

COOPERATIVE REPUBLIC OF GUYANA



FIFTH REPORT

ON THE

OVERSIGHT COMMITTEE

ON

CONSTITUTIONAL REFORM

(Resolution No. 33 of 1999)

May 15, 2000

FIFTH REPORT
on
THE OVERSIGHT COMMITTEE on CONSTITUTIONAL REFORM

1. This is the fifth monthly report to the National Assembly on the status of work of the Oversight Committee on Constitutional Reform, pursuant to the instructions and requirements of Resolution No.33, passed by the Assembly on December 6, 1999.
2. The Oversight Committee held six (6) Plenary meetings during the month of April, on Thursday, April 6; Wednesday, April 12; Friday, April 14; Wednesday, April 19; Wednesday, April 26, and Saturday April 29, 2000 respectively. Appendix A to this report comprises the Minutes of those six (6) meetings and related documentation.
3. During April, though all drafting briefs from Task Forces A1, A2, C, and D had been completed by the end of March as required by the time-bound plan, the Task Forces were not disbanded until the end of April to facilitate the OSC's reviews in plenary of their work prior to submitting the OSC - approved briefs to Task Force E for legal drafting. Nevertheless, as at the end of April, OSC review of the drafts from Task Force D was still not completed.
4. The delay referred to in paragraph 3 above arose from a variety of factors, the main ones being:

A focus of the OSC's attention, under the guidance of Task Force B, on the Constitution (Amendment) Bill 2000 which was needed to bring into being the new permanent Elections Commission [*This Bill was laid in the National Assembly on Friday 7 April, had its second and third readings on 10 April, 2000, and was passed without amendments.*]


The need for Task Force D to re-look at its drafting brief on the Ethnic Relations Commission in the context of a document, prepared by a UN officer with considerable experience in these matters, and supplied by Dr Roopnaraine. [*This Drafting Brief received approval from the OSC at the meeting of 26 April.*]

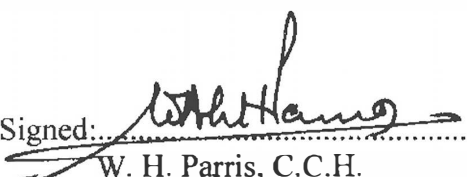
The need to wrestle with the conceptual difficulties that were highlighted by the Legal Drafting Task Force E, as have arisen from the recommendations to elevate various "rights" to the level of Fundamental Rights. Included in these difficulties are those that arise from the State Action Doctrine associated with the legal meaning of Fundamental Rights. [*These difficulties are still in the process of being resolved.*]

5. Task Force "B" did not complete its work as planned. The fast-tracked item, the Elections Commission, was completely dealt with within the reporting period and the required legislation passed on April 10. The Task Force has not completed its deliberations on the Reform of the Electoral System at the time of this report. This delay is quite serious as it

has resulted in the failure to conclude a critical activity without which an election cannot be held.

6. The drafting brief for the other “fast-tracked” item, the Ethnic Relations Commission, had been completed in March, and was approved in the OSC Plenary of 26 April. The original target date set as April 11 for laying the appropriate legislation in the National Assembly has not been met. *[As at 15 May, the OSC had already discussed a draft of the legislation, and by Saturday, 20 May the final draft is scheduled to be presented for the OSC’s final approval.]*
7. Appendix B contains the first comprehensive Status Report (dated 10 May) of the OSC’s work with respect to the translation of recommendations into legal amendments to the Constitution. That report highlights the fact that only 15% of the recommendations (25 out of 171) have achieved the status of final legal drafts approved by the OSC. Task Forces responsible for the preparation of Drafting Briefs have completed 96% of the recommendations (165 out of 171). The Status Report suggests urgent corrective action, to which must be added the OSC’s decision to meet in plenary on Wednesdays and Saturdays for a minimum of three (3) hours each time, and to have extra meetings as indicated by future Status Reports which will be produced weekly.
8. This report of the OSC’s work during April, 2000, together with its Appendices A and B, has been adopted and approved for transmittal to the National Assembly by the 21st plenary meeting of the OSC, which took place on Saturday 20th May, 2000.

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

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

Dated: 26/05/00

LIST of DOCUMENTS in APPENDIX A

1. Minutes of Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, and Fifteenth Plenary Meetings of the Oversight Committee.

LIST of DOCUMENTS in APPENDIX B

1. Copy of STATUS REPORT (#1) ON DRAFTING OF REVISIONS TO CONSTITUTION
END

APPENDIX A

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

**MINUTES OF THE 10th MEETING
OF THE OVERSIGHT COMMITTEE
HELD IN THE PARLIAMENTARY LIBRARY,
PUBLIC BUILDINGS, GEORGETOWN,
ON THURSDAY 6TH APRIL, 2000
at 9.30 A.M.**

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

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

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

Other Members

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

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

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

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

Mr. Vincent Alexander

From The United Force (1)

Mr. Manzoor Nadir, M.P.

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

By Invitation Other Members of Task Forces A1, A2, B, D and E.

Task Force A1

Ms Jean La Rose

Task Force A2

Ms Cavelle Lynch,
Representative of the Legal Advisory Group

Task Force B

Mr. Deryck Bernard
Mr. Aubrey Collins

Task Force D

Mr. E. Lance Carberry, M.P.
Mr. Randolph Kirton

Task Force E (Legal Draftspersons)

Mr. Cecil Dhurjon, A.A., S.C.,
Professor Keith S. Massiah OR, SC,
Ms Roxane George
Ms Alexis Downes-Amsterdam
Mr Zehar Singh Negi

Officers (3)

Mr. Maurice B. Henry,
Executive Secretary

Mr. Oscar E. Moore,
Administrative Assistant

Ms Debra H. Cadogan
Administrative Assistant

ITEM 1 CALL TO ORDER

- 1.1 The Chairman called the meeting to order at 9.45 a.m.

ITEM 2 AGENDA

2.1 Members adopted the Agenda dated 3rd April, 2000.

ITEM 3 ANNOUNCEMENTS

3.1 Welcome

3.1.1 The Chairman extended a warm welcome to Members of the Committee and the Task Forces who were in attendance by invitation.

3.2 Acknowledgement of Presence

3.2.1 The Chairman acknowledged the presence of Members of the Task Forces.

ITEM 4 DOCUMENTS CIRCULATED

4.1 The following documents were circulated on 3rd and 4th April, 2000:

- (i) The Agenda dated 3rd April, 2000.
- (ii) Preliminary Comments on Drafting Briefs of Task Forces A1 & A2 by Mr. Parris
- (iii) Constitution (Amendment) Bill 2000
- (iv) A letter dated 3rd April, 2000 from Mr. Parris to Mr. John Heffernan, Director of NDI/Guyana, on the Return Visit of the Electoral Systems Expert
- (v) Draft reply letter to the Association of Guyanese Women Lawyers
- (vi) An Errata to Task Force A2 Drafting Briefs
- (vii) Task Force D Drafting Briefs

4.1.2 The following document was circulated on 5th April, 2000:

4.1.2.1 A Memorandum from Mr. Sherwood Lowe with respect to Task Force A2 Drafting Briefs on the Preamble.

4.1.3 The following documents were circulated at the meeting:

4.1.4.1 Extracts of Article IX of the Constitution of the Republic of the Philippines -

- A. Common Provisions
- B. The Commission on Elections

researched and submitted by Ms Roxane George.

ITEM 5 EXCUSES

5.1 The Chairman informed members that Hon. Gail Teixeira, MP, (TF A1), Mrs. Philomena Sahoye Shury CCH, JP, MP, Mr. Sherwood Lowe, MP, Mr. Ramdial Bhookmohan (TF A2), Dr. Keshav “Bud” Mangal (TF B) and Justice Legall (TF E) had asked to be excused.

ITEM 6 BUSINESS

6.1 Review of Reports on Drafting Briefs

6.2 The Constitution (Amendment) Bill 2000

6.2 Mr. Alexander, Overseer of Task Force B, presented the draft Constitution (Amendment) Bill 2000 (commonly described as the Elections Commission Bill) for consideration by the Committee.

6.2.1 **Clause 1:- Short Title was agreed to as presented.**

6.2.2 **Clause 2:- Repeal and re-enactment of article 110 of the Constitution**

6.2.2.1 The following amendment was made to paragraph (2) of the re-enacted article 110: **Substitution** of “election” for “appointment”

6.2.2.2 Clause 2 was, thereafter, **agreed to as amended.**

6.2.3 **Clause 3:- Repeal and re-enactment of article 161 of the Constitution:**

6.2.3.1 The following amendments were made to the re-enacted article 161

6.2.3.2 (i) **Paragraph 2**

 a) **insertion** of the word “non-governmental” before the word “political” on page 4;

 b) **deletion** of the words “other than the party to which the President belongs” on page 4.

