

ETHNIC RELATIONS COMMISSION

First Annual Report to the National Assembly

Introduction

The political fallout in Guyana in the wake of the December 17th 1997 General and Regional elections threatened to degenerate into a protracted impasse between the two main contesting parties, until the agreed intervention of a Caribbean Community (CARICOM) Mission. After intensive deliberations and consultations, the Mission recommended to the Leaders of the two major political parties a Menu of Measures which it considered could have contributed significantly to the resolution of the existing problems.

The Menu of Measures, which became known as the "Herdmanston Accord", was signed on 17th January, 1998, and included the establishment of a Constitution Reform Commission (CRC). Among the matters to be addressed by this Commission were measures and arrangements for the improvement of race relations in Guyana, including the contribution which equal opportunities legislation and concepts drawn from the CARICOM Charter of Civil Society could contribute to the cause of justice, equity and progress in Guyana.

Again on 2nd July, 1998, in Saint Lucia, the two Leaders of the major political parties, reaffirming their commitment to the Herdmanston Accord, did not only re-emphasise the necessity of addressing the question of race relations constitutionally, but added that steps would be taken for the early implementation of specific measures to achieve these objectives in advance of constitutional reform itself. This commitment could be found in what became to be known as the St. Lucia Statement.

On 6th August, 1998, the National Assembly of the Seventh Parliament, by Resolution No. 13, established a Special Select Committee "to determine the terms of reference and the composition of the Constitution Reform Commission after a process of consultation with the political parties" in accordance with the Herdmanston Accord.

The Special Select Committee, after four months of deliberations, arrived at the terms of reference of the Constitution Reform Commission. It would appear that the following two elements, extracted from the TOR, influenced the Constitution Reform Commission in drafting its recommendations on the treatment of the problems of race and ethnicity as an item during the constitution reform process:

- (i) Eliminating discrimination in all its forms; and
- (ii) Improving race relations and promoting ethnic security and equal opportunity.

The Constitution Reform Commission, in its Report to the National Assembly on 17th July, 1999, made the following recommendations in respect of race relations:

9.21.3.1(1)

There shall be clauses in the Constitution prohibiting all individuals and institutions, and specifically political parties, from indulging in any action or being proselytizers of any idea, program, or employment practice in which there are elements of racial or ethnic divisiveness. The right to freedom of speech, thought or association shall not be used as justification or protection from penalties for so doing.

9.21.3.1(2)

Any political party that breaches this prohibition shall be disbarred from contesting any election, as shall any individual or organization purporting to so speak or act on behalf of a political party.

9.21.3.1(3)

Where any individual or organization claiming to speak or act on behalf of a political party is found to have breached the prohibition, the political party on whose behalf the action was taken shall be debarred as in (2) above, unless it publicly dissociates itself from the individual or organization and expressly dissociates from the sentiments he, she, or it has expressed.

9.21.3.2(1)

The Constitution shall establish an adequately-funded, suitably broad-based Ethnic Relations Commission comprising representatives of religious bodies, the labour movement, the private business sector, youth, and women with the following responsibilities, authorities and powers:

- (i) To establish and publish criteria to be used for deciding whether any individual or institution is in breach of the prohibitions mentioned in 9.21.3.1(1) above.
- (ii) To specify penalties, in addition to disbarment, which various categories of breach of the prohibitions should incur.
- (iii) To commission studies appropriate and adequate for monitoring whether race relations in Guyana are improving.
- (iv) To recommend to the National Assembly such further measures as its experience, deliberations, and monitoring suggest be implemented to achieve the objective of continual improvement of race relations in Guyana.

9.21.3.2(2)

The legal framework of the Commission should include adequate procedures for appeal, without incurring the penalty of delay in correction.

In a previous recommendation, **9.19.3.5.0(#33)**, the Constitution Reform Commission admonished that:

“in the Terms of Reference of this Commission, matters relating to an educational role with respect to religion and other aspects of culture be included, with a view to supporting the objective of the promotion of harmony in a plural society.”

The Special Select Committee to which the National Assembly referred the Constitutional Reform Committee's Report for consideration agreed *in toto* with the recommendations on race relations as submitted by the CRC. Thereafter, the Oversight Committee appointed by the National Assembly to pursue the implementation of the recommendations of the CRC was mandated to take priority of the reform of the electoral system and the establishment of the Ethnic Relations Commission.

The Oversight Committee's draft Bill was presented to the National Assembly and passed into law.

ESTABLISHMENT OF THE ETHNIC RELATIONS COMMISSION

The Ethnic Relations Commission has been established by the Constitution (Amendment) (No.2) Act No. 11 of 2000. The purpose of this Commission is to promote ethnic harmony. Its functions, which are all embracing, are divided into twenty four categories which can be further grouped as:

- a. Investigative
- b. Conflict resolution
- c. Education and public awareness
- d. Research and development of strategies.

The Act stipulates that the membership of the Commission must consist of not less than five or more than fifteen members appointed by a consensual mechanism determined by the National Assembly, including entities representative of:

- a. Religious bodies;
- b. The labour movement;
- c. The private business sector;
- d. Youth; and
- e. Women;

after the entities were determined by the votes of not less than two-thirds of all members of the National Assembly.

An interesting provision of the Act for the membership of the Commission, in addition to those mentioned above, is the inclusion of a member of each of the Rights Commissions, that is the Women and Gender Equality Commission, the Indigenous Peoples Commission, the Rights of the Child Commission and the Human Rights Commission as non-voting members of the ERC, strengthening its capacity to address the task assigned to it.

