

**NATIONAL ASSEMBLY OF THE EIGHTH PARLIAMENT
OF GUYANA**

A Special Report

From The

Parliamentary Standing Committee

For

Constitutional Reform

Presented to the National Assembly

By the Chairman of the Committee

On

30th December, 2004

A SPECIAL REPORT
The Parliamentary Standing Committee for
Constitutional Reform

The Parliamentary Standing Committee for Constitutional Reform flows out of article 119A of the Constitution.

1. Its mandate is to continually review the effectiveness of the working of the Constitution and make periodic reports thereon to the Assembly, with proposals for reform as necessary.
2. The Constitution has empowered it to co-opt experts or enlist the aid of other persons of appropriate expertise, whether or not such experts or other persons are members of the Assembly.

Membership

3. On the 9th April, 2003, the Committee of Selection nominated the following persons as Members of your Committee -

Members of the People's Progressive Party/Civic

The Hon. Reepu Daman Persaud, O.R., J.P., M.P.
Minister of Parliamentary Affairs

The Hon. J. Ronald Gajraj, M.P.
Minister of Home Affairs

The Hon. Doodnauth Singh, S.C., M.P.
Attorney General and Minister of Legal Affairs

The Hon. Dr. Leslie S. Ramsammy, M.P.
Minister of Health

Mr. Bernard C. De Santos, S.C., M.P.

Mr. Ramesh C. Rajkumar, M.P.

Members of the People's National Congress/Reform

Mrs. Deborah Backer, M.P.

Mr. Deryck M. A. Bernard, M.P.

Mr. Raphael G.C. Trotman, M.P.

Mr. Vincent Alexander, M.P.

Member of the Rise Organise and Rebuild

Mr. Ravendra Dev, M.P.

Proceedings of the Committee**Election of Chairman**

4. On the 5th June, 2003, your Committee met for the first time with His Honour the Speaker in the Chair and elected the Hon. Doodnauth Singh as the Chairman of the Committee.

Other Meetings of the Committee

5. Your Committee met on five other occasions from 24th September, 2003 to 24th November, 2004. These meetings were devoted to establishing a work programme for the execution of its mandate.

Prioritising of Issues

6. Your Committee examined a number of issues that it considered falls within its terms of reference and decided that it would deal with the following matters as prioritized below:

- (i) Article 160 of the Constitution - The electoral system with special reference to "an element of geographical representations."

- (ii) Article 51 of the Constitution - Establishment of Parliament: recommendation 9.7.3.2 of the Constitution Reform Commission states –

“It is recommended that Parliament should consider the option of establishing an Upper House consisting of representatives of each Region and civil society. Such a second chamber should have its powers carefully defined so that it would not be able to frustrate the will of the elected Lower House, and would be prevented from initiating money Bills or Bills aimed at altering Constitution”.

- (iii) Article 77A of the Constitution - Parliament to provide criteria for the allocation resources by local democratic organs.

Matters for Parliamentary Action

7. Your Committee also considered three other recommendations of the Constitution Reform Commission, and concluded that all that was required to be done with regard to these was that the Attorney General’s Chambers be instructed to draft the necessary Bills for presentation to the National Assembly and for their subsequent passage through that body.

8. The recommendations to which reference is made are –

9.12.4(4) which sought to have a two-thirds majority vote of all Members of the National Assembly to make an addition to the Fundamental Rights provisions, and a referendum to remove any of those provisions;

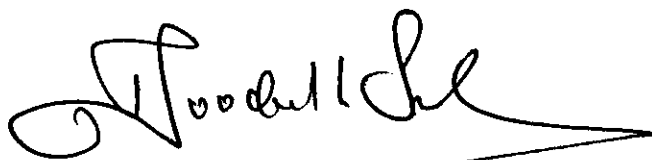
9.13.3(4) which has re-written article 18 to read, “Land use shall as far as possible be encouraged as the basis for productive use.” This version was modified by the Special Select Committee on the Constitution Reform Commission’s Report to, “Land should be for productive and beneficial use.”

9.22.3(1) which requires article 1 to read, “Guyana is an indivisible, secular, democratic and sovereign state and shall be known as the Republic of Guyana.”

9. Your Committee, therefore, is pleased to submit this Special Report.

Verbatim Records

10. The Verbatim Records of the Proceedings of the Committee have been prepared and are available at Parliament Office.



Doodnauth Singh, S.C., M.P.
~~Attorney General and Minister of Legal Affairs~~
~~Chairman,~~
Parliamentary Standing Committee for
Constitutional Reform.

15th December, 2004.

ATTORNEY GENERAL
MINISTER OF LEGAL AFFAIRS

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 - 2003)**

**MINUTES OF THE
2nd MEETING OF THE PARLIAMENTARY STANDING COMMITTEE
FOR CONSTITUTIONAL REFORM
HELD AT 3.00 PM
ON WEDNESDAY, 24TH SEPTEMBER, 2003
IN THE PARLIAMENTARY LIBRARY, PUBLIC BUILDINGS, GEORGETOWN**

MEMBERS OF THE COMMITTEE (11)

Chairman (PPP/C) (1)

(Nominated by the Committee of selection on Wednesday, 9th April, 2003)

(Elected on 5th June, 2003)

Mr. Doodnauth Singh, S.C., M.P.