(ii) **Paragraph 3 (b)**

 a) **Insertion** of the word “non-governmental” before the word “political” on page 5.

 b) **deletion** of the words “other than the party to which the President belongs” on page 4.

6.2.3.3 Clause 3 was, thereafter, **agreed** to as **amended**.

6.2.4 **Clause 4:- Insertion of new article 161A in the Constitution:**

6.2.4.1 The following amendment was made to the new article 161A -

insertion of the words “unless the Commission determines that that office shall be independent of any other Commission” after “officer” in the last line.

6.2.4.2 Clause 4 was, thereafter, **agreed** to as amended.

6.2.5 **Clause 5:- Alteration of article 177 of the Constitution:**

6.2.5.1 Clause 5 was agreed to with the new paragraph (2) reformulated as below:

“(2) Where -

(a) there is only one Presidential candidate at the election; or

(b) there are two or more Presidential candidates, if more votes are cast in favour of the list in which a person is designated as Presidential Candidate than in favour of any other list,

that Presidential candidate shall be deemed to be elected as President and shall be so declared by the Chairman of the Elections Commission acting only in accordance with the advice of the Chief Election Officer, after such advice has been tendered to the Elections Commission at a duly summoned meeting.”.

6.2.6 **Clause 6:- Repeal and re-enactment of article 184: of the Constitution:**

6.2.6.1 The following amendments were made to the re-enacted article 184:

(i) **Paragraph 1**

(a) **insertion** of the words “by and” after the word “elected” in line 1;

- (b) **insertion** of the word “non-governmental” after the word “elected” in line 3;
- (c) **deletion** of the words “whose names are not on the list of Candidates that was submitted by the party to which the President belongs.”

(ii) **Paragraph 2 (d)**

Substitution of the word “tenure” for the word “appointment”.

(iii) **Paragraph 3**

- (a) **insertion** of the word “non-governmental” after the word “the” in line 1;
- (b) **deletion** of the words “whose names are not on the list of candidates that was submitted by the party to which the President belongs” after the word “Assembly” in line 2;
- (c) **insertion** of the words “of all the non-governmental members” in line 9;
- (d) **deletion** of the words “appointment of the” in line 10;
- (e) **Substitution** of the words “remove from Office; the removal shall be effected by the votes of a majority of all the non-governmental members” for the words “revoked by a majority of such members”.

(iv) **Paragraph 4**

Substitution of the following for paragraph 4 -

“The election and removal from Office of the Leader of the Opposition shall be by a show of hands.”

6.2.6.2 Clause 6 was, thereafter, **agreed** to as **amended**.

6.2.7 **Clause 7:- Alteration of article 226 of the Constitution:**

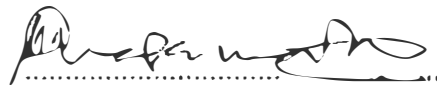
6.2.7.1 The following amendment was made to the proviso to paragraph (5) of the altered article 226 of the Constitution:

- 6.2.3.2 **Insertion** of the words “to a day not later than two calendar days; or in the case of the declaration of the results of the election of the President, the meeting shall stand adjourned” after the word ‘adjourned’ in line 11.
- 6.2.3.3 Clause 7 was, thereafter, **agreed to as amended.**
- 6.3 **Clarifications**
- 6.3.1 **(i) Expansion of the Meaning of Full-time Employment of the Chairman at Clause 3**
- 6.3.1.1 The following extract from Article IX of the Constitution of the Republic of Philippines was brought to the attention of and discussed by the Committee:
- “Section 2. No member of a Constitutional Commission shall, during his tenure, hold any other office or employment. Neither shall he engage in the practice of any profession or in the active management or control of any business which, in any way, may be affected by the functions of his office, nor shall he be financially interested, directly or indirectly, in any contract with, or in any franchise or privilege granted by the Government, any of its subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations or their subsidiaries.”*
- 6.3.1.2 The Chairman explained that no amendment to paragraph 1 of the new article 161A would be entertained in the absence of Dr. Luncheon who was a Co-Overseer of Task Force B. The drafting brief from which the article had been drafted was the output of Task Force B which was presided over by Mr. Alexander and Dr. Luncheon.
- 6.3.1.3 The Committee accepted the Chairman’s suggestion that if Task Force B found it necessary to expand the meaning of “full time employment” to include some of the elements of the Philippines’ provision, then an amendment could be made by the National Assembly to the Bill for that purpose.
- 6.3.2 **Treatment of other Submissions on the Bill**
- 6.3.2.1 The Committee agreed that all other submissions in relation to the Bill should be sent to Task Force B as written proposals for its consideration.

- 6.3.2.2 Mr. Nadir, however, made the following observation:
- 6.3.2.3 In keeping with the recommendations of the Constitution Reform Commission on the Elections Commission, it did not appear to him that the Bill had addressed the following:
- (i) composition;
 - (ii) functions;
 - (iii) continuity.
- 6.4 **(ii) The Amendment to Clause 4**
- 6.4.1 The Overseers of Task Force E confirmed that the deliberate intention of the amendment to paragraph (4) of the new article 161A was to ensure that public officers wishing to take up certain appointments with the Elections Commission must sever completely their attachments to the public service.
- 6.5 **Provision of New Draft Bill**
- 6.5.1 The Chief Parliamentary Counsel was tasked with providing the Executive Secretary with a new draft of the Bill incorporating all the amendments to which Members had agreed for their perusal. After receiving Members' comments on the new draft, he would then proceed to prepare the Bill for presentation to the National Assembly on Friday, 7th April, 2000.
- 6.5.2 **Ethnic Relations Commission Drafting Brief**
- 6.5.2.1 Dr. Roopnaraine informed the Committee that he had a substantial submission to make on the above Brief and would do so in writing to the Overseer of Task Force D by Friday, 7th April, 2000.
- 6.6 **Date of Next Meeting**
- 6.6.1 The Chairman pointed out that by a previous decision, Meetings of the OSC would statutorily be held every Wednesday. In the absence of advice from the Secretariat, as to the need to meet before in connection with the new draft Bill from the Chief Parliamentary Counsel, the next meeting of the OSC would be held on Wednesday, 12th April, 2000.

ADJOURNMENT

At 1.20 p.m. the Meeting was adjourned to 9.30 a.m. on Wednesday, 12th April, 2000.



.....
Hon. Moses V. Nagamootoo, JP, MP,
Minister of Information,
CHAIRMAN - Oversight Committee

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

**MINUTES OF THE 11th MEETING
OF THE OVERSIGHT COMMITTEE
HELD IN THE READING ROOM
OF THE PARLIAMENTARY LIBRARY,
PUBLIC BUILDINGS, GEORGETOWN,
ON WEDNESDAY 12TH APRIL, 2000
at 9.45 A.M.**

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

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

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

Other Members -

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

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

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

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

Mr. Vincent Alexander

From The United Force (1)

Mr. Manzoor Nadir, M.P.

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P. (Excused)

By Invitation Other Members of Task Forces A1, A2, and D.

Task Force A1

Mr Zehar Singh Negi
Legal Advisory Person

Task Force A2

Mr. Ramdial Bhookmohan

Ms Cavelle Lynch,
Legal Advisory Person

Task Force D

Mr. E. Lance Carberry, M.P.
Mr. Randolph Kirton
Mr. William Sampson
Ms Roxanne George,
Legal Advisory Person

Officers (3)

Mr. Maurice B. Henry,
Executive Secretary

Mr. Oscar E. Moore,
Administrative Assistant

Ms Debra H. Cadogan
Administrative Assistant

ITEM 1 CALL TO ORDER

1.1 The Chairman called the meeting to order at 9.45 a.m.

ITEM 2 AGENDA

2.1 Members adopted the Agenda.

ITEM 3 ANNOUNCEMENTS

3.1 Welcome

3.1.1 The Chairman extended a warm welcome to Members of the Committee, Officials and Members of the Task Forces who were in attendance by invitation.

3.2 Constitution (Amendment) Bill 2000

3.2.1 The Chairman informed Members that the Hon. Minister of Agriculture and Parliamentary Affairs had presented the Constitution (Amendment) Bill 2000 to the National Assembly on the 7th April, 2000. The Bill had its second and third readings on 10th April, 2000 and was passed without amendments.

3.2.1.1 The Chairman also informed Members that he had been advised that the Prime Minister who was performing the functions of the President, gave his assent to the Bill on the 11th April, 2000.

ITEM 4 DOCUMENTS CIRCULATED

4.1 The following documents were circulated on 10th April, 2000:

- (i) The Agenda dated 10th April, 2000
- (ii) Minutes of 9th Meeting held on Friday, 31st March, 2000
- (iii) Minutes of 10th Meeting held on Thursday 6th April, 2000
- (iv) Response to Oversight Committee questions on Electoral Systems of April 3, 2000, by Professor Andrew Reynolds dated April 4, 2000.

