

**USAID Semi-annual Report
MORE RESPONSIVE AND PARTICIPATORY GOVERNANCE AND RULE OF
LAW IN GUYANA**

Grant No. 504-A-00-00-00110-00

July 27, 2000 - January 26, 2001

I. SUMMARY

Years of controversial elections, undemocratic rule and racial tensions in Guyana have led to weakened government institutions and to public disenchantment with the political system. A successful constitutional reform process, coupled with an internationally certified free and fair elections, will assist Guyana in consolidating democracy by building a functioning and inclusive system of governance. Until Guyana achieves constitutional reform, government institutions will remain fragile, and the centralized power structure will continue to exacerbate the highly politicized ethnic divide.

On January 11, 2000, USAID awarded a multi-year Cooperative Agreement to the National Democratic Institute for International Affairs (NDI) for a program to achieve “More Responsive and Participatory Governance and Rule of Law in Guyana.” In cooperation with its partners, The Carter Center (TCC) and the International Foundation for Election Systems (IFES), NDI has undertaken efforts to strengthen the legislature, civil society, local government, justice system and electoral process. In this period, the Partners achieved the following:

- Developed a 12-month work plan outlining activities in five program areas and a plan to monitor the program’s performance over the life of the Agreement;
- Conducted a legislative assessment to determine how the Partners can best provide technical lawmaking assistance;
- Built relationships with members of the legal and judicial community upon which to draw in conducting a rule-of-law program;
- Strengthened the institutional capacity of the Guyana Elections Commission and its ability to conduct free and fair elections through coordination, information technology, logistics, voter education and procurement assistance;
- Further contributed to the country’s ability to conduct free and fair elections over time through technical and financial support to the nonpartisan domestic election monitoring group, the Electoral Assistance Bureau;
- Helped to provide networking opportunities and contributed to the organizational development and advocacy capabilities of civil society organizations through the organization of candidate forums and other events; and
- Developed activities to strengthen local governance, including the identification of training needs, by conducting a local government assessment.

In addition, the Partners regularly met with key representatives from the government, civil society and donor community to define activities and build relationships that will serve

as a foundation for carrying out the program. The national election continued to be a predominant focus for everyone in Guyana during this period and thus remained a consideration in program planning and conducting activities.

The Partners' activities under this Agreement build upon more than 30 years of collective experience in the promotion of democracy in Guyana and worldwide.

II. BACKGROUND

Political Background

Despite progress in electoral reform, controversy over the December 1997 national elections left Guyana at a political impasse. To overcome the stalemate, the Caribbean Community (CARICOM) brokered the Herdmanston Accord and subsequent St. Lucia Statement between the leading political parties - the People's Progressive Party (PPP) and the People's National Congress (PNC). In the accords, both parties agreed to pursue constitutional reform through the establishment of an independent review commission and to conduct new elections within three years, instead of the anticipated five.

In keeping with the agreements, in January 1999 Parliament established the Constitution Reform Commission (CRC), which, after soliciting input from the public, submitted reform recommendations to Parliament in July. After a Parliamentary Select Committee's consideration of the CRC's report, Parliament established an Oversight Committee (OSC) in December 1999 to ensure the drafting of the new constitution by July 2000. While the OSC has drafted all 171 CRC recommendations, and while a number of these recommendations have become law, Parliament has not passed all the drafted reforms and more than likely will not do so until after the March 2001 elections.

During this time, the political parties remained committed to holding national elections by January 17, 2001, as stipulated by the accords. However, in November 2000 the Guyana Election Commission (GECOM) announced that it needed more time to prepare adequately for a quality election. For example, delay in the passage of the Election Law Amendment establishing the change in the electoral system prohibited GECOM from implementing key election activities – such as poll-worker training, poll-worker manual design, ballot design and planning for distribution of election materials – until November 2000. Thus, the political actors decided to delay the election until March 19, 2001.

Unfortunately, before Parliament passed the Election Law Amendment, the two major political parties had failed to reach a consensus on the number of seats allocated for two of the ten regional constituencies, Regions 1 and 8. In Region 8, the PNC, with its new Reform component (PNC/R), and the other opposition parliamentary parties wanted two seats while the PPP, with its own Civic component (PPP/C), wanted one seat. Using their Parliamentary majority the PPP/C introduced the bill supporting their preference, thereby increasing the tension between the two parties.

