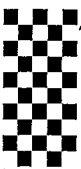


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PERMANENT MISSION OF THE REPUBLIC OF GUYANA TO THE UNITED NATIONS
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154/2008

The Permanent Mission of the Republic of Guyana to the United Nations presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to refer to the High Commissioner's Note Ref. no. re/343 concerning the report of the Regional Conference for Latin America and the Caribbean, Preparatory to the Durban Review Conference held in Brasilia From 17-19 June, 2008.

Best Practice

The Permanent Mission of Guyana takes the opportunity to forward in accordance with the request of the Office of the High Commissioner for Human Rights, an example of a human rights best practice drawn from the national experience of Guyana for inclusion into Annex 1 of the Report of the Regional Conference.

The Permanent Mission of the Republic of Guyana to the United Nations avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

NEW YORK - SEPTEMBER 19, 2008

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ATTACHMENT:

Guyana is an emerging democracy after 28 years of an undemocratic regime. Its experiences are recent and it has had to make quantum leaps in regards to restoring and institutionalizing democracy at all levels. It is still at a fragile stage but nonetheless some of its experiences are unique and worthy of note and recognition.

Guyana could only speak of Human Rights best practices after the restoration of democracy after the first free and fair elections in 1992 which opened the door for this reformation process. The Government of Guyana is proud of its accomplishments and is of the view that its experiences should be shared. These fall into two broad categories of good governance, namely constitutional and parliamentary reform under the rubric of Voice and Accountability, and, the other administrative policy methodology under Inclusion and Participation. This brief addresses the first category.

Constitutional and Parliamentary Reform facilitating greater inclusive governance

Government of Guyana with the parliamentary political parties, civil society, non-governmental organizations and communities, undertook an extensive and comprehensive constitutional and parliamentary reform process in the 1990-2003 period.

As part of this process in the 1995-97 period a Parliamentary Special Select Committee appointed to review the 1980 constitution visited hundreds of communities to seek their views on what needed to be changed in the constitution. This process was interrupted by the 1997 elections and the post-election violence. However, it should be noted that this was the first time in the history of Guyana that ordinary citizens were being consulted on, and in some cases even becoming familiar with, the constitution under which they lived.

The 1999-2003 period began the process anew as it was an integral part of the post-election accords with the Opposition to return to normalcy. Through a Constitutional Reform Commission appointed by the President of the Republic of Guyana and established by the Parliament of Guyana, this body worked with all sectors of society to reach agreement on a revised constitution based on democracy, good governance and inclusive government. Again as in the earlier experience, the process of arriving at the reforms and the involvement of thousands of people at different level is as important as the final reforms which were agreed to and passed in the National Assembly.

The Constitution of Guyana is the supreme law of the land. The Fundamental Rights of its citizens are also enshrined in the constitution, thus allowing person to freely approach the courts on a constitutional motion.

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This reform process removed what was popularly known as "*the imperial powers*" in the 1980 constitution. The reforms reduced many of the appointment powers of the Executive President and created a formidable role for the Leader of the Opposition in the National Assembly stipulating that the post holder had to be meaningfully consulted and to reach agreement with the President before certain key constitutional post holders (Chancellor of the Judiciary, Chief Justice, Chairman of the Human Rights Commission, certain nominees to the Service Commissions) could be appointed.

It enshrined the Human Rights section by removing the earlier requirement that these could only be upheld by an enactment of law. Furthermore, it provided for the establishment of 5 new Human Rights Commissions—The Ethnic Relations Commission, the Women and Gender Equality Commission, the Rights of the Child Commission, the Indigenous Peoples Commission and the Human Rights Commission and created a parliamentary mechanism for their nomination and appointment through the provision in the constitution for the establishment of the Parliamentary Standing Committee on Appointments of Members to Commissions.

Thus, it enshrined and expanded the role of the National Assembly through the provision of a greater role for participation of the parliamentary political parties, in particular the Opposition parties, in several key processes of inclusive governance, to name a few:-

- the appointment of members from civil society to the 5 Human Rights Commissions (which require a two-thirds vote of the National Assembly) and the 3 Service Commissions (Judicial Service, Public Service and Police Service):
- the establishment of 4 new parliamentary standing committees (Economic Services, Social Services, National Resources and Foreign Relations) which oversee and scrutinize government policy and administration:
- the creation of a Parliamentary Management Committee chaired by the Speaker and comprised of equal members from the government and opposition in the National Assembly:
- the expansion of the powers of the Public Accounts Committee chaired by the Opposition and the removal of the Audit Office of Guyana to the Parliament;

Arising out of these constitutional reforms, Parliamentary reforms followed to facilitate their implementation.

By 2003-2004, these reforms were implemented in the Parliament of Guyana. The Guyana Parliament now enjoys one of the most progressive expanded committee systems comparable to the more advanced democracies in Commonwealth countries.

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The experience of Guyana is instructive from the following perspective:-

i) The Consultative Process

The notable size and process of involvement encompassed two aspects

(a) large numbers of people, communities, non-governmental organizations, interest groups, political parties, civil society and the large number of submissions;

(b) the outreach component of taking the process to the people instead of depending on them to bring their views to the Parliament. If that had been the approach only those in the capital and the more literate and articulate amongst the middle class would have been involved.

ii) The Negotiation Process

In order to reach consensus the parliamentary political parties had to negotiate and make concessions in order to prepare the drafting guidelines and then bring the legislation tabled in the National Assembly and passed with two-thirds majority. This was a major achievement for the governing and the main opposition political parties as the periods of 1997-1999 and 2001-2002 were plagued with violent disruptions led by the opposition party, including boycotts of the Parliament.

iii) Implementation Stage

The enactment of these constitutional reforms was followed by a robust period of parliamentary reforms where new Parliamentary Standing Committees have been established and which function. The Parliament comprised of the President and the National Assembly has become a truly deliberative arm of the legislative branch of the state. It is the forum for the battle of ideas, representation, disagreement and consensus, instead of through violent political action.