4.1.1 The following document dated 11th April, 2000 from Dr. Roopnaraine was circulated at the meeting:

Observations of the Drafting Brief on Commissions followed by a separate opinion.

4.2 Excuse

4.2.1 The Chairman informed Members that Dr. Rupert Roopnaraine had asked to be excused. Dr. Roopnaraine had also stated that in his absence Mr. Sherwood Lowe, M.P. a member of Task Force A2 would represent that Task Force at the Meeting. However, Mr. Lowe, too, had asked to be excused.

ITEM 5 CONFIRMATION OF MINUTES

- 5.1 **The Minutes of the 8th Meeting held on Tuesday, 28th March, 2000** was confirmed, without correction, on a motion moved and seconded by Dr. Luncheon and Dr. Ramsammy respectively.
- 5.2 **Minutes of 9th Meeting held on Friday, 31st March, 2000**
 - 5.2.1 **Correction**
 - 5.2.2 **Page 5**
 - 5.2.3 **Paragraph 6.4, Line 3**
 - 5.2.3.1 **Insertion** of the words “face-to-face” before the word “inputs”.
 - 5.2.3.2 The Minutes were then confirmed as corrected on a motion moved and seconded by Dr. Luncheon and Dr. Ramsammy, respectively.
- 5.3 **Minutes of the 10th Meeting held on Thursday, 6th April, 2000** was confirmed without any correction, on a motion moved and seconded by Dr. Luncheon and Dr. Ramsammy respectively.


ITEM 6 BUSINESS

- 6.1 **Consideration of Reply to Guyana Association of Women Lawyers’ letter dated 31st March, 2000.**
 - 6.1.1 The Chairman, for the benefit of Members, gave a synopsis of the Association’s letter. Members considered the two proposed replies to the Association’s letter drafted by Mr. Parris and Mr. Nadir respectively. After a brief discussion, the Committee opted for Mr. Parris’ reply.
- 6.2 **Review of Reports on Drafting Briefs**
 - 6.2.1 **Ethnic Relations Commission Drafting Brief - Task Force D**
 - 6.2.1.1 The Chairman drew Members’ attention to the document titled “Observations on the Drafting Brief on Commissions followed by a separate Opinion” submitted by Dr. Roopnaraine on Ethnic Relations Commission Drafting Brief.

- 6.2.2 The Chairman informed the Committee that he had also received an open letter from Dr. Roopnaraine at that meeting which he had not read fully, but he understood from what he read so far that Dr. Roopnaraine had a problem with him as Chairman of the Committee. In that case he could not have relied on his impartiality as Chairman. Dr. Roopnaraine had appeared to base his perception on the Chairman's remarks in the debate on the National Budget.
- 6.2.3 The decisions of the Committee, the Chairman pointed out, were made on the basis of consensus, even when there were differences in opinions, and although members were there as creatures of their parties they performed non-party functions. He said that he felt that the absence of Dr. Roopnaraine had nothing to do with the open letter which he had circulated to the Press.
- 6.2.4 Thereafter, Dr. Ramsammy proceeded to make a presentation on the Ethnic Relations Commission's Drafting Brief. He referred specifically to Sections 3 - Composition, 7 - Powers and Functions and 9 - Secretariat. A Brief discussion took place on these issues and on Section 5 - Removal of members from Office, that is, to the question who was the prescribed authority for removing of a member from office.
- 6.3.1.2 The Committee agreed that in view of the document submitted by Dr. Roopnaraine and the questions raised during the discussion that the Task Force should revisit the Brief and submit an amended draft which should also reflect views expressed by the Committee.
- 6.3.1.3 The Coordinator reminded the Committee that the Ethnic Relations Commission was a "fast-track" issue.
- 6.4 **Task Force "A1" Drafting Briefs**
- 6.4.1 Mr. Nadir, Overseer of Task Force A1 presented the Task Force's Drafting Briefs. The following changes were made to the Briefs based on comments by the Coordinator:
- 6.4.2 **Page 5: Recommendation 9.2.3.2 (4)**
- 6.4.2.1 Column 4: Insertion of "promulgation and" before "protection" in line 2.
- 6.4.3 **Page 8: Recommendation 9.2.3.2 (9)**
- 6.4.3.1 Column 4: Insertion of "whether or not born out of wedlock" after "children".

ADJOURNMENT

At 11.40 a.m. the meeting was adjourned to 5.00 p.m. on Friday, 14th April, 2000.



.....
Hon. Moses V. Nagamootoo, JP, MP
Minister of Information,
CHAIRMAN - Oversight Committee.

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

**MINUTES OF THE 12th MEETING
OF THE OVERSIGHT COMMITTEE
HELD IN THE PARLIAMENT CHAMBER,
PUBLIC BUILDINGS, GEORGETOWN,
ON FRIDAY 14TH APRIL, 2000
at 5.05 P.M.**

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

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

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

Other Members -

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

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

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

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

Mr. Vincent Alexander

From The United Force (1)

Mr. Manzoor Nadir, M.P.

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

By Invitation Other Members of Task Forces A2, and C.

Task Force A2

Mrs Philomena Sahoye-Shury, C.C.H., J.P., M.P.,
Parliamentary Secretary, Ministry of Local Government

Mr Sherwood A. J. Lowe, M.P.

Ms Cavelle Lynch,
Representative of the Legal Advisory Group

Task Force C

Mr. C. M. Llewellyn John

Officers (3)

Mr. Maurice B. Henry,
Executive Secretary

Mr. Oscar E. Moore,
Administrative Assistant

Ms Debra H. Cadogan
Administrative Assistant

ITEM 1 CALL TO ORDER

- 1.1 The Chairman called the meeting to order at 5.05 p.m.

ITEM 2 AGENDA

- 2.1 Members adopted the Agenda.

ITEM 5 CONFIRMATION OF MINUTES

5.1 The Minutes of the 11th Meeting held on Wednesday, 12th April, 2000, were confirmed on a motion moved by Dr. Luncheon and seconded by Dr. Ramsammy.

5.2 There were no matters arising from the Minutes.

ITEM 6 BUSINESS

6.1 Review of Reports on Drafting Briefs

6.1.1 Task Force "A2" Drafting Brief

6.1.2 Dr. Roopnaraine, Overseer of Task Force "A2" presented the Drafting Briefs of his Task Force for consideration by the Committee.

6.1.2.1 The Committee agreed to the following:

6.1.2.2 Page 1 Recommendation 9.12.4 (3) - Column 4: (c)

- (i) that the draftspersons refer to the Drafting Brief of Task Force "A1" on Recommendation 9:2:3:2 (1);
- (ii) that the word "sex" be retained in the recommendation;
- (iii) that the rights stated in the brief should be arranged in alphabetical order.

6.1.2.3 Page 5, Recommendation 9.13.3 (3) -Column 4

6.1.2.4 Suggested Draft No. 2 of Preamble was reformulated as follows by amendments (in italics) submitted by the Coordinator, Planning and Monitoring:

- (i) We, the Guyanese people,
- (ii) Proud heirs of the indomitable will of our forebears, in a spirit of reconciliation and cooperation proclaim this Constitution in order to:
- (iii) Safeguard and build on the rich heritage, won through tireless struggle, bestowed us by our forebears.

- (iv) Affirm our sovereignty, our independence and our indissolubility.
- (v) Forge a system of governance that upholds democratic principles and the **rule of law**, respect human rights and dignities, and promotes concerted effort and broad-based participation in national decision-making.
- (vi) Celebrate our cultural and racial diversity and strengthen our unity by eliminating discrimination based on race, creed, gender, class, age and region. *religion, geography, or physical or mental disability.*
- (vii) Recognise the special place in our nation of the **Indigenous Peoples**, as the first occupiers and developers of our land. *and recognise their right as citizens to land and security and to their promulgation of policies for their communities.*
- (viii) Acknowledge the aspirations of our young people, who, in their own words, have declared that “**the future of Guyana belongs to its young people, who aspire to live in a safe society which respects their dignity, protects their rights, recognises their potential, listens to their voices, provides opportunities, ensures a healthy environment and encourages people of all races to live in harmony and peace**” *peace, accept the spirit of that declaration, and affirm that it will be binding on our institutions and be a part of the context of our basic law.*
- (ix) Demonstrate our commitment to **protect our natural environment** and endowment.
- (x) Attest to our awareness of the implications of **globalisation and rapid technological advancement**. *advancement, and in the context of that awareness commit to developing a viable economy and a harmonious community based on democratic values, social justice, fundamental human rights, and rule of law.*
- (xi) As citizens of Guyana, we adopt these renewed fundamental laws and make provision therein for their amendment to reflect future changes in our society inspired by our collective quest for a perfect Nation. *,whose characteristics include the commitments, concepts, and other principles described in this preamble.*
- (xii) **May God protect Our People.**

6.1.2.5 The Committee accepted this as the Suggested Draft No. 3 and dealt with it as follows:

(i) **Paragraph (v), line 2**

Deletion of the words “respect human rights and dignities” after the word “law”.

