

**THE NATIONAL ASSEMBLY OF THE FIRST SESSION OF THE  
NINTH PARLIAMENT OF GUYANA (2006-2010)**

**EIGHTH REPORT**

**OF THE**

**COMMITTEE ON APPOINTMENTS**

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

**COMMITTEES DIVISION  
PARLIAMENT OFFICE  
PUBLIC BUILDINGS  
GEORGETOWN**

**15<sup>th</sup> July, 2010**

## **EIGHTH REPORT**

### **1. Introduction**

The Standing Committee established under the Constitution to address matters relating to the appointment of members of commissions, pursuant to article 119C of the Constitution and under the provisions of Standing Order No. 84, has agreed to the following as its Eighth Report -

### **2. Members of the Committee**

At a meeting of the Committee of Selection held on 14<sup>th</sup> December, 2006, the following Members were nominated to the Committee on Appointments to address matters relating to the appointment of Members of Commissions:

#### **Members from the People's Progressive Party/Civic:**

- (i) The Hon. Dr. Leslie S. Ramsammy, M.P
- (ii) The Hon. Robert M. Persaud, M.P
- (iii) The Hon. Brindley H.R. Benn, M.P
- (iv) The Hon. Priya D. Manickchand, M.P
- (v) The Hon. Jennifer I. Webster, M.P
- (vi) Ms. Gail Teixeira, M.P.

#### **Members from the People's National Congress/Reform - 1 Guyana:**

- (i) Mrs. Deborah Backer, M.P
- (ii) Dr. George A. Norton, M.P
- (iii) Ms. Amna Ally, M.P

#### **Member from the Alliance For Change:**

- Mrs. Sheila Holder, M.P

### 3. Election of Chairman

The Committee at its first meeting held on 21<sup>st</sup> December, 2006 unanimously elected Ms. Gail Teixeira, M.P. as its Chairperson.

### 4. Terms of Reference

The Committee, by way of Resolution No. 17 passed by the National Assembly on 8<sup>th</sup> May, 2003, was entrusted to discharge the following functions in relation to the appointment of members of the Commission established under the Constitution -

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

## **5. Mandate**

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

## **6. Meetings of the Committee**

A total of forty-eight (48) statutory meetings was held over the period 21<sup>st</sup> December, 2006 to 29<sup>th</sup> June, 2010.

## **7. Indigenous Peoples’ Commission**

The Indigenous Peoples’ Commission is one of four Rights Commissions established by articles 212G and 212S of the Constitution. Its primary functions as stated in article 212T are to:

- (a) promote and protect the rights of the indigenous peoples;
- (b) raise awareness of the contribution of, and problems faced by, indigenous peoples;
- (c) promote empowerment of the indigenous peoples, especially with regard to the village council in the local government system and the scope and authority of the Council of Tousehaos;
- (d) make recommendations on economic and education policies to advance the interest of the indigenous peoples;
- (e) make recommendations for the protection, preservation and promulgation of the cultural heritage and language of the indigenous peoples;

- (f) promote consultation and co-operation with indigenous peoples especially with regard to their participation in national decision-making and other decisions that affect their lives;
- (g) recommend and promote training and technical assistance to support initiative by and for indigenous peoples;
- (h) educate employers and the public and make recommendations to improve employment practices related to indigenous peoples; and
- (i) monitor the need for and recommend where appropriate the establishment of mechanisms to provide counseling for indigenous peoples.

#### **8. Composition of the Commission**

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

- (a) not more than ten members nominated by entities, by a consensual mechanism determined by the National Assembly, after the entities are determined by the votes of not less than two-thirds of all elected members of the National Assembly;
- (b) three persons, at least one being a woman, nominated by the Toushaos Council and two persons including one woman nominated by Amerindian organizations determined by the votes of not less than two-thirds of all elected members of the National Assembly; and
- (c) a member who shall be a nominee, without the right to vote, chosen by and from each of the following commissions: the Human Rights Commission, Ethnic Relations Commission, Women and Gender Equality Commission and Rights of the Child Commission.

