded by Dr. Luncheon.

ITEM 6 MATTERS ARISING

6.1 **Page 7, Paragraph 7.17.8.1 - Appointment of the Chancellor and Chief Justice**

- 6.1.1 The Coordinator, Planning & Monitoring informed Members that the draft that had been previously approved by OSC did not capture the “extension of tenure of Judges” aspect properly, thus Task Force “E” had submitted another draft for the approval of the OSC. The second draft was circulated at that meeting.

ITEM 7 BUSINESS

7.1 **Review of Status Report (#7) on Drafting of Revisions to Constitution**

- 7.1.1 The Coordinator, Planning & Monitoring summarised Status Report (#7) for consideration by the Committee.

- 7.1.2 On the question as to whether a drafting brief was supplied for paragraph 3.2.3: **Limits on non-elected Ministers and Parliamentary Secretaries - Recommendation 9.11.3 (3)**, it was pointed out that the drafting brief was still to be approved by the OSC.

- 7.1.3 The Coordinator drew Members’ attention to the last sentence of paragraph 6.2 which stated that Mr. Burdekin, the Human Rights Expert, would be available on Saturday, 17th June, 2000.

- 7.1.3.1 He said that Mr. Burdekin’s flight plans have since been changed and as soon as confirmation was received, Members of the OSC and Task Force “E” would be informed of the new date of the meeting with him.

- 7.1.4 The Chairman thanked Members for their cooperation in clearing on Sunday, 11th June, 2000, all outstanding legal briefs which were submitted by TF “E” for the approval of OSC.

- 7.2 **Consideration of Memorandum dated June 14, 2000 from the Coordinator, Planning & Monitoring, on the Status of Deliberations on the Electoral System (as at Wednesday, June 14, 2000).**

7.2.1 The Coordinator, Planning and Monitoring, presented the Memorandum Re: ***Status of Deliberations on the Electoral System*** for consideration by the Committee.

7.2.2 Following a discussion on this matter, it was agreed -

- (i) 6.1 That the OSC formally note the agreements detailed in Appendix A;
- (ii) 6.2 That Task Force "B" be mandated to prepare the Drafting Brief (bearing in mind paragraph 4 above) for appropriate Constitutional changes to be drafted by Task Force "E" on the basis of Appendix A;
- (iii) 6.3 That the brief mentioned in 6.2 be presented as soon as possible, but in any event by 30 June, to the OSC for its approval, as has been the case with all other briefs;
- (iv) 6.4(a) That in response to the query posed about the Electoral System by the Elections Commission to the OSC at their meeting of Friday, May 12, 2000, the OSC formally send Appendix A to the Elections Commission as its answer;

(b) That the Chairman and Commissioners of the Elections Commission be invited to a meeting on Saturday, 17th June, 2000, at 5.00 p.m. to be briefed on the proposed electoral system;
- (v) 6.5 That the OSC recommend to the Hon. Reepu Daman Persaud that the outstanding issue noted in paragraph 3 of this memorandum be identified as one for subsequent determination by the OSC prior to the determination of its tenure; and
- (vi) 6.6 That the Hon. Reepu Daman Persaud be apprised of the content of this memorandum and of the actual decisions arising from it.

7.3 **Consideration of the following Legal Drafts -**

7.3.1 **Constitution Reform (Rights Provisions) - First Draft by Mrs Alexis Downes-Amsterdam**

- 7.3.2 Mrs Downes-Amsterdam presented the Constitution Reform (Rights Provisions) for the consideration of the Committee.
- 7.3.2.1 **Draft No. 1: Indigenous Peoples - Recommendation 9.2.3.2 (4) - To provide for the right of Indigenous Peoples to the protection etc. of their languages, cultural heritage and way of life.**
- 7.3.2.1.1 The draft was **agreed** to as **presented**.
- 7.3.2.2 **Draft No. 2: Environment - Recommendation 9.2.3.2 (5) - To effect the transference of article 36 from a Principle to a Fundamental Right.**
- 7.3.2.2.1 The draft was **agreed** to as **presented** subject to further research being done on paragraph (3).
- 7.3.2.3 **Draft No. 3: The right to inheritance - Recommendation 9.2.3.2 (7) - To effect the transference of article 20 from a Principle to a Fundamental Right.**
- 7.3.2.3.1 The draft was **agreed** to as **presented**.
- 7.3.2.4 **Draft No. 4: Equal Status of Children - Recommendation 9.2.3.2 (9) - To effect the transference of article 30 from a Principle to a Fundamental Right - Equal Status of Children.**
- 7.3.2.4.1 The following amendment was made:
- 7.3.2.4.2 **Substitution** of the word “persons” for the word “children” in line 1.
- 7.3.2.4.3 Thereafter Draft No. 4 was **agreed** to as **amended**.
- 7.3.2.5 **Recommendation 9.2.3.2 (10) - To provide for the inalienable rights of children in respect of:-**
- 7.3.2.5.1 **Draft No. 5: Recommendation 9.2.3.2 (10) - Anti-discrimination provision.**
- 7.3.2.5.2 The following amendment was made:
- 7.3.2.5.3 Substitution of the words “the same as” for the words “similar to” in line 1 of the Comment.
- 7.3.2.5.4 Thereafter the Draft No. 5 was **agreed** to as **amended**.

- 7.3.2.6 **Draft No. 6: Recommendation 9.2.3.2 (10) - Protection of the right to life.**
- 7.3.2.6.1 The Draft was **agreed** to as **presented**.
- 7.3.2.7 **Draft No. 7: Recommendation 9.2.3.2 (10) - Right to know and be cared for by parents and the right to preserve family relations.**
- 7.3.2.7.1 The Draft was **agreed** to as **presented**.
- 7.3.2.7.2 The Committee also agreed to the inscription of another paragraph by the Legal Draftsperson with respect to cases of legitimate denial or restriction of access.
- 7.3.2.8 **Draft No. 8: Right to be heard.**
- 7.3.2.8.1 The draft was **agreed** to as **presented**.
- 7.3.2.9 **Draft No. 9: Freedom of expression.**
- 7.3.2.9.1 The Committee noted that the draft was covered by article 146.
- 7.3.2.10 **Draft No. 10: Freedom of conscience.**
- 7.3.2.10.1 The Committee noted that the draft was covered by article 145.
- 7.3.2.11 **Draft No. 11: Freedom of association and assembly.**
- 7.3.2.11.1 The Committee noted that the draft was covered by article 147.
- 7.3.2.11.2 At this point Mr. Nadir queried the inclusion in the Legal Draft a number of Articles of the Convention on the Rights of the Child, and informed the Committee that his Task Force had felt that it was not necessary to submit those Articles as part of the Drafting Briefs. He requested that further consideration of the Legal Draft be deferred to enable him to examine it against his Task Force's Drafting Brief.
- After discussing Mr. Nadir's query and request, the Committee decided to continue consideration of the Legal Draft subject to review on Mr Nadir's findings as a result of his research.
- 7.3.2.12 **Draft No. 12: Right against cruel and inhuman punishment.**
- 7.3.2.12.1 The Draft was **agreed** to as **presented** subject to the final treatment of fundamental rights.

- 7.3.2.13 **Draft No. 13: Right to Liberty**
- 7.3.2.13.1 The Committee noted that the draft was covered by article 139.
- 7.3.2.14 **Draft No. 14: Right to appropriate standard of living.**
- 7.3.2.14.1 The Draft was **agreed** to as **presented**.
- 7.3.2.15 **Draft No. 15: Right to child offenders.**
- 7.3.2.15.1 The Draft was **agreed** to as **presented**.
- 7.3.2.16 **Draft No. 16: The welfare of the child principle.**
- 7.3.2.16.1 The draft was **agreed** to as **presented**.
- 7.3.2.17 **Draft No. 17: The rights and duties of parents.**
- 7.3.2.17.1 The Draft was **agreed** to as **presented**.
- 7.3.2.18 **Draft No. 18: State to combat illicit transfer of children abroad.**
- 7.3.2.18.1 The Draft was **agreed** to as **presented**.
- 7.3.2.18.2 The Committee noted that illicit transfer of children domestically has been included in the draft.
- 7.3.2.19 **Draft No. 19: Encourage the dissemination of material ...**
- 7.3.2.19.1 The Draft was **agreed** to as **presented**.
- 7.3.2.20 **Draft No. 20: Adoption of be permitted only if in best interest of the child.**
- 7.3.2.20.1 The Draft was **agreed** to as **presented**.
- 7.3.2.21 **Draft No. 21: Refugee children to receive protection and humanitarian assistance.**
- 7.3.2.21.1 The Committee agreed to the defer consideration of this Draft to a later date.
- 7.3.2.22 **Draft No. 22: Education to be directed to the development etc., of the child.**
- 7.3.2.22.1 The Committee noted that a draft was already provided by Professor

Massiah.

7.3.2.23 **Draft No. 23: Promotion of the recovery of a child victim.**

7.3.2.23.1 The Draft was **agreed** to as **presented**. The Committee also agreed to the draft being inserted as a principle.

7.3.2.24 **Draft No. 24: Protection of privacy.**

7.3.2.24.1 The Committee noted that the draft was covered by article 143.

7.3.2.25 **Draft No. 25: Right to child-care from State.**

7.3.2.25.1 The draft was **agreed** to as **presented**.

At 7.55 p.m. the Chairman was excused to attend another engagement.

The Committee continued its consideration of the drafts under the Chairmanship of the Coordinator, Planning and Monitoring.

7.3.2.26 **Draft No. 26: Right to maintenance - Recommendation 9.2.3.2 (11) - To provide for the right, of every child, to maintenance and accommodation.**

7.3.2.26.1 The Draft was **agreed** to as **presented** subject to the final treatment of fundamental rights.

7.3.2.27 **Draft No. 27**

7.3.2.27.1 The Draft was **agreed** to as **presented** subject to ultimate classification.

7.3.2.28 **Draft No. 28: Right to free primary and secondary education.**

7.3.2.28.1 The following amendments were made:

(i) **Substitution** of the following for paragraph (1):

“(1) Every child is entitled to free primary and secondary education in State schools.”

(ii) **Deletion** of the items listed as Comments.

7.3.2.28.2 Paragraphs (2) and (3) were **agreed** to as **presented**.

- 7.3.2.29 **Draft No. 29**
- 7.3.2.29.1 The following amendment was made:
- “Deletion of the words “free and” before the word “compulsory”.
- 7.3.2.29.2 The Draft was **agreed** to as **amended**.
- 7.3.2.30 **Draft No. 30: Recommendation 9.2.3.2 (13) - To provide for the entitlement of all children to free primary health care.**
- 7.3.2.30.1 The following amendments were made:
- (i) **insertion** of the words “from the State” after the word “care”;
 - (ii) **deletion** of paragraph (2).
- 7.3.2.30.2 The draft was **agreed** to as **amended**.
- 7.3.2.31 **Draft No. 31: Protection of children - Recommendation 9.2.3.2 (14) - To provide for the protection of children against certain practices.**
- 7.3.2.31.1 The draft was **agreed** to as **presented**.
- 7.3.2.32 **Draft No. 32: Recommendation 9.2.3.2 (15) - To effect the transference of article 29 from a principle to a fundamental right.**
- 7.3.2.32.1 The Committee noted that no changes were suggested to the Article to be transferred saved for the insertion of the word “sex”.
- 7.3.2.33 **Draft No. 33: Recommendation 9.3.3 (2) - Indigenous Peoples rights.**
- 7.3.2.33.1 The Committee noted that the draft was addressed by 9.2.3.2 (4).
- 7.3.2.34 **Draft No. 34: Self determination within Local Government - Recommendation 9.3.3 (3).**
- 7.3.2.34.1 The Committee noted that there was no draft for this Recommendation and that it was an issue to be raised with Mr. Burdekin.
- 7.3.2.35 **Draft No. 35: Recommendation 9.4.3 (1) - Enforcement provisions for the rights of children.**
- 7.3.2.35.1 The Committee noted that the draft was covered by article 153.

- 7.3.2.36 **Draft No. 36: Recommendation 9.4.3 (2).**
- 7.3.2.36.1 The Committee noted that the draft had been satisfied under Recommendation 9.2.3.2 (10).
- 7.3.2.37 **Draft No. 37: Entitlement to name - Recommendation 9.4.3 (3) - To ensure entitlement of child born in Guyana to a name and citizenship.**
- 7.3.2.37.1 The Draft was **agreed** to as **presented**.
- 7.3.2.37.2 The Committee also agreed that it should be a fundamental right provision.
- 7.3.2.38 **Draft No. 38: Recommendation 9.4.3 (4).**
- 7.3.2.38.1 The Committee noted that the draft had been satisfied under Recommendation 9.2.3.2 (11) - the right to maintenance and accommodation.
- 9.3.2.39 **Draft No. 39: Recommendation 9.4.3 (5).**
- 9.3.2.39.1 The Committee noted that the draft had been satisfied under Recommendation 9.2.3.2 (12) - the right to free education.
- 9.3.2.40 **Draft No. 40: Recommendation 9.4.3 (6).**
- 9.3.2.40.1 The Committee noted that the draft had been satisfied under Recommendation 9.2.3.2 (13) - right to free primary health care.
- 9.3.2.41 **Draft No. 41: Recommendation 9.4.3 (7).**
- 9.3.2.41.1 The Committee noted that the draft had been satisfied under Recommendation 9.2.3.2 (14) - protection against labour or abusive practices etc.
- 9.3.2.42 **Draft No. 42: Protection of children from illicit use of narcotic drugs etc. - Recommendation 9.4.3 (9) - Measures to be taken to protect children from the illicit use of narcotic drugs etc.**
- 9.3.2.42.1 The draft was **agreed** to as **presented**.
- 9.3.2.43 **Draft No. 43: Recommendation 9.4.3 (10) - Definition of a child.**
- 9.3.2.43.1 The Committee deferred the draft for further consideration.

- 9.3.2.44 **Draft No. 44: Recommendation 9.5.3 (1)**
- 9.3.2.44.1 The Committee noted that the draft had been satisfied under Recommendation 9.2.3.2 (15) - Equality for women.
- 9.3.2.45 The Committee agreed that the Legal Draft on Constitution Reform (First Draft) on Rights Provisions was approved subject to the following:
- (1) reconsideration of drafts identified for such attention;
 - (2) Mr. Burdekin's treatment of rights
 - (3) Mr. Nadir's comments on any of the Articles of the Convention on the Rights of the Child included therein.

ANY OTHER BUSINESS

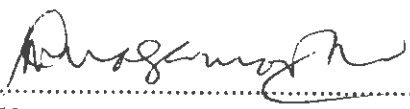
The Coordinator advised Members of the Committee and Task Force "E" that the meeting with Mr Burdekin would be confirmed as soon as information was received with respect to his travel arrangements.