(ii) **Paragraph (vii), line 3**

Substitution of the word “the” for the word “their” before “promulgation”.

(iii) **Paragraph (viii)**

Substitution of “Commit ourselves to the fulfilment of” for “Acknowledge” in line 1.

Substitution of “will bind ourselves” for “will be binding” in line 7.

(iv) **Paragraph (x), line 5**

Deletion of “and rule of law”.

(v) **Paragraph 11, line 1**

Deletion of “renewed” before “fundamental” and “therein” after “provision”.

6.1.2.6 The Committee agreed that the Suggested (Draft No. 3) of Preamble should be recommitted to Task Force “A2” in light of discussions on the amendments and Mr Lowe’s comments. It was also agreed that only one Draft of the Preamble should be submitted to the draftspersons. Further, copies of the corrected Draft should be circulated to OSC Members.

6.1.2.7 **Page 9, Recommendation 9.17.3 (3)**

Column 4: Paragraph (b)

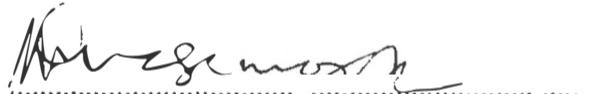
Insertion of the words “inclusive of the filling of” before the word “vacancies”.

- 6.1.2.8 **Page 11, Recommendation 9.17.3 (7)**
- 6.1.2.9 The Committee deferred consideration of the Constitutional Public Tender Commission (renamed) Public Procurement Commission in order to consider it together with the Drafting Briefs of Task Force “D” on Commissions.
- 6.1.2.10 The Committee agreed that the Drafting Briefs of Task Force “A2” should be submitted to Task Force “E” with the comments on and changes made to them.
- 6.2 **Task Force “C” Drafting Briefs**
- 6.2.1 The Committee agreed to defer examination of the Drafting Briefs of Task Force “C” to the meeting scheduled for Wednesday, 19th April, 2000.
- 6.3 **Amended Ethnic Relations Drafting Brief**
- 6.3.1 The Committee noted that the amended draft of the Ethnic Relations Drafting Brief was circulated and deferred consideration to the meeting scheduled for Wednesday, 19th April, 2000.
- 6.4 **Consideration of Draft Fourth Report on the OSC to the National Assembly**
- 6.4.1 The Committee considered the above Report and made the following amendment:
- 6.4.2 **Page 2, paragraph 5:**
- 6.4.3 Substitution of the following for paragraph 5:
- 6.4.4 “Task Force “B” is working towards a target date of April 13, for completion of its work. This Task Force has also engaged in the task of preparing the brief for the “*fast-tracked*” item, the Elections Commission. The drafting brief for the Elections Commission was completed in March with a view to meeting a target date of April 3 for presentation of the appropriate bill to the National Assembly. However completion of drafting of the Bill took longer than anticipated, and underwent several revisions to ensure compliance with the drafting brief. In the result the Bill was laid in Parliament on Friday, April 7.

- 6.4.5 The Task Force is currently engaged in the deliberations on the Electoral Formula to be utilised that must accord with the recommendations of the Constitution Reform Commission, as endorsed by the Select Committee and approved by the National Assembly. In this matter, they are considering options proposed by the Electoral Systems Expert, Professor Andrew Reynolds, in his two written reports of March 13 and 24, 2000 respectively. They have posed a number of clarificatory questions to which Professor Reynolds has replied in two separate notes dated March 30, and April 4, 2000 respectively. Professor Reynolds visited Guyana during the period March 8 - 13 during which he had discussions with the Task Force members and made a presentation to the OSC plenary of Monday, March 13, 2000. His proposed return visit during the period April 6th to 11th, 2000 has been postponed by letter dated April 3, 2000, until the Task Force signals its readiness to have further face to face discussions with him, if necessary. These discussions might include his ideas on a revised local government system, which the Task Force has already raised with him. (*Appendix B contains Professor Reynolds' written proposals and two clarifications.*)"
- 6.4. Thereafter, the Committee agreed that the amended Fourth Report on the Oversight Committee on Constitutional Reform along with its Appendices be submitted to the Minister of Agriculture and Parliamentary Affairs for presentation to the National Assembly.

ADJOURNMENT

At 7.00 p.m. the meeting was adjourned to Wednesday, 19th April, 2000 at 5.00 p.m.



Hon. Moses V. Nagam, ~~Minister of Information~~,
Minister of Information,
CHAIRMAN - OVERSIGHT COMMITTEE.

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM
MINUTES OF THE 13TH MEETING
OF THE OVERSIGHT COMMITTEE
HELD IN THE PARLIAMENT CHAMBER/COMMITTEE ROOM,
PUBLIC BUILDINGS, GEORGETOWN,
ON WEDNESDAY 19TH APRIL, 2000
at 5.20 P.M.

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

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

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

Other Members -

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

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

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

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

Mr. Vincent Alexander

From The United Force (1)

Mr. Manzoor Nadir, M.P.

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

By Invitation Other Members of Task Forces “C” and “D”

Task Force “C”

Mr. C. M. Llewellyn John

Task Force “D”

Mr E. Lance Carberry, M.P.
Mr William Sampson
Ms Roxane George
 Legal Advisory Person

Officers (3)

Mr. Maurice B. Henry,
 Executive Secretary

Mr. Oscar E. Moore,
 Administrative Assistant

Ms Debra H. Cadogan
 Administrative Assistant

ITEM 1 CALL TO ORDER

- 1.1 The Chairman called the meeting to order at 5.20 p.m.

ITEM 2 AGENDA

- 2.1 Members adopted the Agenda.

ITEM 6 MATTERS ARISING

- 6.1 Dr Roopnaraine referred to paragraph 6.1.2.6 and informed the Committee that Task Force “A2” had completed the revision of the text of the draft Preamble and that copies would be distributed shortly.

ITEM 7 BUSINESS

7.1 **Review of Reports on Drafting Briefs**

7.1.1 **Task Force “C” Drafting Brief**

- 7.1.2 Mr C.M. Llewellyn John, on the invitation of the Chairman, presented the Drafting Briefs of Task Force “C” for consideration by the Committee.

- 7.1.3 The Committee agreed to the following:

7.1.3.1 **Page 1, Recommendation 9.6.3.1(1):**

- (i) that the following formulation from the Irish Constitution should be adopted:

“A person who holds or has held the office of President is eligible for re-election only once.”;

- (ii) that the term “hold” as defined on page 31 of the Special Select Committee’s Report should be applied to the Irish formulation

- (iii) **Column 4: Substitution of** the following for the second paragraph:

“A person who is not eligible to be elected President shall not be eligible for appointment as Prime Minister.”

- 7.2 The Committee thereafter continued its consideration of the Drafting Briefs of Task Force “C” in the Committee Room.

7.3 **Page 2, Recommendation 9.6.3.2**

7.3.1 **Column 5:**

The words “**the period**” in line 1 of paragraph 3 should be determined to be “**as early as possible but no later than six months**”.

7.4 **Page 4**

(i) **Recommendation 9.6.3.5**

Task Force “E” should refer to the Drafting Briefs of Task Force “D” on the Judiciary.

(ii) **Recommendation 9.6.3.8**

Task Force “E” should refer to the Drafting Briefs of Task Force “D” on the Judiciary.

7.5 **Page 6, Recommendation 9.6.3.11**

(i) **Column 4:** Delete the drafting brief and retain the original recommendation by the Constitution Reform Commission as approved by the Special Select Committee and the National Assembly which has prescribed the deletion of paragraph (7) of Article 232.

(ii) Task Force “E” should review Article 120 for consequential amendments following the deletion of paragraph (7) of Article 232.

7.6 **Page 9, Recommendation 9.18.3**

7.6.1 **Column 4: Paragraph (4), line 6**

7.6.2 **Deletion of** the words “of the” before the word “State”.

7.7 The Committee agreed that the Drafting Briefs of Task Force “C” should be submitted to Task Force “E” with the comments on and changes made to them.

7.8 **Amended Ethnic Relations Drafting Brief**

7.8.1 The Committee agreed to defer examination of the amended draft of the Ethnic Relations Drafting Brief to the meeting scheduled for Wednesday, 26th April, 2000.

DATE OF NEXT MEETING

It was agreed that the next meeting would be held on Wednesday, 26th April, 2000. The items for discussion would be the amended drafting brief on the Ethnic Relations Commission and consideration of a timetable for Constitution Revisions Drafts.

ADJOURNMENT

At 7.35 p.m. the meeting was adjourned to Wednesday, 26th April, 2000 at 5.00 p.m.

