

Mechanisms for Civil Society Participation in Guyana

Conference on the Progress and Challenges in the
Hemispheric cooperation against Corruption, Cali
Colombia, June 21-22, 2011

Introduction

- Guyana's history is one of long and difficult struggles against slavery, indentured labour migration , British colonial rule and for independence which was eventually won in 1966
- A 28 year struggle to restore democracy which the present ruling party lead created basis for an emerging culture of alliance politics, some failed some succeeded
- First free and fair elections were held in 1992 validated by international observer teams which opened the door for the advancement of democracy and development of the country.
- The Peoples' Progressive Party/Civic won the 1992 elections and subsequent elections in 1997, 2001, and 2006, elections will be held in 2011
- New government implements a “winner does not take all” policy
- Guyana is a very diverse country both in terms of its physical bio-diversity and its multi-ethnic, multi-cultural, multi religious composition.
- Guyana's architecture of the state is based on a hybrid Republican-Westminster model

Post 1992 reconstruction of democracy

- This presentation focuses on the post 1992 era illustrating the context and efforts of Guyana to find and address issues of governance, economic development , ethnic insecurities and poverty reduction at the political, economic and administrative levels.
- The year 1992 is used as the base to measure what have been the outcomes of the interventions implemented to achieve the gains and respond to the challenges Guyana has faced and still faces in reconstructing the democratic architecture of the state and the larger society.

Guyana today

- The Republic of Guyana is now a recognised parliamentary democracy and is honored and enriched by a rich heritage based on cultural, religious and racial diversity.
- All national and regional elections since 1992 have been validated by international observer missions
- It is a developing country with a per capita income of \$ 2501 USD (2010) and a positive growth rate of 4% on average over the past 4 years and a 4.5% inflation rate
- Land area of 214,970 sq km and a population of 772,298. Its official language is English.
- Dedicated efforts to reduce poverty with 67 % living below the poverty line (1992) to 35 % (2008).
- Projected to achieve 5 of the 8 MDGs
- One of the lower inequality ratios in the region
- New Local Carbon Development Strategy introduced and transitioning the economy on a low carbon trajectory

Guyana today

Guyana external policy is based on respect for international law, rights conventions, equitable trade relations and respect for national sovereignty:-

- Ratified international human rights conventions -ICCPR, ISCER, CEDAW, CROC, CAT, various ILO conventions, Convention on the Rights of Migrant Workers and their families, regional conventions and treaties such as Belem do Para and the Mutual Cooperation on Criminal Matters at the OAS and in CARICOM
- Acceded to the Inter-American Convention Against Corruption and has been reviewed by MESICIC in all 3 rounds
- Acceded to the UN Convention on Corruption and will be reviewed for the first time in 2012
- Is an active proponent at international levels on climate change, supports UN REDD programme and ratified the UN Framework for Climate Change
- Guyana will co-chair interim REDD + partnership with Germany from July 1, 2011
- Is an active participant in the CARICOM, UNASUR, ACTO, OAS, ACP-EU, UN

Challenges faced in 1992

- Fragmented political society and political instability
- Highly indebted nation and one of the poorest countries in this hemisphere
- Lack of confidence and trust, ethnic insecurities
- Collapsed physical infrastructure and economy
- Economy based on primary products- sugar, rice, gold, bauxite, timber
- Demoralised public service
- Small mainly family owned private sector
- A damaged and underperforming agricultural sector
- Poor investment climate
- Vast untapped natural resources- 1 of 4 pristine rainforests, oil and natural gas potential, hydropower
- Small population
- Very limited Access to basic services in urban and rural areas- water, electricity, health education, housing , transportation, communication
- Neglected Amerindian communities with highest poverty and mortality levels

Responses- policies and programmes for economic recovery and social reconstruction

Primary objective was to improve the quality of life of the people with a pro-poor pro-growth approach which focused on :-

- i) Debt Management and Relief, prudent fiscal management
- ii) Reconstruction of collapsed infrastructure:-
 - a)Improving access to and delivery of basic services - water, health and education across 10 Administrative Regions, approx 25% % of annual budget allocated to Health and Education alone
 - b)Housing programmes for low income families subsidized by the government including squatter settlement regularization and re-settlement programmes