While the parties agreed to postpone the elections, they disagreed over the governance structure between the accord-stipulated January deadline and the revised March date. Representatives of the parliamentary parties met numerous times to discuss the matter but were unable to reach a consensus.

At the same time, the much-anticipated High Court decision on the 1997 election petition challenging the validity of the 1997 elections was rumored to be imminent. On January 15th, Justice Singh declared that those elections were null and void because of the use of the voter identification card. Although the legislature, with the support of all parliamentary parties in an Act prior to the elections, had authorized in the use of the voter identification card, Justice Singh declared the use of a the cards unconstitutional. She also found that the elections had been subject to massive irregularities but declined to void the result of the elections on this basis as she could not conclude that the irregularities had in fact affected the outcome of the elections.

The ruling elicited a common reaction among PNC supporters, who felt they had been vindicated and that the PPP government was not legitimate. In a further definition of the ruling, the Justice invoked the “doctrine of necessity” and ordered the government to stay in office until new elections were held before March 31, 2001.

Further exacerbating the situation, the PNC submitted a list of some 30,000 names to GECOM, claiming that these people were “non-existent” and should be removed from the voter’s list. After conducting its own investigations, the PNC withdrew the majority of its objections and provided substantiated 3,700 objections to names on the list.

Program History

In January 2000, USAID awarded a Cooperative Agreement to NDI, the primary recipient, and TCC and IFES, its sub-grantees, to conduct a program to achieve the Strategic Objective “More Responsive and Participatory Governance and Rule of Law in Guyana,” and the following Intermediate Results (IRs):

- IR1 Improved and More Informed Law and Regulation-Making*
- IR2 Increased Capacity to Resolve Disputes in a Timely Manner*
- IR3 Sustained Institutional Capacity to Conduct Free and Fair Elections*
- IR4 Civil Society Influences Public Policy (women, indigenous and youth/children)*
- IR5 Strengthened Local Governance*

Operating as equal programmatic partners, NDI, TCC and IFES each agreed to take primary responsibility for achieving certain IRs. NDI took responsibility for IR1, legislative strengthening; IR5, local governance; and the women’s empowerment portion of IR4, civil society. TCC took responsibility for IR2, rule of law, and IR4, civil society, particularly the empowerment of youth/children and indigenous people. Finally, IFES took responsibility for IR3, elections.

This semi-annual report is the second report that the partners have submitted under this Agreement; it contains a description of the activities the Partners conducted and the results they achieved from July 27, 2000, to January 26, 2001.

III. PROGRAM ACTIVITIES

In this reporting period, the Partners conducted activities in several program areas to achieve “More Responsive and Participatory Governance and Rule of Law in Guyana.” However, certain factors impeded the Partners’ ability to conduct a full program:

- The Partners’ work plan, developed cooperatively with USAID over several months, did not receive approval until November 2000.
- The Government of Guyana failed to meet four of the five Conditions Precedent (CPs) that, unless satisfied, prevent the partners from doing legislative and rule of law work.
- While the Partners had an approved work plan in November 2000, the December holiday period detracted attention from democracy-building activities.
- Furthermore, since that time, the country’s focus on elections and other political developments limited the Partners’ ability to implement activities not related to elections.

However, prior to work plan approval and despite the existence of the CPs, the Partners were able to move forward with program planning efforts and election-related activities. Once USAID approved the work plan, the Partners were also able to implement civil society and other activities, responding to the political environment by focusing those activities on support for the electoral process.

Administrative Developments

In this period, the Partners developed an integrated 12-month work plan and budget, accompanied by a Performance Monitoring Plan (PMP), program timeline, and paper describing TCC’s approach to its Amerindian work.

The Partners submitted the first version of the work plan to USAID in July 2000. Based on internal discussions and feedback from USAID, the Partners submitted a revised work plan in September, and a final version, including the PMP and budget, to USAID in October. USAID approved the work plan in November. TCC submitted a paper describing its approach to the Amerindian civil society work to USAID in November as well. In developing the PMP, the Partners contracted with Ira Lowenthal, an expert on program monitoring and evaluation with experience managing USAID democracy programs.

The Partners met in Atlanta in September and in Washington, D.C., in November to discuss program priorities, resource allocations, office management and staffing needs, among

other issues. Also in this period the Partners met several times with USAID to discuss the relationship between the Partners and the Agency, including establishing effective communication mechanisms.