Member of the People's Progressive Party/Civic (5)

(Nominated by the Committee of selection on Wednesday, 9th April, 2003)

The Hon. Reepu Daman Persaud, O.R., J.P., M.P.,

The Hon. J. Ronald Gajraj, M.P.,

Mr. Bernard C. De Santos, S.C., M.P.

Mr. Ramesh C. Rajkumar, M.P.

Member of the People's National Congress /Reform (4)

(Nominated by the Committee of selection on Wednesday, 9th April, 2003)

Mrs. Deborah Backer, M. P.

Mr. Deryck M. A. Bernard, M.P. (absent)

Mr. Raphael G C. Trotman, M.P. (absent)

Mr. Vincent Alexander, M.P. (absent)

Member of the Rise, Organise and Rebuild (1)

(Nominated by the Committee of selection on Wednesday, 9th April, 2003)

Mr. Ravindra Dev, M.P. (Excused)

Officers

Mr. Maurice B. Henry - Executive Secretary

Mr. Oscar Moore - Administrative Assistant

Mr. Kevin Ali - Clerk of Committee

Ms. Claudia Daniels Greenidge - Clerk of Committee

ITEM 1: CALL TO ORDER

The Chairman called the meeting to order at 3.10 pm.

ITEM 2: ANNOUNCEMENTS

2.1 Excuses:

2.1.1 Mr. Ravindra Dev asked to be excused from the meeting.

ITEM 3: CIRCULATION OF DOCUMENTS

3.1 The following documents were circulated prior to the meeting

- (i) Notice and Invitation to attend the 2nd Meeting dated 22nd September, 2003
- (ii) Minutes of the 1st Meeting held on 5th July, 2003

3.2 The following documents were circulated at the meeting: -

- (i) Copy of 'Implementation of constitutional Reforms by Ramkaran/Parris';
- (ii) Fourth Report with Appendix B;
- (iii) Sixth Report with a copy of the Minutes of the 20th Meeting and Appendix B;
- (iv) Seventh report with Minutes of the 31st Meeting and Appendix B; and
- (v) The final report of the Oversight Committee on Constitutional Reform (Section 1 to 7 and 9). *This document was made available only to Mr. Ravindra Dev and Mr. Ramesh Rajkumar because the other members had previously been provided with it.*

ITEM 4: BUSINESS OF MEETING

4.1 **Confirmation of Minutes of the 1st Meeting held on 5th June, 2003.**

4.1.1 The Minutes were confirmed on a motion moved by the Hon. Reepu Daman Persaud, O.R., J.P., M.P., and seconded by Mr. Bernard De Santos, S.C., M.P.

4.2 Execution of Mandate

4.2.1 The Committee agreed that at its next meeting it would formulate a work programme for the execution of its mandate.

4.3 Invitation to meet with Sir Paul Reeves, Commonwealth Secretary General's Special Envoy to Guyana

4.3.1 The Chairman informed the Committee that an oral invitation was extended through the Executive Secretary, by Mr Chuks Ihekaibeya, Office of the Secretary General, to meet with Sir Paul Reeves, Commonwealth Secretary General's Special Envoy to Guyana.

4.3.2 After considering the invitation, the Committee criticised the manner in which it was extended and concluded that it was a breach of protocol to relate with the Committee through the Executive Secretary rather than the Chairman.

4.3.3 The Committee, therefore, decided that Mr Ihekaibeya should be advised that the Committee regretted its inability to accept his invitation as the Committee was still in its embryonic stage and as such, no meaningful meeting could be held with Sir Paul Reeves at this time.

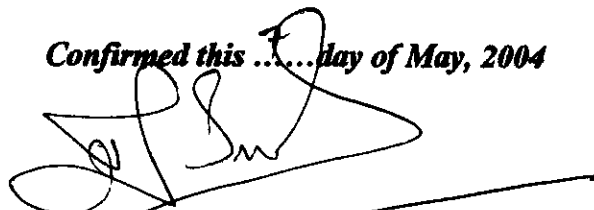
4.4 Date and Time for next Meeting

4.4.1 The Committee agreed that its next meeting would be held on Wednesday, 22nd October, 2003 at 3.00 pm.

ADJOURNMENT

At 3.45 pm the meeting was adjourned to *Wednesday, 22nd October, 2003*

Confirmed thisday of May, 2004



Doodnauth Singh S.C., M.P.
Chairman

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 - 2004)**

**MINUTES OF THE 3RD MEETING OF THE PARLIAMENTARY STANDING
COMMITTEE FOR CONSTITUTIONAL REFORM
HELD AT 2.00 P.M.
ON FRIDAY 7TH MAY, 2004
IN THE PARLIAMENTARY LIBRARY, PUBLIC BUILDINGS, GEORGETOWN**

MEMBERS OF THE COMMITTEE (11)

Chairman (PPP/C) (1)

(Nominated by the Committee of selection on Wednesday, 9th April, 2003)

(Elected on 5th June, 2003)

Mr. Doodnauth Singh, S.C., M.P.

Member of the People's Progressive Party/Civic (5)

(Nominated by the Committee of selection on Wednesday, 9th April, 2003)

The Hon. Reepu Daman Persaud, O.R., J.P., M.P.,

The Hon. J. Ronald Gajraj, M.P., (Excused)

The Hon. Dr. Leslie S. Ramsammy, M.P. (Excused)

Mr. Bernard C. De Santos, S.C., M.P.

