

**THE NATIONAL ASSEMBLY OF THE FIRST
SESSION OF THE ELEVENTH PARLIAMENT OF
GUYANA**

(2015-2017)

THIRD REPORT

OF THE

COMMITTEE ON APPOINTMENTS

**IN RELATION TO THE APPOINTMENT OF MEMBERS
OF THE ETHNIC RELATIONS COMMISSION**

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

APRIL 13, 2017

THIRD REPORT

Introduction

1. The Standing Committee established under the Constitution to address matters relating to the appointment of Members of Commissions, pursuant to Article 119 (C) of the Constitution and under the provisions of Standing Order No. 84, has agreed to the following as its Third Report.

Members of the Committee

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

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

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

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

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

Change of Membership on the Committee

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

Election of Chairperson

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

Terms of Reference

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

- “(a) identifies appropriate bodies for consultation in the appointment of the relevant members of the Commission, conduct the necessary consultations 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 Commission on the Rights of the Child;
 - (ii) for the appointment of members of the Commissions with the exception of the Public Procurement Commission;
 - (iii) in connection with any other matter referred to it by the National Assembly from time to time.
- (c) report to the National Assembly in relation to each Commission as soon as possible upon the discharge of its function in relation thereto”.

Mandate

6. The Committee was mandated by article 212 B (1) (a) of the Constitution in relation to the Ethnic Relations Commission, to nominate for appointment by the President:

“not less than five nor more than fifteen members, nominated by entities, by a consensual mechanism determined by the National Assembly, including entities, representative of religious bodies, the labour movement, the private business sector, youth and women, after the entities are determined by the votes not less than two-thirds of all elected members of the National Assembly”.

Meetings of the Committee

7. The Committee held a total of nineteen (19) meetings.

Ethnic Relations Commission – The Nomination Process

8. The Committee at its 3rd meeting held on Wednesday, January 13, 2016 recognized that the Ethnic Relations Commission Report which included the list of entities, categories and numerical representation by a two-thirds majority and nominees was unanimously adopted by the National Assembly at its 88th Sitting on July 10, 2014. The Committee discussed the list of entities and Members were given time to decide on the way forward: to resubmit the Report and Resolution with an amendment to include a section for a preamble which explains the decision for the resubmission or to restart the entire process; or to accept the list of entities and return to the consultation process.

9. The Committee accepted the list of entities that was tabled by the previous Committee and approved by the National Assembly in the Tenth Parliament.

10. The Clerk of the Committee was requested to write the approved list of entities requesting that the names of nominees be submitted for appointment to the Commission as outlined in Schedule One of Resolution 68 of 2014. Monday, March 7, 2016 was given as the closing date for the submission of nominees.

11. On February 8, 2016 the Clerk of the National Assembly dispatched letters to all entities listed in Schedule One of Resolution 68 of 2014 inviting respective category to identify a representative to participate in the process of nominating a member as provided for in category (a) of article 212 B. Each entity, was given a deadline of March 7 2016, to submit the name of their nominee/representative. The letters, among other things, stated that:

- (i) the entity had been identified to make nominations, in accordance with article 212 B(1)(a) of the Constitution;
- (ii) the Committee's approval of the list of entities, categories and numerical representation by a two-thirds majority;
- (iii) a copy of Resolution No. 68, dated February 10, 2014 with its first and second schedules attached for guidance;
- (iv) the entities were advised to inform the Clerk of the National Assembly, if they were unable to meet a consensus or if they needed extension of submission of nominee.

12. At the 5th Meeting of the Committee held on March 9, 2016, the Committee recognised that several entities requested extension for submission of nominees. At that point the Committee recognised that there was a gap in the process carried out previously; entities should have met as a cluster and decide on their nominee for each body.

13. From the discussion which ensued, the Committee wrote the representatives inviting them to a consultation meeting with the groups at the Arthur Chung Convention Centre on Wednesday, April 13, 2016 at 10.00 a.m. to select the coordinating body and to commence the nomination process. The coordinating entity would also have to submit letters and a report to the Committee on the process in which the nominee was selected.

14. At the 6th Meeting held on April 13, 2016, the Committee was informed that the cluster meeting to nominate members for appointment to the Ethnic Relations Commission, which was scheduled for April 13, 2016, was postponed to April 27, 2016 at 10.00 a.m., due to the unavailability of the Arthur Chung Conference Centre.

15. The meeting also acknowledged the complaint received from representatives of the Hindu and Islamic Groups, indicating that they had already commenced the nomination process and had made a nomination of a single representative for each body. It was decided that the Committee would not accept any further nomination, but to proceed with the cluster meeting scheduled for April 27, 2016, to nominate one (1) person as a representative for each body. Members agreed to guide the group/s in the nomination process at the Cluster Meeting.