DATE OF NEXT MEETING

It was agreed that the next meeting would be held on Saturday 17th June, 2000. The items for discussion would include consideration of the Legal Draft on Part-time Judges, etc., and Legal Draft on Local Government Commission by Justice Oswald Legall.

ADJOURNMENT

At 8.45 p.m. the Meeting was adjourned to Saturday, 17th June, 2000 at 2.00 p.m.


.....
Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information,
CHAIRMAN - OVERSIGHT COMMITTEE

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

**MINUTES OF THE 30TH MEETING
OF THE OVERSIGHT COMMITTEE
HELD IN THE PARLIAMENT CHAMBER,
PUBLIC BUILDINGS, GEORGETOWN,
ON SATURDAY, 17TH JUNE, 2000
AT 2.10 P.M.**

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

CHAIRMAN (1) - People's Progressive Party/Civic

The Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information - Head, Project Implementation

Other Members -

From the People's Progressive Party/Civic (2)

Dr. Roger F. Luncheon,
Head of the Presidential Secretariat

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

Mr. W. Haslyn Parris, C.C.H.,
Coordinator, Planning and Monitoring

Mr. Vincent Alexander (Excused)

From The United Force (1)

Mr. Manzoor Nadir, M.P.

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

Task Force “E”

Mr Cecil Dhurjon, C.C.H., S.C.,
Chief Parliamentary Counsel

Justice Oswald Legall

Ms Roxane George,
Asst. Director of Public Prosecutions

Mrs Alexis Downes-Amsterdam,
Principal Parliamentary Counsel

Mr. Zehar Singh Negi,
Legal Draftsman

Officers (3)

Mr. Maurice B. Henry,
Executive Secretary

Mr Oscar E. Moore
Administrative Assistant

Ms Debra H. Cadogan
Administrative Assistant

ITEM 1 CALL TO ORDER

1.1 The Chairman called the meeting to order at 2.10 p.m.

ITEM 2 AGENDA

2.1 Members adopted the Agenda.

ITEM 3 ANNOUNCEMENTS

3.1 Welcome

3.1.1 The Chairman extended a warm welcome to Members of the Committee, Officials and Members of Task Force “E”.

3.2 **Visit of Mr. Brian Burdekin, UNCHR**

3.2.1 The Chairman informed the Committee that Mr. Burdekin's new date of arrival was Monday, 26th June, 2000.

ITEM 4 DOCUMENTS CIRCULATED

4.1 The following documents were circulated on Friday, 16th June, 2000:

- (i) Agenda of 30th Meeting
- (ii) Minutes of 29th Meeting held on Wednesday, 14th June, 2000;
- (iii) Drafting Brief on Electoral System by Dr. Roger F. Luncheon;
- (iv) Approved Legal Draft on Rights Provisions;
- (v) A copy of a letter dated 16th June, 2000 to the Elections Commission re: Status of Deliberations by the OSC on the Electoral System;
- (vi) Sixth Draft Report on OSC.

ITEM 5 CONFIRMATION OF MINUTES

5.1 **The Minutes of the 29th Meeting held on Wednesday, 14th June, 2000.**

5.2 **Corrections**

5.2.1 **Page 2: Attendance - Task Force "E"**

5.2.2 **Insertion** of the name "Mr. Zehar Singh Negi".

5.3 The Minutes were, thereafter, confirmed as corrected on a motion moved by Dr. Ramsammy and seconded by Dr. Roopnaraine.

ITEM 6 MATTERS ARISING

6.1 **Page 5, Paragraph 7.2.2. (iv) 6.4 (b)**

6.1.1 The Chairman informed Members that the Meeting with the Chairman and Commissioners of the Elections Commission had been confirmed for 5.00 p.m. that evening.

6.2 **Page 5, Paragraph 7.1.2**

6.2.1 In response to the question as to whether *Limits on non-elected Ministers and Parliamentary Secretaries* was a matter for the Constitution, the Committee was informed that it was a matter for inclusion in the Constitution under the Title "Executive".

ITEM 7 BUSINESS

7.1 **Consideration of Draft Sixth Report on the Oversight Committee on Constitutional Reform**

7.1.1 The Committee considered the Draft Sixth Report on the Oversight Committee on Constitutional Reform along with the Appendices and agreed to submit it to the Minister of Agriculture and Parliamentary Affairs for presentation to the National Assembly.

7.2 **Consideration of the following Legal Drafts**

7.2.1 (a) **Judicature, etc. by Mr. Cecil Dhurjon, CCH, S.C. and Mr. Zehar Singb Negi.**

7.2.1.1 Mr. Dhurjon presented the Legal Drafts on the Judicature for the consideration of the Committee.

7.2.2 **Draft No. 1: Alteration of Article 126 of the Constitution**

7.2.2.1 The draft amendment to article 126 was **agreed** to as **presented**.

7.2.3 **Draft No.2: Insertion of New Article 128A in the Constitution**

7.2.3.1 **New Article 128A - Appointment of Part-time Judges**

7.2.3.2 Paragraphs (1) and (2) were **agreed** to as **presented**.

7.2.4 **Draft No. 3: Alteration of the Constitution.**

7.2.4.1 **Insertion of Article 161B - Role of Political Parties in the conduct of elections through the Elections Commission.**

7.2.4.2 The Legal Draftspersons were asked to resubmit another draft of Article 161B for the consideration of the OSC taking the following into consideration:

- (i) the examination of the Constitution (Amendment) Act (Act No. 2/2000) and article 162 of the Constitution to ensure that the draft was not in conflict with these;
- (ii) the new draft, as far as possible, should include all the words of Recommendation 9.10.3(3).

7.2.5 **Draft No. 4: Alteration of Article 197 of the Constitution**

7.2.5.1 **Substitution of new paragraphs (2) and (2A) for paragraph (2):**

7.2.5.2 **New Paragraph (2):**

7.2.5.3 Sub-paragraphs (a) and (b) were **agreed** to as **presented**.

7.2.5.4 New paragraph (2A) was **agreed** to as **presented**.

7.2.5.5 **Insertion of new paragraph (10)**

7.2.5.6 The insertion of a new paragraph (10) which sought to give effect to CRC Recommendation 9.9.3.12 was deferred to enable the Legal Draftsperson to submit a new formulation after consideration was given to the following issues raised:

- (i) Was the provision to be applied also to Judges who resigned or who were dismissed?
- (ii) Were emoluments meant to be the only consideration?
- (iii) Could the intimidatory aspect of former Judges be captured in the formulation?
- (iv) Would the freedom of expression of the individual be affected?
- (v) Could it be made a declaratory provision in the Constitution?

7.3 **(b) Local Government Commission by Justice Oswald Legall**

- (i) The Committee recognised that the Local Government Commission was not to be established as a Constitutional Commission.

It was agreed that the Legal Draftsperson would prepare a new draft for the Constitution to provide for Parliament to establish the Local Government Commission as recommended by the Constitution Reform Commission and approved by the National Assembly.

(ii) **Alteration of Article 218 of the Constitution**

The draft amendment to article 218 (1) was **agreed** to as **presented**.

(iii) **Alteration of Article 223 of the Constitution**

Paragraphs (a) and (b) were **agreed** to as **presented**.

Paragraph (c): Insertion of New Paragraph (5)

The Committee noted that provision for a new paragraph (5) was made in the document '*Overarching Clause to ensure Autonomy of Commissions through "Block Vote" funding*' and that that document was with Task Force "E" for drafting.

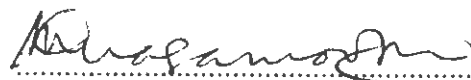
7.4 **Consideration of Proposal by Guyana Association of Women Lawyers on educating the Public on the Constitution**

7.4.1 The Committee considered the Proposal by the Guyana Association of Women Lawyers submitted under cover of the Association's letter dated June 12, 2000, and agreed that:

- (i) a response be sent to the Guyana Association of Women Lawyers indicating its willingness to participate in the project;
- (ii) a sub-committee comprising the Chairman and another Member be set up with GAWL to discuss details of the project, including accessing funds and, thereafter, to report to the OSC.

ADJOURNMENT

At 5.50 p.m. the Meeting was adjourned to Wednesday, 21st June, 2000 at 5.00 p.m.



.....
Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information,
Chairman - OVERSIGHT COMMITTEE.

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

**MINUTES OF THE 31ST MEETING
OF THE OVERSIGHT COMMITTEE
HELD IN THE PARLIAMENT CHAMBER,
PUBLIC BUILDINGS, GEORGETOWN,
ON WEDNESDAY, 21ST JUNE, 2000
AT 5.15 P.M.**

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

CHAIRMAN (1) - People's Progressive Party/Civic

The Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information - Head. Project Implementation

Other Members -

From the People's Progressive Party/Civic (2)

Dr. Roger F. Luncheon,
Head of the Presidential Secretariat

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

Mr. W. Haslyn Parris, C.C.H.,
Coordinator, Planning and Monitoring

Mr. Vincent Alexander

From The United Force (1)

Mr. Manzoor Nadir, M.P.

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

Task Force “E”

Justice Oswald Legall

Mr. Zehar Singh Negi,
Legal Draftsman

Officers (3)

Mr. Maurice B. Henry,
Executive Secretary

Mr Oscar E. Moore
Administrative Assistant

Ms Debra H. Cadogan
Administrative Assistant

ITEM 1 CALL TO ORDER

1.1 The Chairman called the meeting to order at 5.15 p.m.

ITEM 2 AGENDA

2.1 Members adopted the Agenda.

ITEM 3 ANNOUNCEMENTS

3.1 Welcome

3.1.1 The Chairman extended a warm welcome to Members of the Committee, Officials, Members of Task Force “E” and the Media.

3.2 Excuses

3.2.1 The Chairman announced that Mr Cecil Dhurjon, C.C.H., S.C., and Ms Roxane George, Members of Task Force “E”, had asked to be excused from that meeting.

3.3 **Visit of Mr. Brian Burdekin, UNCHR**

3.3.1 The Chairman informed the Committee that the latest information on Mr Burdekin's visit to Guyana was that he was due to arrive in Guyana, from Geneva, sometime on the evening of Tuesday, 27th June, 2000 and should leave between 1st and 2nd July, 2000. Should he arrive as mentioned, then the Committee could arrange to meet with him at its Statutory meeting on Wednesday, 28th June, 2000.

ITEM 4 DOCUMENTS CIRCULATED

4.1 The following documents were circulated on Friday, 16th June, 2000:

- (i) Agenda of 31st Meeting
- (ii) Minutes of 30th Meeting held on Saturday, 17th June, 2000
- (iii) Advice by Task Force "E" re: Removal of Judges for Misbehaviour
- (iv) Status Report (#8) on Drafting of Revisions to Constitution

4.2 The following documents were circulated at the meeting:

- (i) A Memorandum from the Coordinator, Planning and Monitoring, dated 21st June, 2000 Re: Letter purporting to come from Dr Leslie Ramsammy to the Editor of the Stabroek News, entitled "Proposal did come from PNC" and published on Page 7 of the Stabroek News of Wednesday, June 21, 2000.
- (ii) New Legal Drafts on the Appointment of the Chancellor and the Chief Justice in accordance with Recommendation - 9.9.3.5.
- (iii) New Legal Drafts on the Role of Political Parties in the Conduct of Elections through the Elections Commission in accordance with Recommendation - 9.10.3(3), and Retired Judges practising at the Bar in accordance with Recommendation - 9.9.3.12.

ITEM 5 CONFIRMATION OF MINUTES

5.1 **The Minutes of the 30th Meeting held on Saturday, 17th June, 2000.**

5.2 **Corrections**



- 5.2.1 **Page 6, Paragraph 7.4.1 (ii)**
- 5.2.2 **Deletion** of the words “ including accessing funds” after the word “project” in line 2.
- 5.3 The Minutes were, thereafter, confirmed as corrected on a motion moved by Dr Roopnaraine and seconded by Dr Luncheon.

ITEM 6 MATTERS ARISING

- 6.1 **Page 6, Paragraph 7.4.1 (ii)**
- 6.1.1 It was suggested that the Executive Secretary should write to the Guyana Association of Women Lawyers informing it that the Chairman of OSC, Hon, Moses V. Nagamootoo, JP, MP, and Mr Manzoor Nadir, MP, would meet with it them on Saturday, 24th June, 2000 at 1.30 p.m. to discuss the project as proposed by the Association.

ITEM 7 BUSINESS

- 7.1 **Review of Status Report (#8) on Drafting of Revisions to Constitution**
- 7.1.1 The Coordinator, Planning and Monitoring, presented the Status Report (#8) for the consideration of the Committee.
- 7.1.2 He reported that the OSC had so far approved 57% of legal drafts related to 171 recommendations.
- 7.1.3 The drafting briefs to be approved by the OSC were
- (i) drafting briefs on the Electoral System;
 - (ii) role of political parties restricted to policy-making and monitoring on the Elections Commission; and
 - (iii) Land and Distribution and House Allocation Commission.

The Committee agreed that since this Commission was not a Constitutional Commission but a policy paper from the Government then it should be removed from the list of Drafting Briefs still to be approved by the OSC and should be listed as one of the tasks for Parliament.

- 7.1.4 The Coordinator said that the list of matters which the CRC had recommended to be dealt with by Parliament was also outstanding.
- 7.1.5 He also referred to the Table which summarised the status of each drafts person's work and informed the Committee that there had been a substantial reduction in the number of outstanding legal drafts.
- 7.1.6 The Coordinator expressed concern that there was no decision on the manner in which work completed by the Committee would be reported to the Minister of Agriculture and Parliamentary Affairs for onward transmission to the National Assembly. This concern made it urgent that the Committee should undertake its deliberations on "the ranking of urgency" of the various recommendations for constitutional reform, to assist Task Force "E" in advising on the procedure that should be adopted by the National Assembly to give effect to the recommended changes to the Constitution.
- 7.1.7 The Coordinator advised the Committee that its work was approximately one month behind the Time-bound Plan.
- 7.2 **Review of Drafting Briefs on Electoral System**
- 7.2.1 Dr Luncheon presented his drafting briefs on the Electoral System and in his introductory remarks suggested that the Committee should identify from those briefs matters that required constitutional drafting and those that should be dealt with otherwise.
- 7.2.2 From the discussions which followed, there was consensus that indeed certain articles of the Constitution, such as articles 60 and 160, had to be amended to give effect to the electoral reform process recommended by the Constitutional Reform Commission and approved by the National Assembly. Therefore it was agreed that drafting briefs submitted by Dr Luncheon together with Appendix A of the "Status of Deliberations on the Electoral System" should be used as a guide to Task Force "B" to draft and submit a new brief for constitutional amendment to the Committee by Saturday, 24th June, 2000.
- 7.2.3 Thereafter Dr Luncheon's drafting briefs were considered paragraph by paragraph.