Mr. Ramesh C. Rajkumar, M.P.

Member of the People's National Congress /Reform (4)

(Nominated by the Committee of selection on Wednesday, 9th April, 2003)

Mrs. Deborah Backer, M. P. (Absent)

Mr. Deryck M. A. Bernard, M.P. (Excused)

Mr. Raphael G C. Trotman, M.P. (Absent)

Mr. Vincent Alexander, M.P. (Absent)

Member of the Rise, Organise and Rebuild (1)

(Nominated by the Committee of selection on Wednesday, 9th April, 2003)

Mr. Ravindra Dev, M.P.

Officers

Mr. Kevin Ali - Clerk of Committee

Ms. Deborah Gray - Assistant Clerk of Committee

Mr Maurice B. Henry - Officer in attendance

Ms J. Jagnandan - Attorney General's Chambers

ITEM 1: CALL TO ORDER

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

ITEM 2: ANNOUNCEMENTS

2.1 Excuses

- 2.1.1 The following Members had asked to be excused from the meeting:

- (1) The Hon. J. Ronald Gajraj, M.P
- (2) The Hon. Dr. Leslie S. Ramsammy, M.P.
- (3) Mr. Deryck M.A. Bernard M.P.

2.2 Apology

- 2.2.1 The Chairman apologized to the Members for the extended period between Meetings of the Committee, especially since its constitutional mandate required it to review issues for constitutional reform.

He acknowledged that the Committee's mandate was of national interest and, therefore, required undivided attention.

2.3 Absence of the People's National Congress/Reform (PNC/R)

- 2.3.1 After observing the absence of Members of the PNC/R, the Chairman expressed concern, since in his view their contributions would be of unqualified importance in relation to the review process.
- 2.3.2 After a brief discussion with regard to the continuance of the work of the Committee in the absence of the PNC/R, discussion it was agreed by Members that in such circumstances they would adhere to the Standing Order, No. 73(4) which provided that three members including the Chairman shall be the quorum of the Committee.

2.4 Letter Received from Mrs. Deborah Backer MP.

- 2.4.1 The Chairman announced that a letter dated 6th May, 2004 had been received from Mrs Deborah Backer, M.P. which he read to Members.
- 2.4.2 The letter acknowledged the receipt of notices to Members of the PNC/R for the meeting, but re-iterated the party's policy to not participate at any meeting with the Hon. J Ronald Gajraj. As a result, its four Members would not be attending meetings as long as he(Hon. Gajraj) continued to be a Member of the Committee.

- 2.4.3 The PNC/R registered its disappointment with regard to the absence of meetings over the past eight months and indicated its interest in reviewing the provisional electoral system which had been used in the 2001 national and regional elections.

The contents of the letter also expressed the party's need to have the Committee's mandate executed.

2.5 Query by Mrs. Sheila Holder:

- 2.5.1 The Chairman also announced that Mrs. Sheila Holder had sought clarification from the Attorney General with regard to the commencement of preparatory work on the electoral system as recommended in the Report of the Oversight Committee.
- 2.5.2 The Committee discussed the issue and agreed that such matters, given their political nature, could not be considered in the absence of Members of the PNC/R. However, it was decided that such absence should not preclude the Committee from expressing its views on certain issues.

ITEM 3: CIRCULATION OF DOCUMENTS

- 3.1 The following documents were circulated prior to the meeting:-
- (i) Notice of the 3rd Meeting dated 4th May, 2004
 - (ii) Minutes of the 2nd Meeting held on 24th September, 2003.

ITEM 4: BUSINESS OF THE MEETING

- 4.1 **Confirmation of Minutes of the 2nd Meeting Held on the 24th September, 2003.**
- 4.1.1 The minutes were confirmed on a motion moved by the Hon Reepu Daman Persaud, and seconded by Mr. Ramesh C. Rajkumar.
- 4.2 **Matters Arising:**
- 4.2.1 There were no matters arising.
- 4.3 **Discussion on Mrs Deborah Backer's letter:**
- 4.3.1 The Committee expressed regret that the Members of the PNC/R had decided not to attend the meeting. It was acknowledged that their views were intrinsic to the fulfilment of the Committee's mandate.

The view was also expressed that meaningful debate regarding review of recommendations for constitutional reforms could not be achieved in their absence.

- 4.3.2 However, notwithstanding their absence the Committee decided to continue holding meetings.

4.4 Establishment of a Work Programme:

- 4.4.1 The Chairman recognised that many of the issues to be addressed by the Committee were political and sought the assistance of Members in considering the areas of the Constitution that could be given priority in the reviewing process.

Recall Legislation -

- 4.4.2 The Hon Reepu Daman Persaud posited that the Committee was properly constituted and proposed that as a major priority, consideration should be given to the implementation of the recall legislation which he advised was nothing new to Guyana.
- 4.3.2 In response to Mr Persaud's proposition, the Chairman advised Members that the Attorney General's Chambers was currently considering the issue and confirmed that such legislation required constitutional amendment.
- 4.3.3 He further stated that he had examined existing legislation of Trinidad, Sweden and India with a view to consider options for a possible drafting of legislation for the recall of Members of the National Assembly. The Sweden system, according to the Chairman was similar to Guyana's and he advised that he would be making efforts to obtain that country's recall legislation to examine further.
- 4.3.4 The Chairman also undertook to circulate copies of Trinidad's provision to the Committee notwithstanding that its system was different to Guyana's.