This Act also provides for the establishment of an Ethnic Relations Commission Tribunal and may make provisions for:

- a. The constitution of the Tribunal
- b. All matters relating to the jurisdiction, powers and duties of the Tribunal
- c. All matters relating to appeals from decisions of the Tribunal including a right of appeal to the Court of Appeal on the points of law
- d. The practice and procedure of the Tribunal.

In pursuance of this Act, the National Assembly, in its Resolution No. 62 dated 11th December, 2000, determined the groups and entities and the number of nominees for each group of entities as follows:

Group of Entities	Number of Members
Christian Religion	One Member
Hindu Religion	One Member
Muslim	One Member
Trade Unions	One Member
Private Sector Commission	One Member
Youth Organisations	One Member
Women Organisations	One Member

The Consensual mechanism determined by the National Assembly for the nomination by entities of members of the ERC is as set out below:

All entities in each Group, immediately on the passage of this motion, should be written to by the Clerk of the National Assembly inviting them to meet, on a day/date, time and place to be agreed by them, to determine their Nominee

(and one substitute who would replace the Nominee on the Ethnic Relations Commission in the event that the Nominee is no longer able to function) for Membership of the Ethnic Relations Commission. Where there is a recognised "umbrella organization" for the Group, the Clerk should write to that organization and copy his letter to each of the "constituent entities" within the Group.

The Nominee and Substitute chosen by the Group must be persons who are competent to contribute positively to the work of the commission and who are committed to ensuring that it discharges all of its functions. They should have earned public respect and be of unquestioned and unblemished honesty and integrity.

The "process/procedure" used must be demonstrated to be unbiased and transparent. It is important that the Nominee and Substitute obtain the unquestioned support and acceptance of the Entity nominating them as well as the Entities within the Group.

A deadline should be set by the Clerk of the National Assembly by which time he would be formally notified of: the names and other requested particulars of the Nominee; the number of Entities within the Group which were "properly" represented when the Nominee was selected; and a "statement" to the effect that the Nominee is supported and accepted by the majority of Entities within the Group.

On 8th March, 2002, the Clerk of the National Assembly initiated the process of nomination of the members by those entities determined by the National Assembly. As a result, the under-mentioned persons were duly nominated and appointed as Members of the ERC:

Ser.	Entity	Representative
01	Christian Religion	Bishop Juan Edghill, Minister of Religion
02	Hindu Religion	Pandit Ramkissoon Maharaj, Attorney-at-Law
03	Muslim Religion	Mr. Shahabudin McDoom, Attorney-at-Law
04	Trade Union	Mr. Andrew Garnett, Principal Asst. Secretary – GTUC
05	Private Sector	Major General (Ret'd) Norman McLean
06	Youth	Dr. Frank Anthony, National Youth Commission
07	Women	Ms. Cheryl Sampson, Admin. Manager, Guyana In-Service Distance Education Project

At its first meeting on the 26th August 2003, Bishop Juan Edghill was elected Chairman and Major General (Ret'd) Norman McLean, Deputy Chairman of the Commission.

Meetings continued thereafter at the Public Buildings and since the Commission was still not fully constituted, the staff of the Committees Division of the Parliament Office provided administrative and technical support.

On 2nd September 2003, the Chairman proposed a Work Programme which was in keeping with the primary functions of the Commission. (See page 5, Para. 1)

Coming out of this proposal, a special session was arranged for an examination of the functions of the Commission and the Chief Parliamentary Counsel Mr. Cecil Dhurjon CCH, SC was invited to provide guidance and expertise. He was however unable to attend and recommended that Ms. Roxanne George, then Acting Director of Public Prosecutions, be substituted.

At a special meeting on 17th September 2003, Ms George engaged in a participative session with Commissioners and apart from answering questions and clarifying issues raised, brought to members attention matters provided for by legislation outside that of the Commission and which would impinge on its tasks.

The main issues raised and discussed were the following:

- a. Substitute Members
- b. Term of Office
- c. Constitution of the Ethnic Relations Commission
- d. Staffing
- e. Financing of the Commission
- f. Ethnic Relations Commission Tribunal
- g. Appointment of Commissioners (Full time or Part time?)
- h. Other related Legislation
- i. Enforceability of the Decision of the Commission
- j. Quorum

In light of the issues discussed, Members of the Commission agreed on the following areas of priority:

- a. **Education** – The Commission was to embark on a promotion/awareness drive in schools;
- b. **Rules** – the need to address and finalise draft rules was acknowledged;
- c. **Work Programme** – A work programme was to be developed for the remainder of 2003;
- d. **Staffing** – Immediate staffing requirements were to be identified;
- e. **Constituencies** – Each member was to garner support from his/her constituency.

Two Committees, headed by Pandit Ramkissoon Maharaj and Mr. Andrew Garnett respectively, were also appointed as follows:

a. **Rules and Staffing**

- (i) Pandit Ramkissoon Maharaj
- (ii) Mr. Shahabudeen McDoom
- (iii) Maj Gen (Ret'd) Norman Mclean

b. **Work Programme**

- (i) Mr. Andrew Garnett
- (ii) Mr. Shafeek Khan
- (iii) Dr. Rajendra Singh
- (iv) Ms. Cheryl Sampson

At a subsequent meeting, after some discussion on a Project Document prepared for the UNDP showing the cost of activating various Commissions less the cost factor for hiring new staff, a Committee comprising the following persons was identified to examine Staffing and Budget:

- a. Bishop Juan Edghill;
- b. Ms. Cheryl Sampson;
- c. Dr. Frank Anthony;
- d. Maj Gen (Ret'd) Norman Mclean; and
- e. Mr. John Willems.

