

**THE NATIONAL ASSEMBLY OF THE FIRST
SESSION OF THE ELEVENTH PARLIAMENT
OF GUYANA (2015-2018)**

SEVENTH REPORT

OF THE

COMMITTEE ON APPOINTMENTS

**IN RELATION TO THE APPOINTMENT OF MEMBERS
OF THE INDIGENOUS PEOPLES' COMMISSION**

**COMMITTEES DIVISION
PARLIAMENT OFFICE
PUBLIC BUILDINGS
BRICKDAM
GEORGETOWN**

FEBRUARY 14, 2018

SEVENTH REPORT

1. INTRODUCTION

1.1 The Committee on Appointment is a Standing Committee established under the Constitution to address matters relating to the appointment of Members of Commissions, pursuant to Article 119C of the Constitution and under the provisions of Standing Order No. 84, has agreed to the following as its Seventh Report.

2. Members of the Committee

2.1 At a meeting of the Committee of Selection held on September 4, 2015, the following Members were nominated to the Committee on Appointments to address matters relating to the appointment of Members of Commissions:

Members from the A Partnership for National Unity/Alliance for Change (APNU/AFC)(5):

- (i) Hon. Dr. George A. Norton, M.P.
- (ii) Hon. Amna Ally, M.P.
- (iii) Hon. David A. Patterson, M.P.
- (iv) Hon. Catherine A. Hughes, M.P.
- (v) Hon. Annette N. Ferguson, M.P.

Members from the People's Progressive Party (PPP) (4):

- (vi) Ms. Gail Teixeira, M.P., Opposition Chief Whip
- (vii) Bishop Juan A. Edghill, M.S., J.P., M.P.
- (viii) Mr. Ganga Persaud, M.P.
- (ix) Dr. Clive R. Jagan, M.P.

3. Change of Membership on the Committee

3.1 Dr. Clive R. Jagan resigned as a Member of the National Assembly with effect from February 10, 2016. Subsequently the Committee of Selection met on March 4, 2016 and nominated Ms. Bhagmattie Veerasammy, M.P., as the newly appointed Member to replace Dr. Jagan on the Committee.

4. Election of Chairperson

4.1 The Committee at its first meeting held on September 9, 2015 elected, Hon. Dr. George Norton, M.P., as its Chairperson.

5. Terms of Reference

5.1 The Committee by Resolution No. 17 passed on May 8, 2003, by the National Assembly was entrusted to discharge the following functions in relation to the appointment of Members of the Commission established under the Constitution-

- “(a) identifies appropriate bodies for consultation in the appointment of the relevant members of the Commission, conduct the necessary consultations and, where necessary, receive nominations from appropriate bodies;
- (b) make recommendations to the National Assembly:
 - (i) for a consensual mechanism for the Ethnic Relations Commission, the Women and Gender Equality Commission, the Indigenous Peoples’ Commission and the Commission on the Rights of the Child;
 - (ii) for the appointment of members of the Commissions with the exception of the Public Procurement Commission;
 - (iii) in connection with any other matter referred to it by the National Assembly from time to time.
- (c) report to the National Assembly in relation to each Commission as soon as possible upon the discharge of its function in relation thereto”.

6. Mandate

6.1 The National Assembly through Resolution No. 17 dated 8th May, 2003, mandated the Standing Committee to identify the appropriate "bodies" for consultation on the appointment of members of Commissions, conduct the necessary consultations with them and, where necessary, receive nominations from appropriate bodies.

7. Meetings of the Committee

7.1 The Committee held a total of twenty seven (27) meetings.

8. Indigenous Peoples' Commission

8.1 The Indigenous Peoples' Commission is one of the four Rights Commissions established by article 212G of the Constitution. Its primary function as stated in Article 212T is to:

- a) promote and protect the rights of the indigenous peoples;
- b) raise awareness of the contribution of, and problems faced by indigenous peoples;
- c) promote empowerment of the indigenous peoples, especially with regard to the village council in the local government system and the scope and authority of the Council of Toshaos;
- d) make recommendations on economic and education policies to advance the interest of the indigenous peoples;
- e) make recommendations for the protection, preservation and promulgation of the cultural heritage and language of the indigenous peoples;
- f) promote consultation and cooperation with indigenous peoples especially with regard to their participation in national decision-making and other decisions that affect their lives;
- g) recommend and promote training and technical assistance to support initiative by and for indigenous peoples;
- h) educate employers and the public and make recommendations to improve employment practices related to indigenous peoples; and
- i) monitor the need for and recommend where appropriate the establishment of mechanisms to provide counseling for indigenous peoples;

9. Composition of the Commission

9.1 In accordance with Article 212 S (2) (a), (b) and (c) of the Constitution, membership of the Indigenous Peoples' Commission shall consist of three categories of persons:

- (a) not more than ten members nominated by entities, by a consensual mechanism determined by the National Assembly, after the entities are determined by the votes of not less than two-thirds of all elected members of the National Assembly; and
- (b) three persons, at least one being a women nominated by the Toshaos Council and two persons, including one woman nominated by Amerindian Organisations determined by the votes of not less than two-thirds of all elected members of the National Assembly; and

- (c) a member who shall be a nominee, without the right to vote, chosen by and from each of the following Commissions: the Human Rights Commission, Ethnic Relations Commission, Women and Gender Equality Commission and Rights of the Child Commission.

10. Process of identifying entities

10.1 On January 13, 2016, at its 3rd meeting, the Committee agreed to invite the National Toushaos Council, as well as to identify and invite the five (5) Amerindian Organisations to make nominations namely, the National Amerindian Development Foundation (NADF), the Amerindian Action Movement of Guyana (TAAMOG), the Guyana Organisation of Indigenous Peoples (GOIP), Amerindian Peoples Association, and North Rupununi (NRDDB).

10.2 At the 19th Meeting held on the March 22, 2017, the Committee noted that five (5) organisations were written to and four (4) of the five (5) organisations, with the exception of the North Rupununi (NRDDB), submitted responses.

At the meeting, the Committee accepted the nominations received from the four (4) organisations in keeping with Article 212 S (2) (b) which provided for two (2) nominations from these bodies, as follows:

- (i) Ms. Jean Benedicta Imelda La Rose; and
- (ii) Andrew Collin Klautky.

10.3 At the same meeting, it was also noted that the National Toushaos Council held its bi-annual conference on Friday, August, 26, 2016, and had elected a nominee. Subsequently, the names of three (3) nominees were submitted to the Committee on March, 17, 2017, namely:

- (i) ToushaoYusa Xavier;
- (ii) Toushao Joel Fredericks; and
- (iii) Toushao Lenox Shuman.

10.4 The Committee, as provided under Article 212S (2) (a) considered the following proposed entities to submit nominees:

- (i) Ministry of Indigenous Peoples' Affairs;
- (ii) Ministry of Public Health;
- (iii) Ministry of Social Protection;
- (iv) Private Sector Commission; and
- (v) Environmental Protection Agency (EPA).

10.5 At the 21st Meeting of the Committee held on April, 21, 2017, Members were of the view that entities to be identified should be done considering that there was a balance in the Membership of Government and Non-Governmental Organisations and there should not be more than ten (10) members.

10.6 The list was further broadened with proposals for the following entities to be considered:

- Justice Institute of Guyana
- The Women Miners Association;
- Forest Product Association;
- Guyana Gold and Diamond Miners Association;
- Guyana Human Rights Association;
- The Guyana Bar Association;
- Christian Community.

10.7 At its 22nd Meeting held on May 10, 2017, Members shared differing views with respect to the Justice Institute of Guyana being an entity to be consulted to submit a nominee. The Committee agreed to the following:

- to write the Justice Institute of Guyana to verify whether the Organisation was functioning (bon fide certificates);
- to write the University of Guyana requesting the appropriate faculty to be consulted to submit a nominee to the IPC;
- to include the National Agricultural Research and Extension Institute (NAREI) and the Christian Bodies; and
- to write the Christian bodies from the list of entities for the Ethnic Relations Commission, inviting representatives by June 9, 2017.