In anticipation of the departure of NDI Country Program Director John Heffernan on January 31, 2001, NDI advertised for the position and interviewed several candidates.

Strengthening Democratic Institutions

IR1 Improved and More Informed Law and Regulation-Making

According to the bilateral agreement between USAID and the Government of Guyana, the Government must satisfy the following CPs before USAID will release funds for activities under this IR:

- 1) The Drafting CP: “The more efficient utilization of drafting skills within the office of the Chief Parliamentary Counsel.”
- 2) The Librarian CP: “The provision of addition (*sic*) librarian services to the Parliamentary Library.”¹

Legislative Assessment Mission

USAID recognizes that it has not been possible for the Government of Guyana to hire staff to satisfy the Drafting CP. Accordingly, in January 2001 NDI Senior Adviser for Legislative Programs Scott Hubli and NDI Deputy Director for Latin America and the Caribbean Programs Matt Dippell traveled to Guyana to join Heffernan in conducting an assessment to determine whether there are ways to strengthen drafting capacity, beyond recruiting legal drafters for the Office of the Chief Parliamentary Council. More specifically, four objectives guided the mission:

- To reassess the assumptions underlying the CPs in order to determine the extent to which they further the accomplishment of IR1 and to determine whether modifications are appropriate in light of evolving political realities;
- To evaluate the prospects for a more active legislative role in the law-making process;
- Assuming that the CPs will be resolved, to refine NDI's strategy regarding programming under IR1; and
- To provide basic information to help inform the legislative reform process.

The assessment included consultations with a broad range of stakeholders and participants in the law-making process in Guyana: parliamentarians and party leadership from the major parties and several minor parties, the Chief Parliamentary Counsel, the Clerk of the National

¹ Quotations taken from the Cooperative Agreement between USAID and NDI.

Assembly and representatives from civil society. Following the mission, Hubli produced a report, attached as Appendix B, which included recommendations for modification to the CPs to enable legislative programs to move forward.

Comparative Information

Also during this period, at no cost to the program, NDI provided comparative information on interim governance systems at the request of political parties. Upon GECOM's announcement of the postponement of the general elections beyond the January deadline mandated by the Herdmanston Accord, the parliamentary parties began requesting from NDI comparative information on interim governance and power-sharing government structures.

For example, NDI provided Rupert Roopnaraine, Leader of the Working People's Alliance, with information from India, Bangladesh, South Africa, and the United Kingdom about the voluntary restraint of government action in the period preceding an election. NDI also provided information on the Electoral Systems and Proportional Representation to students of the University of Guyana who made requests.

IR2 Increased Capacity to Resolve Disputes in a Timely Manner

According to the bilateral agreement, the Government of Guyana must satisfy the following CPs before USAID will release funds for activities under this IR:

- 1) The Legal Personnel CP: "The provision of a Deputy Supreme Court Registrar and a Court Manager to the Supreme Court Registry."
- 2) The Law Librarian CP: "The provision by the [Government of Guyana] of a professional Law Librarian to the High Court Library."²

Drafting of Job Descriptions

To assist the Government of Guyana in meeting the Legal Personnel CP, TCC hired legal expert Kenneth George to draft job descriptions for the vacant positions. The Partners also attempted several times to meet with the Chancellor of the Judiciary to encourage him to fill the positions.

Research and Consultations

In preparation for the implementation of a rule of law program, TCC continued to build relationships with experts and stakeholders in this area. Recognizing the important role of the Guyana Bar Association (GBA) in moving judicial reforms forward, TCC consulted frequently with representatives of this organization. In these consultations, key members pledged their support for reforms and indicated a willingness to convene meetings in order to

² Quotations taken from the Cooperative Agreement between USAID and NDI.

facilitate discussion on the issue. TCC will continue to maintain close contact with the GBA, considering it a critical stakeholder and resource.

In addition, specific to the area of Alternative Dispute Resolution (ADR), TCC identified Marianne Cholmondeley, a Guyanese with extensive overseas ADR experience, as a key resource who has provided important counsel on how to approach the issue of introducing ADR into Guyana.

During this reporting period, TCC met with the British High Commissioner and the representative from the Department of Foreign International Development (DFID) in Barbados.³ DFID remains interested in exploring ADR opportunities in the commercial context and expressed specific interest in collaborating with the Partners in this area.