Despite the concerns expressed by members about the absence of representatives of the Human Rights Commission, the Rights of the Child Commission and the Women and Gender Equality Commission from the Ethnic Relations Commission, the Commission (ERC) adopted the advice of the Chief Parliamentary Counsel that decisions of the Commission were valid notwithstanding the non-appointment of those members. It was however

indicated by the Chairman, upon the advice of His Excellency President Bharrat Jagdeo, that the appointments would be filled upon the resumption of the National Assembly. To the time of reporting however, they remain unfilled.

After much debate and several changes, it was decided finally that meetings were to be held on the second and fourth Wednesday of each month and the quorum would be five (5).

The Commission also recognised that given its mandate, with the scope of work it was expected to perform, and the resources available, that attempts should be made to garner assistance from donor agencies. The first of these consultations was with the United Nations Development Programme (UNDP) and thereafter with other organisations. The outcome of these meetings was very positive for the Commission as through them flowed support in the form of computer hardware and software, training, and the provision of technical advice with respect to the establishment and functioning of the Commission's Secretariat. Listed below is a summary of the meetings held with donor agencies, requests made and the undertakings given. Some of these promises were fulfilled, while others are expected to be on stream in 2005.

MEETINGS WITH DONOR AGENCIES

1. Social Cohesion Project of the United Nations Development Programme

On 15th October 2003, Members of the Commission held discussions with Mr. Lawrence Lachmansingh, Programme Manager of the UNDP who informed the Commission of the concerns of the United Nations regarding the situation which existed in Guyana in 2002, and its decision to embark on a joint project designated the Social Cohesion Project which focused primarily on:

- a. Conflict Resolution; and
- b. Politics and Governance.

Following a suggestion that the Commission outline its interests/needs in order to attract Donor assistance, the undermentioned issues were put to the UNDP Representative by the ERC Commissioners:

- a. Technical advice in the area of effective administration
- b. The possibility of exchange visits to similar organisations
- c. Possible assistance in the execution of the Commission's Work Programme. In this regard he was asked specifically about the possibility of the Commission getting assistance from the UNDP in costing its Work Programme
- d. Provision of financial assistance to enable the Commission to function more independently.
- e. Technical assistance to enable the Commission to function more independently.
- f. Technical assistance in training for dispute resolution.
- g. The donation of relevant literature.

In response, Mr. Lachmarsingh advised that:

- a. The procedure for requesting funding entailed the submission of a project proposal detailing the activities and the estimated cost of implementation.
- b. Although a Memorandum of Understanding was signed between the Government of Guyana and UNDP for assistance to

Parliament and the Rights Commissions, the Ethnic Relations Commission was not specifically included.

c. The United Nations placed no limitations on granting financial assistance, but there was a preference for activities of a programmatic/technical nature.

Mr. Lachmarsingh also gave an undertaking to look into how the Commission could pursue technical requests through other United Nations' networks and the possibility of someone from the UNDP assisting a member of the Commission in costing its Work Programme. The Chairman and the Deputy Chairman were to work along with the UNDP to identify the areas of training needed for dispute resolution.

Subsequent to this meeting, discussions about the existing needs of the E R C were held at the UNDP with the Chairman and all Donor Agencies, including some members of the Diplomatic Community. However, the Chairman advised that the proposal regarding the UNDP project to render assistance to the ERC was a joint one which was tied to all the Rights Commissions and the Donor agencies were yet to decide where they would direct their funding.

Notwithstanding this, the UNDP indicated a willingness to finance a consultant to prepare a Needs Assessment document for the Commission and names of likely candidates were submitted by the Commission for consideration. Mr. John Hucker, former Secretary General, Canadian Human Rights Commission, was hired as a consultant by the UNDP for this assignment.

An initial report was submitted on the 14th July, 2004 and after comments from the Commissioners and several revisions, a Needs Assessment Matrix was prepared by Ms. Maarit Kohonen, UNDP Human Rights Advisor and submitted in September 2004. This document was circulated amongst the Commissioners

and formed the basis of a later meeting between the Commission and Representatives of Donor Agencies.

2. Discussion with Senior Democracy And Governance Advisor – United States Agency For International Development

On 4th February 2004, the Commission met with Mr. Kenneth Lizzio, Senior Democracy and Governance Advisor, United States Agency for International Aid (USAID) and another member of his team, Ms. Dhanmattie Sahoy-Welch.

Mr. Lizzio gave a brief outline of USAID's interest in rendering assistance to the ERC and indicated the available programmes under which help would be forthcoming.

Commencing July 2004, through an institution to be identified, the focus of assistance would be directed in three (3) main areas:

- a. The issue of Ethnic Relations in Guyana (with funding of \$US 400,000.00 per year);
- b. Understanding the local level of conflict;
- c. Reducing vulnerability of conflict in civil society.

The Commission apprised Mr. Lizzio of its focus with respect to dispute resolution and suggested that the ERC could benefit from capacity building in this regard. Mr. Lizzio promised to share relevant documentation with the Commission and requested that the ERC submit a list of its needs.

3. Meeting with President Jimmy Carter

On the 12th August 2004, Members of the Commission met with President Jimmy Carter at the ERC Board Room. Matters discussed included:

- a. Electoral Systems and Governance;
- b. Common interests between the ERC and the Carter Centre;
- c. The ERC and poverty;
- d. Consolidating Democracy;
- e. Strengthening the Constitutional Commission and related tribunals;
- f. The Development of a Resource Centre; and
- g. The Development of a social marketing strategy to promote harmonious Ethnic Relations.