Electoral System -

- 4.3.5 Mr Dev suggested that a review of the electoral system should be the Committee's first area of priority.
- 4.3.6 The Chairman, however, cautioned that both issues could not be discussed due to the absence of Members of the PNC/R. He further advised that a bi-partisan approach was essential with regard to the review of the electoral system.
- 4.3.7 In addition to the Chairman's view, Mr DeSantos explained that a 2/3 majority of the Assembly was required for a constitutional amendments regarding the electoral system, but a majority of votes were required for passing of the recall legislation.
- 4.3.8 After further discussion, the Committee agreed that the Hon. Reepu Daman Persaud

who had a detailed list of issues for consideration, would submit same to Members for their perusal prior to the next meeting.

ITEM 5: ANY OTHER BUSINESS

5.1 Public Awareness

5.1.1 Members proposed that deliberations on constitutional reforms be exposed to media coverage, so as to inform the public of the Committee's decisions.

It was decided to pursue this matter at a future meeting.

5.2 Assistance of Experts:

5.2.1 The question of enlisting experts, as provided for by the Constitution, was raised but it was decided to address this matter at a later stage.

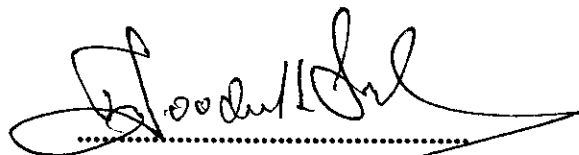
5.3 Scheduling of Next Meeting

5.3.1 The Committee assigned the task of identifying a suitable date for the next meeting to the Hon. Reepu Daman Persaud.

Adjournment

At 3.05 p.m. the Meeting was adjourned *sine die*.

Confirmed thisday of November, 2004



.....
Doodnauth Singh S.C., M.P.
Chairman

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 - 2004)**

**MINUTES OF THE 4th MEETING OF THE PARLIAMENTARY STANDING
COMMITTEE FOR CONSTITUTIONAL REFORM
HELD AT 2.05 P.M.**

ON FRIDAY 3rd NOVEMBER , 2004

IN THE PARLIAMENTARY LIBRARY, PUBLIC BUILDINGS, GEORGETOWN

MEMBERS OF THE COMMITTEE (11)

Chairman (PPP/C) (1)

(Nominated by the Committee of Selection on Wednesday, 9th April, 2003)

(Elected on 5th June, 2003)

Mr. Doodnauth Singh, S.C., M.P.

Members of the People's Progressive Party/Civic (5)

(Nominated by the Committee of selection on Wednesday, 9th April, 2003)

The Hon. Reepu Daman Persaud, O.R., J.P., M.P.,

The Hon. J. Ronald Gajraj, M.P., (On leave)

The Hon. Dr. Leslie S. Ramsammy, M.P.

Mr. Bernard C. De Santos, S.C., M.P.

Mr. Ramesh C. Rajkumar, M.P. (Absent)

Members of the People's National Congress /Reform (4)

(Nominated by the Committee of Selection on Wednesday, 9th April, 2003)

Mrs. Deborah Backer, M. P.

Mr. Deryck M. A. Bernard, M.P.

Mr. Raphael G C. Trotman, M.P.

Mr. Vincent Alexander, M.P.

Member of the Rise, Organise and Rebuild (1)

(Nominated by the Committee of selection on Wednesday, 9th April, 2003)

Mr. Ravindra Dev, M.P.

Officers

Ms. Deborah Gray - Assistant Clerk of Committee

Mr Maurice B. Henry - Officer in attendance

Adviser to the Chairman

Ms V. Jagnandan

ITEM 1: CALL TO ORDER

- 1.1 The meeting was called to order at 2.05 p.m

ITEM 2: ANNOUNCEMENTS

2.1 Welcome

- 2.1.1 The Chairman welcomed the members of the PNC/Reform and referred to a previous correspondence which was received from Ms Backer concerning the expectations of the PNC/R with regard to the review of the electoral system being given prominence on the Committee's work programme.
- 2.1.2 Members were advised that the work programme was an item for discussion at the meeting.

ITEM 3: CIRCULATION OF DOCUMENTS

- 3.1 The following documents were circulated prior to the meeting:
- (i) Notice of the 4th Meeting dated 27th October, 2004;
 - (ii) Minutes of the 3rd Meeting held on Friday, 7th May, 2004.

ITEM 4: BUSINESS OF THE MEETING

- 4.1 **Correction and confirmation of Minutes of the 3rd Meeting held on 7th May, 2004.**

Corrections:

Page 1:

- 4.1.1 Mr Alexander explained that his absence was due to his non-receipt of notification of the meeting.

Page 5, paragraph 5.3.1:

- 4.1.2 Substitute the following for paragraph 5.3.1:
"It was agreed that the Hon. Reepu Daman Persaud would consult with members regarding a suitable date for the next meeting."

Clarification:

- 4.1.3 In response to a query from Ms Backer, the Chairman advised that Ms Jagnandan's attendance at the 3rd meeting was in an advisory capacity to him.