16. Thereafter the Clerk of the Committee was requested to make the necessary arrangements for the meeting and attach with the letter of invitation, a copy of the guidelines to assist the entities in the selection and nomination of their members to the Ethnic Relations Commission.
(Please see copy of the guidelines to identify civil society and nominating members to the Commission at Appendix I)

17. A notice was placed in the print and electronic media inviting entities to attend a meeting with regard to the purpose, venue, date and time of the meeting.
(Please see copy of press release at Appendix II)

18. On Wednesday April, 27, 2016, at 10.00 a.m., the Committee held its 1st Special Meeting at the Arthur Chung Conference Centre, Liliendaal. The meeting was attended by Members of the Committee on Appointments, staff from the Parliament Office and representatives from the approved list of entities. **(Please see registration form of entities at Appendix III)**

19. The main purpose of the meeting was to sensitise the representatives of the entities present on the Ethnic Relations Commission and to provide them with guidelines to assist them in the procedure to be followed with regard to their nomination process and the final selection/election of a nominee for the entities within a group.

Sensitization Session

20. Ms. Gail Teixeira, M.P., Opposition Chief Whip, discussed the guidelines for nominating persons to the Commission and educated the participants on how the Ethnic Relations Commission was established. She outlined the important roles played by the Committee on Appointments, the civil society and the National Assembly at different levels.

21. The participants were encouraged, during their group session with Members of the Committee to discuss issues such as, but not limited to, the entity which would assume the responsibility of convening and moving the process to its conclusion of a nominee, the deadline for the submission of nominees to the respective coordinators, the method to be used in submitting the nominees, the date/time and place for the submission of nominees and future meetings, the method of voting and the consensual agreement of a Group Coordinator who can be a person from within or outside of the group.

22. The participants were also advised that at the end of the process, a written report must be prepared and submitted to the Clerk of the Committee on Appointments. The Group Coordinator would also be required to prepare a written report on the election and the declaration of the results for their specific group and that report should also be submitted with the group's written report. The deadline for the submission of nominees to the Committee was on or before May 9, 2016.

23. The meeting also facilitated the representatives an opportunity to seek clarification on concerns they might have and facilitated group sessions which allowed the representatives from within the various entities to meet as a cluster to familiarize themselves with each other and to discuss the way forward. The entities present used the opportunity to agree on a coordinator/coordinating entity to coordinate and complete the work of their respective group and to agree on the way forward.

24. The table below gives a summary of the outcomes of the group's sessions.

<u>Name of Group</u>	<u>Facilitator(s) assigned</u>	<u>Coordinator identified</u>	<u>Date set for submission of nominees</u>	<u>Date set for elections</u>
Hindu Bodies	Ms. Gail Teixeira	Swami Aksharananda	May 9, 2016.	<u>To be confirmed</u>
Islamic Bodies	Hon. Dr. George Norton	Mr. Khakan Ramjohn	May 9, 2016.	<u>To be confirmed</u>
Christian Bodies	Bishop Juan Edghill	Mr. Raphael Massiah	May 9, 2016.	May 6, 2014.
Private Sector Bodies	Mr. Ganga Persaud	Major-General (Ret'd) Norman McLean		May 4, 2016
Labour Union Bodies	”	Mr. Sherwood Clarke		<u>To be confirmed</u>
Women Bodies	Hon. Ms. Amna Ally	Mrs. Allison Butters Grant	May 9, 2016.	May 4, 2016
Youth Bodies	Hon. Annette Ferguson	Mr. Winston Assanah	May 9, 2016	May 3, 2016
Amerindian Bodies	Ms. Gail Teixeira	Mr. Eyon Boyal		<u>To be confirmed</u>
Indian Bodies	”	Dr. Seeta Shah -Roath	May 9, 2016	<u>To be confirmed</u>
African Bodies	”	Ms. Pearl McLean	May 9, 2016.	<u>To be confirmed</u>

25. At the 7th Meeting of the Committee held on Wednesday, April 27, 2016, Members considered the Status Report of the Committee vis-à-vis its meeting with civil society entities on the nomination process for the appointment of members to the Ethnic Relations Commission.

26. In reviewing the outcome of the sensitization and cluster sessions, the Chairperson informed the Committee that the Cluster Meeting held at the Arthur Chung Conference Centre was successful and envisaged that the Committee should be in receipt of nominees within a two (2) week period.