4. Meeting with USAID Delegation

This meeting took place on the 25th August 2004 and included ERC Commissioners, Ms. Ana Klenicki-Senior Government Advisor USAID, Ms. Dhanmatie Shahoye-Welch and another colleague from Washington, USA.

The purpose of this meeting was to discuss the USAID's relationship with the ERC, about which Ms. Klenicki spoke in detail. She said that the intention of the USAID was to facilitate the work of the ERC in order to make it a sound, viable and respectable entity.

5. Meeting with Various Representatives of Donor Agencies

Pursuant to the completion of the Needs Assessment Report by Mr. John Hucker, a meeting was held between representatives of donor agencies and members of the Commission on 14th December 2004. Representatives of donor agencies included UNDP, USAID, the European Community (EU), Canadian International Development Agency (CIDA), the World Bank and the British High Commission (DFID).

The Chairman, in giving an outline of the activities of the ERC, highlighted the development of the Needs Assessment document and invited comments and discussion on its contents.

As a consequence of the recommendations in the Report, the ERC was asked, *inter alia*, to indicate its priorities in order of precedence and produce a Strategic Work Plan based on a time line to the year 2006. A proposal was also to be prepared, giving a background of the Commission, its functions, and institutional capacity in terms of financially administering funds from donor agencies for specific projects. The Chief Executive Officer was tasked with working in conjunction with Ms. Marit Kohonen of the UNDP on the information required by the Donor Agencies for them to agree on what aspect of the ERC's work they would be funding.

An undertaking was made by the USAID to arrange with their partners to meet the ERC in January 2005, in order to address their needs, whilst the World Bank indicated that all funding from their agency must be processed through the Office of the President. The UNDP, through the Social Cohesion Programme, pledged their continued support.

NEEDS ASSESSMENT REPORT

As aforementioned, this report was done by Mr. John Hucker and took into account the Constitutional context of the establishment of the Commission, its operations and principal recommendations.

In arriving at his conclusions Mr. Hucker took into consideration observations and suggestions emanating from interviews with representatives of civil society, amongst which included the following:

- a. A need to narrow the mandate of the ERC;
- b. Need for the Commission to affirm its independence from Government;
- c. The need for full time Commissioners;
- d. Terms of Reference for Commissioners;
- e. The need for the Commission to be proactive in its approach to issues;
- f. The need for the establishment of the Human Rights Commission to complement the work of the ERC;
- g. The need to delineate the roles of the ERC and the Human Rights Commission to avoid duplication; and
- h. The need for adequate resources and ongoing supervision and support if the Commission were to succeed.

Specific suggestions from Commissioners included:

- a. Inadequacy of budgetary allocation;
- b. Urgent need for additional senior staff;

- c. Concern that low Government salary scales would make it difficult to recruit competent staff;
- d. Need for external expert assistance;
- e. Need for experienced legal advisor, particularly to advise on complaints;
- f. Need for improved accommodation;
- g. Need to develop clear rules, forms and procedures;
- h. Need for Public Education to be a major priority;
- i. It was unrealistic to expect Commissioners to do their jobs properly on a part time basis;
- j. Training for Commissioners and Staff was essential; and
- k. The danger of too many complaints coming to the Commission.

All of the above suggestions and concerns were considered by Mr. Hucker, who advised that in executing its mandate of finding solutions to one of Guyana's most pressing problems – racial and ethnic intolerance, and the fact that it was operating under close public and media scrutiny, it was essential that the ERC be provided with adequate support for the tasks it had to undertake. He stated that despite its operational independence, the Government should be prepared to do all that it could to ensure that the ERC succeeds, and in so doing, quickly establish the ERC Tribunal and the Rights Commissions, whose mandates are complementary, and supportive to that of the ERC.

In particular the principal recommendations included the following:

- a. The Government should , on an urgent basis, take the necessary steps to ensure that members are appointed to the ERC Tribunal and the necessary funding be made available to enable the Tribunal to fulfil its statutory responsibilities in conjunction with the work of the ERC;

- b. The Government should appoint members of the Rights Commissions and ensure that the necessary funding for these agencies is provided;
- c. The Government should give consideration to enacting legislation that would further define the process to be followed and the powers possessed by the ERC in dealing with complaints of racial and ethnic discrimination;
- d. Parliament should ensure that the annual reports submitted by the ERC are given prompt consideration by the National Assembly;
- e. The Government (Ministry of Finance) should ensure that the ERC is provided with stable long term funding that is adequate for its needs;
- f. The ERC must be provided with adequate accommodation. In particular, the premises it currently occupies should be organised to meet its needs;
- g. The ERC should be supported in its work through the provision of appropriate equipment and systems such as a photocopier, transportation, adequate telephone system, and computers with related hardware. The need for a competent and committed staff was also highlighted.
- h. The ERC should develop and publish 'Terms of Reference' summarising its mandate and operations, including the procedures for filing complaints.

- i. A statement of responsibilities for the Chairperson and an organisational structure should be prepared and submitted to the Commissioners for approval.
- j. The Commission should develop and publish rules and procedures governing the investigation and conciliation/mediation of complaints and the holding of hearings into complaints.
- k. Training and development for Commissioners should continue to be emphasised. Consideration should be given to inviting representatives from the Political Ombudsman of Jamaica and the Chair of the Commission for Racial Equality (UK) to visit Guyana to participate in informal workshops with the ERC.
- l. Provision should be made for senior managers to receive appropriate training, including visits to independent statutory agencies in other jurisdictions.
- m. The Commission should proceed to recruit a Chief Executive and other senior managers, including a senior policy officer.
- n. International Donor Agencies should be prepared to support the following assignments:
 - (i) A senior advisor, who should be an individual with experience working as a senior manager with an independent statutory agency (Human Rights Commission, Ombudsman, Race Relations Commission or other Equalities Commission), to be made available to the ERC for a period of 1-2 years. This individual would

provide advice to the Chief Executive, the Chairperson and other Commissioners as needed on issues related to management, planning and policy development.