To become more familiar with previous rule of law programming activities supported by USAID, and specifically to observe the status of the technological assistance previously given to the court under the Guyana Justice Improvement Project (GJIP), TCC met with Regional Legal Advisor Margaret Alexander, USAID Democracy Officer Charles Cutshall, Acting Deputy Registrar Mohammed, and Lance Hinds, a computer expert who provided technical assistance under the GJIP Program.

In reviewing the program, the group found that seven computers were locked in a room with 85% of the data necessary to maintain bare-bones filing information for cases up through April 1999 already entered. It was an enlightening visit and reflected the extent to which the judges had not been adequately involved in the decision-making process during the program, as well as the consequences of the failure to inform people of the nature of the project to build some sense of ownership and interest in the outcome.

During this period, TCC also networked with various rule of law experts and consultants in the United States, including Robert Lipscher, who has extensive experience in U.S. court administration and in international consultancy work related to judicial reform and case flow management implementation. Lipscher is now working in St. Lucia, and may be available to travel to Guyana with the Chief Justice of St. Lucia for a short assessment if deemed appropriate in the future.

IR3 Sustained Institutional Capacity to Conduct Free and Fair Elections

By July 2000, the National Assembly had passed an amendment to the Representation of the Peoples Act establishing GECOM as a permanent body and had also signed a memorandum of understanding with representatives of the international community (Canadian International Development Agency, DFID, the European Union, United Nations Development Programme, and USAID) for elections assistance, thereby satisfying the CP in this area and enabling the Partners to conduct election-related activities.

³DFID is the organization responsible for the international aid initiatives of the UK.

In August, IFES sent a delegation to Guyana to meet with the newly formed GECOM and other relevant players to assess needs and gain the Commission's support. The delegation comprised former U.S. Ambassador to Guyana George Jones, Information Technology (IT) Advisor Michael Yard and IFES Program Officer Rebecca Reichert. During the trip, the Chairman of GECOM, Joseph Singh, expressed his interest in receiving technical assistance from IFES.

Technical Coordination

Also during the visit, GECOM formally approved IFES' candidate, Jerry Henderson, as the Chief Technical Advisor (CTA). Shortly thereafter, Henderson traveled to Guyana for an introduction to the international community, GECOM and the Elections Secretariat staff. By the end of September 2000, the CTA had firmly established himself in Guyana.

Part of the CTA's role in assisting GECOM includes calling attention to concerns regarding the overall polling day preparations. To make informed decisions and recommendations, Henderson met weekly with Singh and convened a weekly technical advisors meeting to discuss the elements of polling preparations on which they were advising. Singh, Acting Chief Elections Officer Gocool Boodoo, and Deputy Chief Elections Officer Calvin Benn also participated in these meetings. Henderson provided a weekly summary of these technical discussions to USAID and periodic reports to other international donors.

Information Technology

Yard made three visits to Guyana during this reporting period. On his first trip in late September 2000, he reviewed a proposal submitted by Software Dynamics, a local company, offering to migrate the GECOM database to a Structured Query Language (SQL) Server. Additionally, he recommended that GECOM create security roles for its staff and strengthen the training component of the proposal by requesting clearly documented scripts and procedures. As a member of the Technical Oversight Committee, he also provided technical guidance on the hiring of three Information Systems staff.

Yard reviewed the proposal from De La Rue, a British company that GECOM contracted with to establish the national identification system and produce the National Identification Card. He also met with GECOM to discuss the process of transmitting election results. While GECOM staff is still in the process of assessing the availability of communication channels and planning results transmission, Yard recommended that results be sent by redundant paths back to GECOM's headquarters.

During Yard's second visit, in December 2000, he examined the parliamentary seat allocation according to the new electoral law amendment, detecting flaws and recommending solutions. At that time, he also met with the Technical Oversight Committee and provided advice on establishing an accurate timeline and streamlining procedures for data entry of claims and objections to the voter's list.

Finally, Yard traveled to Guyana for a third time in January 2001 to assist the Elections Secretariat's Information Systems Department (ISD) in troubleshooting any problems that might occur with the final data entries and verification of these entries, the printing of the Final Voter's List, programming needs and analyzing the implications of the seat allocation formula. At the end of this reporting period, the ISD had input the last data into the Provisional Voter's List (PVL) by January 25, so that the PVL could be printed by January 31. The production of the National Identification (ID) Cards for District 1 began January 26. I.D. card distribution in the other districts was expected to begin shortly thereafter.