Responses cont'd

- iii) a) Introduction and expansion of social safety nets for the poor and vulnerable:-
 - b) Special targeted programmes for the poor and vulnerable – women, children, Amerindian (indigenous) peoples, elderly, differently- abled
- iv) a) support to the traditional agricultural and mining sectors
 - b) construction of communication systems and expansion of energy sector to facilitate the expansion of the economic base including the agricultural sector
 - c) diversification of agricultural sector and the economic base

It should be noted that at each stage of these interventions there were discussion forum at the national, regional or community levels on the impact of these policies and programmes

Search for a new architecture to the governance model-constitutional reforms

- Realization that investments in the social and economic sectors were necessary but not sufficient to change the dynamics of the society
- Focus began to shift to revise the constitutional and legislative framework
- 1999 a Parliamentary Constitutional Reform Commission comprised of representatives of all parliamentary political parties, business sector, labour movement, religious community (Christian, Hindu and Muslim) and the Guyana Human Rights Association to revise the 1980 constitution
- This body travelled around the country holding consultations with thousands of citizens at community meetings across the country and taking their recommendations
- What emerged at the end of the process in 2002 was a unique model of inclusive governance and participatory democracy enshrined in the constitution which required consequential legislative and parliamentary reforms in legislation, administration and electoral systems.

Inclusive governance model- Power sharing at the political level

- **Power sharing is specifically related to the relationship between the government and the parliamentary opposition- the use of control of the authority of the state--**
- The President's powers have been reduced in a number of areas and in appointments to identified critical constitutional posts he must always meaningfully consult and in specific cases gain the concurrence of the Leader of the Opposition (LOP), thereby giving the LOP a veto over such appointments (eg The Chancellor of the Judiciary, the Chief Justice, Chairmen of the Human Rights Commission, the Guyana Elections Commission, and the Integrity Commission)
- The LOP provides 6 names each for the chairmanship of the Guyana Elections Commission and the Human Rights Commission from which President appoints the 2 heads of these bodies
- The President and the LOP appoint specific numbers to the Judicial, Police and Public Service Commissions
- The Office of the LOP is enshrined in the constitution and in law

Constitutional framework facilitating participation- Parliamentary reforms 2003-2006

In the revised constitution Guyana's unicameral Parliament is giving new and expanded powers in terms of law making, appointments to constitutional bodies and oversight of the executive:

(1) The appointment and establishment of 4 of the five Human Rights Commissions namely:-

- (a) the Ethnic Relations Commission
- (b) the Women and Gender Equality Commission
- (c) the Rights of the Child Commission
- (d) the Indigenous Peoples Commission

Through a standing parliamentary committee comprised of government and opposition members and an agreed on consensual mechanism which requires receiving nominations from an agreed list of civil society entities approved by a 2/3 majority

Note the President has no nominee to any of the rights commissions

(2) The appointment of members of the Judicial, Police and Public Service Commissions through a parliamentary consensual mechanism after consulting relevant civil society bodies in accordance with the constitution.

Parliamentary reforms cont'd

- Parliamentary special select committees are used effectively to try to enhance cross-floor dialogue and to reach agreement on a variety of issues- in the last 4 years 130 bills have been enacted of which 27 have been placed before select committees (20%)
- These committees also address other matters such as food and fuel crisis, political party campaign financing and persons who willfully infect persons with HIV/Aids ; these committees can invite the public to appear and make their views known on the matters at hand to guide them in coming to a decision
- Amendment to the constitution 2009 to provide for a new parliamentary standing committee to oversee the security sector which is functioning
- The enactment of the Time Limit for Judicial Decisions to ensure judicial accountability to the public and timely administration of justice

Parliament Reforms- Oversight and participation

- The creation of a joint parliamentary management committee made up of equal numbers of government and opposition chaired by the Speaker
- The provision and establishment of **4 parliamentary sectoral committees**- Economic Services , Social Services, Natural Resources and Foreign Relations to oversight all areas of policy and performance of government ; these committees rotate the chairmanship annually between the government and opposition members (no Minister is allowed to sit) and they have the power to call and do call the Prime Minister and Ministers of the government to appear before them to answer matters of policy and performance
- Expansion of the mandate and authority of the Public Accounts Committee chaired by the Opposition including the assignment of “general supervision over the Office of the Auditor General” ; Chief Accounting Officers appear before the PAC on matters of financial accountability and transparency
- **These 5 parliamentary committees are open to the public and the media and their meetings are reported in the media**