- (ii) A human resources specialist, preferably with expertise in organisational development, staffing and recruitment to be made available on a short term assignment (2-4 months).
- (iii) An advisor on complaints management (1-3 months). Such an individual would be expected to advise the Co-ordinator of Complaints and where necessary other officials, on the establishment of a complaints management system, to include: the development of policies and procedures to be followed in investigating and conciliating complaints; the design of a complaints management information system to assist the timely tracking and resolution of complaints; and the training of staff.
- (iv) An information technology advisor (1-2 months) – length of timing of assignment contingent on the decisions to be taken concerning IT initiatives to be undertaken by the ERC.

As a result of these recommendations, the USAID indicated a willingness to support the ERC with a Human Resources Specialist, a technical person to

handle complaints, six (6) computers with local area networking and the establishment of a Meridian system.

Additionally, the UNDP had identified Mr. Paul Oertly of New Zealand to work as a Legal and Investigative Consultant for two (2) months.

WORK PROGRAMME

Since the Commission did not substantively commence work until September 2003, activities for the remainder of the year focused mainly on organising its administration. Some attempts were made on an ad hoc basis to make the public aware of its existence and this resulted in two complaints being filed against individuals, one of which was concluded in 2005 whilst the other is still pending; (Application by the Indian Arrival Committee and Application by Ms. Gita Narine)

In 2004, however, the Commission embarked upon an ambitious Work Programme which, despite many constraints, financial and otherwise, and with the assistance of donor agencies, it was almost able to complete (80%).

Consistent with its mandate under Article 212D of the Constitution, the Commission sought to foster a sense of security among all ethnic groups by engaging in several outreach programmes aimed at educating and creating public awareness of the need for tolerance of diversity in all aspects of national life.

Promotion of this theme was done in the form of Film Festivals, workshops, Regional visits, consultations with various constituents, civil society and political parties:

1. FILM FESTIVAL

The National Film Festival began on August 16 2004, with an opening ceremony at the Umana Yana. In attendance was His Excellency, The President of Guyana, members of the Opposition, members of Parliament, members of the Diplomatic Corps and members of civil society.

Opening remarks were made by His Excellency President Bharrat Jagdeo, Mr. Deryck Bernard of the Opposition, Bishop Juan Edghill, Chairman of the ERC and Ms. Susan Koscis of Search for Common Ground.

The event was billed for forty-three (43) venues in Regions 2,3,4,5,6,7,9, and 10, with organisers estimating an audience turnout of approximately two hundred (200) persons at each venue. However, the average turnout was a mere five (5) persons and as a consequence, showings at some venues had to be cancelled because of negligible or low turn out.

It was determined that several factors were responsible for this lacklustre attendance, amongst which were that of:

- a. Inadequate Staffing. The team assigned to handle the necessary organising and promotional work for forty-three (43) venues was too small, and this resulted in heavy reliance on the assistance of the RDCs and the NDCs, leading to an inability to complete necessary tasks effectively.
- b. No pilot study or audience research was conducted to determine the best ways to promote the Festival effectively in order to meet the targeted group.

It was recommended that the next Festival be taken to institutions and groups, existing in society such as schools, youth groups and religious organisations, where there was an established target audience.

2. **WORKSHOPS**

The Commission held or participated in the following workshops over the period reported on:

- a. **Workshop on Ethnicity and Conflict** – held on the 1st and 2nd February 2004, at the Prairie International Hotel, East Bank of Demerara. This was sponsored by the Building Social Cohesion Programme (BSCP), administered by the UNDP and was facilitated by Dr. Andries Odendaal from the Centre for Conflict Resolution, Cape Town South Africa. It was aimed at training the Commissioners of the ERC in ‘Exploring the Management of Ethnic Conflict and Diversity,’ and dealt with, *inter alia*, the nature and handling of ethnicity, and approaches to conflict.
- b. **Strategic Planning Workshop** – held on the 21st -22nd May 2004 at the Arrowpoint Nature Resort. This was sponsored by the BSCP and was administered and facilitated by the UNDP. It was a follow up to the aforementioned Workshop on Ethnicity and Conflict and was aimed at enabling the members of the Commission to be better able to understand their mandate, and the need for impartiality and objectivity especially within the current political context.
- c. **The Cultural Workshop** – held firstly on the 3rd – 6th June 2004 (Mainstay 1), and secondly on the 6th – 9th September 2004 (Mainstay 2), at the Lake Mainstay Resort, Essequibo. These were sponsored by the ERC, in collaboration with the BSCP and the UNDP and were facilitated by Mr. Chris Spies of UNDP and Ms. Rolinda Kirton of the Centre for Inner

Harmony. They were aimed at building bridges between different cultural groups from diverse communities in order to remove existing barriers and were attended by the undermentioned groups:

- (i) The African Heritage Foundation;
- (ii) The Guyanese Organisation of Indigenous Peoples (GOIP);
- (iii) The Indian Arrival Committee (IAC);
- (iv) The Pan African Movement (Guyana Branch);
- (v) Guyana Rastafari Council;
- (vi) The Chinese Association; and
- (vii) The Amerindian Action Movement of Guyana.