27. Subsequently, each Member reported on the outcome of each Cluster Meeting held earlier that day, as follows:-

- **Muslim Bodies**

During the Cluster Meeting, the Muslim Bodies recognised their previous correspondence to the Committee indicating that they had finalised their nomination process although (3) of the nine (9) bodies were absent. However, the Cluster had agreed to recommence the nomination process as indicated by the Committee. The Cluster undertook to submit their nominee within the two (2) week period.

- **Youth Bodies**

The Youth Bodies raised concerns with respect to the age eligibility of nominee. Some of the bodies had nominated representatives that were above the thirty five (35) years of age.

Following discussions, the Committee agreed that the age of representatives could vary for the consultation process, but the nominee should be within 18-35 years of age. The Youth Bodies had nominated Pastor Winston Assanah from the Youth Ministries Department of the Assembly of God as the Coordinator of that Cluster. Based on the age criteria, Pastor Assanah was above the age criteria; therefore, he withdrew as a nominee but remained as the Coordinator of that Cluster with a new nominee from his entity.

The Cluster had also agreed that further contact would be made with those entities that did not respond to the Committee to make submission of nominees given a deadline of May 3, 2016. A meeting would be held on Monday, May 9, 2016 at 5.00 p.m. at the Parliament Office to finalise the nomination process.

- **Women Bodies**

The Women Bodies had agreed to meet on May 4, 2016, to examine their nominee and to make contact with those entities that were absent at the Cluster Meeting. Thereafter, that Cluster would meet within the two (2) week deadline to finalise the nomination process. The Cluster had nominated Ms. Allison Butters-Grant from the Guyana Women Miners' Association as its Coordinator.

- **Christian Bodies**

The Christian Bodies had agreed to seek administrative help from the Parliament Office, such as, having an advertisement in the print media for final submission of nominees on May 6, 2016; photocopying and circulation of bio-data forms by May 13, 2016 and facilitating the final meeting on May 20, 2016 at 10.00 a.m. at the Parliament Office.

- **Hindu Bodies**

The Hindu Bodies recognised their previous correspondence to the Committee indicating that they had finalised their nomination process, regardless that there were bodies absent. However, they agreed to recommence the process as advised by the Committee and to submit their nominee in keeping with the two (2) week deadline. The Cluster nominated Swami Aksharananda of the Cornelia Ida Hindu Temple as its Coordinator.

- **Cultural/ Ethnic – Indian, African & Amerindian Bodies**

The Indian and African Bodies recognized themselves as small groups that would consult with their entities to have a final nominee within the two (2) week deadline. Dr. Seeta Shah - Roath from the Indian Commemoration Trust was nominated as the Coordinator of the Indian Bodies, while Ms. Pearl McLean of the Pan African Organisation was nominated as the Coordinator of the African Bodies.

The Amerindian Bodies might not be able to meet within the two (2) week period considering the size of the bodies to consult, but efforts would be made to finalise the process. The Cluster agreed to Mr. Eyon Boyal from the National Toshias Council as its Coordinator.

- **Private Sector and Labour Bodies**

Mr. Norman McLean was nominated as the Coordinator of the Private Sector Bodies. The group should be meeting on May 4, 2016 at 10.00 a.m. at the Parliament Office. Mr. Sherwood Clarke was nominated as the Coordinator of the Labour Movement Bodies. The Labour Movement Bodies would have coordinated and made efforts to meet the two (2) week deadline.

Revised Bio Data Form

28. The Committee recognised that the bio-data form circulated to the bodies was inaccurate and requested that the Clerk re-circulate the revised bio-data form as agreed on, to the bodies.

(Please see copy of revised bio-data at Appendix IV)

Update on the status of the nomination process of the Ethnic Relations Commission

29. At the 8th Meeting held on 13th May, 2016, the Committee was informed that subsequent to the Cluster Meeting on the 27th March, 2016, an email was sent to the Clusters Coordinators with attachments of the revised Bio-data form and a spreadsheet of contact information of every entity listed within the Cluster of those requested.

However, the Christian and Youth Bodies had requested that the Parliament Office publish an advertisement in the print media for final submission of nominees. This was not done, since the Clerk of the National Assembly did not grant approval for the publication. The Cluster Coordinators were informed of the decision and efforts were made by the respective Coordinators to organize and inform entities of the nomination process. The status of the Cluster Meetings was as follows:

- Youth Bodies met on May 9, 2016 at 5.00 p.m., whereas they were nominations of five (5) persons, which was insufficient to complete the nomination process. As a result a final meeting was scheduled for May17, 2016 at 5.00 p.m.
- the African and Hindu Bodies had completed their nomination process and submitted their reports;
- Youth & Women Bodies – nomination would be held on May17, 2016;
- Private Sector & Labour Movement Bodies– nomination would be held on May18, 2016;
- Muslim Bodies – nomination was held, awaiting Report; and
- Christian Bodies had scheduled a meeting to elect a nominee on May 20, 2016. However due to the unavailability of the Parliament Office (staff retreat), the elections were held on the May19, 2016.