Election Logistics

Logistics Advisor Theo Noel arrived in Guyana in December 2000 to review and assess the logistical preparations for the upcoming elections, at which time he met Singh and other key persons at the Elections Secretariat. Among other activities, he assisted GECOM in developing the National Logistic and Communication Plan.

Senior Technical Advisor (STA) Jeff Fischer traveled to Guyana in January 2001. The STA's role in Guyana is to gather information and assess progress being made on technical aspects of the electoral process, to provide stakeholders with relevant perspectives of electoral processes from around the world, and to promote effective collaboration between IFES and other organizations providing technical assistance. While in Georgetown, he met with Henderson, the Joint Technical Assessor (JITA) Keith Hathaway, GECOM members, and representatives of the international donor community. Fischer issued a report detailing his assessments and recommendations.

Equipment Procurement

According to the Memorandum of Understanding between USAID and GECOM, USAID committed approximately \$150,000 in financial support for the procurement of equipment for the use of the Elections Secretariat. This equipment will consist of machines to facilitate in-house printing and copying for the Secretariat and Regional Electoral Offices, as well as other office equipment. In this period, IFES secured and is currently processing purchase orders for the photocopiers in use at the Elections Secretariat. Purchase orders for additional office equipment will follow shortly.

Domestic Observation of Elections

In December 2000, NDI finalized the subgrant arrangement with the Electoral Assistance Bureau (EAB). Although the EAB had submitted a funding proposal to NDI in May 2000, NDI could not immediately respond for three reasons, the first of which being that the CP for funding related to the elections had not been satisfied by that time.

Second, the international donor community had not decided who among the donors would fund domestic observation of the elections; later the Canadian International Development Agency (CIDA) confirmed that it would fund domestic observation. It was only

several months later, following the satisfaction of the CP, that CIDA decided to not fund domestic observation and the Partners assumed this responsibility, agreeing that a critical element to any credible election is the presence of domestic observers.

Finally, there was wavering interest on the part of EAB in undertaking domestic monitoring efforts in these elections and a lack of interest on the part of other organizations to conduct a program. Despite announcing publicly that it would entertain proposals from any organization interested in fielding election observers, NDI did not receive any inquiries. At the beginning of November 2000, it looked as if there would not be any domestic organization observing the election. By mid-November, however, the EAB presented a revised proposal to the NDI and began its operation in December.

In December 2000, Lawrence Lachmansingh, NDI Deputy Regional Director for Asia Programs and former EAB Director, traveled to Guyana as a consultant to assist the EAB in the finalization of the Bureau's subgrant proposal and in the development of a plan for implementing the proposal.

EAB in this period made great progress towards meeting its goal of identifying and training 1,600 volunteers for observation efforts on election day. EAB identified 15 Regional Coordinators; these individuals will be trained and then will return to their respective regions to recruit and train additional volunteers. To meet their volunteer goal, EAB mailed out informational invitations to 1,000 previous volunteers and consulted with the organizations, council members, sponsors and the private sector.

Formulated after the 1997 elections' delays in the announcement of the elections results, and keeping with EAB's position on transparency, the EAB strategy includes the development of a comprehensive website on the group's activities and election information. In January, EAB contracted with Lloyd Wilson to develop and maintain the website, which can be found at <http://www.eabguyana.org.gy>. The website's organizational information includes the history of the EAB and the EAB Council of Management. The election information includes press releases and updates; it will feature results obtained by EAB observers, actual results displayed at polling places and period and final reports.

Throughout the course of this program, EAB has been diligently consulting with and advised by relevant interested parties: political party representatives, funders, members of the international donor community, members of the diplomatic community and international observer groups. EAB has been careful to consult with GECOM in searching for areas of cooperation and has also regularly communicated with the news media.

IR4 Civil Society Influences Public Policy

During this period, the Partners began to conduct activities outlined in the civil society component of the program, as well as to develop the civil society organization criteria that USAID required the Partners to apply in selecting groups to which to provide technical and financial assistance. Thus, the Partners began to develop a process for selecting local partner

organizations, to discuss benchmarks to include in the Effectiveness in Advocacy Index, and to design an effective way to gather baseline data. In addition, the Partners continued to consult closely with local stakeholders, including government officials and civil society representatives, in shaping civil society strengthening activities.