## 9. PROCESS OF IDENTIFYING ENTITIES

9.1 On 17<sup>th</sup> April, 2007, at its 6<sup>th</sup> meeting, the Committee agreed to invite the National Toushaos Council, to make nominations as well as identify the four Amerindian Organisations namely, the Guyana Organization of Indigenous Peoples (GOIP), the Amerindian People's Association (APA), the Amerindian Action Movement of Guyana (TAAMOG), and the National Amerindian Development Foundation (NADF) to make nominations in keeping with article 212 S (2) (b) of the Constitution.

9.2 The four Amerindian organizations made separate nominations amounting to five persons. Based on the stipulation of article 212 S( 2) (b) which provides for only two (2) nominations from these bodies, the Committee decided to select from among these nominations by vote at its 15<sup>th</sup> meeting on 4<sup>th</sup> December, 2007, and, thereby, selected **Mr. David James and Ms. Matilda Saigo** as the two nominees.

9.3 The National Toushaos Council (NTC) held its bi-annual conference on 25<sup>th</sup> October 2007, and elected their nominees. The NTC, through the Ministry of Amerindian Affairs, subsequently submitted the names of the three nominees to the Committee on Appointments by letter dated 29<sup>th</sup> October, 2007, namely; **Toushao Yvonne Pearson, Toushao Dr. George Norton and Toushao William Andries.**

9.4 Also, at its 15<sup>th</sup> meeting on 4<sup>th</sup> December, 2007, the Committee considered the following entities for nominations under article 212 S (2) (a):

- Ministry of Amerindian Affairs
- Ministry of Health
- Ministry of Education
- Ministry of Labour, Human Services and Social Security
- Amerindian Research Unit, University of Guyana
- Guyana Geology and Mines Commission
- Private Sector Commission
- Environmental Protection Agency
- Guyana Tourism Authority or Tourism Hospitality Association
- Guyana Lands and Surveys Commission

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

- The Guyana Council of Churches
- The Guyana Human Rights Association
- The Guyana Bar Association
- Ministry of Home Affairs

9.6 At its 16<sup>th</sup> meeting held on Tuesday, 11<sup>th</sup> December, 2007, the Committee sought to develop a formula for the representation of the entities based on the various proposals that were discussed. Further, in keeping with the commitment contained in the Joint Agreement of the National Stakeholders' Forum of 12<sup>th</sup> March, 2008, to appoint the four constitutional Rights Commission within 90 days, the Committee at its 19<sup>th</sup> meeting on 18<sup>th</sup> March, 2008, acknowledged the responsibility given to it and agreed that it would treat this as a matter of priority and, therefore, it would meet weekly instead of fortnightly.

9.7 In accordance with its mandate, the Committee considered the *modus operandi* to be applied for the purpose of identifying representative organizations and agreed that it would try to retain the overarching principles that governed the process of the previous Committee, one of which was to promote broad participation.

9.8 At the 19<sup>th</sup> meeting on 18<sup>th</sup> March, 2008, the Members of the PNC/R-1G insisted on the principle of parity and proposed that in relation to article 212S (2)(a), the Committee should consult with not more than five(5) entities to provide five nominees, in keeping with the five persons nominated by the four Amerindian organizations and the National Tousehaos Council.

9.9 The PPP/C, however, felt that the Constitution provided for up to 10 members under article 212S (a) and, therefore, the Committee should consult with at least ten (10) entities.

9.10 Discussions on the identification of entities and the number of nominees continued at subsequent meetings held during the period 25<sup>th</sup> March to 13<sup>th</sup> May, 2008.

9.11 At the 26<sup>th</sup> meeting held on 20<sup>th</sup> May, 2008, the PPP/C Members proposed a compromise of a reduction from 10 to 8 entities under article 212 S (2)(a), in conjunction with the 5 nominations of the Amerindian entities under article 212 S(2) (b). This did not find favour with the PNC/R-1G Members on the Committee and an impasse between the two sides in relation to the number of members which would comprise the IPC continued from June, 2008 to January, 2009.