- 7.2.3.1 **Paragraph 1:**
- 7.2.3.1.1 The following amendment was made:
- 7.2.3.1.2 **Substitution of** the words “elected members” for the word “seats”.
- 7.2.3.2 **Paragraph 2:**
- 7.2.3.2.1 The following amendments were made:
- (i) **Substitution of** the words “elected members” for the word “seats” in line 1;
- (ii) **Substitution of** the words “elected representatives” for the word “allocated” in line 2.
- 7.2.3.3 **Paragraph 3:**
- 7.2.3.3.1 The following amendments were made:
- (i) **Substitution of** “forty (40) members” for “ 45 seats”;
- (ii) **Substitution of** the word “elected” for the word “allocated” in line 2.
- 7.2.3.4 **Paragraphs 4 and 5 were agreed to as presented.**
- 7.2.3.5 **Paragraph 6:**
- 7.2.3.5.1 The following amendment was made:
- 7.2.3.5.2 **Deletion of** “ten (10)” in line 2.
- 7.2.3.6 **Paragraph 7:** The following amendment was made:
- 7.2.3.6.1 **Substitution of** the following for paragraph 7:
- 7.2.3.6.2 “The National Lists shall contain forty-two (42) candidates and any Geographic Constituency shall comprise the number of candidates plus 2, that is, $N + 2$.”
- 7.2.3.7 **Paragraphs 8 and 9 were agreed to as presented.**

- 7.2.3.8 **Paragraph 10:**
- 7.2.3.8.1 The following amendments were made:
- (i) **Substitution** of the word “woman” for the word “ female” in line 1;
 - (ii) **Substitution** of the word “therein” for the word “there” in line 2.
- 7.2.3.9 **Paragraphs 11 and 12** were **agreed** to as presented.
- 7.2.3.10 The following were added as paragraphs 13 and 14.
- 7.2.3.10.1 **Paragraphs 13:**
- 7.2.3.10.2 Each contesting Party’s Presidential candidate must be identified on the National List.
- 7.2.3.10.3 **Paragraphs 14:**
- 7.2.3.10.4 The person declared to be President would be the Presidential Candidate from the Party with the largest percentage of overall vote.
- 7.2.3.11 **Other Decisions**
- (i) The Legal Draftspersons would determine where in the brief to include “Proportional Representation”.
 - (ii) The brief as amended should be submitted to Task Force “B” for preparation of final drafting briefs.
 - (iii) The brief as amended should be submitted to Task Force “E” to proceed with any bill required to amend the Representation of People’s Act.
- 7.2.3.12 Mr Nadir enquired whether the regional elections would be held simultaneously with the general elections.
- 7.2.3.13 Dr Luncheon suggested that regional elections would be dealt with on another occasion.

- 7.3 **Consideration of New Legal Drafts re-submitted on -**
- 7.3.1 Mr Negi presented the undermentioned new drafts for consideration by the Committee:
- 7.3.2 **(a) Recommendation 9.10.3(3): Role of Political Parties in the Conduct of Elections through the Elections Commission**
- 7.3.2.1 **Insertion of new article 161B in the Constitution**
- 7.3.2.2 The draft was **agreed** to as **presented**.
- 7.3.3 **(b) Recommendation 9.9.3.12: Retired Judges Practising at the Bar**
- 7.3.3.1 **Insertion of new paragraph 10 in article 197 of the Constitution**
- 7.3.3.2 The draft was **agreed** to as **presented**.
- 7.3.4 Justice Legall presented the undermentioned draft for consideration by the Committee.
- 7.3.4.1 **(c) Recommendation 9.9.3.5: Appointment of the Chancellor and Chief Justice**
- 7.3.4.1 **Alteration of Article 127 of the Constitution**
- 7.3.4.2 (a) Substitution of a new paragraph (1).
- 7.3.4.3 The draft was **agreed** to as **presented**.
- 7.3.4.4 (b) Amendment to paragraph (2)
- 7.3.4.5 The following amendment was made to the draft:
- 7.3.4.6 **Substitution of** the words “meaningful consultation with” for the words “obtaining the agreement of”.
- 7.3.4.7 Thereafter paragraph (b) was agreed to as amended.

7.4 **Consideration of Advice by Task Force “E” on Recommendation 9.9.3.11: (Removal of Judges for) Misbehaviour**

7.4.1 Justice Legall tendered the following Advice on behalf of Task Force “E” for the consideration of the Committee:

“The Special Select Committee (the Blue Book) recommended that article 197(3) of the Constitution should be extended to include a more detailed description of the word misbehaviour appearing in the said article. The Committee also recommended that this amendment should not be done “before the Commission has conferred with Legal experts” (See SSC Report - Recommendation 9.9.3.11, at page 44).

In accordance with this latter recommendation, the Legal Experts have considered the whole recommendation and have unanimously advised that the jurisprudence as developed for over a century appropriately describes misbehaviour as being guilty of outrageous or improper conduct and therefore, this word as it appears in the said article should remain as it is without any amendment.”

7.4.2 The Committee considered and accepted the Advice of Task Force “E”.

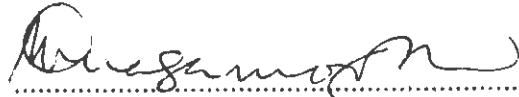
7.4.3 It was also agreed that the Advice by Task Force “E” on Recommendation 9.9.3.11: (Removal of Judges for) Misbehaviour should be listed as one of the tasks for the National Assembly.

ANY OTHER BUSINESS

The Chairman drew Members’ attention to a letter from Ms Roxane George that was addressed to him and copied to the Coordinator, Planning and Monitoring, and the Co-Overseers of Task Force “B” - Dr Luncheon and Mr Alexander. He asked that a copy be sent to the other Members of the Committee who were not in receipt of that letter since he felt that Ms George had raised some important issues on gender rights.

ADJOURNMENT

At 7.15 p.m. the Meeting was adjourned to Saturday, 24th June, 2000 at 2.00 p.m.



.....
Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information,
Chairman - OVERSIGHT COMMITTEE.

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

**MINUTES OF THE 32nd MEETING
OF THE OVERSIGHT COMMITTEE
HELD IN THE PARLIAMENT CHAMBER,
PUBLIC BUILDINGS, GEORGETOWN,
ON SATURDAY, 24th JUNE, 2000
AT 2.25 P.M.**

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

CHAIRMAN (1) - People's Progressive Party/Civic

The Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information - Head, Project Implementation

Other Members -

From the People's Progressive Party/Civic (2)

Dr. Roger F. Luncheon,
Head of the Presidential Secretariat

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

Mr. W. Haslyn Parris, C.C.H.,
Coordinator, Planning and Monitoring

Mr. Vincent Alexander

From The United Force (1)

Mr. Manzoor Nadir, M.P.

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

Task Force "E"

Mr. Cecil Dhurjon, CCH, SC,
Chief Parliamentary Counsel

Mr. Zehar Singh Negi,
Legal Draftsman

Officers (3)

Mr. Maurice B. Henry,
Executive Secretary

Mr Oscar E. Moore
Administrative Assistant

Ms Debra H. Cadogan
Administrative Assistant

ITEM 1 CALL TO ORDER

1.1 The Chairman called the meeting to order at 2.20 p.m.

ITEM 2 AGENDA

2.1 Members adopted the Agenda.

ITEM 3 ANNOUNCEMENTS

3.1 Welcome

3.1.1 The Chairman extended a warm welcome to Members of the Committee, Officials, Members of Task Force "E" and the Media.

ITEM 4 DOCUMENTS CIRCULATED

4.1 The following documents were circulated on Friday, 20th June, 2000:

- (i) Agenda of 32nd Meeting
- (ii) Minutes of 31st Meeting held on Wednesday, 21st June, 2000
- (iii) Extract from Human Development Report 2000

- (iv) Ethnic Relations Commissions Bill by the Chief Parliamentary Counsel;
- (v) Legal Draft on Political Parties Prohibited from Causing Ethnic Division by Justice Oswell Legall;
- (vi) New Draft on Definition of Child by Mrs. Alexis Downes-Amsterdam;
- (vii) Legal Draft on Parliamentary Standing Committee for Constitutional Reform by Mr. Cecil Dhurjon, CCH, SC.

ITEM 5 CONFIRMATION OF MINUTES

5.1 **The Minutes of the 31st Meeting held on Wednesday, 21st June, 2000.**

5.2 **Corrections**

5.2.1 **Page 4:**

5.2.2 **Paragraph 6.1.1**

5.2.3 **Deletion of “them” from line 4.**

5.2.4 **Paragraph 7.1.3 (iii)**

5.2.5 **Reformulate the paragraph as follows:**

(iii) *Land Distribution and House Lot Allocation Commission*

The Committee agreed that the Commission was not a Constitutional Commission. What was required was that a policy paper should be submitted to the National Assembly by a specified date. The Committee also agreed that the Recommendation on the Commission should be removed from the list off Drafting Briefs still to be approved by the OSC, and should be listed as one of the tasks for Parliament.

5.3 The Minutes were, thereafter, confirmed as corrected on a motion moved by Dr Roopnaraine and seconded by Dr Luncheon.

ITEM 6 MATTERS ARISING

6.1 **Page 3: Paragraph 4.2 (i)**

6.1.1 In response to a question by Mr. Alexander as to the identity of the writer of the letter referred to in the Coordinator’s Memorandum, Dr. Ramsammy verified that he was the writer.

6.2 **Page 4: Paragraph 6.1.1**

6.2.1 Mr. Nadir reported that he and the Chairman had discussions with Ms Rosemary Benjamin Noble, Ms Rosemary Cadogan and Ms Sandra Bart, representatives of the Guyana Association of Women Lawyers immediately before the commencement of the OSC meeting.

6.2.2 The discussion centered on the proposed programme which was submitted by the GAWL and the manner of collaboration of the OSC. It was agreed that the programme would be approached in two phases:

- the first phase would begin with the preparation of a handbook for Members of Parliament who would need a briefing on the proposed changes being recommended for the Constitution;
- the second phase would deal with the public education campaign with respect to the changes to the Constitution.

6.2.3 With regard to the public education campaign, the observation was made that the programme was basically coastal or Georgetown centered, and there was need to consider how information could be disseminated to the areas not covered by television and radio.

6.2.4 It was suggested to GAWL that the OSC could make available to them the legal drafts so that they could start the preparation of their work for their handbook and public education campaign.

6.2.5 The time-frame given was two to three weeks for the production of the handbook to be ready to Members of Parliament who would begin to consider the OSC's report shortly.

6.2.6 The Chairman asked that the record show that the OSC held discussions with the Guyana Association of Women Lawyers and expressed satisfaction with their proposals; that the Committee also agreed that it should make available to the Association such documents that they might need to help them prepare their work.

6.3 **Page 4: Paragraph 7.1.3 (11)**

6.3.1 The Chairman called attention to the words "in the conduct of elections **through** the Elections Commission" in paragraph 4.2.3 and "role of political parties **restricted** to" in paragraph 7.1.3 (11) and pointed out that in the revised Legal Draft the word "by" was used for the word "through" and the word "limited" for the word "restricted" in the respective paragraphs. In the interest of consistency he asked that a correction be made in the Minutes.

- 6.3.2 The Chairman's observation was discussed and it was agreed that the relevant comment in the Minutes be corrected to reflect the words used in the "Blue Book" i.e. "role of political parties and their nominees in the conduct of elections through the Elections Commission should be limited to policy making and monitoring"

ITEM 7 BUSINESS

7.1 Consideration of Legal Drafts

7.2 *Recommendation 9.23.3: Establishment of a Parliamentary Standing Committee for Constitutional Reform*

7.2.1 Insertion of new article 119A in the Constitution.

7.2.2 Dr. Roopnaraine expressed the view that the draft did not incorporate the specific intention of the CRC Recommendation that the Parliamentary Standing Committee should in addition to Parliamentarians, comprise non-Parliamentarians who were experts. This had been prescribed by the words "shall have the power to co-opt experts unto itself". The words "enlist the aid of" did not convey the same meaning as "co-opt".

7.2.3 Dr. Luncheon argued that a precedent would be created by making non-Parliamentarians members of a parliamentary body and, therefore, careful consideration should be given to the implications involved, e.g. parliamentary immunities and privileges.

7.2.4 Mr. Nadir also argued against non-Parliamentarians becoming members of a parliamentary body.

7.2.5 The Coordinator quoted the words of the Specific Recommendation in support of his submission that the CRC during its deliberations took cognisance of the fact that the rules of the National Assembly restricted membership of Standing Committees to Members of Parliament. It was, therefore, the conscious intention of the Commission to give Constitutional blessing to a deviation from the norm.

7.2.6 The Chairman suggested that the problem which appeared in the use of the word "coopt" might be circumvented by the establishment of a specialised Constitutional Committee with the right to incorporate experts as its members in addition to Members of the National Assembly.

- 7.2.7 He also suggested that if there must be a Standing Committee, Members might wish to consider the possibility of deviating from the prescription of the CRC Recommendation in order to exclude the membership of non-Parliamentarians from the Parliamentary Standing Committee.
- 7.2.8 Mr. Alexander suggested that the Committee should proceed with a draft as required by the CRC Recommendation and leave the composition of the Standing Committee to be settled by Parliament.
- 7.2.9 After further discussion it was agreed that the Legal Draft be returned to Task Force “E” for the re-formulation of it into the exact language of the Report of the SSC and for its re-submission to the OSC on Wednesday, 28th June, 2000.
- 7.3 **Establishment of the Ethnic Relations Commission - by the Chief Parliamentary Counsel**
- 7.3.1 The Chief Parliamentary Counsel presented the Constitution (Amendment) (No. 2) Bill 2000 and explained that the following corrections were made to the final legal draft as approved by the Committee:
- 7.4 **Clause 2:**
- 7.5 **New article 212 B - Composition of Ethnic Relations Commission.**
- (i) **Paragraph (1) (a): Substitution** of “five” and “fifteen” for the figures “5” and “15” respectively in line 1;
 - (ii) **Paragraph (4) (b): Deletion** of “and subparagraph (a).” in line 4;
 - (iii) **Paragraph (7): Insertion** of “of the Ethnic Relations Commission” after “Chairperson” in line 8;
 - (iv) **Paragraph 8: Insertion** of “,other than a member nominated under paragraph (1) (b),” after “number” in line 9;
- 7.6 **New article 212 (D) - Functions of the Commission**
- (i) **Paragraph (b): Substitution** of “on the basis of” for “relating to”.
 - (ii) **Paragraph (d): Deletion** of “Guyana” at end of paragraph.
 - (iii) **Paragraph (g): Substitution** of “to establish mechanisms and procedures for” for “promote procedures for” in line 1.