Participants at Mainstay 1 explored the principles of engagement, the meaning of conflict, and approaches and reactions to it. They also participated in various exercises, skits, and case studies dealing with these issues. Each participant and group undertook a personal project and group project respectively, as part of their Conflict Transformation Personal Development Plan, which was to be presented at the second workshop.

At Mainstay 2, participants sought to acquire and practice the necessary skills to enable them to take concrete action toward conflict transformation in Guyana and presented their individual and group reports for discussion. In addition to their usual participation in various exercises, they also learnt facilitation and mediation skills.

d. **The Religious Organisation Workshop** – held on the 3rd – 6th June 2004 (Mainstay 1) and on 13th – 16th September 2004 (Mainstay 2) at Lake Mainstay Resort, Essequibo. Once again sponsorship was done by the ERC in collaboration with the BSCP and UNDP, with facilitation done by Mr. Chris Spies and Ms. Rolinda Kirton. It was aimed at having the various religious groups together to achieve conflict transformation in Guyana and was attended in the first instance by the under mentioned religious groups:

- (i) Christian Brethren Mission;
- (ii) District Centre Church of the Nazarene;
- (iii) Guyana Central Arya Samaj;
- (iv) Guyana Conference of Seventh Day Adventists;
- (v) Guyana Islamic Forum;
- (vi) Guyana Islamic Trust;
- (vii) Guyana Maha Kali;
- (viii) Guyana Ministers Fellowship;
- (ix) Guyana Missionary Baptist Church;
- (x) Guyana Sanatan Dharma Maha Saba;
- (xi) Hijatul Ulamaa;
- (xii) Inter-Religious Organisation;
- (xiii) National Spiritual Assembly of the Bahais of Guyana;
- (xiv) The Salvation Army.

At Mainstay 1, participants addressed the major misconceptions of religion and their religion's contribution to the discipline of conflict. Apart from learning about the responses and approaches to conflict, they also participated in skits and exercises. Each participant and group undertook a personal project and group project respectively, as part of their Conflict Transformation Personal Development Plan, which was to be presented at the second workshop.

At Mainstay 2 the groups represented were:

- (i) Christian Brethren Assembly;
- (ii) Guyana Islamic Forum;
- (iii) Guyana Islamic Trust;
- (iv) Guyana Maha Kali;
- (v) Guyana Central Arya Samaj;
- (vi) Guyana Ministers Fellowship;
- (vii) Inter-Religious Organisation;
- (viii) National Spiritual Assembly of the Bahais of Guyana;
- (ix) Guyana Sanatan Dharma Maha Saba.

Participants examined the qualities and roles of good peace builders and presented their individual and group reports for discussion. In addition to their usual participation in various exercises, they also learnt facilitation and mediation skills.

3. MEETINGS WITH CONSTITUENTS

Meetings were held with the Muslim, Hindu and Christian constituencies, along with representatives from the youth, private sector, trade union and women's constituencies. A summary of the points raised by individual constituents for consideration are listed below:

a. The Muslim Constituency

- (i) The discontinuation of religious programmes (Christian) making derogatory remarks about Muslims;
- (ii) The perceived discrimination against Muslim businessmen;

- (iii) Discrimination in the apparent reluctance to release Muslims from work places and schools for prayers on Fridays;
- (iv) Perceived harassment of Muslim women and children with regard to the wearing of the Hijab;
- (v) Ignorance among Guyanese about Islam. The Commission's role should be to address this.

b. **The Christian Constituency**

- (i) The need for the Commission to research all factors affecting racism;
- (ii) The perception of discrimination with respect to distribution of house lots and the issuance of duty free concession and contracts;
- (iii) The need for religious groups to recognise and respect others;
- (iv) The need for the ERC to accentuate positive issues happening in society and identify best practices.

c. **The Trade Union Constituency**

- (i) Some media houses being akin to a propaganda machinery;
- (ii) Issues of racial discrimination in housing, the budget, power, politics, land distribution and organised labour were having devastating effects on society;
- (iii) The alienation of the black group in this society;
- (iv) The prevalence of racism particularly at election time;
- (v) The demonising of one group against the other;
- (vi) The need to relieve race problems in the work place.

d. **The Private Sector Constituency**

- (i) Race based politics particularly during election periods;

- (ii) Recruitment – there was a heavy racial imbalance in relation to recruitment at GUYSUCO;
- (iii) Whether the ERC had a bench mark to determine whether ethnic relations were improving in society;
- (iv) That an education and awareness programme would play a significant role in changing existing perceptions;
- (v) The capacity of the ERC to bring about social justice through the courts, or through the intervention of an international jurist in any matter before the Commission.

e. **The Youth Constituency**

- (i) Clarification on the methodology for dealing with complaints;
- (ii) Whether the Commission was empowered to discipline and pass sanctions;
- (iii) The possibility of the dispute resolution function of the Commission being able to solve ethnic dilemmas at the family level through mediation;
- (iv) The need for the Commission to promote its awareness programme especially on remote areas.

f. **The Constituency for Women**

- (i) The need for public education and awareness programmes in regional communities;
- (ii) The need for the Commission to focus on the culture of society by promoting integration through the school system;
- (iii) The polarisation of communities by the Ministry of Housing;
- (iv) The establishment of a relationship with the Advisory Committee on Broadcasting and the media to highlight positive ethnic relations issues;
- (v) Consideration of the ethnic imbalance of the labour force in various areas.

4. REGIONAL VISITS

Between the months of June to November 2004, visits promoting public awareness were made by Commissioners to the ten administrative regions.