10.8 At its 23rd Meeting held on June 7, 2017, the Committee noted that correspondence was received from Ms. Melinda Jankie of the Justice Institute of Guyana with respect to the functioning of the Justice Institute of Guyana. However, the Committee felt that further information was needed on the *bona fides* of the organisation.

10.9 The Committee also noted that before consultation could be done with the Christian bodies, the accepted list of entities would require the approval of two-thirds of the National Assembly. As a result, the entities were not consulted as was agreed to at the meeting, since the list of entities had to be finalised by the Committee before consultation could begin.

10.10 The Committee agreed that the following entities should be written to, requesting them to provide the *bona fides* of the organisation (criteria):

- Women Miners Association;
- Guyana Gold and Diamond Miners Association;
- Guyana Human Rights Association;
- Justice Institute of Guyana ; and
- Forestry Products Association.

10.11 At its 25th Meeting held on June 19, 2017, the Committee recalled the following entities that were written to verify that their Organisation was functioning:

- Justice Institute of Guyana;
- Women Miners Association;
- Guyana Gold and Diamond Miners Association;
- Forest Products Association;
- Guyana Human Rights Association; and
- University of Guyana.

10.12 The Committee recognised that responses were received from the following:

- Forest Products Association,
- Guyana Gold and Diamond Miners Association; and
- Women Miners Association.

10.13 Response from the Justice Institute of Guyana, Guyana Human Rights Association and the University of Guyana were still outstanding despite follow up calls.

10.14 Ms. Teixeira on behalf of the Members of the Opposition proposed the following list of entities be short listed to be consulted to submit nominees for the IPC:

- (i) Ministry of Indigenous Peoples' Affairs;
- (ii) Ministry of Public Health;
- (iii) Ministry of Social Protection;
- (iv) Private Sector Commission;
- (v) Environmental Protection Agency;
- (vi) Bar Association of Guyana;
- (vii) Guyana Gold and Diamond Miners Association;
- (viii) Forest Products Association;

(ix) Christian Community; and

(x) National Agricultural Research and Extension Institute (NAREI) or the University of Guyana.

10.15 The Hon. David Patterson, on behalf of Members of the Government, indicated that the proposed list of entities to be consulted for the IPC would be submitted at the next meeting of the Committee which was scheduled for November 15, 2017.

10.16 At the 26th Meeting held on November 15, 2017, the Hon. Amna Ally proposed that the Inter-Religious Organisation (IRO) should be a body to be consulted instead of the Christian Bodies which fell under the Ethnic Relations Commission (ERC); since the majority of Indigenous people may not be Christians.

10.17 The Chairperson suggested that since the University of Guyana failed to respond to the Committee's requests for nominations to the Indigenous Peoples' Commission, that the National Agricultural Research Extension Institute (NAREI) should be consulted instead.

10.18 The Hon. David Patterson proposed and Members agreed that the following list of entities be short listed to submit nominees for the IPC:

- (i) Ministry of Indigenous Peoples' Affairs;
- (ii) Ministry of Public Health;
- (iii) Ministry of Social Protection;
- (iv) Private Sector Commission;
- (v) Environmental Protection Agency;
- (vi) Bar Association of Guyana;
- (vii) Guyana Gold and Diamond Miners Association;
- (viii) Forest Products Association;
- (ix) Inter-Religious Organisation; and
- (x) National Agricultural Research and Extension Institute (NAREI)

10.19 Members present at the meeting held on November 15, 2017, agreed that the Committee would await Members of the Opposition acceptance of the proposed list of entities to be consulted for the IPC before proceeding further.

10.20 At the 27th Meeting of the Committee held January 31, 2018, Members present unanimously agreed that the above mentioned ten (10) entities should be consulted to nominate members to the Indigenous Peoples' Commission.

10.21 The Committee, thereafter, agreed that the Report and Motion should be presented to the National Assembly for its approval.

10.22 The report and motion are accordingly, hereby submitted for consideration and adoption by the National Assembly.



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**Hon Dr. George A. Norton, M.P.,
Chairperson,
Committee on Appointments
Minister of Social Cohesion with
responsibilities for Culture, Youth and Sports
February 14, 2018**