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

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

**MINUTES OF THE 14TH MEETING
OF THE OVERSIGHT COMMITTEE
HELD IN THE PARLIAMENT CHAMBER,
PUBLIC BUILDINGS, GEORGETOWN,
ON WEDNESDAY 26TH APRIL, 2000
AT 4.18 P.M.**

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

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

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

Other Members

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

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

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

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

Mr. Vincent Alexander

From The United Force (1)

Mr. Manzoor Nadir, M.P.

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

By Invitation Other Members of Task Forces “C” and “D”

Task Force “B”

Mr Rudy Collins

Task Force “C”

Mr C.M. Llewellyn John

Task Force “D”

Mr E. Lance Carberry, M.P.

Mr William Sampson

Mr Randolph Kirton

Task Force “E”

Mr Cecil Dhurjon, A.A., S.C.,

Chief Parliamentary Counsel

Justice Oswald Legall

Professor Keith S. Massiah, O.R., S.C.

Mr Zehar Singh Negi

Legal Draftsman

Ms Roxane George,

Assistant Director of Public Prosecutions

Ms Alexis Downes-Amsterdam,

Principal Parliamentary Counsel

Officers (3)

Mr. Maurice B. Henry,

Executive Secretary

Mr. Oscar E. Moore,

Administrative Assistant

Ms Debra H. Cadogan

Administrative Assistant

ITEM 1 CALL TO ORDER

- 1.1 The Chairman called the meeting to order at 4.18 p.m.

ITEM 2 AGENDA

- 2.1 Members adopted the Agenda.

ITEM 3 ANNOUNCEMENTS

3.1 **Welcome**

- 3.1.1 The Chairman extended a warm welcome to Members of the Committee and Officials. Special welcome was extended to Members of Task Forces “B”, “C”, “D” and “E” who were in attendance by invitation.

3.2 **Fourth Report on the Oversight Committee on Constitutional Reform**

- 3.2.1 The Chairman informed the Members that he had forwarded the Fourth Report on the Oversight Committee on Constitutional Reform to the Minister of Agriculture and Parliamentary Affairs for presentation to the National Assembly.

ITEM 4 DOCUMENTS CIRCULATED

- 4.1 The following documents were circulated on 25th April, 2000:

- (i) The Agenda dated 20th April, 2000
- (ii) Minutes of 13th Meeting held on Wednesday, 19th April, 2000
- (iii) Final Draft Preamble submitted by TF “A2”
- (iv) Memorandum by Mr W.H. Parris, CCH - **Inaccuracies and Misrepresentations in Article on Pg 19 of Stabrock News (Thursday April 20,2000) entitled “Parliamentary parties in talks on MOU”**
- (v) Letter from Guyana Human Rights Association dated 14th April, 2000 on issues of Fundamental Rights.

4.2 The following documents were circulated at the meeting:

- (i) Issues to be elevated to the Level of Fundamental Rights
- (ii) Issues to be addressed regarding the Fundamental Rights
- (iii) Fourth Report on the Oversight Committee on Constitutional Reform.

ITEM 5 CONFIRMATION OF MINUTES

5.1 The Committee took note of the Minutes of the 13th Meeting held on Wednesday, 26th April, 2000, but deferred its confirmation to a later date.

ITEM 6 BUSINESS

6.1 Review of Reports on Drafting Briefs

6.1.1 Ethnic Relations Commission Drafting Briefs (Including consideration of issues raised by Dr Rupert Roopnaraine, MP)

6.1.2 Dr Ramsammy, Overseer of Task Force “D”, explained that the Drafting Briefs on the Ethnic Relations Commission was a redraft of the original document and included Dr Roopnaraine’s, Mr Nadir’s and Mr Brain Burdekin’s comments. *(Mr Burdekin is a Special Advisor on National Institutions, Regional Arrangements and Preventative Strategies to the High Commissioner for Human Rights.)*

6.1.3 The Committee noted that:

- (i) the words “all forms of discrimination” in paragraph 2 were meant to relate to “all forms of ethnic discrimination” and must be so construed;
- (ii) there was no need for an overarching commission within which all other commissions would fall;
- (iii) Dr Roopnaraine undertook to submit a structure on the functioning of the Commissions as he perceived was the intention of the Constitution Reform Commission.

- 6.1.4 Thereafter the Committee approved of the submission of the Drafting Brief on the Ethnic Relations Commission to Task Force “E” for drafting.
- 6.2 **Clarification:**
- 6.2.1 **Fundamental Rights and Human Rights (Relevant documents:**
(a) Issues to be addressed regarding the Fundamental Rights Provisions: TF “E”
(b) Letter from Guyana Human Rights Association dated 14th April, 2000 on Issues of Fundamental Rights)
- 6.2.2 Ms George, on behalf of Task Force “E”, presented the issues to be addressed regarding the Fundamental Rights Provisions. (See Appendix).
- 6.2.3 Professor Massiah explained the history and evolution of the fundamental rights provisions in the Constitution of Guyana and pointed out that it was based on the State Action Doctrine. Out of this explanation arose discussions on whether there was a need for an enlargement of the fundamental rights provisions to apply to natural and juristic persons. This was followed by the question as to how to treat the issues raised by Task Force “E”.
- 6.2.4 During the discussion, the Committee took note of the letter from the Guyana Human Rights Association dated 14th April, 2000, and refuted its claim that the Committee had approved of proposals to abolish the concept of fundamental rights from the new Constitution.
- 6.2.5 Professor Massiah suggested that the issues recommended to be elevated to the level of fundamental rights should be placed into three categories:
- I** Those which could be treated as declaratory principles and would thus be qualified for the present Chapter II of the Constitution.
 - II** Those which would fall within the State Action Doctrine.
 - III** Those which could be treated as basic human rights but not fundamental rights, and which could attract court action.

- 6.2.6 The Committee agreed that Task Force “E” should clearly define “Fundamental Rights” and prepare the requisite drafts. Further it should formulate those issues to fall within the declaratory principles and basic human rights categories. Thereafter the Committee would decide whether there would be any need to seek guidance from Parliament on the question of recognition of natural and juristic persons.
- 6.3 The Committee then considered the additional Notes on Issues to be addressed regarding the Fundamental Rights and agreed as follows:
- 6.3.1 **Recommendation 9.2.3.2(9):**
- 6.3.1.1 The equality of status provision for children should have retrospective effect.
- 6.3.2 **Recommendation 9.3.3(3):**
- 6.3.2.1 The devolution of power to institutions within the local government system as a right of Indigenous Peoples is to be a fundamental right, and Task Force “E” should formulate an appropriate draft within the local government section.
- 6.3.3 **Recommendation 9.4.3(3):**
- 6.3.3.1 With respect to the conferring of citizenship on anyone born in Guyana except for children born to persons with immunities or enemy aliens, the Oversight Committee does not envisage a replacement of this provision and/or a removal of the limitations in article 43.
- 6.3.3.2 The Oversight Committee does not wish to pronounce on the issue of whether a child born to a Guyanese and a non-Guyanese would or would not be a citizen.
- 6.3.4 **Recommendation 9.4.3(9):**
- 6.3.4.1 Task Force “E” must consider this recommendation in light of the decision taken at paragraph 6.2.6.

6.4 **Notes on OSC Timetable**

6.4.1 The Coordinator, Planning and Monitoring, presented the **Note on the OSC Timetable for Draft Legislation** which initially proposed the following in summary:

- (i) Issues on Fundamental Rights - **Wednesday, 26 April;**
- (ii) Issues on Constitutional Commissions - **Wednesday, 26 April;**
- (iii) Professor Massiah's Drafts: 9.2.3.1(1);
9.2.3.1(2); 9.2.3.2(1); 9.2.3.2(2);
9.2.3.2(3); 9.2.3.2(6); 9.2.3.2(8) **Date to be fixed (7
recommendations)**
- (iv) Professor Massiah's Drafts: 9.2.3.2(8);
9.2.3.3(16); 9.2.3.2(17); 9.2.3.2(18);
9.2.3.2(18); 9.2.3.2(20); 9.2.3.2(21) **Date to be fixed (7
recommendations)**
- (v) Professor Massiah's Drafts: 9.2.3.4;
9.5.3(3); 9.14.3(1); 9.14.3(2);
9.20.3; 9.16.3(1) **Date to be fixed (6
recommendations)**

6.4.2 **Paragraph 1** of the Noted was corrected to read as follows:

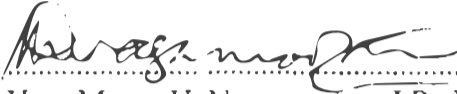
- (i) Of the **170 recommendations**, the Drafting Task Force "E" has **completed first drafts of 109**, as of 22 April, 2000. This leaves 61 (40%) of the recommendations still to be drafted.
- (ii) **Paragraph (iv)** of the initial timetable was corrected as follows:

Deletion of "9.2.3.2(8)" in line 1; **Substitution of "9.2.3.2(16)"** for "9.2.3.3(16)" in line 1; and **Substitution of "9.2.3.2(19)"** for the second "9.2.3.2(18)" in line 2.