- (iv) **Paragraph (i):** Insertion of “where there is justification therefor” before “refer” in line 5.
- (v) **Paragraph (k):** Deletion of “law or” in line 3;
- (vi) **Paragraph (p):** Deletion of “in Guyana” in line 6;
- (vii) **Paragraph (r):** Deletion of “in Guyana” in line 4;
- (viii) **Paragraph (s):** Deletion of “Guyana” in line 8;
- (ix) **Paragraph (w):** Substitution of the following for paragraph (w):

“Do all other acts and things as may be necessary to facilitate the efficient discharge of the functions of the Commission”.

7.7 New Article 212 E (1) Reports

7.7.1 Paragraph (1)

- 7.7.1.1 (i)** Insertion of “financial” before “year” in line 2.
- (ii) Insertion of “the Speaker of” in line 3;
- (iii) Substitution of “laid” for “tabled” in line 5;
- (iv) Substitution of “thirty” for the figure “30”.

7.7.2 Paragraph (2):

7.7.2.1 The following was substituted for paragraph (2):

The Chairperson of the Ethnic Relations Commission may at any time submit a special report to the Speaker of the National Assembly with respect to any aspect of the functions of the Commission which the Commission considers should in the national interest be brought to the attention of the Assembly because it affects a wide cross section of the populace there could be disastrous consequences if a report thereon is not brought to the attention of the Assembly.”

- 7.7.3 **Paragraph (3):**
- 7.7.3.1 **Deletion** of “referred to in paragraph 2,”.
- 7.8 **New Article 212 (F) - Rules**
- 7.8.1 **Paragraph (2): Substitution** of “mutatis mutandis” for “not” in line 1.
- 7.9 The Committee **agreed** that the Bill be submitted to the Minister of Agriculture and Parliamentary Affairs for **presentation** to the National Assembly.
- 7.10 **Revised Legal Draft on Definition of Child.**
- 7.10.1 The Committee **agreed** to the revised draft as **presented**.
- 7.11 *Recommendation 9.21 Race Relations*
- 7.11.1 **Insertion of new article 160 A - Political parties prohibited from causing ethnic divisions.**
- 7.11.2 **Paragraph (1)**
- 7.11.3 The Committee **agreed** to paragraph (1) as **presented**.
- 7.11.4 **Paragraph (2) -**
- 7.11.5 The following amendment was made:
- 7.11.6 **Substitution** of “any local democratic organ” for “the Local Democratic Organ” in line 5.
- 7.11.7 The Committee **agreed** to the draft as **amended**.

ANY OTHER BUSINESS

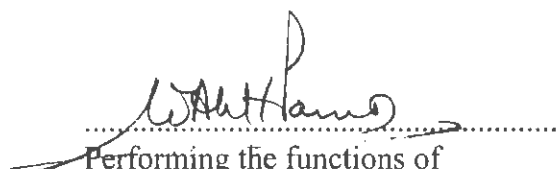
Visit of Mr. Burdekin, UNCHR

The Committee was informed that the arrival date of Mr. Brian Burdekin, of the United Nations Commission on Human Rights, was confirmed by the Deputy Resident Representative, UNDP, as Tuesday, 27th June, 2000.

The Committee agreed to meet with Mr. Burdekin at 4.00 p.m. on Wednesday, 28th June, 2000 and later at a working dinner at 7.00 p.m.

ADJOURNMENT

At 4.20 p.m. the meeting was adjourned to Wednesday, 28th June, 2000.


.....
Performing the functions of
CHAIRMAN - OVERSIGHT COMMITTEE.

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

**MINUTES OF THE 33rd MEETING
OF THE OVERSIGHT COMMITTEE
HELD IN THE PARLIAMENT CHAMBER,
PUBLIC BUILDINGS, GEORGETOWN,
ON WEDNESDAY, 28th JUNE, 2000
AT 5.15 P.M.**

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

CHAIRMAN (1) - People's Progressive Party/Civic

The Hon. Moses V. Nagamootoo, J.P., M.P., (Excused)
Minister of Information - Head, Project Implementation

Other Members -

From the People's Progressive Party/Civic (2)

Dr. Roger F. Luncheon,
Head of the Presidential Secretariat

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

Mr. W. Haslyn Parris, C.C.H.,
Coordinator, Planning and Monitoring

Mr. Vincent Alexander

From The United Force (1)

Mr. Manzoor Nadir, M.P.

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

Task Force "E"

Ms Roxane George,
Asst. Director of Public Prosecutions

Mr. Zchar Singh Negi,
Legal Draftsman

Officers (3)

Mr. Maurice B. Henry,
Executive Secretary

Mr Oscar E. Moore
Administrative Assistant

Ms Debra H. Cadogan (Excused)
Administrative Assistant

FIRST SESSION

MEETING WITH MR. BURDEKIN, UNCHR

ITEM 1 CALL TO ORDER

- 1.1 The meeting was called to order at 5.15 p.m. by Mr. Haslyn Parris, Coordinator, Planning and Monitoring who acted as Chairman in the absence of the Hon. Moses V. Nagamootoo, JP, MP, Minister of Information, Head - Project Implementation.

ITEM 2 ANNOUNCEMENTS

2.1 Welcome

- 2.1.1 The Chairman extended a warm welcome to Members of the Committee, Officials, Representatives of Task Force "E", Mr. Brian Burdekin, UNHCR, and visitors.

2.2 Excuses

- 2.2.1 The Chairman advised members that the Hon, Moses V. Nagamootoo, JP,MP, Minister of Information - Head, Project Implementation had asked to be excused from the meeting on account of a previous official appointment.

2.3 **Introduction of Mr. Burdekin**

2.3.1 The Chairman, in introducing Mr. Brian Burdekin referred to Mr. Burdekin's Biographical Data which described him as an officer who was highly qualified and experienced in the field of Human Rights.

2.3.2 The Chairman informed the meeting that earlier that day Mr. Burdekin was the honoured Guest of the OSC at a working lunch with members of Task Force "E", Legal Draftspersons. He apologised for the late start of the meeting and explained that it was due to his having had a previous meeting with Mr. Burdekin for the purpose of certifying the record of the discussion during the working Luncheon Session.

2.3.3 The "Synopsis of Discussions between Mr. Burdekin and Task Force "E" (Working Lunch at Cara Lodge, Wednesday, June 28, 2000)" is attached as Appendix I.

2.4 **Address by Mr. Brian Burdekin**

2.4.1 Mr. Burdekin in response to the Chairman's invitation addressed the meeting on the subject of Human Rights. Among the aspects of Human Rights that he mentioned were:-

- the advisability to minimize the number of Commissions;
- the Commissions/institutions should be properly resourced and easily accessible;
- Legislating for Human Rights was necessary but was insufficient by itself;
- International Human Rights Laws, Human Rights, Equality of Opportunity for Women, equal treatment of all ethnic groups, protection of children and vulnerable groups from abuse and exploitation were rights which were binding on the private and public sectors;
- mechanisms which had equal applicability to the private and public sectors should be preferable to those which were limited to the state action doctrine.

2.4.2 At the conclusion of Mr. Burdekin's address Dr. Roopnaraine, Mr. Alexander, Ms George, Mr. Nadir and Mr. Parris asked questions and/or raised issues for clarification to which Mr. Burdekin responded.

- 2.5 **Expression of Gratitude**
- 2.5.1 The Session ended with the Chairman thanking Mr. Burdekin for his time and advice. Members were invited to give an early written indication not later than midday, the next day, should they find the need for a further discussion with Mr. Burdekin. Such discussion could not be held later than Friday, 30th, June, 2000 as Mr. Burdekin's departure from Guyana was scheduled for early Saturday, 1st July, 2000.
- 2.5.2 Mr. Burdekin was excused.

SECOND SESSION

ITEM 1 AGENDA

- 1.1 Members approved the Agenda.
- 1.2 **Request for discussion on the issue of Gender representativeness**
- 1.2.1 Dr. Roopnaraine asked that the Agenda Items be set aside to permit the Committee to deal specifically with gender representativeness. The request was made on account of the fact that a great number of the observers at the Meeting were women who, by their attendance, had demonstrated their special interest in the matter of gender representativeness in the electoral system.
- 1.2.2 After discussing the need for a full debate on the issue the Committee agreed that part of its session on Saturday 1st July, 2000 would be devoted to the topic.

ITEM 2 ANNOUNCEMENTS

- 2.1 **Sixth Report on OSC**
- 2.1.1 The Chairman advised Members that the substantive Chairman, Hon. Moses Nagamootoo, had delivered a copy of the Sixth Report of the Oversight Committee to the Hon. Minister of Agriculture and Parliamentary Affairs, for presentation to the National Assembly.

ITEM 3 DOCUMENTS CIRCULATED

- 3.1 The following documents were circulated on Tuesday, 27th June, 2000:
- (i) Agenda of 33rd Meeting

- (ii) Minutes of 32nd Meeting held on Saturday, 24th June, 2000
- (iii) Biographical note on Mr. Brian Burdekin AO
- (iv) Schematic for OSC Final Report
- (v) Drafting Brief on Electoral System by Mr. Vincent Alexander
- (vi) Status Report (#9) on Drafting Revisions to Constitution
- (vii) Sixth Report on the OSC

3.1.1 The following documents were circulated at the Meeting:

- (i) Tasks for Parliament by Dr. Rupert Roopnaraine, MP
- (ii) Draft Bill on Commissions for the Promotion and Enhancement of Fundamental Rights and the Rule of Law
- (iii) Copies of Synopsis of Discussions between Mr. Burdekin and Task Force "E" (Working Lunch at Cara Lodge, Wednesday, June 28, 2000).

3.2 Ms George invited the attention of Members to the draft Bill on Commissions at 3.1.1 (ii).

3.2.1 She pointed out that the last three paragraphs of the draft were in italics which was intended to indicate that a similar provision might recur in the specific drafts of the Commissions. The OSC might agree at the appropriate time to either the general provision or that specific mention of the provision be made in the draft of each Commission.

ITEM 4 CONFIRMATION OF MINUTES

5.1 **The Minutes of the 32nd Meeting held on Saturday, 24th June, 2000.**

5.1.1 It was agreed that consideration of this item should be deferred.

ITEM 5 BUSINESS


6.1 By agreement of Members, **Item (11) Consideration of Review of Drafting Brief on Electoral System**, was given priority of consideration before the number (I) item on the Agenda. This was based on the grounds:

- (a) due to previous commitments, some members could remain at the meeting for only another half of an hour; and
- (b) determination of this issue would facilitate the progress of the legal drafting.

- 6.2 **Presentation of Drafting Brief**
- 6.2.1 Mr. Alexander, Co-Overseer of Task Force “B” presented the Task Force’s Drafting Brief - **ELECTORAL SYSTEM.**
- 6.2.2 **Recommendation 9.11.3 (1)**
- 6.2.2.1 Mr. Nadir rejected the provision “not less than sixty-five members” and argued that it was not in keeping with the CRC Recommendation or the provision in the Constitution which specified sixty-five members.
- 6.2.2.2 It was pointed out that the provision would ensure greater proportionality than if it were drafted in such a manner that would permit for less than sixty-five seats. Secondly it would facilitate an increase in the number without recourse to constitutional amendment.
- 6.2.2.3 Attention was also directed to the SSC’s expressed concern on Recommendation 9.8.3 (3) which was interpreted as providing the authority for Parliament to increase the number of seats in the National Assembly.
- 6.2.3 **Recommendation 9.11.3 (2)**
- 6.2.3.1 The Drafting Brief on this Recommendation was **agreed** to as **presented** with the word “results” changed to “result”.
- 6.2.4 **Recommendation 9.11.3 (3)**
- 6.2.4.1 The Drafting Brief on this Recommendation was **agreed** to as **presented.**
- 6.2.5 **Recommendation 9.11.3 (4)**
- 6.2.5.1 The Drafting Brief on this Recommendation was **agreed** to as **presented** with the word “who” changed to “whom”.
- 6.2.6 **Recommendation 9.11.3 (5)**
- 6.2.6.1 The Committee noted that the CRC recommended that articles 59 and 159 - Qualifications and disqualifications for electors - should remain unchanged.
- 6.2.7 **Recommendation 9.5.3(4)**
- 6.2.7.1 Consideration of the Drafting Brief on this Recommendation was deferred to the next meeting scheduled for Saturday, 1st July, 2000.

ADJOURNMENT

At 7.15 p.m. the meeting was adjourned to 2.00 p.m. on Saturday, 1st July, 2000.


.....
Performing the functions of
CHAIRMAN- OVERSIGHT COMMITTEE

APPENDIX B

APPENDIX B

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

**NOTES OF THE 4th JOINT COMMITTEE MEETING
OF THE OVERSIGHT COMMITTEE AND TASK FORCE "B"
HELD IN THE COMMITTEE ROOM,
PUBLIC BUILDINGS, GEORGETOWN
ON SATURDAY, 3RD JUNE, 2000
AT 2.00 P.M.**

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

CHAIRMAN (1) - People's Progressive Party/Civic

The Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information - Head, Project Implementation

Other Members -

From the People's Progressive Party/Civic (2)

Dr. Roger F. Luncheon,
Head of the Presidential Secretariat

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

Mr. W. Haslyn Parris, C.C.H.,
Coordinator, Planning and Monitoring

Mr. Vincent Alexander

From The United Force (1)

Mr. Manzoor Nadir, M.P. (Absent)

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

Task Force "B"

Mr Aubrey Collins
Mr. Deryck Bernard (Absent)

Officers

Mr. Maurice B. Henry,
Executive Secretary
Mr. Oscar E. Moore,
Admin. Assistant
Ms Debra Cadogan,
Admin. Assistant.

1. CALL TO ORDER

1.1 The Chairman called the meeting to order at 2.00 p.m. and apologised for his late arrival.

2. AGENDA

2.1 Members adopted the Agenda.

3. ANNOUNCEMENTS

3.1 Circulation of Documents

3.1.1 The following documents were circulated on 1st June, 2000:

- (i) The Agenda dated 1st June, 2000;
- (ii) Notes of Proceedings of 2nd Meeting held on 29th May , 2000.

3.1.2 The following documents were circulated at the meeting:

- (i) Memorandum from Dr. Roger Luncheon on New PPP Proposals;
- (ii) Memorandum from PNC Members Re: Status of Resolution of issues on Electoral System.