When asked whether it was permissible for other Members to invite advisers to meetings, the Chairman replied in the affirmative.

- 4.1.4 Members were also informed that the use of advisers was not restricted to persons in the government's employ.

Confirmation:

- 4.1.5 The minutes of the 3rd Meeting held on 7th May, 2004 were confirmed as corrected on a motion moved by Mr Ravindra Dev and seconded by the Hon. Reepu Daman Persaud.

4.2 Matters Arising:

Page 4 paragraph 4.4 - Work Programme

- 4.2.1 The Chairman informed the meeting that in keeping with the agenda, discussions to formulate a Work Programme for the Committee would commence.

Page 3 paragraph 2.5 - Query by Mrs Sheila Holder

- 4.2.2 Mr Trotman sought clarification in relation to the form of Mrs Holder's query and was advised by the Chairman that she had written a letter bringing to his notice that she had tabled a Notice on the matter.
- 4.2.3 The Chairman, in response to a request from Mr Trotman, consented to provide Members with copies of the relevant Notice Paper.

Page 5 paragraph 5.1 - Public Awareness

- 4.2.4 On enquiring on a time-frame for finalising the Committee's position on the issue of media coverage, Mr Alexander was advised by the Chairman that the matter could be further discussed by Members at the meeting.

ITEM 5: DISCUSSION ON THE ESTABLISHMENT OF A WORK PROGRAMME

5.1 Mandate:

5.1.1 The Chairman invited a discussion among Members to generate ideas to assist in the formulation of the Committee's work programme, but, however, suggested that the Committee confined itself to a mandate which addressed constitutional reform matters.

5.1.2 Mr Trotman expressed apprehension with regard to such limitations and emphasised the need to have an input from the general society. He further suggested that the Committee could address matters now which might have constitutional implications at a later stage.

The Chairman concurred with Mr Trotman.

5.1.3 Mr Alexander posited that the Committee should not only address matters which might require new legislation but examine over time, legislation already enacted with respect to constitutional amendments.

5.1.4 Following discussion on the foregoing suggestions, the Hon Reepu Daman Persaud suggested that the Committee seek legal advice to assist in arriving at a specific mandate.

5.1.5 In response to this suggestion, Mrs Backer referred Members to **article 119A** of the Constitution which stipulates the specific mandate of the Committee, and, further, proposed that the Committee concentrate on what was required of it in accordance with the said article. She suggested that ancillary matters could be addressed as the Committee proceeded with its work.

5.1.6 Notwithstanding the suggestions, the Chairman, however, re-iterated the need to identify specific articles of the Constitution which were considered to be appropriate for review.

5.2 Electoral Review

5.2.1 Mr Dev indicated that the entire Constitution fell within the Committee's purview and suggested that efforts be made to examine matters that were found to be incomplete along with matters that had arisen which were not addressed in the Constitution.

5.2.2 The Chairman informed the meeting that he had initiated the extraction of recommendations from the final report of the Oversight Committee on Constitutional Reform which could serve as a 'stepping-stone' for the Committee.

5.2.3 Mr Trotman, however, suggested an approach at categorising the different areas before determining priorities. This view was supported by Dr Ramsammy.

Categories

5.2.4 After further deliberation, the following categories were proposed by Mr Alexander:

1. Outstanding Matters
2. Identify provisions that were incomplete with regard to implementation
3. Identify existing provisions which require review to determine if there was need for amendments

Mr De Santos expressed the view that elements within the categories should be prioritised.

5.2.5 It was agreed that Mr Alexander and Dr Ramsammy would prepare a list of matters with respect to categories 1 and 2, and the Attorney General Chambers' would address category 3.

ITEM 6: ANY OTHER BUSINESS

6.1 Public Awareness and Experts

6.1.1 Members agreed to discuss the issue of media coverage and the use of experts at the next meeting.

6.2 Verbatim Recordings

6.2.1 It was decided that all proceedings of the Committee would be recorded verbatim.

6.3 Briefings

6.3.1 Mr Bernard suggested that it could be helpful to the meeting's agenda if Members were to prepare and circulate brief synopses pertaining to any particular idea for discussion. Members agreed to give consideration to this.

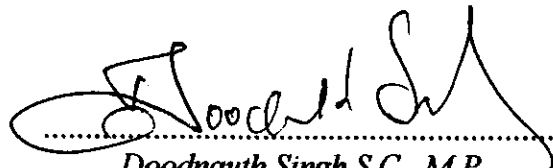
6.4 Scheduling of Next Meeting

6.4.1 The next meeting was scheduled for Wednesday 17th November, 2004. However, Mr Alexander emphasised the need to meet more regularly to pursue the committee's mandate. This was supported by Mr Dev.

Adjournment

At 3.05 p.m the meeting was adjourned to 3.00 p.m on Wednesday 17th November, 2004.

Confirmed this day of November, 2004


.....
Doodnauth Singh S.C., M.P
Chairman

**THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 - 2004)**

**MINUTES OF THE 5TH MEETING OF THE PARLIAMENTARY STANDING
COMMITTEE FOR CONSTITUTIONAL REFORM**

HELD AT 3.15 P.M.