9.12 At its 34<sup>th</sup> meeting held on 13<sup>th</sup> January, 2009, the Committee agreed to take the matter to the National Assembly for guidance and a draft motion and an interim report was prepared for discussion by the Committee at its next meeting.



9.13 At its 35<sup>th</sup> meeting on January, 27<sup>th</sup>, 2009, the Committee on Appointments examined the Interim Report and the Motion. However, there was further disagreement among Members with regard to the draft motion and it was agreed that more time was required to give further consideration on the issue.

9.14 The Committee resumed discussions on the issue at its 36<sup>th</sup> meeting on 3<sup>rd</sup> February, 2009, and the PNC/R-1G indicated its willingness to move from its original proposition of a 5:5 ratio and increase the entities from 5 to 7 under article 212S (1)(a), once there was agreement on the entities among the Members. The PNC/R-1G also maintained that the number of entities should equal the number of persons to be nominated as members of the Commission.

9.15 The Committee, thereafter, met on 12<sup>th</sup> May, 2009, and re-commenced discussions on the list that was previously proposed, with a determined effort to arrive at a consensus.

9.16 The following fourteen (14) entities were put to the meeting with the PPP/C initially proposing eight and the PNC/R-1G, six:

- Ministry of Amerindian Affairs
- Ministry of Health
- Ministry of Education
- Ministry of Labour, Human Services and Social Security
- Amerindian Research Unit, University of Guyana
- Guyana Geology and Mines Commission
- Private Sector Commission
- Environmental Protection Agency
- Guyana Tourism Authority or Tourism Hospitality Association
- Guyana Lands and Surveys Commission

- Guyana Council of Churches
- Guyana Human Rights Association
- Ministry of Home Affairs

9.17 After much deliberation, the Committee unanimously agreed on the following seven (7) entities to nominate members to the Indigenous Peoples' Commission:

- Ministry of Amerindian Affairs
- Guyana Council of Churches
- Ministry of Labour, Human Services and Social Security
- Ministry of Health
- Amerindian Research Unit, University of Guyana
- Environmental Protection Agency
- Private Sector Commission

9.18 In July, 2009, the National Touseos Council held its bi-annual elections, and on 10<sup>th</sup> December, 2009, submitted to the Committee on Appointments, three newly elected nominees namely: **Touseos Marco DeSouza, Touseos Yvonne Pearson and Touseos Doreen Jacobus** to represent it on the Indigenous Peoples' Commission.

9.19 The Committee at its 41<sup>st</sup> meeting, on 9<sup>th</sup> March, 2010, unanimously agreed on the nominees of the NTC, and, further agreed that the two previous nominees, Mr. David James and Ms. Matilda Saigo who were selected from among the nominees submitted by the four Amerindian organizations, would remain on the list of nominees.

9.20 The Committee, thereafter, agreed that the amended Motion should be presented to the National Assembly seeking its approval of the seven (7) entities and the nominees from the NTC and the Amerindian organisations.

9.21 On 18<sup>th</sup> March, 2010, the National Assembly passed Resolution No. 118 approving the nominees from the NTC and Amerindian organizations namely:

Toshao Yvonne Pearson;  
Toshao Doreen Jacobis;  
Toshao Marco J. De Souza;  
Mr. David James; and  
Ms. Matilda Saigo

to be appointed Members on the Indigenous Peoples' Commission, and the following entities to be consulted with:

- The Amerindian Research Unit, University of Guyana;
- Environmental Protection Agency;
- Ministry of Amerindian Affairs;
- Private Sector Commission;
- Ministry of Labour, Human Services and Social Security;
- Ministry of Health; and
- Guyana Council of Churches

9.22 After the passage of the Resolution, the Committee commenced writing the agencies on 29<sup>th</sup> March, 2010, inviting the submissions of their nominees. A three-week deadline was initially given for the submissions and subsequent extensions were given to a number of entities.