4. **Corrections**

4.1 **Page 4**

(i) **Paragraph 5.1.4 (i)**

Substitution of “Herdmanston” for “Herdmanston’s”;

(ii) **Paragraph 5.1.7**

Substitution of the following for the last sentence:

“He proposed that the matter be held in abeyance”.

(iii) **Paragraph 5.1.8**

Deletion of the words “of” between “was” and “his” in line 3, and “of the” in line 4.

4.2 **Page 5: Paragraph 5.1.9**

4.2.1 **Insertion** of the word “held” between “and” and “that” in line 1.

4.3 Thereafter the Notes of Proceedings were adopted as the Minutes of the Joint Committee Meeting held on 29th May, 2000

5. **BUSINESS**

5.1 **Electoral System - Outstanding Issues**

5.1.1 **3.6 Minimum criteria that contesting Parties must satisfy, including those with respect to the numbers of seats (Geographic and National) a Party must contest to be a legitimate contestant.**

5.1.2 In accordance with paragraph 5.4.4 of the previous Notes of Proceedings, Dr. Luncheon informed the Joint Committee that his Party had accepted the following proposal with respect to the minimum Geographical Constituency seats:

The minimum Geographical Constituency seats that a Party must contest to be a legitimate contestant must be 50% of all Geographical Constituency seats in no less than 6 of the 10 Geographic Constituencies.

5.2 **3.7 Gender minimum criteria for each of the Geographical and “National” Party Lists.**

5.2.1 A decision on this issue was further deferred.

5.3 **1.3 Total Number of Seats in the National Assembly deriving directly from the Geographic Constituencies.**

5.3.1 Dr. Luncheon presented the new proposal of the People’s Progressive Party which included:

- (i) the distribution of seats between the “National” Top-up Lists and the Geographical Constituencies for the National Assembly
- (ii) the allocation of the Geographical Constituency seats to each Geographic Constituency.

5.3.2 He explained that the new proposal had increased the original number of Geographical Constituency seats from 21 to 23. The specific changes in the allocation of seats were:

- 2 seats instead of 1 in Region No. 2;
- 2 seats instead of 1 in Region No. 5;
- 2 seats instead of 1 in Region No. 10.

5.3.3 The above adjustment left Regions Nos. 1, 7, 8 and 9 with a minimum of 1 seat each. These Regions possessed the lowest population of registered voters.

5.3.4 In response to a question why the number of seats for Region 4 was reduced from 8 to 7, Dr. Luncheon explained that the number 7 was the residual seats allocated to Region No. 4.

5.3.5 Mr. Parris pointed out that the model used had increased the exact number of seats for Region No. 4 while the allocated seats had been reduced. He asked that the PPP reexamine what had appeared to be a serious anomaly. He also requested that more information be given for earmarking Region No. 4 for the “residual treatment”.

5.3.6 Mr. Parris drew Dr. Luncheon’s attention to the Memorandum from PNC Members on the Status of Resolution of Issues on Electoral System which was circulated at the meeting, and asked that consideration be given to it.

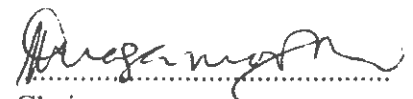
5.3.7 Dr. Luncheon enquired whether the submission at paragraph 10 of the PNC’s document was formal.

5.3.8 The Chairman answered that the PNC’s document as a whole was a formal submission to the Joint Committee.

- 5.3.9 Mr. Parris referred to the second sentence in the PPP's new proposal and conjectured that perhaps the two sides' varying concept of "proportionality" might have prevented them from moving closer to a resolution of the issue. They should, therefore, together apply their minds to an interpretation of the concept and clarify their position on it.
- 5.3.10 Dr. Luncheon undertook to return to the Joint Committee with a definitive PPP position on the issue of Geographical Constituency seats.
- 5.3.11 Dr. Roopnaraine expressed his disagreement with paragraph 10 of the PNC's Memorandum and stated that -
- (i) he accepted the minimum of one Geographical Constituency seat;
 - (ii) he could not accept the definition of an "element" being 1/3 as earlier put forward by Dr. Luncheon;
 - (iii) his position must not be confused with that of the PNC.

ADJOURNMENT

At 3.30 p.m. the meeting was adjourned to 7.30 p.m. on Monday, 5th June, 2000.


Chairman,
Joint Committee - OSC/TF "B"

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

**NOTES OF THE 5th JOINT COMMITTEE MEETING
OF THE OVERSIGHT COMMITTEE AND TASK FORCE "B"
HELD IN THE COMMITTEE ROOM,
PUBLIC BUILDINGS, GEORGETOWN
ON MONDAY, 5th JUNE, 2000
AT 8.00 P.M.**

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

CHAIRMAN (1) - People's Progressive Party/Civic

The Hon. Moses V. Nagamootoo, J.P., M.P.,
Minister of Information - Head, Project Implementation

Other Members -

From the People's Progressive Party/Civic (2)

Dr. Roger F. Luncheon,
Head of the Presidential Secretariat

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

Mr. W. Haslyn Parris, C.C.H.,
Coordinator, Planning and Monitoring

Mr. Vincent Alexander

From The United Force (1)

Mr. Manzoor Nadir, M.P. (Absent)

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

Task Force "B"

Mr Aubrey Collins
Mr. Deryck Bernard

Officers

Mr. Maurice B. Henry,
Executive Secretary

1. CALL TO ORDER

1.1 The Chairman called the meeting to order at 8.00 p.m.

2. AGENDA

2.1 Members adopted the Agenda.

3. ANNOUNCEMENTS

3.1 Circulation of Documents

3.1.1 The following documents were circulated at the Meeting:

- (i) The Agenda dated 5th June, 2000;
- (ii) Notes of Proceedings of 4th Meeting held on 3rd June, 2000.

4. Confirmation of Notes of Proceedings of the Joint Committee Meeting held on 3rd June, 2000.

5. Corrections

5.1 Page 5

(i) Paragraph 5.3.11 (1)

Substitution of the words "did not accept" for the word "accepted"

5.2 Thereafter the Notes of Proceedings were adopted as the Minutes of the Joint Committee Meeting held on 3rd June, 2000.

6. **BUSINESS**

6.1 **3.7 Gender minimum criteria for each of the Geographical and “National” Party Lists.**

6.1.1 The Joint Committee revisited its decision on the total of females on Geographical and “National” Top-up Lists, which must be at least one-third, to determine the proportions of each of the Geographical and the “National” Top-up Lists that must be female.

6.1.2 The following proposal was submitted:

One-third aggregate of Geographical Constituencies must at least be females, and in no more than two of the Constituencies there should be no females.

6.1.3 After a brief discussion, the following modified version was proposed:

One-third aggregate of Geographical Constituencies and in a minimum of six (6) Geographical Constituencies there should be females.

6.1.4 Mr. Alexander asked for some time to permit the PNC to consider the modified proposal.

6.2 **1.3 Total Number of Seats in the National Assembly deriving directly from the Geographical Constituencies**

6.2.1 Dr. Luncheon recapitulated the position of the PPP/Civic on the number of seats deriving from the Geographic Constituencies which he presented on Saturday, 3rd June, 2000, as follows:

Regn	1	2	3	4	5	6	7	8	9	10	TOT
Seats	1	2	3	7	2	3	1	1	1	2	23

6.2.2 The rationale for allocating Region No. 4 seven (7) seats when the reconfiguration had actually increased that Region’s seats, was restated.

6.2.3 Dr. Luncheon observed that the following proposal contained in the PNC’s Memorandum dated Saturday, 3rd June, 2000, included seven (7) seats for Region No. 4 and was under consideration by the PPP/Civic:

Regn	1	2	3	4	5	6	7	8	9	10	TOT
Seats	1	2	3	7	2	3	2	1	2	2	25

6.2.4 It was explained that the PNC made the best use of the PPP/Civic's seven seats given to Region 4 and that the proposal was submitted in search of a compromise. A request was made for a response in writing to the proposal.

6.2.5 The Joint Committee agreed to return to the issue at a later meeting after the PNC's proposal was given due consideration by the PPP/Civic and after a response was received.

6.3 **1.4 Minimum number of Seat in the National Assembly to be contested in any Geographic Constituency.**

6.3.1 Consideration of the above issue was deferred.

6.4 **Work of Elections Commission**

6.4.1 The Chairman informed Members that it was reported to him that some displeasure might have been expressed by the Elections Commission that the OSC had probably been holding up an area of their work that had to do with elections. His immediate reaction to the report was that the OSC was not affecting the functioning of the Elections Commission.

6.4.2 There were issues with which the Committee was dealing and it was doing so with a sense of urgency at meetings which were held regularly and diligently. He expressed the opinion that there were areas, other than what were before the OSC, on which the Elections Commission could proceed.

6.4.3 The Chairman suggested that at some stage the Committee should host a press briefing, or release a studied report to apprise the public of what it had been doing rather than allowing others to indicate in one way or another that the Committee was becoming tardy in its work.

ADJOURNMENT

At 10.10 p.m. the meeting was adjourned tentatively to Thursday, 8th June, 2000.

MEMORANDUM

FROM: W. H. Parris, Coordinator, Planning & Monitoring.
TO: All Members of the Oversight Committee
Date: Wednesday, June 14, 2000

Re: Status of Deliberations on the Electoral System (As at Wednesday, June 14, 2000)

1. The combination of the Oversight Committee and members of Task Force "B" has met in five (5) joint committee sessions, beginning on Monday 22 May, and ending on Monday 5 June, 2000.
2. As a result of those discussions, agreement has been reached on some of the characteristics of the Electoral System to be utilised in the General Elections targeted for 2001. Those characteristics are based on the principles recommended in the "blue book," and the specific agreements are listed in **Appendix A** to this memorandum.
3. With respect to Appendix A, only one issue remains to be determined to give effect to the principles in the "blue book," namely: **the specific number seats which shall be allocated to each of the agreed 10 Geographical Constituencies for the General Elections targeted for 2001.**
4. Insofar as Constitutional amendment is concerned, the Drafting Brief required for Task Force "E" needs to capture the principles that have determined the details of Appendix A, rather than the actual details themselves, which in any event pertain only to the upcoming General Elections.
5. In relation to the undetermined issue identified in section 3 above, the position taken by the PNC remains as stated by it in its General Secretary's memorandum of May 8 to the General Secretary of the PPP (*see section 3 of that memorandum, a copy of which was circulated to the OSC in Section 4 of " Documents Related to Reform of the Electoral System, " dated Thursday, May 18, 2000*). **Appendix B** to this memorandum, provided on 13 June, 2000, and entitled "**The Approach of the PPP-C to the Allocation of Regional Seats**" formally states the PPP-C's approach to the issue. Non-agreement on the issue derives from the differences between these two approaches which are still to be reconciled.

6. **RECOMMENDATIONS**

On the basis of the preceding paragraphs, the following recommendations are made to the OSC:

- 6.1 That the OSC formally note the agreements detailed in Appendix A;
- 6.2 That task Force "B" be mandated to prepare the Drafting Brief (bearing in mind paragraph 4 above) for appropriate Constitutional changes to be drafted by Task Force "E" on the basis of Appendix A;
- 6.3 That the brief mentioned in 6.2 be presented as soon as possible, but in any event by 30 June, to the OSC for its approval, as has been the case with all other briefs;
- 6.4 That in response to the query posed about the Electoral System by the Elections Commission to the OSC at their meeting of Friday, May 12, 2000, the OSC formally send Appendix A to the Elections Commission as its answer;
- 6.5 That the OSC recommend to the Hon Reepu Daman Persaud that the outstanding issue noted in paragraph 3 of this memorandum be identified as one for subsequent determination by the OSC prior to the determination of its tenure; and
- 6.6 That the Hon Reepu Daman Persaud be apprised of the content of this memorandum and of the actual decisions arising from it.

END

W. H. Parris
Wednesday, June 14, 2000



APPENDIX A

STATUS of ISSUES TO DEFINE ELECTORAL SYSTEM
(As at Wednesday, June 14, 2000)

It has been agreed by the Joint Committee of the OSC and Task Force "B" that the Electoral System to be used for the General Elections targeted to be held in 2001 shall have the following characteristics:

A. Seats in the National Assembly

- (i) Total Number of Seats in National Assembly - 65
- (ii) Total Number of Geographic Constituencies - 10 *(The Geographic Constituencies will be the same as the current Regions)*
- (iii) Total Number of Seats in the National Assembly deriving directly from the Geographic Constituencies - 25
- (iv) Distribution of seats to be contested in each Geographic Constituency:

Region	1	2	3	4	5	6	7	8	9	10	TOT
Seats	?	?	?	?	?	?	?	?	?	?	25

"?" means "Still to be determined."

B. Electoral Formulae (All Voting will be on the basis of a Party List System)

- (i) Electoral Formula to be used within Geographic Constituencies to determine allocation of seats from Geographic Constituencies to Parties in the National Assembly. - **LR-Hare**
- (ii) Electoral Formula to be used to determine allocation of Non-Geographic Seats to Parties in the National Assembly. - **Top-up based on overall application of LR-Hare**

N.B. A single vote is to be cast by each voter; and a vote for a Party's Geographical Constituency List is simultaneously a vote for that Party's National top-up List.

C. Characteristics that Party Lists must Satisfy

- (i) Whether each Contesting Party must supply a “National” List, separate and distinct from Geographical Constituency Lists, taking account of (viii) - **YES**
- (ii) Ordering criteria for candidates that should apply to “National” Lists - **Free Choice by Parties**
- (iii) The Size of Geographic Constituency List that should apply to each Geographic Constituency - **Number of Seats + 2**

Region	1	2	3	4	5	6	7	8	9	10	TOT
Seats	?	?	?	?	?	?	?	?	?	?	25
List Size	?+2	?+2	?+2	?+2	?+2	?+2	?+2	?+2	?+2	?+2	45

“?” means “Still to be determined.”