6.4.3 Thereafter the Committee agreed to meet at 2.00 p.m. on Saturday, 29th April, 2000 to review Professor Massiah's Drafts at (iii), (iv) and (v) of paragraph 6.4.1.

ADJOURNMENT

At 7.05 p.m. the meeting was adjourned to Saturday, 29th April, 2000 at 2.00 p.m.


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

NOTE TO OVERSIGHT COMMITTEE
FROM TASK FORCE E
17-04-2000

Issues to be addressed regarding the Fundamental Rights Provisions

Task Force E is in the process of formulating drafts on the **Fundamental Rights** provisions for the consideration of the Oversight Committee. Task Force E is of the opinion that while the recommendations of the Constitutional Reform Commission (CRC) include the elevation of some of the principles in Chapter 2 to fundamental rights, it may be difficult to so include them. In the absence of a specific recommendation by the CRC that the fundamental rights provisions are to apply to the State as well as to natural and juristic persons, these provisions would only apply to the State in the context of Guyana i.e. they will be enforceable only as regards violations by the State of the rights enshrined pursuant to the State action doctrine.

This is to say, it is the State's responsibility to ensure that the rights of the citizen are observed by the various arms of the State. The fundamental rights provisions are not enforceable against the private sector. It must be noted that since these rights are enforceable against the State, then it is the State that must have the resources, especially financial resources, to satisfy these rights. While it is known that there is provision in the Constitution of South Africa for some of these rights, one has to bear in mind that the history of the jurisprudence of South Africa would most likely be quite different to that of Guyana which follows the common law, and is part of the Commonwealth, in which there is a definition of what constitutes a fundamental right and against whom it is enforced. Also one has to consider the limitations that have been placed on the application of these rights in the South African Constitution where they apply to natural and juristic persons.

Task Force E has strong reservations about the inclusion of the following in the fundamental rights provisions as provided in the drafting brief of Task Force A1:

- 1) 9.2.3.2 (8) & 9.16.3 (1) - The right to work and duty to work – Does the State have the wherewithal to provide work for anyone who sues? Does this imply that the State is to provide jobs? Or does it mean that the State must not hinder a person where he/she has the ability to do work and/or seek employment of his/her choice? While Rec. 9.2.3.2 (8) speaks of the right to work being elevated to a fundamental right, rec. 9.16.3 (1) refers to a more comprehensive provision to be included in the part dealing with General Principles.
- 2) 9.2.3.2 (7) - The right to inheritance – How can the State provide and guarantee that persons have an inheritance? – an inheritance from whom? If there is no inheritance to be had from one's family or otherwise is the State to provide an inheritance if a person sues to enforce this right?
- 3) 9.2.3.2 (11) - The right to entitlement of all children to parental maintenance and shelter. How can the State force parents to maintain their children and if the latter default?

Can the State, realistically, provide such maintenance? Since this is fundamental right, then a child may sue the State for the provision of maintenance.

- 4) 9.2.3.2 (12) and 9.4.3 (5) - The entitlement of all children to compulsory free primary education and free education up to age 15 years – If this right is not adhered to then the State may be sued for the non-provision of such education. Further, one cannot have a part of a right in the fundamental rights provisions and another part in the chapter outlining principles. Therefore the suggestion of Task Force A1 that the compulsory nature of this recommendation should be placed in the chapter dealing with principles would not be feasible. One may say that the State shall not hinder anyone in the pursuit of education of his/her choice and that the State shall not discriminate in the provision of education in State funded institutions (see Constitution of India).
- 5) 9.2.3.2 (13) and 9.4.3 (6) – The right to entitlement of all children to free primary health care – Can the State provide this if a child were to sue to enforce this right? One may say that the State shall not hinder anyone in accessing health care that is provided by the State which shall not discriminate in the provision of such health care in State funded institutions (see Constitution of India).
- 6) 9.2.3.2 (17) and 9.20.3 – The inclusion of a protection against vilification of religion of another person as a limitation to the right to freedom of conscience and religion. A violation of this right would however most likely occur as between private citizens. Therefore including a limitation such as this may mean that the State could be responsible for ensuring that persons do not vilify another's religion and could be sued if a private citizen is found wanting and/or the State is unable to prevent the private person from so doing. However this limitation may be stated in terms of applicability to the State in that it would be liable if its servants or agents violated it.
- 7) 9.2.3.2 (18) – The inclusion of a provision excluding hate speech as a limitation to the right to freedom of speech could mean that the State could be liable for the speech of private persons since this would most likely occur as between private persons. Can the State be held liable for the words and deeds of private persons? Again the limitation of this right may be stated in terms of applicability to the State in that it would be liable if its servants or agents violated it.
- 8) 9.2.3.2 (20) and 9.2.3.2 (21) – The right to conclude collective labour agreements that are legally binding and the right to strike – This may mean that if such an agreement is not entered into as between trade unions and employers, or if workers are not allowed to strike by their employers, that trade unions and/or workers could have the right to sue the State even where the State is not the employer. Or is it that the inclusion of these rights is meant to ensure that the State does not legislate to outlaw collective bargaining agreements and strikes and that the State itself complies with the provision?
- 9) 9.14.3 (2) - While a person may have the right to establish a private school, if one were to also include in that right that these schools must provide for minorities, including children with disabilities then it means that the State can be sued for non-provision of these things. Further, in relation to the right to access to nursery, primary and secondary education irrespective of economic status -- it could mean that the State can be sued where a private school does not provide such access (1) for not causing the private school to provide such

access and/or (2) for not providing alternative accommodation for the applicant. This part of the recommendation (in relation to access) has to be read in conjunction with the other parts of it that refer to private schools though its applicability is unclear. Also this recommendation has to be read along with those on education mentioned above.

SUGGESTIONS BY TASK FORCE E

It is suggested that the OSC reassesses its position on these issues. The OSC could decide that since the addition of a right can be effected by a two-thirds majority, that Parliament should be allowed to have a full debate on the pros and cons of the inclusion of those rights which are really matters as between private citizens before they are included in the Constitution as fundamental rights. In the meantime the OSC could recommend that they be included as principles in the new Constitution bearing in mind that there would be a provision for the court to take note of these principles when adjudicating. Alternatively, the OSC can decide the issue of the applicability of the fundamental rights to natural and juristic persons, other than the State, and provide that redress can only be sought at the level of the Human Rights or other relevant commission as apparently is the case in Canada. The latter was discussed at the CRC and may have informed the decision to include the rights outlined above. Another alternative is for the OSC to recommend that these rights be left for the Standing Committee on Constitutional Reform to consider at a later date as part of the ongoing process of constitutional reform. Yet another alternative is for the OSC to decide that it is contemplated that the above rights and limitations can be included but with the restriction to the State and its agents.

TASK FORCE E

OVERSIGHT COMMITTEE ON CONSTITUTIONAL REFORM

MINUTES OF THE 15TH MEETING OF THE OVERSIGHT COMMITTEE HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, GEORGETOWN, ON SATURDAY 29TH APRIL, 2000 AT 12.20 P.M.

ATTENDANCE

MEMBERS OF THE COMMITTEE (7)

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

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

Other Members -

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

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

Dr. Leslie S. Ramsammy, M.P.

From the People's National Congress (2)

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

Mr. Vincent Alexander

From The United Force (1)

Mr. Manzoor Nadir, M.P.

From the Working People's Alliance (1)

Dr. Rupert Roopnaraine, M.P.

Task Force “E”

Mr Cecil Dhurjon, A.A., S.C.,
Chief Parliamentary Counsel
Justice Oswald Legall
Professor Keith S. Massiah, O.R., S.C.
Mr Zehar Singh Negi
Legal Draftsman
Ms Roxane George,
Assistant Director of Public Prosecutions
Ms Alexis Downes-Amsterdam,
Principal Parliamentary Counsel

Officers (3)

Mr. Maurice B. Henry,
Executive Secretary

Mr. Oscar E. Moore,
Administrative Assistant

Ms Debra H. Cadogan
Administrative Assistant

ITEM 1 CALL TO ORDER

1.1 The Chairman called the meeting to order at 12.20 p.m.

ITEM 2 AGENDA

2.1 Members adopted the Agenda.

ITEM 3 ANNOUNCEMENTS

3.1 **Welcome**

3.1.1 The Chairman extended a warm welcome to Members of the Committee and Officials. Special welcome was extended to Members of Task Force “E” who were in attendance by invitation.