ON WEDNESDAY 17TH NOVEMBER, 2004

IN THE PARLIAMENTARY LIBRARY, PUBLIC BUILDINGS, GEORGETOWN

MEMBERS OF THE COMMITTEE (11)

Chairman (PPP/C) (1)

(Nominated by the Committee of Selection on Wednesday, 9th April, 2003)

(Elected on 5th June, 2003)

Mr. Doodnauth Singh, S.C., M.P.

Members of the People's Progressive Party/Civic (5)

(Nominated by the Committee of selection on Wednesday, 9th April, 2003)

The Hon. Reepu Daman Persaud, O.R., J.P., M.P.,

The Hon. J. Ronald Gajraj, M.P., (On leave)

The Hon. Dr. Leslie S. Ramsammy, M.P.

Mr. Bernard C. De Santos, S.C., M.P.

Mr. Ramesh C. Rajkumar, M.P.

Members of the People's National Congress /Reform (4)

(Nominated by the Committee of Selection on Wednesday, 9th April, 2003)

Mrs. Deborah Backer, M. P.

Mr. Deryck M. A. Bernard, M.P.

Mr. Raphael G C. Trotman, M.P.

Mr. Vincent Alexander, M.P.

Member of the Rise, Organise and Rebuild (1)

(Nominated by the Committee of selection on Wednesday, 9th April, 2003)

Mr. Ravindra Dev, M.P.

Officers

Ms. Deborah Gray - Assistant Clerk of Committee

Mr Maurice B. Henry - Officer in attendance

Adviser to the Chairman

Ms V. Jagnandan - State Counsel

ITEM 1: CALL TO ORDER

- 1.1 The meeting was called to order at 3.15 p.m.

ITEM 2: ANNOUNCEMENTS

- 2.1 There were no official announcements.

ITEM 3: CIRCULATION OF DOCUMENTS

- 3.1 The following documents were circulated prior to the meeting:

- (i) Notice of the 5th Meeting dated 8th November, 2004 to be held on Wednesday, 17th November, 2004
- (ii) Minutes of the 4th Meeting held on Wednesday, 3rd November, 2004
- (iii) Copy of Notice Paper No. 91(Q55 Opp56) published on 2004-02-02

- 3.2 The following documents were circulated at the meeting:

- (i) List of Suggested Amendments to the Constitution Of Guyana
- (ii) Constitutional Amendments - List of outstanding issues prepared by the Hon. Dr. Leslie Ramsammy and the Hon. Minister Reepu Daman Persaud.

ITEM 4: BUSINESS OF THE MEETING

- 4.1 **Corrections and confirmation of Minutes of the 4th Meeting held on 3rd November, 2004**

- 4.1.1 The Minutes of the 4th Meeting were confirmed without corrections on a motion moved by the Hon. Dr. Leslie Ramsammy and seconded by Mr Bernard DeSantos.

- 4.2 **Matters Arising:**

Page 5 paragraph 5.2.4 - Categories

- 4.2.1 The Hon. Dr. Ramsammy informed the meeting that in consultation with the Hon. Reepu Daman Persaud, he had compiled a synopsis of agenda items which had emanated from a list of recommendations that were proposed by the Constitutional Reform Commission.

- 4.2.2 He, however, indicated to Members that while time did not allow him to meet with Mr Alexander, he did receive Mr Alexander's concurrence with regard to the list he had compiled.

Page 5 paragraph 6.1 - Public Awareness

- 4.2.3 The Chairperson advised Members that with regard to media coverage at meetings, the Committee was bound by Standing Order No. 73(5) which stated as follows:

"The deliberations of a Select Committee shall be in private and shall be confined to the matter referred to it by the Assembly and any extension or limitation thereof made by the Assembly and, in the case of a Select Committee on a Bill, to the Bill committee to it and relevant amendments."

- 4.2.4 Members were also informed that this could be varied by a Motion in the National Assembly.
- 4.2.5 Mr Bernard, however, questioned whether any decision to amend the relevant Standing Order could be undertaken by the Constitutional Reform Committee rather than the Parliamentary Management Committee. He further posited that amendments to the Standing Order should be seen as part of the Constitutional Reform.
- 4.2.6 Mr De Santos queried where or with whom such a process should begin and further expressed the view that any such amendment should not be seen as a Constitutional Reform.
- 4.2.7 Mr Dev advised the Committee that the Parliamentary Management Committee had given consideration to the need for amendments to the Standing Orders in light of the recent constitutional amendments and in this respect all political parties would be involved.
- 4.2.8 After learning that in any event, a Motion to initiate the amendment of the Standing Orders had to be moved in the National Assembly, the Committee asked the Hon. Reepu Daman Persaud to pursue the issue.

ITEM 5: THE ESTABLISHMENT OF A WORK PROGRAMME

5.1 Outstanding Matters

- 5.1.1 The Hon. Dr. Ramsammy in giving an overview of his document, explained to the Committee that it was a compilation of outstanding issues, based on his perspective. This was concurred by Mr Alexander who, however, suggested that the list should not be seen as exhaustive as there may be other items to be added.