- (iv) The minimum size of “National” Lists, not counting possible duplications that may be allowed by (viii) - **Number of Top-up Seats + 2 (i.e. 42)**
- (v) Ordering criteria for candidates that should apply to Geographic Constituency Lists - **Free Choice by Parties**
- (vi) Minimum Criteria that contesting Parties must satisfy, including those with respect to the number of seats (Geographic & “National”) a Party must contest, to be a legitimate contestant - **All of:**
 - (a) **Must present National Top-up List with identified Presidential Candidate;**
 - (b) **Must be contesting at least 50% of Geographically determined seats (i.e. 13);**
 - (c) **Must contest in at least 6 of the 10 Geographic Constituencies.**
- (vii) Gender minimum criteria for each of Geographical & “National” Party Lists -
 - (a) **Total of Females on each contesting Party’s National Top-up List must be at least one-third of that List;**
 - (b) **Total of Females on any Party’s Lists for Geographic Constituencies, taken together, must be at least one-third of the total of the Lists, taken together, for the Constituencies in which that Party is contesting; and**
 - (c) **There must be no more than 20% of the number of Constituencies in which a Party is contesting for which the Party’s Geographic Constituency List contains no female.**

- (viii) Rules re duplication of Candidates on Geographical & "National" Lists - *Can duplicate subject to the rule that a candidate can appear on only one Geographic List and also on the National top-up List of a Party, but if the candidate is allocated a seat based on the results in a Geographic Constituency, that candidate cannot also be extracted from the National List, and vice versa.*
- (ix) Rules re Identification of each contesting Party's Presidential Candidate. - *Must be so identified on the National and only on the National top-up List.*

D. Rule for determining which Presidential Candidate shall be chosen as President:
Choose Presidential candidate from Party with Largest percentage of overall vote.

END

Wednesday, June 14, 2000

WHP
13/VI/2017
Received
from Dr. LUNCHES

THE APPROACH OF THE PPP-C TO THE ALLOCATION OF REGIONAL SEATS

The approach of the PPP-C to the allocation of seats to the regions seeks to allow the highest possible level of proportionality in the regional allocation.

It is recognised that that the need to cater for geographic and demographic considerations makes it impossible to avoid some degree of disproportionality.

However, this should be kept as small as possible.

The general principle in the identification of electoral boundaries is that relative equality of voting power is fundamental to the right to vote.

Voter parity is measured in terms of the average number of electors for one seat. Deviations, where necessary, should be kept to a minimum.

If geographical representation was based on single seat constituencies, the boundaries could be set to ensure this.

However, in the current process, we are not setting boundaries but are using the previously established (1980) boundaries of the regional divisions and seeking to allocate seats to these.

The major problem here is the extremes in the number of registered voters in the regions.

At the lower end, Region 8 has 1.05 percent.

At the higher end, Region 4 has 43.41 percent.

If we consider 25 seats, the average would be 4 percent of the electorate per seat.

This leaves 4 regions below the norm.

Giving each of these regions 1 seat is already causing a significant deviation.

Giving them 2 seats would make the deviation even larger.

The PPP-C 's initial proposal of 21 seats with a 1 seat minimum was based on 2 considerations:

- 1- that one third of the total seats was indeed an appropriate reflection of Recommendation 9.11.3 (2) of the CRC which stated that " the electoral system should include an element of geographical representation. "
- 2- a minimum of one seat per region would allow every region to be represented in parliament but would keep at the lowest possible level the deviation from voter parity.

One of the problems of having several regions below the national average per seat is that to accommodate them getting the minimum (even of one) the larger regions (in voter strength) would suffer a reduction in their seat allocation based on strict proportionality.

In the process of the discussions among political parties and in the spirit of making adjustments to arrive at common ground, the PPP-C sought in its subsequent proposals to accommodate increases at the higher end and the lower end with the least possible increase in the level of disproportionality.

The second proposal of the PPP-C was to increase the number of regional seats to 23 with 4 regions allocated only 1 seat.

This was made in order to make an adjustment for the larger regions (in voter strength) to move closer to the allocation based on strict proportionality.

The present proposal of the PPP-C is to increase the number of regional seats to 25 to allow 2 of the 4 regions allocated only 1 seat to increase their allocation to 2 seats.

In terms of voting strength, the 4 regions in descending order are 1, 7, 9 and 8.

The proposal increases the allocation to the top two (1 and 7) to 2 seats each while 8 and 9 are maintained at 1 seat each.

APPENDIX C

APPENDIX C

**STATUS REPORT (# 9)
ON
DRAFTING OF REVISIONS TO CONSTITUTION**

As at Wednesday, June 28, 2000

SUMMARY of STATUS REPORT # 9
(Status as at beginning of Wednesday 28 June, 2000)

1. As a reminder, the acronyms used in the attached Tables are as follows:

OSCDB - Drafting Briefs approved by the Oversight Committee.
DRFTR - The initials of the Draftsperson assigned to the particular recommendation.
TFE - First Draft of revision has been given to the OSC by Task Force "E"
OSC1 - First Review of Drafts of revisions presented by TFE to a plenary of the OSC.
OSC2 - Second (and hopefully final) Review of Drafts presented by TFE to plenary of OSC.
A "1" means "Yes" to the implied question of whether the activity has been completed.
A blank means "No".

2. The status, including changes that have occurred since Wednesday, June 21, 2000 when the status was given in Report #8, is as follows:

- The OSC has decided that since the outstanding brief on Commissions refers to the Land Distribution & House Allocation Commission which is not to be a Commission at the level of the Constitution, but refers to a policy paper to be done by the Government and a monitoring body to be set up (see 9.19.3.5#18), the item should simply be included in the set of non-constitutional items for consideration by Parliament.
- 122 legal drafts have been approved by Task Force "E" and provided to the OSC for review; 121 have had their first review; and 107 have been finalised. The TFE pipeline is therefore once again nearly empty, as at the beginning of Wednesday, June 28, 2000.
- The updated Tables incorporating the changes are attached as the status for: each of the six (6) draftspersons; each of the twenty-three (23) Categories of "blue book" recommendations; and the Summary Table (see Page 5).

3. **OSCDB Status** - (*Has the OSC approved the Drafting Briefs?*)

3.1 The OSC has approved 165 (96.5 %) of the 171 Drafting Briefs.

3.2 The 6 (3.5%) Drafting Briefs still to be approved by the OSC are:

- Five (5) for the category **Electoral System** (9.11.3), viz:
 - 3.2.1 **Electoral System for General Elections to be PR** - 9.11.3(1)
 - 3.2.2 **Geographical representation for electoral system** - 9.11.3(2)
 - 3.2.3 **Limits on non-elected Ministers & Parliamentary Secs.** - 9.11.3(3)
 - 3.2.4 **Electors knowing for whom they are voting** - 9.11.3(4)
 - 3.2.5 **Preservation of criteria for qualification & disqualification of electors** - 9.11.3(5)
- One (1) for the category **Elections Commission**, viz:
 - 3.2.6 **Reforms to ensure acceptance of elections results** - 9.10.3 (1)

4. TFE Status - (*Has the Drafting Task Force given the OSC legal drafts for approval?*)

4.1 Task Force “E” has presented 122 legal drafts (73.9 %) of the 164 recommendations approved as drafting briefs by the OSC (i.e. including the Preamble). The main missing items relate to the Commissions - 16, and Local Government -10.

4.2 The status of each drafts person’s work is as summarized in the Table below:

Status of Legal Drafts of Reform Recommendations

Draftsperson	# of Briefs Received (not including Preamble)	# of Drafts TFE approved (not including Preamble)	# of Outstanding Drafts for TFE approval
Downes-Amsterdam	22 out of 22 recommendations	21	1
Dhurjon	39 out of 44 recommendations	27	12*
George	20 out of 20 recommendations	0	20
Legall	35 out of 35 recommendations	32	3
Massiah	23 out of 23 recommendations	22	1
Negi	10 out of 10 recommendations	9	1**
TOTAL	149 out of 154 recommendations	111	38

* These 12 include mainly ten (10) of the items on Local Government.

** The outstanding item refers to article 164 on which NG is collaborating with CD. The issue has to be resolved by the OSC in its discussions on the procedures to be followed to amend the Constitution.

5. OSC 1 Status - (*First review of legal drafts received from Task Force “E”*)

5.1 The OSC has completed its first review of 121 (99.2 %) of the 122 legal drafts it has received from Task Force “E”, the incomplete one being 9.6.3.12 - Meaningful Consultation.

6. **OSC 2 Status** - *(Final approval by the OSC of legislation from Task Force "E")*

- 6.1 The OSC has given final approval to 107 (88 %) of the 122 legal drafts it has received, leading to a status of 63 % completion of the approval of legal drafts related to the 171 recommendations.
- 6.2 The main log-jam in achieving a significantly higher completion rate than the 88% mentioned in 6.1 is the lack of final resolution of the set of issues related to the treatment of Fundamental rights. Some decisions have been made with respect to Indigenous Rights, the Rights of the Child, the Right to Education, and Gender Rights; but there remains the difficulty, for instance, of how to treat the Right of Indigenous Peoples to Self-determination. The UNDP has advised that **Mr Brian Burdekin, the Human Rights Expert, will be available on Wednesday, 28 June**, and discussions with him may facilitate resolution of these matters.

7. **General Comment**

- 7.1 It has become urgent that the OSC undertake its deliberations on "the ranking of urgency" of the various recommendations for constitutional reform, to assist the Task Force "E" in advising on the procedure that should be adopted by the National Assembly to give effect to the recommended changes to the Constitution. The implicit assumption in the time-bound plan that the OSC would be providing the Assembly with categories of redrafted clauses from the beginning of July for debate and passage into law, has been discarded as less than the best way to proceed, given the interlocking nature of the recommendations, and the existing rules for constitutional amendment. Accordingly, a new procedure needs to be agreed upon.
- 7.2 Also, the preparation of the OSC's Final Report for the Assembly must now be embarked upon, and to this end a Schematic proposal for that report has been circulated by the Coordinator for discussion and guidance.

END

W. H. Parris
Tuesday, June 27, 2000

SUMMARY OF STATUS REPORT (#9)
Drafting of Revisions to Constitution
(As at Wednesday 28 June, 2000)

ID#	DESCRIPTION	(1)	(2)	(3)	(4)	(5)	(6) = (5) / (1)
		No.	OSCDB	TFE	OSC 1	OSC 2	% COMPLETE
9.1	PREAMBLE	9	9	9	9	9	100%
9.2	FUNDAMENTAL RIGHTS	29	29	25	25	18	62%
9.3	INDIGENOUS RIGHTS	4	4	2	2	2	50%
9.4	RIGHTS OF THE CHILD	10	10	9	9	9	90%
9.5	GENDER RIGHTS	5	5	2	2	2	40%
9.6	THE PRESIDENCY	13	13	13	12	12	92%
9.7	PARLIAMENT	3	3	2	2	0	0%
9.8	LOCAL GOVERNMENT	11	11	1	1	1	9%
9.9	THE JUDICATURE	13	13	13	13	13	100%
9.10	ELECTIONS COMMISSION	6	5	5	5	5	83%
9.11	ELECTORAL SYSTEM	7	2	2	2	2	29%
9.12	THE CONSTITUTION AS A DOCUMENT	4	4	1	1	1	25%
9.13	LAND AND THE ENVIRONMENT	4	4	3	3	3	75%
9.14	RIGHT TO EDUCATION	2	2	2	2	1	50%
9.15	THE ECONOMY	5	5	5	5	5	100%
9.16	THE RIGHT AND THE DUTY TO WORK	5	5	5	5	4	80%
9.17	FINANCE	7	7	5	5	5	71%
9.18	NATIONAL SECURITY	3	3	3	3	3	100%
9.19	COMMISSIONS	20	20	4	4	3	15%
9.20	RELIGION	1	1	1	1	0	0%
9.21	RACE RELATIONS	5	5	5	5	5	100%
9.22	THE STATE AND THE CONSTITUTION	4	4	4	4	4	100%
9.23	CONSTITUTION REFORM FOR THE FUTURE	1	1	1	1	0	0%
TOTALS		171	165	122	121	107	63%
% Drafting Briefs Approved by OSC (2) / (1)		100 %	96.5 %				
% Legal Drafts Done of Approved Briefs (3)/(2)			100 %	73.9 %			
% Legal Drafts Done that have been Reviewed by OSC once (4) / (3)				100 %	99.2 %		

FUNDAMENTAL RIGHTS

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.2.3.1(1)	Courts in Guyana & International Laws and Conventions	1	KM	1	1	
9.2.3.1(2)	Corrective State Action not to be deemed discriminatory	1	KM	1	1	1
9.2.3.2(1)	Protection against Discrimination	1	KM	1	1	1
9.2.3.2(2)	Protection for arrested & detained persons	1	KM	1	1	1
9.2.3.2(3)	Just administrative action	1	KM			
9.2.3.2(4)	Protection of indigenous Culture etc.	1	ADA	1	1	1
9.2.3.2(5)	Right to unharmed environment	1	ADA	1	1	1
9.2.3.2(6)	Right of citizens to participate in decision-making	1	KM	1	1	
9.2.3.2(7)	Right to inheritance	1	ADA	1	1	1
9.2.3.2(8)	Right to work	1	KM	1	1	
9.2.3.2(9)	Right of children born out of wedlock	1	ADA	1	1	1
9.2.3.2(10)	Inalienable rights of children	1	ADA	1	1	1
9.2.3.2(11)	Entitlement of children to financial maintenance	1	ADA	1	1	1
9.2.3.2(12)	Entitlement of children to free education	1	ADA	1	1	1
9.2.3.2(13)	Entitlement of children to free primary health care	1	ADA	1	1	1
9.2.3.2(14)	Protection of children from exploitation etc.	1	ADA	1	1	1
9.2.3.2(15)	Women's equality to be justiciable fundamental right	1	ADA	1	1	1
9.2.3.2(16)	Prompt & adequate compensation for property	1	KM	1	1	1
9.2.3.2(17)	Vilification of one's religion	1	KM	1	1	
9.2.3.2(18)	Hate speech	1	KM	1	1	
9.2.3.2(19)	Right to demonstrate in accordance with the law	1	KM	1	1	1
9.2.3.2(20)	Collective labour agreements	1	KM	1	1	
9.2.3.2(21)	Right to strike	1	KM	1	1	
9.2.3.3(1)	Acting on behalf of a detained person	1	OL	1	1	1
9.2.3.3(2)	Deletion of proviso to Article 153(3)	1	OL	1	1	1
9.2.3.4	Addition to and removal of fundamental rights	1	KMCD	1	1	1
9.2.3.5(1)	Retention of limitations to fundamental rights	1	OL			
9.2.3.5(2)	Relative & progressive nature of limitation on Fund Rights	1	OL			
9.2.3.5(3)	Fundamental rights language to be easily comprehended	1				
	29	29		25	25	18

INDIGENOUS RIGHTS

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.3.3(1)	Refer to Indigenous Peoples in the Preamble	1		1	1	1
9.3.3(2)	Rights of Indigenous Peoples to be placed under Fundamental Rights	1	ADA	1	1	1
9.3.3(3)	Self-determination of Indigenous Peoples	1	ADA			
9.3.3(4)	Indigenous People's Commission	1	RG			
4		4		2	2	2