3.2 **Fourth Report on the Oversight Committee on Constitutional Reform**

3.2.1 The Chairman informed the Members that at the sitting of the National Assembly which was held on Wednesday, 29th April, 2000, the Minister of Agriculture and Parliamentary Affairs presented to the Assembly the Fourth Report on the Oversight Committee on Constitutional Reform - dated April 8, 2000.

ITEM 4 DOCUMENTS CIRCULATED

4.1 The following documents were circulated on 27th April, 2000:

- (i) The Agenda dated 27th April, 2000
- (ii) Drafting Brief on Local Government by Task Force "B"

4.2 The following document was circulated at the meeting:

- (i) Minutes of 14th Meeting held on Wednesday, 26th April, 2000.

ITEM 5 CONFIRMATION OF MINUTES

5.1 The Committee deferred confirmation of the Minutes of the 14th Meeting held on Wednesday, 26th April, 2000.

ITEM 6 BUSINESS

6.1 **Review of First Legal Drafts Briefs**

6.2 **Draft No. 1 by Professor Keith Massiah, OR, SC**

6.3 The Committee commenced review of Draft No. 1 submitted by Professor Keith Massiah, OR, SC

6.3.1 **Recommendation 9.2.3.1(1):**

6.3.1.1 The Committee considered the draft article and the notes to the article and decided to defer further consideration of the draft until Members had had an opportunity to examine the verbatim records of the CRC and other documents relating to this matter.

- 6.3.2 **Recommendation 9.2.3.1(2):**
- 6.3.2.1 The Committee agreed to the draft article for the implementation of this recommendation.
- 6.3.3 **Recommendation 9.2.3.2.(1):**
- 6.3.3.1 The Committee agreed to the amendment of article 149 (2) to expand the meaning of “discriminatory” to include age, disability, marital status, sex, gender, language, sexual orientation, place of birth and social class.
- 6.3.4 **Recommendation 9.2.3.2(2):**
- 6.3.4.1 The Committee agreed to the following draft article 139 (3) and (4) as submitted by Task Force “A1”:
- 6.3.4.2 “(3) *Any person who is arrested or detained shall be informed as soon as reasonably practicable, in a language that he or she understands, of the reasons for his or her arrest or detention, and shall be entitled, at his or her own expenses, to retain and instruct without delay a legal adviser of his or her own choice, being a person entitled to practice in Guyana as an Attorney-at-law, and to hold communication with him or her.*
- (4) *Any person who is arrested or detained -*
- (a) *for the purpose of bringing him or her before a court in execution of the order of a court; or*
- (b) *upon reasonable suspicion of him or her having committed or being about to commit a criminal offence,*
- and who is not released, shall be brought before a court within seventy two (72) hours of arrest or detention, but the police may apply to the courts for extensions of time, and if any person arrested or detained upon reasonable suspicion of his or her having committed or being about to commit a criminal offence is not tried within a reasonable time, then, without prejudice to any further proceedings which may be brought against him or her, he or she shall be released either unconditionally or upon reasonable conditions, including in*

particular such conditions as are reasonably necessary to ensure that he or she appears at a later date for trial or for proceedings preliminary to trial. "

6.3.5 **Recommendation 9.2.3.2(3):**

6.3.5.1 The Committee agreed to obtain the help of Justice Legall and the Guyana Bar Association to assist in the formulation of the drafting brief for its consideration.

6.3.6 **Recommendation 9.2.3.2(6):**

6.3.6.1 Consideration of this recommendation was deferred pending the completion of the categorisation of the issues to be elevated to the level of fundamental rights.

6.3.7 **Recommendation 9.2.3.2(8):**


6.3.7.1 Consideration of this recommendation was deferred pending the completion of the categorisation of the issues to be elevated to the level of fundamental rights.

6.3.7.2 It was suggested that Professor Massiah should consult that portion of the book on "**The International Law of Human Rights by Paul Sieghart, 1984**" which dealt with the right to work.

6.3.7.3 It was decided to continue consideration of Draft No. 1 at the next meeting of the Oversight Committee.

ADJOURNMENT

At 2.10 p.m. the meeting was adjourned to Wednesday, 3rd May, 2000 at 5.00 p.m.


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

APPENDIX B

**STATUS REPORT (# 1)
ON
DRAFTING OF REVISIONS TO CONSTITUTION**

Wednesday, May 10, 2000

SUMMARY

1. The following twenty-two pages of tables describe the status of draft legislation related to each of the recommendations made for revision of the Constitution. A single page is devoted to each of the categories of recommendation, following the nomenclature of the "blue book." The last page is a Summary Table showing each of the 23 categories of recommendations, and their overall state of completeness. For the 171 recommendations taken as a whole, 15% of the work has been completed as at the beginning of Wednesday, 10 May, 2000.

The acronyms used are as follows:

OSCDB -	Drafting Briefs approved by the Oversight Committee.
DRFTR -	The initials of the Draftsperson assigned to the particular recommendation.
TFE	First Draft of revision has been given to the OSC by Task Force "E"
OSC 1	First Review of Drafts of revisions presented by TFE to a plenary of the OSC.
OSC 2	Second (and hopefully final) Review of Drafts presented by TFE to plenary of OSC.
A "1"	means "Yes" to the implied question of whether the activity has been completed.
A blank	means "No"

Thus, for example, on the table headed FUNDAMENTAL RIGHTS, there have been 29 recommendations from the Select Committee blessed by the National Assembly. Drafting Briefs have been approved by the OSC for all 29 of those recommendations. Only 13 of those recommendations have been converted into draft legislation agreed consensually by the TFE and sent to the OSC. All 13 of those TFE drafts have been considered by the OSC in plenary. Only 6 of those 13 drafts have received final approval from the OSC in plenary.

3. **Main areas of concern** should be the following

The absence of OSCDB for: Local Government (9.8); The Judicature (9.9); the Electoral System (9.11); Commissions (9.19); and Race Relations (9.21)

4. The **urgent corrective action required** involves:

The OSC in plenary completing review for approval of the Drafting Brief of Task Force "D" (only the Ethnic Relations brief has been approved);

The Task Force "B" completing its Drafting Briefs for review by the OSC (only the main part of the Elections Commission brief has been concluded);

The OSC in plenary reviewing Task Force "B"'s brief on Local Government.
(In the case of Task Force "B", its deadline of 13 April, 2000 has long passed)

5. Task Force "E" is continuing to finalise legal drafts for items where OSC approved drafting briefs are available, and to do the research on the categorisation and other problems discussed in OSC plenary in relation to Fundamental Rights

W. H. Parris
Wednesday, May 10, 2000

FUNDAMENTAL RIGHTS

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

INDIGENOUS RIGHTS

Recmnd	Descrip	OSCDB	DRFTR	TFE	OSC1	OSC2
9.3.3(1)	Refer to Indigenous Peoples in the Preamble	1	ADA			
9.3.3(2)	Rights of Indigenous Peoples to be placed under Fundamental Rights	1				
9.3.3(3)	Self-determination of Indigenous Peoples	1	ADA			
9.3.3(4)	Indigenous People's Commission	1	RG			
	4	4		0	0	0

RIGHTS OF THE CHILD

Recmnd	Descrip	OSCDB	DRFTR	TFE	OSC1	OSC2
9.4.3(1)	Enforceable provisions for rights of children	1	ADA			
9.4.3(2)	Inalienable rights of children	1	ADA			
9.4.3(3)	Entitlement of children to a name, etc.	1	ADA			
9.4.3(4)	Entitlement of children to financial maintenance	1	ADA			
9.4.3(5)	Entitlement of children to free education	1	ADA			
9.4.3(6)	Entitlement of children to free primary health care	1	ADA			
9.4.3(7)	Protection of children from exploitation, etc.	1	ADA			
9.4.3(8)	Children's Commission for promotion & protection of rights	1	RG			
9.4.3(9)	Protection of children from narcotics	1	RG			
9.4.3(10)	Definition of a child	1	ADA			
	10	10		0	0	0

GENDER RIGHTS

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

THE PRESIDENCY

Recmnd	Descrip	OSCDB	DRFTR	TFE	OSC1	OSC2
9.6.3.1(1)	Maximum term for the President	1	CD			
9.6.3.1(2)	Nationality & Residency of President	1	CD			
9.6.3.2	Resignation on vote of no confidence	1	CD			
9.6.3.3	Assignment of Minister to answer questions	1	CD			
9.6.3.4	Approval of expenditure chargeable to consolidated fund	1	CD			
9.6.3.5	Appointment of Judges	1	CD			
9.6.3.6	Amendment of President's power to dissolve Parliament	1	CD			
9.6.3.7	Reduction of weighted majority to remove President	1	CD			
9.6.3.8	Extension of tenure of office of Judges	1	CD			
9.6.3.9	Removal from office of certain persons	1	CD			
9.6.3.10	Deletion of Article 231- non enquiry by any court	1	CD			
9.6.3.11	Deletion of Article 232(7)-abolition of office/removal public	1	CD			
9.6.3.12	Meaningful Consultation	1	CD			
	13	13		0	0	0