Submission of nominees for the appointment of members to the Ethnic Relations Commission (ERC)

30. In keeping with the May 9, 2016 deadline for the submission of nominees to the Committee, the following clusters/groups had submitted their reports identifying their elected nominee to represent the group on the Ethnic Relations Commission:

Christian Religion	-	Rev. Dr. John Smith
Hindu Religion	-	Sister Rajkumarie Singh
Labour Movement	-	Mr. Norris Witter
Private Sector Organisations	-	Major-General (Ret'd) Norman McLean
Youth Organisations	-	Mr. Deodat Persaud
Women Organisations	-	Ms. Ruth Howard
African Organisations	-	Mr. Barrington Braithwaite

Extension of deadline for submission of Nominee(s)

31. At the 15th Meeting held on November 2, 2016, the Committee acknowledged that there were Reports outstanding from the Muslim, Indian and Amerindian Bodies. The Coordinator for the 'Muslim Bodies' had informed the Committee via a correspondence, of the unwillingness of an entity within its category to participate in the nomination process, since it did not consider the other bodies named to partake in the process to be legitimate and representative of Muslims.

32. After much deliberation, the Committee noted inter alia, that the list of entities had already been approved and adopted by the two-third (2/3) majority in the National Assembly, hence, amendments to the list could not be considered at that stage.

33. Thereafter, the Committee agreed that the Coordinators of the Bodies (Muslim, Indian and Indigenous) should be written to, informing them that the Committee had extended the deadline for the submission of their reports with the names of the nominees to **November 11, 2016** and the letters be copied to all the entities listed within the cluster.

34. However, should the Bodies fail to submit their nominees by November 11, 2016, deadline, the Bodies would be invited to appear before the Committee at its next meeting scheduled for November 16, 2016, with a view of moving the process forward.

35. At the 16th Meeting held on November 16, 2016, the Committee noted that responses were received from the Muslim, Indigenous and Indian Bodies. However, the Indian cluster had two (2) nominees (the Indian Arrival Committee and the Indian Commemoration Trust). The representative from the Guyana Indian Heritage Association had expressed his non- interest in further participating in the exercise. The two (2) bodies were in a ‘deadlock’, hence they requested to appear before the Committee to seek guidance on the way forward.

36. The representatives from the Indian Commemoration Trust and the Indian Arrival Committee, Dr. Seeta Shah-Roath (Coordinator) and Mr. Evan Radhay Persaud, respectively were invited to the Meeting.

37. The Committee recognised that the Indian Commemoration Trust and the Indian Arrival Committee were the two (2) eligible bodies remaining in the process to nominate a nominee.

38. The Committee advised that since the Indian Commemoration Trust and the Indian Arrival Committee were the only (2) bodies eligible, they should be able to nominate a single nominee. The nominees should be decided on by the entity they represent. The cluster was given a deadline to submit its report by Tuesday, November 22, 2016 with the signature of both entities within the cluster.

39. At the 17th Meeting held on January 25, 2017, the Committee acknowledged receipt of the nominee from the Indian Bodies. The Committee therefore recommends that the following individuals be signified as the National Assembly’s choice to the President for appointment as members of the Ethnic Relations Commission. **(Please see copies of reports submitted by the representative group at Appendix V)**

Christian Religion	-	Rev. Dr. John Smith
Hindu Religion	-	Sister Rajkumarie Singh
Muslim Bodies	-	Mr. Roshan Khan
Labour Movement Bodies	-	Mr. Norris Witter
Private Sector Organisations	-	Major-General (Ret'd) Norman McLean
Youth Organisations	-	Mr. Deodat Persaud
Women Organisations	-	Ms. Ruth Howard

Cultural/Ethnic Organisations

Amerindian Group	-	Mr. Ashton Simon
African Group	-	Mr. Barrington Braithwaite
Indian Group	-	Mr. Neaz Subhan

40. At the 19th Meeting held on March 27, 2017, Members considered and adopted the Committee's Third Report and Motion on the appointment of members to the Ethnic Relations Commission, and therefore, reports to the National Assembly that it has meaningfully consulted the entities in accordance with Article 212 B (1)(a) of the Constitution.



***Hon. Dr. George Norton, M.P.,
Chairperson,
Committee on Appointments
April 5, 2017***