Fiduciary oversight cont'd

- Enhancing the independence of the Office of the Auditor General (OAG) from the executive as the OAG reports to the Speaker instead of the Minister of Finance
- Legislative instruments incorporated into the 2006 Revised Standing Orders that require the Minister of Finance to respond to the Public Accounts Committees reports within 90 days with a Treasury Memorandum.
- Annual mid-year financial reports of the economy and budgetary projections by the Minister of Finance introduced in 2006
- Robust opposition question time at each sitting – in the current Parliament there have been 300 questions all of which have been answered by the government
- Other measures which facilitate fiduciary oversight:
- Access to information – open media; government websites established and posting information in particular National Procurement and Tender Administration and www.eprocure.gov.gy
- Access to Information Bill tabled in the Parliament on June 17 and sent to a parliamentary select committee

Legislative reform to protect, promote and support inclusive governance and accountability

- Public Procurement, fiscal and financial legislation under public expenditure management, Procurement Act 2003, and regulations, budget law, Financial Management and Accountability Act, Anti-Money Laundering and Countering the Financing of Terrorism Act, Money Transfer Licensing Act
- Judicial oversight and redress- Time Limit on Judicial Decisions, Judicial Review Act, Alternate Dispute Act, Legal Practitioners Act, Contempt of Court Act, Court of Appeal, High Court Rules and Judicial Service Commission Rules and other amendments to criminal law, offenses and procedures
- Legislation in every sector:-
Social (6 new children's statutes with inclusive boards ,Sexual Offences Acts, Persons with Disabilities Act)
Security - subsidiary laws to amend as well as new statutes to modernise this sector including the Interception of Communication and Telecommunications Acts,
Labour- amendment to the Trade Union Recognition Act- to allow for broader representation in the Tribunal Board
Regional and international cooperation- Mutual Cooperation in Criminal Matters and amendments to the Fugitive Offenders
Amendment to the constitution to provide for recall of a Member of Parliament

Legislative reforms cont'd

- Land issues- Amerindian Act 2006 and the granting “absolute and forever” 97 titles to 134 Amerindian communities representing 14 % of Guyana’s land mass
- Local government reform- introduction of a new hybrid local government electoral system (proportional representation/first past the post) create more opportunities at the grass roots level for community leadership.
- Amendment to the Representation of the Peoples Act requires that political parties wishing to contest elections at national or regional levels to have 1/3 females on their candidate lists

Extra parliamentary mechanisms for informed civil society participation

Government policies introduced to facilitate participation:-

- (a) no policy, programme or draft legislation is entertained by Cabinet unless it has been subjected to a consultative mechanism with relevant stakeholders whether at the national, regional, or community level
- Some examples of this would be the consultations on domestic and sexual violence, medical termination of pregnancy, security sector reform, poverty reduction strategy programmes and monitoring of these programmes at the regional and community levels , and major national interventions such as the Low Carbon Development Strategy and the National Competitiveness Strategy
- (b) technical and financial support to non-governmental, service , and charitable organizations to develop capacities to participate and engage more meaningfully on issues of importance to them, particularly those in the service sector
- (c) support for the integration of the indigenous communities into the national development agenda (through demarcation and titling of their lands, modern legislation guaranteeing their property rights and governance , improved access to social services and involvement and participation in all issues of national importance)
- (d)promoting community development and supporting community development organizations to contribute to development of their communities and act as an oversight on the functioning of officials and government expenditure in their areas

Continued

- (e) involvement of the religious community and faith based organizations in issues of national importance (domestic violence, crime and violence, safer communities, social cohesion, inter-faith dialogue)
- (f) an open and free media
- (g) the appointment of members of civil society organizations to state boards (such as the National Procurement and Tender Administration, Bank of Guyana, and those in the natural resources sector) including members of opposition political parties
- (h) visibility and accessibility of elected officials through public days, Ministerial community outreaches and Cabinet outreaches to the various administrative regions where communities engage with President and raise concerns criticisms demands
- (i) weekly media briefing on Cabinet decisions including procurement
- (j) all ministries and state agencies have developed lists of stakeholders who they work with on areas of mutual concern
- (k) convening of “conversations” at the regional levels

Structured Stakeholders Fora- National

1. **National Stakeholders Forum-** To further entrench this model of participatory democracy, the President in 2008 initiated the convening of approximately 100 organisations from civil society representing all the parliamentary political parties, all the religious bodies, the labour movement, the business community, women's groups, and the National Toushaos Council, Amerindian and women's organisations as well as Guyana Human Rights Association and some citizen non-governmental organizations (NGOs). These entities now comprise the National Stakeholders Forum

This collection of stakeholders when convened represents approximately 400,000 citizens. This form of “conversation” is an innovative attempt to create an opportunity for more broad-based dialogue on matters of national importance and to find a common path for action.