Whilst attendance at these sessions comprised mainly Regional councillors, members of the Village or Neighbourhood Democratic Council, and members of civil society within the Regions, they nevertheless unhesitatingly expressed their views about the possible causes of ethnic conflict within Guyana and the possible solutions to the problem. Some examples cited were administrative acts or omissions that led to the arousal of the perception of ethnic discrimination, and Regional Officials recommended that there be Regional offices set up to receive complaints, they all agreed that education was an effective method of combating ingrained perceptions.

5. MEETINGS WITH POLITICAL PARTIES AND CIVIL SOCIETY

Awareness meetings were held with three political parties in March 2004. These were:

- a. The Guyana Action Party;
- b. The Justice For All Party; and
- c. The Good and Green Guyana Party.

On March 26th 2004 a special consultation meeting was also held with representatives of Civil society in Georgetown. Representatives were drawn from various Government Ministries, The Guyana Society for the Blind, The Central

Islamic Organisation, Habitat for Humanity, Probation Family and Welfare Service, The Guyana Bar Association, The National Commission on the Rights of the Child and the Guyana Trades Union Congress.

They all suggested that there was need for a reconciliation of the two main races in order to achieve unity and peace in Guyana and that education was the key to achieving a solution to the ethnic problem in Guyana.

LEGAL AND INVESTIGATIVE

The Commission received a total of eighteen (18) complaints in 2003-2004. Two (2) of these were made in 2003, and sixteen (16) in 2004. Although most of them were unrelated to the Constitutional mandate of the Commission, two (2) related complaints were made in accordance with Article 212D (p) as well as six (6) associated with Article 212D (j).

Appendix 1 shows a matrix of the number of complaints received, and investigated.

From the cases reported, it should be noted that some of the issues presented for consideration by the Commission did not fall within its sphere of activity and as a result were referred to the relevant agencies. A public hearing was constituted for one of the complaints whilst a Round Table Discussion was conducted for another. The latter resulted in an amicable resolution between the parties, whilst the former was concluded in the New Year. The Commission hopes that its continuing efforts to make the public aware of the role of the ERC will cause a recession of unrelated disputes and allow for more appropriate complaints.

ADMINISTRATION

As shown below, the period reported on saw the Commission making strides administratively in the acquisition of its own accommodation and the hiring of staff for its Secretariat:

1. Accommodation

Mindful of the provisional arrangements made for the accommodation of the Commission, the Chairman, accompanied by the Head of the Presidential Secretariat, and Mr. Winston Brassington of the Privatisation Unit, paid a visit to the BIDCO house in Queenstown in order to examine its suitability for use by the Ethnic Relations Commission and the Rights Commission. This was later reported on by the Chairman to the Commission, who also drew their attention to another property at Atlantic Ville, Greater Georgetown, for consideration.

Although the Commissioners were doubtful as to whether the former building could adequately house both Commissions, they expressed the view that the latter would be unsuitable because of its location and stated that any location for the Secretariat should not be outside of Georgetown. An alternative suggestion to consider the suitability of the Central Islamic Organisation (CIOG) building was mooted, the reasons being that adopting an existing building was exorbitant, and the CIOG building had an area with existing space.

With this in mind, the Commission as a body did another examination of BIDCO house and noted that although the available space seemed inadequate for accommodating the other Commissions, the Commission was willing to assume occupancy there as soon as the necessary repairs and refurbishment were addressed. This occurred on 21st January 2004.

2. Staffing

Staffing was identified as one of the areas of priority by the Commission at a special meeting held on 17th September 2003 and a Committee was identified to examine this issue. An initial structure was proposed and accepted by the Commission in October 2003. However, after consultations with the Head of the Presidential Secretariat, this was amended in order to facilitate a reduction in the number of the persons needed for employment. The proposed structure for the ERC Secretariat as accepted by the Commissioners is as shown at Appendix 2 of this document.

Commissioners also agreed that there should, as far as possible, be a rigid ethnic balance within the Secretariat. It was however emphasised that merit would not be compromised.

Assistance was sought from the Public Service Ministry with respect to the fulfilment of vacancies at the lower levels of the Secretariat. However, the Commission conducted its own recruitment process for the senior positions.

By the end of December 2004, the following vacancies were filled:

- a. Administrative Officer;
- b. Senior Accounts Officer;
- c. Accounts Clerk;
- d. Finance Officer;
- e. Chief Executive Officer;
- f. Filing Clerk.

Apart from the two persons selected as Administrative Assistants to the Chairman and Chief Executive Officer respectively, interviews were also conducted for the positions of Deputy Chief Executive Officer, Dispute Resolution

Officer and Legal and Investigation Officer. Favourable recommendations notwithstanding, applicants selected either later declined acceptance or left shortly after assuming appointment, claiming inadequate remuneration and the lure of more financially rewarding positions elsewhere. As a consequence, at the end of 2004, critical positions in the Secretariat remained unfulfilled.

Against this backdrop, strenuous efforts will be made during the upcoming period to bring the Commission's staffing up to the approved establishment. Although the Commission may be an entirely new phenomenon to the Guyanese society, it is critical to the country's wellbeing and ought not to be under- established.

It was one of the recommendations of the Needs Assessment Report sponsored by the UNDP and it was in keeping with that Report, that Mr. Paul Oertly of New Zealand was identified and assumed duties as a Legal and Investigative consultant with the Commission for two (2) months from the 3rd December 2004. In the course of his duty, Mr. Oertly met with Commissioners individually and participated in several scheduled activities of the Commission with the aim of getting a keener understanding of the mandate of the Commission in order to effectively accomplish his mission here.