RIGHTS OF THE CHILD

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.4.3(1)	Enforceable provisions for rights of children	1	ADA	1	1	1
9.4.3(2)	Inalienable rights of children	1	ADA	1	1	1
9.4.3(3)	Entitlement of children to a name, etc.	1	ADA	1	1	1
9.4.3(4)	Entitlement of children to financial maintenance	1	ADA	1	1	1
9.4.3(5)	Entitlement of children to free education	1	ADA	1	1	1
9.4.3(6)	Entitlement of children to free primary health care	1	ADA	1	1	1
9.4.3(7)	Protection of children from exploitation, etc.	1	ADA	1	1	1
9.4.3(8)	Children's Commission for promotion & protection of rights	1	RG			
9.4.3(9)	Protection of children from narcotics	1	ADA	1	1	1
9.4.3(10)	Definition of a child	1	ADA	1	1	1
	10	10		9	9	9

GENDER RIGHTS

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.5.3(1)	Women's equality to be justiciable	1	ADA	1	1	1
9.5.3(2)	Language of constitution to be gender neutral	1				
9.5.3(3)	Women's participation in public decision-making	1	KM	1	1	1
9.5.3(4)	Gender & Geographical representativeness in Electoral System	1	CD			
9.5.3(5)	Commission on women & gender equality	1	RG			
	5	5		2	2	2

THE PRESIDENCY

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.6.3.1(1)	Maximum Term for President & constraint on Prime Minister	1	CD	1	1	1
9.6.3.1(2)	Nationality & Residency of President	1	CD	1	1	1
9.6.3.2	Resignation on vote of no confidence	1	CD	1	1	1
9.6.3.3	Assignment of Minister to answer questions	1	CD	1	1	1
9.6.3.4	Approval of expenditure chargeable to consolidated fund	1	CD	1	1	1
9.6.3.5	Appointment of Judges	1	CDOL	1	1	1
9.6.3.6	Amendment of President's power to dissolve Parliament	1	CD	1	1	1
9.6.3.7	Reduction of weighted majority to remove President	1	CD	1	1	1
9.6.3.8	Extension of tenure of office of Judges	1	CDOL	1	1	1
9.6.3.9	Removal from office of certain persons	1	CD	1	1	1
9.6.3.10	Deletion of Article 231- non enquiry by any court	1	CD	1	1	1
9.6.3.11	Deletion of Article 232(7)-abolition of office/removal public officer	1	CD	1	1	1
9.6.3.12	Meaningful Consultation	1	CDOL	1		
	13	13		13	12	12

PARLIAMENT

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.7.3.1(1)	Sector Standing Committees of the National Assembly	1	CD	1	1	
9.7.3.1(2)	Chairing of Standing Committees	1	CD	1	1	
9.7.3.2	Bicameral Chamber	1	CD			
	3	3		2	2	0

LOCAL GOVERNMENT

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.8.3(1)	Removal of references to socialism in Articles 71-78	1	CD			
9.8.3(2)	Revision of Articles 71-78 to concur with new Chapter II	1	CD			
9.8.3(3)	Abolition of NCLDO & Supreme Congress of the People	1	CD			
9.8.3(4)	Autonomy of Local Government	1	CD			
9.8.3(5)	Mandatory local government organisations	1	CD			
9.8.3(6)	Local Government Commission	1	OL	1	1	1
9.8.3(7)	Representation of lower tiers of local government	1	CD			
9.8.3(8)	Local government electoral system	1	CD			
9.8.3(9)	Local govt. electoral system to allow individual non-party candidates	1	CD			
9.8.3(10)	Allocation of resources to local authorities	1	CD			
9.8.3(11)	Auditing local government accounts	1	CD			
	11	11		1	1	1

THE JUDICATURE

Récmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.9.3.1(1)	Independence of the Judiciary	1	OL	1	1	1
9.9.3.1(2)	No Party control of appointment of judges	1	OL	1	1	1
9.9.3.2	Funding & administrative autonomy of Judicial system	1	OL	1	1	1
9.9.3.3	Appointment of Registrar, As. Registrar, & Officers of High Court	1	OL	1	1	1
9.9.3.4	Appointment of Judges	1	OL	1	1	1
9.9.3.5	Appointment of the Chancellor & the Chief Justice	1	OL	1	1	1
9.9.3.6	Extension of tenure of judges	1	OL	1	1	1
9.9.3.7	Time limit for judges' decisions	1	OL	1	1	1
9.9.3.8	Caribbean Court of Appeal	1	OL	1	1	1
9.9.3.9	Part-time judges	1	OLCD	1	1	1
9.9.3.10	Retirement ages of Puisne Judge & Justice of Appeal	1	OLCD	1	1	1
9.9.3.11	Description of Misbehaviour	1	OLCD	1	1	1
9.9.3.12	Retired judges practising at the Bar	1	OLCD	1	1	1
	13	13		13	13	13

ELECTIONS COMMISSION

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.10.3(1)	Reforms to ensure acceptance of elections results					
9.10.3(3)	Role of political parties restricted to policy-making & monitoring on EC	1	CD	1	1	1
9.10.3(4)	Selection of Chairman of Elections Commission who to be full time	1	CD	1	1	1
9.10.3(5)	Elections Commission responsible for national registration & Boundaries	1	CD	1	1	1
9.10.3(6)	Professional Staff for Elections Commission's Scretariat	1	CD	1	1	1
9.10.3(7)	Elections Commission's Secretariat to be permanent	1	CD	1	1	1
6		5		5	5	5

ELECTORAL SYSTEM

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.11.3(1)	Electoral system for general elections to be PR		CD			
9.11.3(2)	Geographical representation for electoral system for general elections		CD			
9.11.3(3)	Limits on non-elected Ministers & Parliamentary Secretaries		CD			
9.11.3(4)	Electors knowing for whom they are voting		CD			
9.11.3(5)	Preservation of criteria for qualification & disqualification of electors		CD			
9.11.3(6)	Minority Leader to be renamed Leader of the Opposition	1	CD	1	1	1
9.11.3(7)	Election of Leader of the Opposition	1	CD	1	1	1
	7	2		2	2	2

THE CONSTITUTION AS A DOCUMENT

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.12.4(1)	Constitution language to be gender neutral	1				
9.12.4(2)	Constitution language to be simple & readily accessible to citizens	1				
9.12.4(3)	Provisions for disadvantaged and disabled persons to be highlighted	1	ZN	1	1	1
9.12.4(4)	Additions to and removal of fundamental rights	1	ZNCD			
	4	4		1	1	1

LAND AND THE ENVIRONMENT

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.13.3(1)	Text on the environment	1	ZN	1	1	1
9.13.3(2)	Right to an environment that is not harmful	1	ZN	1	1	1
9.13.3(3)	Ancestral & Indentureship Rights	1				
9.13.3(4)	Revised Article 18 - Productive & Beneficial use of Land	1	ZN	1	1	1
	4	4		3	3	3

RIGHT TO EDUCATION

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.14.3(1)	State's obligation in respect of education	1	KM	1	1	1
9.14.3(2)	Establishment of private schools	1	KM	1	1	
	2	2		2	2	1

THE ECONOMY

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.15.3.1(1)	Objective of the political system	1	ZN	1	1	1
9.15.3.1(2)	Goal of economic development	1	ZN	1	1	1
9.15.3.1(3)	Further goal of economic development	1	ZN	1	1	1
9.15.3.1(4)	Development of relevant forms of cooperation	1	ZN	1	1	1
9.15.3.1(5)	Private enterprise	1	ZN	1	1	1
	5	5		5	5	5

THE RIGHT AND THE DUTY TO WORK

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.16.3(1)	Democracy with Healthy Economy	1	KM	1	1	1
9.16.3(2)	Public service & political influence	1	KM	1	1	1
9.16.3(3)	Right to strike	1	KM	1	1	
9.16.3(4)	Right to demonstrate peacefully	1	KM	1	1	1
9.16.3(5)	Pension rights	1	KM	1	1	1
	5	5		5	5	4

FINANCE

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.17.3(1)	Retention of Articles 216 & 217	1	OL	1	1	1
9.17.3(2)	Amendment of Article 218	1	OL	1	1	1
9.17.3(3)	Oversight Committee for Office of Auditor General	1	OL			
9.17.3(4)	Exclude Auditor General from advisers to Cabinet	1	OL	1	1	1
9.17.3(5)	Auditor General to submit reports through Speaker of National Assembly	1	OL	1	1	1
9.17.3(6)	Make constitutional independence of Auditor General unqualified	1	OL	1	1	1
9.17.3(7)	Public Tender Commission	1	RG			
	7	7		5	5	5

NATIONAL SECURITY

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.18.3(1)	State's defence & security policy	1	CD	1	1	1
9.18.3(2)	Disciplined Forces Commission	1	CD	1	1	1
9.18.3(3)	Constitutional enshrinement of police & defence forces	1	CD	1	1	1
	3	3		3	3	3

COMMISSIONS

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.19.3.1(1)	Criteria for establishment of Constitutional Commissions	1	RG			
9.19.3.1(2)	Criteria for establishment of Constitutional Commissions	1	RG			
9.19.3.1(3)	Criteria for establishment of Constitutional Commissions	1	RG			
9.19.3.1(4)	Criteria for establishment of Constitutional Commissions	1	RG			
9.19.3.2(1)	Staffing of Secretariats of Commissions	1	RG			
9.19.3.2(2)	Common Secretariats for like Commissions	1	RG			
9.19.3.3	Minimising Executive influence on Commissions	1	RG			
9.19.3.4	Right of appeal against decisions of Commissions or their Tribunals	1	RG			
9.19.3.5#7	Disciplined Services Commission	1	RG			
9.19.3.5#1	Human Rights Commission	1	RG			
9.19.3.5#1	Land Distribution & House Allocation Commission	1		1	1	
9.19.3.5#3	Ethnic Relations Commission	1	OL	1	1	1
9.19.3.5#8	Elections Commission	1	CD	1	1	1
9.19.3.5#1	Judicial Service Commission	1	OL	1	1	1
9.19.3.5#2	Commission on Women & Gender Equality	1	RG			
9.19.3.5#2	Police Service Commission	1	RG			
9.19.3.5#2	Commission on the Rights of the Child	1	RG			
9.19.3.5#3	Public Service Commission	1	RG			
9.19.3.5#3	Public Tender Commission	1	RG			
9.19.3.5#3	Teaching Service Commission	1	RG			
20		20		4	4	3

RELIGION

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.20.3	Provision for protection of religious beliefs & practices from vilification	1	KM	1	1	
	1	1		1	1	0

RACE RELATIONS

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.21.3.1(1)	Constraints on incitement to racial & ethnic divisiveness	1	OL	1	1	1
9.21.3.1(2)	Disbarment of political parties from contesting elections	1	OL	1	1	1
9.21.3.1(3)	Disbarment of political parties from contesting elections	1	OL	1	1	1
9.21.3.2(1)	Ethnic Relations Commission	1	OL	1	1	1
9.21.3.2(2)	Appeal against decisions of Ethnic Relations Commission	1	OL	1	1	1
	5	5		5	5	5

THE STATE AND THE CONSTITUTION

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.22.3(1)	Change of name of Country - Amend Article 1	1	OL	1	1	1
9.22.3(2)	Appendix for description of Flag & Coat of Arms	1	OL	1	1	1
9.22.3(3)	New Article to contain National Pledge	1	OL	1	1	1
9.22.3(4)	Provision to include National Pledge in Article 7	1	OL	1	1	1
	4	4		4	4	4

RF

CONSTITUTION REFORM FOR THE FUTURE

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.23.3	Parliamentary Standing Committee for Constitutional Reform	1	CD	1	1	
	1	1		1	1	0

REFORM RECOMMENDATIONS - ADA

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.2.3.2(4)	Protection of indigenous Culture etc.	1	ADA	1	1	1
9.2.3.2(5)	Right to unharmed environment	1	ADA	1	1	1
9.2.3.2(7)	Right to inheritance	1	ADA	1	1	1
9.2.3.2(9)	Right of children born out of wedlock	1	ADA	1	1	1
9.2.3.2(10)	Inalienable rights of children	1	ADA	1	1	1
9.2.3.2(11)	Entitlement of children to financial maintenance	1	ADA	1	1	1
9.2.3.2(12)	Entitlement of children to free education	1	ADA	1	1	1
9.2.3.2(13)	Entitlement of children to free primary health care	1	ADA	1	1	1
9.2.3.2(14)	Protection of children from exploitation etc.	1	ADA	1	1	1
9.2.3.2(15)	Women's equality to be justiciable fundamental right	1	ADA	1	1	1
9.3.3(2)	Rights of Indigenous Peoples to be placed under Fundamental Rights	1	ADA	1	1	1
9.3.3(3)	Self-determination of Indigenous Peoples	1	ADA			
9.4.3(1)	Enforceable provisions for rights of children	1	ADA	1	1	1
9.4.3(2)	Inalienable rights of children	1	ADA	1	1	1
9.4.3(3)	Entitlement of children to a name, etc.	1	ADA	1	1	1
9.4.3(4)	Entitlement of children to financial maintenance	1	ADA	1	1	1
9.4.3(5)	Entitlement of children to free education	1	ADA	1	1	1
9.4.3(6)	Entitlement of children to free primary health care	1	ADA	1	1	1
9.4.3(7)	Protection of children from exploitation, etc.	1	ADA	1	1	1
9.4.3(9)	Protection of children from narcotics	1	ADA	1	1	1
9.4.3(10)	Definition of a child	1	ADA	1	1	1
9.5.3(1)	Women's equality to be justiciable	1	ADA	1	1	1
	22	22		21	21	21