PARLIAMENT

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

LOCAL GOVERNMENT

Recmnd Descrip OSCDB DRFTR TFE OSC1 OSC2

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

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THE JUDICATURE

Recmnd	Descrip	OSCDB	DRFTR	TFE	OSC1	OSC2
9.9.3.1(1)	Independence of the Judiciary	OL				
9.9.3.1(2)	No Party control of appointment of judges	OL				
9.9.3.2	Funding & administrative autonomy of Judicial system	OL				
9.9.3.3	Appointment of Registrar, As. Registrar, & Officers of High Court	OL				
9.9.3.4	Appointment of Judges	OL				
9.9.3.5	Appointment of the Chancellor & the Chief Justice	OL				
9.9.3.6	Extension of tenure of judges	OL				
9.9.3.7	Time limit for judges' decisions	OL				
9.9.3.8	Caribbean Court of Appeal	OL				
9.9.3.9	Part-time judges	OL				
9.9.3.10	Retirement ages of Puisne Judge & Justice of Appeal	OL				
9.9.3.11	Description of Misbehaviour	OL				
9.9.3.12	Retired judges practising at the Bar	OL				
13		0	0	0	0	0

ELECTIONS COMMISSION

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

ELECTORAL SYSTEM

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



THE CONSTITUTION AS A DOCUMENT

Recmnd Descrip

OSCDB DRFTR TFE OSC1 OSC2

9.12.4(1) Constitution language to be gender neutral	1				
9.12.4(2) Constitution language to be simple & readily accessible to citizens	1				
9.12.4(3) Provisions for disadvantage and disabled persons to be highlighted	1	ZN			
9.12.4(4) Additions to and removal of fundamental rights	1	ZN			
4	4		0	0	0

LAND AND THE ENVIRONMENT

Recmnd	Descrip	OSCDB	DRFTR	TFE	OSC1	OSC2
9.13.3(1)	Text on the environment	1	ZN			
9.13.3(2)	Right to an environment that is not harmful	1	ZN			
9.13.3(3)	Ancestral & Indentureship Rights	1				
9.13.3(4)	Revised Article 18 - Productive & Beneficial use of Land	1	ZN			
	4	4		0	0	0

RIGHT TO EDUCATION

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

THE ECONOMY

Recmnd	Descrip	OSCDB	DRFTR	TFE	OSC1	OSC2
9.15.3.1(1)	Objective of the political system	1	ZN			
9.15.3.1(2)	Goal of economic development	1	ZN			
9.15.3.1(3)	Further goal of economic development	1	ZN			
9.15.3.1(4)	Development of relevant forms of cooperation	1	ZN			
9.15.3.1(5)	Private enterprise	1	ZN			
	5	5		0	0	0

THE RIGHT AND THE DUTY TO WORK

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

FINANCE

Recmnd	Descrip	OSCDB	DRFTR	TFE	OSC1	OSC2
9.17.3(1)	Retention of Articles 216 & 217	1	OL			
9.17.3(2)	Amendment of Article 218	1	OL			
9.17.3(3)	Oversight Committee for Office of Auditor General	1	OL			
9.17.3(4)	Exclude Auditor General from advisers to Cabinet	1	OL			
9.17.3(5)	Auditor General to submit reports through Speaker of	1	OL			
9.17.3(6)	Make constitutional independence of Auditor General	1	OL			
9.17.3(7)	Public Tender Commission	1	RG			
	7	7		0	0	0

NATIONAL SECURITY

Recmnd	Descrip	OSCDB	DRFTR	TFE	OSC1	OSC2
9.18.3(1)	State's defence & security policy	1				
9.18.3(2)	Disciplined Forces Commission	1	RG			
9.18.3(3)	Constitutional enshrinement of police & defence forc	1				
	3	3		0	0	0

COMMISSIONS

Recmnd	Descrip	OSCDB	DRFTR	TFE	OSC1	OSC2
9.19.3.1(1)	Criteria for establishment of Constitutional Commissi	RG				
9.19.3.1(2)	Criteria for establishment of Constitutional Commissi	RG				
9.19.3.1(3)	Criteria for establishment of Constitutional Commissi	RG				
9.19.3.1(4)	Criteria for establishment of Constitutional Commissi	RG				
9.19.3.2(1)	Staffing of Secretariats of Commissions	RG				
9.19.3.2(2)	Common Secretariats for like Commissions	RG				
9.19.3.3	Minimising Executive influence on Commissions	RG				
9.19.3.4	Right of appeal against decisions of Commissions or	RG				
9.19.3.5#7	Disciplined Services Commission	RG				
9.19.3.5#11	Human Rights Commission	RG				
9.19.3.5#18	Land Distribution & House Allocation Commission					
9.19.3.5#33	Ethnic Relations Commission	1	OL		1	
9.19.3.5#8	Elections Commission	1	CD		1	1
9.19.3.5#16	Judicial Service Commission		OL			
9.19.3.5#24	Commission on Women & Gender Equality	RG				
9.19.3.5#26	Police Service Commission	RG				
9.19.3.5#27	Commission on the Rights of the Child	RG				
9.19.3.5#30	Public Service Commission	RG				
9.19.3.5#32	Public Tender Commission	RG				
9.19.3.5#34	Teaching Service Commission	RG				
	20	2		2	1	1

RELIGION

Recmnd	Descrip	OSCDB	DRFTR	TFE	OSC1	OSC2
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9.20.3	Provision for protection of religious beliefs & practice	1	KM	1	1	
	1	1		1	1	0

RACE RELATIONS

Recmnd	Descrip	OSCDB	DRFTR	TFE	OSC1	OSC2
9.21.3.1(1)	Constraints on incitement to racial & ethnic divisiven		OL			
9.21.3.1(2)	Disbarment of political parties from contesting electio		OL			
9.21.3.1(3)	Disbarment of political parties from contesting electio		OL			
9.21.3.2(1)	Ethnic Relations Commission	1	OL		1	
9.21.3.2(2)	Appeal against decisions of Etnic Relations Commiss	1	OL		1	
	5	2		2	0	0

THE STATE AND THE CONSTITUTION

Recmnd	Descrip	OSCDB	DRFTR	TFE	OSC1	OSC2
9.22.3(1)	Change of name of Country - Amend Article 1	1	OL		1	
9.22.3(2)	Appendix for description of Flag & Coat of Arms	1	OL		1	
9.22.3(3)	New Article to contain National Pledge	1	OL		1	
9.22.3(4)	Provision to include National Pledge in Article 7	1	OL		1	
	4	4			4	0 0

CONSTITUTION REFORM FOR THE FUTURE

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

SUMMARY OF STATUS REPORT (#1)
Drafting of Revisions to Constitution
(As at 10 May, 2000)

ID#	DESCRIPTION	No.	OS/DB	FE	OSC 1	OSC 2	% COMPLETE
9.1	PREAMBLE	9	9	9	9	9	100%
9.2	FUNDAMENTAL RIGHTS	29	29	13	13	6	21%
9.3	INDIGENOUS RIGHTS	4	4	0	0	0	0%
9.4	RIGHTS OF THE CHILD	10	10	0	0	0	0%
9.5	GENDER RIGHTS	5	5	1	1	1	20%
9.6	THE PRESIDENCY	13	13	0	0	0	0%
9.7	PARLIAMENT	3	3	0	0	0	0%
9.8	LOCAL GOVERNMENT	11	0	0	0	0	0%
9.9	THE JUDICATURE	13	0	0	0	0	0%
9.10	ELECTIONS COMMISSION	6	5	4	4	4	67%
9.11	ELECTORAL SYSTEM	7	2	2	2	2	29%
9.12	THE CONSTITUTION AS A DOCUMENT	4	4	0	0	0	0%
9.13	LAND AND THE ENVIRONMENT	4	4	0	0	0	0%
9.14	RIGHT TO EDUCATION	2	2	2	2	1	50%
9.15	THE ECONOMY	5	5	0	0	0	0%
9.16	THE RIGHT AND THE DUTY TO WORK	5	5	1	1	1	20%
9.17	FINANCE	7	7	0	0	0	0%
9.18	NATIONAL SECURITY	3	3	0	0	0	0%
9.19	COMMISSIONS	20	2	2	1	1	5%
9.20	RELIGION	1	1	1	1	0	0%
9.21	RACE RELATIONS	5	2	2	0	0	0%
9.22	THE STATE AND THE CONSTITUTION	4	4	4	0	0	0%
9.23	CONSTITUTION REFORM FOR THE FUTURE	1	1	0	0	0	0%
TOTALS		171	120	41	34	25	15%

10 May, 2000