Public Education on the Constitution

After receiving work plan approval in November 2000, NDI and TCC met with the Guyana Association of Women Lawyers (GAWL) to discuss a proposal that the group had previously submitted to NDI for the funding of a public education campaign on constitutional reform. As the national elections approached there were indications that a large portion of the population had very little understanding of the electoral system and the constitutional reform changes. Since there was no entity conducting education of this nature, the Partners and GAWL agreed that there was a critical need for a civic education campaign to focus on the revised electoral system.⁴

In its proposal, GAWL outlined the following objectives:

- To familiarize the general population on the new constitutional provisions, paying particular attention to youth, women and Amerindian populations;
- To bring about an awareness of the importance of the constitution to everyday living;
- To foster interest and generate discussions on the constitutional process;
- To increase Guyana's capacity to govern and be governed by providing lawmakers, implementers and the public with the information they need to understand the revised constitution; and
- To provide women's groups with information on the strengthened rights provisions of the revised constitution and implications for gender equity.

To achieve these objectives, GAWL planned to organize forums and workshops targeting women, youth and Amerindians around the country. In addition to its own members, GAWL enlisted presenters and facilitators from the Women's Affairs Bureau and a number of NGOs. GAWL also planned to utilize print, electronic and broadcast media to disseminate the information.

In this period, NDI assisted GAWL in refining the proposal and budget and in understanding and preparing for the subgrant process. The GAWL proposal is attached as Appendix C.

Candidate Forums

Also during this reporting period, NDI and TCC began working with the NGO Forum and a coalition of youth groups in organizing forums where members of the civic and youth

⁴While the partners had previously planned to support efforts at public education on the new constitution under IR1, the unresolved Conditions Precedent in this area led the Partners, with the agreement of USAID, to implement these activities under IR4.

sectors could interact with candidates. The forums would allow voters from these sectors to directly question the presidential candidates about civil society and youth issues.

To prepare for the forums, NDI and the TCC consulted with several youth groups including the University of Guyana Students' Society (UGSS), the Muslim Youth League, the University of Guyana Hindu Society, the Muslim Youth Organization, Guybernet, Janus Young Writers Guild, and the Youth Corps. The consultations centered on the role young people can play in the upcoming general elections and programs to achieve their participation.

Promoting Women's Political Participation

Members of the Women's Millennium Caucus (WMC), a group that promotes women's participation in the economy, society and the political process while bridging the ethnic divide, participated in the reporting forum on the proceedings of the Beijing+5 Conference that was held in June 2000 in New York. Two members of the WMC, Sheila Chapman-Wong and Mavis Benn, had participated in the non-governmental organization (NGO) forum at the conference. The reporting forum served to report to other NGOs and the Regional Women's Affairs Committee on the issues that participants discussed at the conference and to formulate a plan of action for Guyana. NDI provided material and logistical assistance to the staging of the reporting forum.

The WMC hosted a seminar on women in politics with particular reference to Guyana's political process in July 2000. Professor Andrew Reynolds, visiting Guyana under the auspices of Notre Dame University in Indiana, led the seminar. Reynolds' earlier work with the OSC included gender issues related to the creation of a new electoral system. Reynolds gave a short presentation on the various measures being taken around the world to foster greater numbers of women in Parliament. More than 18 women representatives from a wide cross-section of Guyanese society attended the seminar and were engaged in a lively discussion on the language of the recommendations of the CRC on gender quotas for women in parliament and other issues.⁵

In August 2000, the WMC hosted an eight-week study circle entitled "Women in Trade Unions." The WMC based the program on one of the recommendations that emanated from the National Consultation in April. The goal of the activity was to encourage the participation of women in trade unions in order to develop educational materials that would address issues of concern to female workers and develop self-confidence and other skills for leadership. The study circle sought to develop self-confidence, communication skills, group skills, trade unionism techniques and problem-solving skills. Topics discussed included women in the workplace, discrimination and victimization, women and the "glass ceiling," sexual harassment and daycare for the children of working women. Philomena Sahoye-Shurry and Vera Naughton, both WMC members and female trade unionists, coordinated the program, which was held at Critchlow Labour College, lasted for eight weeks with sessions of one hour per week, and enjoyed the participation of eight unions.