- 5.1.2 It was generally agreed that it was enough in the first instance for the Committee to commence its work. However, the Hon. Dr. Ramsammy undertook to re-examine the list with a view to further improve it.
- 5.1.3 Mr Trotman proffered that the Committee should solicit the assistance of Mr Maurice Henry who had significant experience in this area, having played an integral role in the Constitutional Reform Commission.
- 5.1.4 The Chairman acknowledged Mr Trotman's suggestion and advised that the Hon. Dr. Ramsammy should submit the amended matrix to Mr Henry for his input. It was agreed that it should be submitted by Thursday, 18th November, 2004.
- 5.1.5 The Committee decided that the amended matrix should be circulated prior to the next meeting.
- 5.1.6 Mr Bernard recognised that items 6, 7 and 8 on the matrix were matters that required debate and suggested that these three matters should be addressed in the following order of priority:
- Item 8 - 1st**
Item 6 - 2nd
Item 7 - 3rd
- 5.1.7 In acknowledging Mr Bernard's point of view, the Hon. Reepu Daman Persaud suggested that it would be more practical to further examine the matrix to identify any omissions before making a decision on a prioritised list of items. Members concurred with the suggestion.
- 5.1.8 The Hon. Dr. Ramsammy expressed the view that the Committee should address the issue of Gender Neutrality with a view to making a decision as this had been a recurring problem over time, particularly during deliberations in Special Select Committees.
- 5.1.9 Mr Alexander agreed that the Constitutional Reform Commission's recommendation on Gender Neutrality should be addressed, particularly in the context of secularity as the present interpretation in the use of the masculine gender in the laws was based on religious belief.
- 5.1.10 The Chairman interjected that it appeared to him that the matter was adequately dealt with by the Interpretation and General Clauses Act.
- 5.1.11 Mr Trotman suggested that the business of the Committee could be expedited by the establishment of sub-committees to address particular issues.

The Committee agreed to consider the suggestion at the next meeting.

5.2 Attendance of advisers at Committee meetings

5.2.1 A decision was made on this matter at the previous meeting.

ADJOURNMENT

At 4.10 p.m. the meeting was adjourned to Wednesday 24th November, 2004 at 3.00 p.m in the Parliamentary Library.

Confirmed this Day of November, 2004


.....
Boodnauth Singh S.C., M.P
Chairman



**THE NATIONAL ASSEMBLY OF THE SECOND SESSION
OF THE EIGHTH PARLIAMENT OF GUYANA (2002 - 2004)**

**MINUTES OF THE 6TH MEETING OF THE PARLIAMENTARY STANDING
COMMITTEE FOR CONSTITUTIONAL REFORM
HELD AT 3.15 P.M.**

**ON WEDNESDAY 17TH NOVEMBER, 2004
IN THE PARLIAMENTARY LIBRARY, PUBLIC BUILDINGS, GEORGETOWN**

MEMBERS OF THE COMMITTEE (11)

Chairman (PPP/C) (1)

(Nominated by the Committee of Selection on Wednesday, 9th April, 2003)

(Elected on 5th June, 2003)

Mr. Doodnauth Singh, S.C., M.P.

Members of the People's Progressive Party/Civic (5)

(Nominated by the Committee of selection on Wednesday, 9th April, 2003)

The Hon. Reepu Daman Persaud, O.R., J.P., M.P.,

The Hon. J. Ronald Gajraj, M.P., (On leave)

The Hon. Dr. Leslie S. Ramsammy, M.P. - Excused

Mr. Bernard C. De Santos, S.C., M.P.

Mr. Ramesh C. Rajkumar, M.P. - Excused

Members of the People's National Congress /Reform (4)

(Nominated by the Committee of Selection on Wednesday, 9th April, 2003)

Mrs. Deborah Backer, M. P.

Mr. Deryck M. A. Bernard, M.P.

Mr. Raphael G C. Trotman, M.P. - Excused

Mr. Vincent Alexander, M.P.

Member of the Rise, Organise and Rebuild (1)

(Nominated by the Committee of selection on Wednesday, 9th April, 2003)

Mr. Ravindra Dev, M.P. - Absent

Officers

Ms. Deborah Gray - Assistant Clerk of Committee

Mr Maurice B. Henry - Officer in attendance

Adviser to the Chairman

Ms V. Jagnandan - State Counsel

ITEM 1: CALL TO ORDER

- 1.1 The meeting was called to order at 3.10 p.m.

ITEM 2: ANNOUNCEMENTS

2.1 Excuses:

- 2.1.1 The following Members had asked to be excused from the Meeting:

- The Hon. Dr. Leslie Ramsammy
- Mr. Ramesh Rajkumar
- Mr. Raphael Trotman.

ITEM 3: CIRCULATION OF DOCUMENTS

- 3.1 The following documents were circulated prior to the meeting:

- (i) Notice of the 6th Meeting dated 19th November, 2004 to be held on Wednesday, 24th November, 2004;
- (ii) Minutes of the 5th Meeting held on 17th November, 2004;
- (iii) Amended matrix of recommendations submitted by the Hon. Dr. Ramsammy.

- 3.2 The following documents were circulated at the meeting:

- (i) Verbatim Record of Proceedings of the 5th Meeting held on 17th November, 2004;
- (ii) Memorandum dated 24th November, 2004 re matrix on CRC recommendations submitted by Mr Maurice Henry.

ITEM 4: BUSINESS OF THE MEETING

- 4.1 Corrections and confirmation of Minutes of the 5th Meeting held on 17th November, 2004.**

- 4.1.1 The Minutes of the 5th Meeting were confirmed without corrections on a motion moved by Mr. Bernard De Santos and seconded by Mr.Deryck Bernard.