3. Finance

The Commissioners noted the lack of available resources for its work (inclusive of staff, accommodation and equipment) , for the period ending 31st December 2003, and held discussions with regard to securing an advance from the Consolidated Fund to facilitate the Commission's work, and the establishment of a Secretariat.

During this period (September 2003 to December 2003), the sum of one million nine hundred and eighty three thousand and seventy-six dollars (\$1,983,576.00) was approved by Cabinet as emoluments (inclusive of travelling expenses and other remuneration) for Commissioners.

Approved payments for substitutes for the same period were at the rate of two thousand dollars (\$2,000.00) for attendance at each meeting together with travelling expenses. A similar sum two thousand dollars (\$2000.00) was proposed for future attendance and travelling to meetings by substitutes.

It was the general view of the Commission that the proposed sum aforementioned was inadequate, considering the invaluable contributions made by substitutes to the functioning of the Commission. As a consequence they resolved that substitute members be paid a stipend of nothing less than five thousand dollars per meeting, on account of their increased volume of work.

Once the Secretariat commenced operations in January 2004 (at its present location) it found its work programme severely affected because of the absence of office equipment and finances. Funding was not received from the Ministry of Finance until late February 2004, when the Commission and staff were legally registered with the National Insurance Scheme (NIS) and the Guyana Revenue Authority (GRA). In the face of this, the Secretariat was forced to seek assistance from other sources to have documents typed and/or photocopied and continued with its work programme. There was some relief when it acquired a computer in April, 2004.

The budget for 2004 is outlined below:

CURRENT EXPENDITURE

SER		PROPOSED G\$	REVISED G\$	ACTUAL G\$
01	Employment Costs	26,202,856.00	19,115,000.00	13,129,000.00
02	Other Charges	9,493,584.00	13,027,000.00	16,158,000.00
03	Total Sum	35,696,640.00	32,142,000.00	29,287,000.00

As shown, employment costs were lower than what was budgeted. This was because the full complement of staff had not been realised, thereby causing a reduction in charges in this category.

As a consequence, more finances were directed to other charges, for example, the maintenance of our current accommodation. Upon receipt of possession, attendant renovation works resulted in the unbudgeted expenditure of funds.

Additionally, there was an increase in travelling expenses because of the Commission's outreach programme to the ten administrative Regions.

CAPITAL EXPENDITURE

SER		PROPOSED G\$	REVISED G\$	ACTUAL G\$
01	Office Equipment	2,928,000.00	444,708.00	4,01,170.00
02	Office Furniture	-	100,000.00	97,000.00
03	Motor Vehicle	-	1,319,500.00	1,300,000.00
04	Total Sum	2,928,000.00	1,864,208.00	1,798,670.00

A revision of the proposed budget saw the sum of one million one hundred thousand dollars (\$1, 100,000.00) being allocated as a supplement to assist in the acquisition of office furniture and equipment. This was enabled by further supplementary provision of seven hundred and sixty-four thousand, two hundred and eight dollars (\$764,208.00) a total of one million eight hundred and sixty four thousand two hundred and eight dollars (\$1,864,208.00) which afforded the Commission the ability to acquire one (1) motor car for transportation purposes, one (1) computer and additional office furniture.

Technical assistance and donations for capital projects were also received from the UNDP. All other expenditure was a direct charge on the Consolidated Fund.

Although the Commission is autonomous, it depended on the Ministry of Finance on a monthly basis for funding which seemed time consuming and not in keeping with the regulations of the law. This is a matter of concern to the Commission which must be addressed and corrected.

RECOMMENDATIONS

The Ethnic Relations Commission strongly recommends:

1. The Constituting and activation of the Ethnic Relations Commission Tribunal and all other Rights Commissions which are to be members under the Act.
2. That an increase in emoluments paid to Commissioners should be considered.
3. That the Rules of Procedure for Complaints Jurisdiction of the Ethnic Relations Commission be adopted in order that the Commission's operation to be truly reflective of its Constitutional mandate
4. That Commissioners should be paid a sitting fee for attendance and participation in non-statutory activities.
5. The grant of duty free concession for the acquisition of motor vehicles by Commissioners as travelling officers (as in the case of sitting members of the National Assembly).
6. That the salary bands for staff of the Ethnic Relations Commission be more attractive so that a desirable efficiency is allowed and retained at the Commission.

CONCLUSION

The Ethnic Relations Commission (ERC) created history being the first of its kind in the Caribbean. In 2004 the Commission, in its fledging stage, met with several groups and utilised various fora to sensitize Guyanese to its existence and mandate. It also provided programmes aimed at educating and creating public awareness of the need for tolerance among all ethnic groups. Several constraints affected the Commission's programme of activities, but despite this, the ERC was able to accomplish much of its work in keeping with its constitutional mandate for the year under review.

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Your Honour,

In accordance with Article 212E.(1) of the Constitution of Guyana, the Ethnic Relations Commission (ERC) hereby submit its first Annual Report.

Bishop Juan A. Edghill
Chairman
2005-06-26

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ACRONYMS

BSCP	-	Building Social Cohesion Programme
CARICOM	-	Caribbean Community
CIDA	-	Canadian International Development Agency
CRC	-	Constitution Reform Commission
DFID	-	Department For International Development
ERC	-	Ethnic Relations Commission
GRA	-	Guyana Revenue Authority
GOIP	-	Guyanese Organisation of Indigenous Peoples
IAC	-	Indian Arrival Committee
IT	-	Information Technology
NIS	-	National Insurance Scheme
NDC	-	Neighbourhood Democratic Council
RDC	-	Regional Democratic Council
TOR	-	Terms of Reference
UNDP	-	United Nations Development Programme
USAID	-	United States Agency for International Aid