⁵ The Partners did not report on these activities in the previous semi-annual report.

Further, the WMC continued to advocate for greater participation of women in decision-making bodies and processes. Toward this end, the WMC engaged in discussions with other women's groups on public outreach education programs, especially for outlying rural areas, and on the new provisions for gender issues in the constitution and electoral system.

Research and Consultations

During this reporting period, NDI and TCC continued to meet with representatives from women's and youth organizations and from the donor community to continue to define the civil society program and cultivate relationships. For example, NDI and TCC met with Odinga Lumumba, Presidential Advisor on the Youth Empowerment Program following from the President's Youth Initiative, to inform him of the Partners' youth program, and with representatives of Guybernet and other youth groups to get better data on exactly what youth NGOs are active at this time.

NDI and TCC also met with a representative of and a consultant to the CIDA-funded non-profit Building Community Capacity Program (BCCP), which has proved useful and appears very successful. BCCP expressed its interest in cooperating with NDI and TCC as they move forward with implementation of the program. Furthermore, TCC met with representatives of Rights of the Child, a local NGO; attended a Roteract Club meeting, a group that BCCP has chosen as a target group to which to provide assistance; and facilitated self-evaluation meetings for Guybernet, the youth NGO that has been struggling with organizational and financial problems.

Finally, TCC met with Edward Greene, the deputy head of the CARICOM Secretariat in Guyana, to discuss the regional youth-in-civil-society encounter that CARICOM is organizing throughout the Caribbean that will take place on the two days prior to the Heads of State meeting in July 2001. Greene expressed interest in the Partners' program and agreed that TCC should be informed of, and possibly included in, planning for this Caribbean initiative.

Amerindians

During this period, TCC continued to seek input and guidance from local and international experts, including Gordon Forte and Gary Branashute, on its Amerindian work. TCC held several meetings with Amerindian representatives, including, Ian Melville, Vincent Henry, Ashton Simon and Ivor Maslow of the Amerindian People's Association (APA); representatives from the Beacon Foundation and the Guyana Organization of Indian People; and Minister of Amerindian Affairs Vibert DeSouza. In these meetings, TCC solicited input on the program design and discussed the benefits or problems with working at the regional level. The necessity of restraint from imposing an outsider's program, and the benefits of working at the regional level, were emphasized.

An important activity was a short field trip to Lethem in late September to attend the regional Touchau's council meeting and the celebrations for the end of Amerindian Heritage

Month. The trip reinforced the understanding that the Amerindian communities do want development, but on their terms and with their involvement and direction, including the condition that any assistance must go through the Touchau council structure. The communities identified priority needs that included schools, wells, a bridge, environmental education, health facilities, training in mapping, and community-based resource management. In addition, the level of activity around the new political party, GAP, which is primarily Amerindian-based, was notable.

Although the partners have commenced the activities described above and continue consultations with representatives of and groups relevant to the identified civil society target populations, the focus on elections will likely be an obstacle to implementation of activities in this IR in coming months.

In addition, as stated previously, TCC presented an Amerindian approach paper to USAID in November.

IR5 Strengthened Local Governance

Local Government Assessment

In January, NDI engaged local consultant Gordon Forte in conducting an assessment of existing and desired conditions regarding local governance in three Amerindian communities on the Essequibo Coast. Based on the findings from a pre-assessment, Forte structured participatory interviews that he conducted in the field in late January 2001. Forte outlined his observations and program recommendations in an assessment report, attached as Appendix D.

Sharing Information Internationally

NDI also shared information about its local government program with representatives of NDI's Haiti program, including a copy of the local government trainers manual that NDI and the Ministry of Local Government in Guyana had produced.

IV. RESULTS AND ACCOMPLISHMENTS

This period, the Partners achieved results in their efforts to promote “More Responsive and Participatory Democracy and Rule of Law in Guyana,” which are described below. The Partners have presented the results of the program with special attention to the PMP.

Because of the delayed start in conducting activities for reasons discussed in “Program Activities,” many of the Partners’ activities have not yet yielded results. However, many of their efforts in this period laid the groundwork for results in the next period. The Partners will include a more detailed description of results in the next semi-annual report.