REFORM RECOMMENDATIONS - CD

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.5.3(4)	Gender & Geographical representativeness in Electoral System	1	CD			
9.6.3.1(1)	Maximum Term for President & constraint on Prime Minister	1	CD	1	1	1
9.6.3.1(2)	Nationality & Residency of President	1	CD	1	1	1
9.6.3.2	Resignation on vote of no confidence	1	CD	1	1	1
9.6.3.3	Assignment of Minister to answer questions	1	CD	1	1	1
9.6.3.4	Approval of expenditure chargeable to consolidated fund	1	CD	1	1	1
9.6.3.5	Appointment of Judges	1	CDOL	1	1	1
9.6.3.6	Amendment of President's power to dissolve Parliament	1	CD	1	1	1
9.6.3.7	Reduction of weighted majority to remove President	1	CD	1	1	1
9.6.3.8	Extension of tenure of office of Judges	1	CDOL	1	1	1
9.6.3.9	Removal from office of certain persons	1	CD	1	1	1
9.6.3.10	Deletion of Article 231- non enquiry by any court	1	CD	1	1	1
9.6.3.11	Deletion of Article 232(7)-abolition of office/removal public officer	1	CD	1	1	1
9.6.3.12	Meaningful Consultation	1	CDOL	1		
9.7.3.1(1)	Sector Standing Committees of the National Assembly	1	CD	1	1	
9.7.3.1(2)	Chairing of Standing Committees	1	CD	1	1	
9.7.3.2	Bicameral Chamber	1	CD			
9.8.3(1)	Removal of references to socialism in Articles 71-78	1	CD			
9.8.3(2)	Revision of Articles 71-78 to concur with new Chapter II	1	CD			
9.8.3(3)	Abolition of NCLDO & Supreme Congress of the People	1	CD			
9.8.3(4)	Autonomy of Local Government	1	CD			
9.8.3(5)	Mandatory local government organisations	1	CD			
9.8.3(7)	Representation of lower tiers of local government	1	CD			
9.8.3(8)	Local government electoral system	1	CD			
9.8.3(9)	Local govt. electoral system to allow individual non-party candidates	1	CD			
9.8.3(10)	Allocation of resources to local authorities	1	CD			
9.8.3(11)	Auditing local government accounts	1	CD			
9.10.3(3)	Role of political parties restricted to policy-making & monitoring on EC	1	CD	1	1	1
9.10.3(4)	Selection of Chairman of Elections Commission who to be full time	1	CD	1	1	1
9.10.3(5)	Elections Commission responsible for national registration & Boundaries	1	CD	1	1	1
9.10.3(6)	Professional Staff for Elections Commission's Secretariat	1	CD	1	1	1
9.10.3(7)	Elections Commission's Secretariat to be permanent	1	CD	1	1	1
9.11.3(1)	Electoral system for general elections to be PR		CD			
9.11.3(2)	Geographical representation for electoral system for general elections		CD			
9.11.3(3)	Limits on non-elected Ministers & Parliamentary Secretaries		CD			
9.11.3(4)	Electors knowing for whom they are voting		CD			
9.11.3(5)	Preservation of criteria for qualification & disqualification of electors		CD			
9.11.3(6)	Minority Leader to be renamed Leader of the Opposition	1	CD	1	1	1
9.11.3(7)	Election of Leader of the Opposition	1	CD	1	1	1
9.18.3(1)	State's defence & security policy	1	CD	1	1	1
9.18.3(2)	Disciplined Forces Commission	1	CD	1	1	1
9.18.3(3)	Constitutional enshrinement of police & defence forces	1	CD	1	1	1
9.19.3.5#8	Elections Commission	1	CD	1	1	1
9.23.3	Parliamentary Standing Committee for Constitutional Reform	1	CD	1	1	
44		39		27	26	23

REFORM RECOMMENDATIONS - RG

Recmnd	Descrip	OSCDB	DRFTRTFE	OSC1	OSC2
9.3.3(4)	Indigenous People's Commission	1	RG		
9.4.3(8)	Children's Commission for promotion & protection of rights	1	RG		
9.5.3(5)	Commission on women & gender equality	1	RG		
9.17.3(7)	Public Tender Commission	1	RG		
9.19.3.1(1)	Criteria for establishment of Constitutional Commissions	1	RG		
9.19.3.1(2)	Criteria for establishment of Constitutional Commissions	1	RG		
9.19.3.1(3)	Criteria for establishment of Constitutional Commissions	1	RG		
9.19.3.1(4)	Criteria for establishment of Constitutional Commissions	1	RG		
9.19.3.2(1)	Staffing of Secretariats of Commissions	1	RG		
9.19.3.2(2)	Common Secretariats for like Commissions	1	RG		
9.19.3.3	Minimising Executive influence on Commissions	1	RG		
9.19.3.4	Right of appeal against decisions of Commissions or their Tribunals	1	RG		
9.19.3.5#7	Disciplined Services Commission	1	RG		
9.19.3.5#11	Human Rights Commission	1	RG		
9.19.3.5#24	Commission on Women & Gender Equality	1	RG		
9.19.3.5#26	Police Service Commission	1	RG		
9.19.3.5#27	Commission on the Rights of the Child	1	RG		
9.19.3.5#30	Public Service Commission	1	RG		
9.19.3.5#32	Public Tender Commission	1	RG		
9.19.3.5#34	Teaching Service Commission	1	RG		
	20	20		0	0

REFORM RECOMMENDATIONS - OL

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.2.3.3(1)	Acting on behalf of a detained person	1	OL	1	1	1
9.2.3.3(2)	Deletion of proviso to Article 153(3)	1	OL	1	1	1
9.2.3.5(1)	Retention of limitations to fundamental rights	1	OL			
9.2.3.5(2)	Relative & progressive nature of limitation on Fund Rights	1	OL			
9.8.3(6)	Local Government Commission	1	OL	1	1	1
9.9.3.1(1)	Independence of the Judiciary	1	OL	1	1	1
9.9.3.1(2)	No Party control of appointment of judges	1	OL	1	1	1
9.9.3.2	Funding & administrative autonomy of Judicial system	1	OL	1	1	1
9.9.3.3	Appointment of Registrar, As. Registrar, & Officers of High Court	1	OL	1	1	1
9.9.3.4	Appointment of Judges	1	OL	1	1	1
9.9.3.5	Appointment of the Chancellor & the Chief Justice	1	OL	1	1	1
9.9.3.6	Extension of tenure of judges	1	OL	1	1	1
9.9.3.7	Time limit for judges' decisions	1	OL	1	1	1
9.9.3.8	Caribbean Court of Appeal	1	OL	1	1	1
9.9.3.9	Part-time judges	1	OLCD	1	1	1
9.9.3.10	Retirement ages of Puisne Judge & Justice of Appeal	1	OLCD	1	1	1
9.9.3.11	Description of Misbehaviour	1	OLCD	1	1	1
9.9.3.12	Retired judges practising at the Bar	1	OLCD	1	1	1
9.17.3(1)	Retention of Articles 216 & 217	1	OL	1	1	1
9.17.3(2)	Amendment of Article 218	1	OL	1	1	1
9.17.3(3)	Oversight Committee for Office of Auditor General	1	OL			
9.17.3(4)	Exclude Auditor General from advisers to Cabinet	1	OL	1	1	1
9.17.3(5)	Auditor General to submit reports through Speaker of National Assembly	1	OL	1	1	1
9.17.3(6)	Make constitutional independence of Auditor General unqualified	1	OL	1	1	1
9.19.3.5#3	Ethnic Relations Commission	1	OL	1	1	1
9.19.3.5#1	Judicial Service Commission	1	OL	1	1	1
9.21.3.1(1)	Constraints on incitement to racial & ethnic divisiveness	1	OL	1	1	1
9.21.3.1(2)	Disbarment of political parties from contesting elections	1	OL	1	1	1
9.21.3.1(3)	Disbarment of political parties from contesting elections	1	OL	1	1	1
9.21.3.2(1)	Ethnic Relations Commission	1	OL	1	1	1
9.21.3.2(2)	Appeal against decisions of Ethnic Relations Commission	1	OL	1	1	1
9.22.3(1)	Change of name of Country - Amend Article 1	1	OL	1	1	1
9.22.3(2)	Appendix for description of Flag & Coat of Arms	1	OL	1	1	1
9.22.3(3)	New Article to contain National Pledge	1	OL	1	1	1
9.22.3(4)	Provision to include National Pledge in Article 7	1	OL	1	1	1
35		35		32	32	32

REFORM RECOMMENDATIONS - KM

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.2.3.1(1)	Courts in Guyana & International Laws and Conventions	1	KM	1	1	
9.2.3.1(2)	Corrective State Action not to be deemed discriminatory	1	KM	1	1	1
9.2.3.2(1)	Protection against Discrimination	1	KM	1	1	1
9.2.3.2(2)	Protection for arrested & detained persons	1	KM	1	1	1
9.2.3.2(3)	Just administrative action	1	KM			
9.2.3.2(6)	Right of citizens to participate in decision-making	1	KM	1	1	
9.2.3.2(8)	Right to work	1	KM	1	1	
9.2.3.2(16)	Prompt & adequate compensation for property	1	KM	1	1	1
9.2.3.2(17)	Vilification of one's religion	1	KM	1	1	
9.2.3.2(18)	Hate speech	1	KM	1	1	
9.2.3.2(19)	Right to demonstrate in accordance with the law	1	KM	1	1	1
9.2.3.2(20)	Collective labour agreements	1	KM	1	1	
9.2.3.2(21)	Right to strike	1	KM	1	1	
9.2.3.4	Addition to and removal of fundamental rights	1	KMCD	1	1	1
9.5.3(3)	Women's participation in public decision-making	1	KM	1	1	1
9.14.3(1)	State's obligation in respect of education	1	KM	1	1	1
9.14.3(2)	Establishment of private schools	1	KM	1	1	
9.16.3(1)	Democracy with Healthy Economy	1	KM	1	1	1
9.16.3(2)	Public service & political influence	1	KM	1	1	1
9.16.3(3)	Right to strike	1	KM	1	1	
9.16.3(4)	Right to demonstrate peacefully	1	KM	1	1	1
9.16.3(5)	Pension rights	1	KM	1	1	1
9.20.3	Provision for protection of religious beliefs & practices from vilification	1	KM	1	1	
23		23		22	22	12

REFORM RECOMMENDATIONS - ZN

Recmnd	Descrip	OSCDB	DRFT	TFE	OSC1	OSC2
9.12.4(3)	Provisions for disadvantaged and disabled persons to be highlighted	1	ZN	1	1	1
9.12.4(4)	Additions to and removal of fundamental rights	1	ZNCD			
9.13.3(1)	Text on the environment	1	ZN	1	1	1
9.13.3(2)	Right to an environment that is not harmful	1	ZN	1	1	1
9.13.3(4)	Revised Article 18 - Productive & Beneficial use of Land	1	ZN	1	1	1
9.15.3.1(1)	Objective of the political system	1	ZN	1	1	1
9.15.3.1(2)	Goal of economic development	1	ZN	1	1	1
9.15.3.1(3)	Further goal of economic development	1	ZN	1	1	1
9.15.3.1(4)	Development of relevant forms of cooperation	1	ZN	1	1	1
9.15.3.1(5)	Private enterprise	1	ZN	1	1	1
	10	10		9	9	9

Schematic for OSC FINAL REPORT

1. PREFACE
 - 1.1 Chairman's Transmittal Statement
 - 1.2 Coordinator's Remarks
2. INTRODUCTION
3. METHODOLOGY
4. AREAS OF CONCERN re REVISION OF THE CONSTITUTION
5. IMPLICATIONS FOR IMPLEMENTATION PROCEDURE
6. NON-CONSTITUTIONAL RECOMMENDATIONS FOR PARLIAMENT
7. ENABLING LEGISLATION DERIVING FROM 5 & 6
8. TRANSLATION OF RECOMMENDATIONS INTO CONSTITUTIONAL AMENDMENTS
9. THE ROAD AHEAD.

2. **INTRODUCTION** (*Suggested Draftspersons - WHP & RR*)

2.1 Brief History of Constitutional Reform, beginning with Herdmanston Accord.

2.2 ACT establishing OSC and its TOR

2.3 Composition of OSC

3. **METHODOLOGY** (*Suggested Draftsperson - WIIP*)

A. **Administrative**

- 3.1 Organisation of Work, including Task Forces etc., as derived from TOR of OSC.
- 3.2 Organisation Chart of OSC as derived from 3.1
- 3.3 Time-bound Plan
- 3.4 Derived Budget

B. **Conceptual**

- 3.5 TORs of Task Forces
- 3.6 Inviolability of Recommendations ("Blue Book" as Bible)
- 3.7 Use of "Experts" (Emphasis on "Autochthonous")
- 3.8 Reliance on National Assembly for implementation details of principles enshrined in Constitutional amendments - Judgement calls. Constitution is intended to be a guide, not a strait-jacket (Give specific examples e.g. Consensual mechanisms to select representatives for Commissions from groups of organisations)
- 3.9 Awareness that OSC is initiating a continual reform process intended to continue in a systematic manner under the purview of a Parliamentary Standing Committee (cf. Recommendation 9.23.3) - *Use to lead into "4. Areas of Concern re Revision."*

4. AREAS OF CONCERN re REVISION OF CONSTITUTION

(Suggested Draftspersons - MN, RR, VA)

- 4.1 Section 3.9 indicates that the OSC has not participated in an attempt to derive a new Constitution "good for all time;" and therefore the OSC has a responsibility, in the context of the "Blue Book" recommendations having been given inviolability, to indicate such recommendations as the Assembly or the Parliamentary Standing Committee may be well advised to focus on for further review.
- 4.2 Listing of main areas deriving from application of principle in 4.1, and brief discussions on nature of concerns or caveats (*e.g. Electoral System with particular reference to Geographic representation and Gender representation; Fundamental Rights*)
- 4.3 Simple & Gender neutral Language, and Accessibility [*cf. Recommendations 9.12.4(1) & 9.12.4(2)*]
- 4.4 The issue of Ancestral Rights and Indentureship Rights in relation to land [*cf Recommendation 9.13.3(3)*]
- 4.5 Education of the populace to achieve participation in the Constitution review process in particular, and in the wider process of inclusionary democracy.

5. **IMPLICATIONS FOR IMPLEMENTATION PROCEDURE**

(Suggested draftspersons - RR, LR, VA)

- 5.1 Summary of Current Constitution's rules re method of revision.
- 5.2 Discussion, in the context of the Herdmanston analysis and spirit, and in the context of the OSC's own evaluation of the political and economic realities, of the options re implementation. Fast-track issues & limitations on frequency of use of the device.
- 5.3 Discussion of implementation problems re specific issues, e.g. Rights; Commissions; Standing Committees.
- 5.4 The entrenching of the concepts of Cooperation, Consultation, and Participation.
- 5.5 OSC statement re recommendations to the Assembly on how to proceed with the revisions to the Constitution.

6. **NON-CONSTITUTIONAL RECOMMENDATIONS FOR PARLIAMENT**
(Suggested Draftspersons - RR, RL)

- 6.1 Listing of non-constitutional recommendations to be handled by Parliament.
- 6.2 Importance of treating items on this list as vital adjustments supportive of the objectives of the Herdmanston Accord generally, and specifically of Constitutional Reform.
- 6.3 A composite presentation based on:
 - Discussion of rationale for items in the listing in 6.1;
 - Suggested ranking of urgency of implementation; and
 - need to commit to a timetable of implementation

ENABLING LEGISLATION DERIVING FROM 5 & 6
(Suggested Draftspersons - Task Force "E" & WHP)

- 7.1 Listing of major sets of enabling legislation.
- 7.2 Suggested ranking in terms of urgency.
- 7.3 Proposed timetable for delivery of enabling legislation to Assembly.