In the period of reporting, 13 such engagements have been held on diverse issues such as crime and security, domestic and sexual violence, the Economic Partnership Agreement with the European Union, global food and fuel crisis, global financial and economic crisis, Haiti relief, Low Carbon Development Strategy and Avoided Deforestation.

continued

2. Multi-Stakeholder Steering Committee on Low Carbon Development

Strategy – this broad based body comprising of private sector, labour, and ngos chaired by the President lead the drafting of the LCDS and the consultative process with the Amerindian communities, and other stakeholders and communities on this new developmental agenda.

This body continues to serve as an oversight body guiding the LCDS process and compliance with REDD+

3. The National Competitive Council is chaired by the President and is comprised of designated representatives of the private sector and the labour movement

4. The 4 constitutional rights Commissions – Ethnic Relations, Women and Gender Equality Commission, Rights of the Child and Indigenous Peoples- independent and comprised of nominees from civil society – these bodies are required to report annually to Parliament

Structured Stakeholder Fora contd

5. The official recognition and accord given to the National Toushaos Council as the legitimate authority to represent Amerindian Villages .
During their biennial conference of all the Toushaos and Village Councillors , they have a two day scheduled meeting with the President and the Cabinet to raise their issues
6. The National Commission on Law and Order – broad-based body representing parliamentary political parties, labour, business, religious and law enforcement bodies and social sector ministries
- 7.National Commission on Disabilities with representation of all the organizations that represent persons with disabilities
8. The Police Complaints Authority- chaired by a retired judge which independently reviews complaints and seeks redress

Cont'd

9. Annual and specially convened meetings between the President and the Christian, Hindu and Muslim leaders
10. National Commission on the Family
11. National Commission on the Elderly
12. Civil Society representation on implementation of policy and programmes and Monitoring such as the Task Force on Combating Trafficking in Humans, National Committee on Domestic Violence
13. Men's Affairs Unit managed by Faith Based organizations
14. Women's Affairs Bureau include women's organizations across the country
15. Rules Committee of the High Court includes representation from the legal practitioners associations
16. Civil society bodies representing Farmers, Forest producers, gold miners, labour unions, business community in the natural resources and agriculture sectors engage with the government thru formal representation on oversight and regulatory bodies, frequent consultations

Structured Stakeholder For a-Cont'd

Oversight of foreign funded programmes:-

Involvement of stakeholders in consultations on foreign funded loan programmes or grants from multilateral developmental agency;
involvement in periodic reviews and representation on project management/coordinating committees

Community Involvement :-

Community Action Committees and Community Development Groups with a National Coordinator and financially supported by the government (these groups take on a broad range of activities and provide community leadership)

The establishment of **Community Police Management Committees** at 25% of Police stations

Community Policing Groups which voluntarily work with Police divisions towards safer neighbourhoods

Challenges

- Improving efficiency and effectiveness of access to and delivery of services to all citizens in particular the poor and vulnerable
- Ensuring that the mechanisms for voice and accountability function effectively
- Introduction of 2 fibre optic cables to connect the whole country will equalize opportunities for participation regardless of geographic location by end 2011
- The One Lap Top per Family project will open up greater communication, information sharing, egovernance and participation

Challenges cont'd

- Consistent and assured support from the government to civil society participation (political will)
- Democratization of governance of civil society bodies
- The balance between involvement of bona fides civil society bodies, community voices and opinion makers in the media
- Creating a culture of voluntarism and continuous capacity building of community based, regional based and national civil society bodies
- Keeping the public informed at all levels
- The use of the internet as an information tool for government networking with people and the use of the same medium to misinform and undermine efforts at social cohesion

Conclusion

- Guyana's model of inclusive governance and participatory democracy is relatively new following on the implementation of the 2003 constitutional reforms
- A constitutional, parliamentary, legislative, administrative architecture has been created and a framework is in progress
- These reforms are contributing to gradually building greater trust, confidence and social cohesion for nation building and development