## 10. Nomination by the approved entities

Name of Entity	Name of Nominee	Date Submitted
Ministry of Amerindian Affairs	Mr. Norman Whitaker, M.P	12 <sup>th</sup> April, 2010
Ministry of Health	Ms. Patricia Singh	13 <sup>th</sup> April, 2010
Ministry of Labour, Human Services and Social Security	Mr. James Singh	18 <sup>th</sup> May, 2010
Amerindian Research Unit - University of Guyana	Mr. George Simon	24 <sup>th</sup> June, 2010
The Guyana Council of Churches	Rev Fr. Malcolm Rodrigues	10 <sup>th</sup> June, 2010
Private Sector Commission	Capt. Gerald Gouveia	9 <sup>th</sup> April, 2010
The Environmental Protection Agency	Mr. Damian Fernandes	7 <sup>th</sup> April, 2010

## 11. Committee's Selection Process

11.1 The Committee met on 15<sup>th</sup> June, 2010, and proceeded to examine the nominees before it. However, it was recognized that Dr. Christopher Carrico, the University of Guyana's nominee to represent the Amerindian Research Unit, was a non-national who was on a two-year contractual obligation to the university.

11.2 Whilst the Committee noted that the Constitution was silent on the issue of the nationality of a person sitting on any Commission, it was unanimously agreed that in the interest of the Committee's mandate, the University of Guyana should be written to, expressing concerns regarding the status of its nominee in Guyana.

11.3 Thereafter, by letter dated 16<sup>th</sup> June, 2010, the University of Guyana was given a further extension to either clarify Mr. Carrico's status or suggest another nominee. On 24<sup>th</sup> June, 2010, the University of Guyana submitted **Mr. George Simon** as the representative of the Amerindian Research Unit.

11.4 On 29<sup>th</sup> June, 2010, the Committee concluded its consideration of the nominees. At the close of the meeting, the Members of the Opposition stated that they supported the nominees that were submitted, save and except the nomination of Mr. James Singh, Commissioner of Forests, by the Ministry of Labour, Human Services and Social Security. They expressed the view that he could not adequately represent that Ministry in its handling of social issues that would appear before the Commission, considering that that was not his area of expertise. The Government Members responded that the fears were unfounded and emphasized that this nominee would bring a wealth of expertise and skills important to the Commission. Furthermore, the Members pointed out that in his day to day work he collaborated with the Ministry of Amerindian Affairs and the Ministry of Labour, Human Services and Social Security. This matter was not concluded.

11.5 The Committee met again on 13<sup>th</sup> July, 2010, and examined the draft motion and report on the Indigenous Peoples' Commission. Members of the Opposition re-iterated their objection to the nomination of Mr. James Singh to the Commission. The Government side, in response, referred to the provisions of the Constitution which called for persons "nominated by entities..." not representatives of entities, thereby leaving it open to the entities to nominate persons they felt were best able to serve on the Commission. The Opposition conceded that this was so, but re-iterated the view nevertheless, that the nominee

should be a person from the Ministry of Labour, Human Services and Social Security as this reflected the spirit of the March Resolution.

11.6 The Committee then approved the draft motion and made corrections to the draft report which was also approved.

## 12 Additional Issue raised by the National Toushaos Council

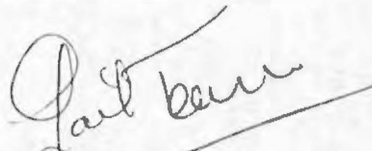
12.1 The Committee also wishes to bring to the attention of the National Assembly, one issue raised by the National Toushaos Council in 2007 and 2009:

- that the term of office of the IPC is three years whilst the NTC's term of office is for two years.

12.2 In relation to the issue raised, the Committee was of the view that the nominees from the NTC to the IPC as with all other nominees once appointed, remain Members on the IPC for the duration of its term of office despite the possibility that those persons, in the interim, may no longer be Toushaos.

13. The Report and Motion were, therefore, adopted by the Committee, save and except the Opposition's acceptance of Mr. James Singh's nomination.

14. The Committee now, therefore, accordingly hereby submits the Report and Motion for consideration and adoption by the National Assembly.



Gail Teixeira, M.P.  
Chairperson

Committee on Appointments