4.2 Matters Arising:

4.2.1 There were no matters arising from the Minutes for discussion.

4.3 Correspondence:

4.3.1 There was one incoming correspondence dated 22nd November, 2004 from the Hon. Dr. Ramsammy submitting matrices on the outcome of the recommendations of the Constitution Reform Commission.

ITEM 5: ESTABLISHMENT OF A WORK PROGRAMME

5.1 Matrix on CRC recommendations:

5.1.1 The Chairman referred to the memorandum from the Head of the Committees Division dated 24th November, 2004 pointing out that, with respect to the Hon. Ramsammy's matrix in Table 1, it stated -

(a) the Attorney General's Chambers should be in possession of draft bills to amend the following articles -

1. Item 1: Article 1 - Amend the article to read:

"Guyana is an indivisible, secular, democratic and sovereign state and shall be known as the Republic of Guyana."

2. Item 2: Article 164 - Amend the article to read:

allow for a two-thirds majority vote of the National Assembly to make any addition to the Fundamental Rights articles
and
a referendum to remove any Fundamental Rights article;

3. Item 3: Article 18 - Amend the article to read:
"Land should be for productive and beneficial use."

(b) the Executive or the National Assembly might be required to take action on the following items:-

- Item 4: Amendment of the Constitution to render it gender-neutral - CRC recommendation 9.12.4(1);
- Item 5: Re-writing of the Constitution in simple language making it readily accessible to enable citizens to know their right and obligations - CRC recommendation 9.12.4(2);
- Item 6: Establishment of an Upper House of Parliament consisting of representatives of each Region and civil society(9.7.3.2);
- Item 8: The electoral system should include an element of geographical representation.

5.1.2 With reference to Table 5, the Head of the Committees Division commented on three items as follows:-

- Item 38: Reformatting of the Fundamental Rights Language to make it easily comprehensible to all citizens had not been done;
- Item 52: A draft bill should be existing in the Attorney General's Chambers on the definition of a child, and
- Item 70: The proposed new article 38H was a draft submitted by the Oversight Committee, but the insertion of the definition of "consultation" at article 232 of the Constitution was thought to have been adequate at the final drafting.

5.1.3 As a consequence of the forgoing comments, the Committee was asked to consider and decide whether it had any input to make at that stage to foregoing the outstanding issues which appeared to require parliamentary action.

5.1.4 A discussion followed which took note of the private member's motion in Notice Paper No.164(M61 PPP/C Private Member No.1 dated 2004-11-22) which proposed the appointment of a Special Committee to:

- Recommend to the National Assembly whether the twenty-five seats provided for section 11A of the Representation of the People Act should be increased and, if so, by how many;
- Report to the National Assembly within two months.

5.1.5 The Committee decided that with regard to items 1, 2 and 3 in paragraph 5.1.1 a report should be submitted to the National Assembly pointing out that it had examined the Report of the Constitution Reform Commission and observed that legislative action had not been taken on the following recommendations:

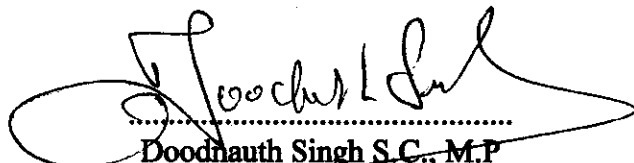
- (1) **9.22.3(1)** which deals with the change of the name of the “Co-operative Republic of Guyana” to the “Republic of Guyana”;
 - (2) **9.12.4.4** which calls for a two-thirds majority vote of all the Members of the National Assembly to make any addition to the Fundamental Rights articles and a referendum to remove any such article;
 - (3) **9.13.3.4** which reformulates article 18 to read “Land use shall as far as possible, be encouraged as the basis for productive use” but which the Special Select Committee on the Report of the CRC modified to “Land should be for productive and beneficial use.”
- 5.1.6 The report should draw the attention of the Assembly to the fact that the Bill after its passage, should be sanctioned by a referendum before its submission for the President’s assent.
- 5.1.7 The Committee further decided that it would require expert advice on the following items:
- Item 4: The language of the Constitution document shall be rendered gender-neutral;
 - Item 5: The language of the Constitution shall be simple and readily accessible to enable citizens to know their rights and obligations;
 - Item 6: Parliament should consider the option of establishing an Upper House consisting of representative of each Region and civil society.
- 5.1.8 Members were asked to submit a short brief on item 6.
- 5.1.9 The Committee also decided that it would discuss the issues involved in item 8 - the inclusion of an element of geographical representation in the electoral process.
- 5.2 Any Other Business**
- 5.2.1 The Committee’s attention was directed to Appendix 6(i) of the Report of the Oversight Committee which detailed issues requiring legislative action. The following were identified as those issues that could be discussed in at least a contextual manner-
- (a) the creation of a Upper House, and
 - (b) Ancestral and Indentured rights to land.

5.2.2 The Chairman advised the Committee that the Attorney General's Chambers should indeed have in its possession a comprehensive draft bill dealing with children which included the definition of a child.

Adjournment

At 4.10 p.m meeting was adjourned *sine die*.

Confirmed this 15th day of December, 2004.


.....
Doodnauth Singh S.C., M.P
Attorney General and Minister of Legal Affairs
Chairman.