Administrative Developments

In this reporting period, the partners succeeded in developing a 12-month work plan and budget, PMP, program timeline, and paper describing TCC's approach to its Amerindian work. The work plan and budget reflect an integrated, cost-effective approach to the program.

The Partners meetings in Atlanta and Washington, D.C., not only informed the content of the work plan, but also led to the more integrated management of the program. For example, in these meetings the Partners decided to share staff and office space, thereby enhancing the quality and cost-effectiveness of the Partners' work.

Strengthening Democratic Institutions

<i>IR1</i>	<i>Improved and More Informed Law and Regulation-Making</i>
<i>Indicator:</i>	<i>Citizen Input to the Legislative Process</i>
<i>IR1.1</i>	<i>Increased Technical Capacity for Law-Making and Regulations</i>
<i>Indicator:</i>	<i>Legislation Acted Upon and Administrative Regulations Issued in a Timely Manner</i>
<i>IR1.2</i>	<i>Law/Regulation-Making Procedures Regarding Public Input Improved</i>
<i>Indicator:</i>	<i>Increased Formal Opportunities for Public Input in Legislative Development and Regulatory Processes</i>

Due to the failure of the Government of Guyana to fulfill the CPs in this area, the Partners were unable to conduct activities to yield results outlined in the PMP.

Legislative Assessment Mission

However, through the January legislative assessment mission, NDI succeeded in identifying obstacles to the fulfillment of the CPs and recommending ways to overcome the CPs and achieve results in the legislative area.

For example, the team found that the concentration of drafting responsibilities in the Office of the Chief Parliamentary Council may actually serve to delay the legislative process and limit the ability of members of parliament to promote legislation on behalf of civil society, decreasing the number of laws/regulations enacted following public hearings. These effects run contrary to the units of measure for IR1.1 and IR1.2 as described in the PMP. The team also discovered that there is a lack of awareness about parliamentary standing committees, an important avenue for legislative debate and public input into the policy-making process.

In the assessment report, Hubli recommended a number of modifications to the CPs to help accomplish IR1:

- Waiving the Drafting CP, upon a commitment from the Government of Guyana to cooperate in the implementation of certain project activities designed to strengthen drafting capacity;
- Negotiating a modification to the Librarian CP to focus more broadly on the provision of research and policy support services; and
- Exempting certain activities from the CPs, to allow the expenditure of IR1 funding for activities that are specifically designed to assist the government in fulfilling the CPs.

The Partners hope that the findings of the legislative assessment mission will improve the design and enable the implementation of activities necessary to achieve an improved and more informed law-making and regulatory process.

Comparative Information

In addition, the comparative information that NDI provided leaders about interim governance structures, particularly that from the Indian Elections Commission, became central to negotiations in the all party committee talks for an interim governance structure.

<i>IR2</i>	<i>Increased Capacity to Resolve Disputes in a Timely Manner</i>
<i>Indicator:</i>	<i>Time from Filing of Cases to Disposition in High Court, in Civil and Criminal Matters</i>
<i>IR2.1</i>	<i>More Efficient Judicial Processes Developed</i>
<i>Indicator 1:</i>	<i>Length of Time from Date of Final Adjudicatory Decision in High Court in Civil and Criminal Cases to Date of Lodging of Cases Appealed to Court of Appeals</i>
<i>Indicator 2:</i>	<i>Amendments to Rules of Court or Rules of Procedure, or to Substantive Laws, that Increase Efficiency of Judicial Processes</i>
<i>IR2.2</i>	<i>Management and Administrative Capacity of Courts Strengthened, Particularly for Case Flow Management</i>
<i>Indicator:</i>	<i>Number and Quality of Management Reports Disseminated on Annual Basis</i>
<i>IR2.3</i>	<i>Increased Capacity to Address Case Backlogs through Examination and Application of Promising Alternatives such as ADR</i>
<i>Indicator:</i>	<i>Number of Alternative Forums for Dispute Resolution</i>

Again, due to the failure of the Government of Guyana to fulfill the CPs in this area, the Partners were unable to conduct activities to yield results outlined in the PMP. Adding to the inertia, the judiciary remained unwilling and unable to address reform issues until after the national elections. Nonetheless, TCC succeeded in laying the groundwork for activities to increase capacity to resolve disputes in a timely manner in upcoming periods.

Drafting of Job Descriptions

While TCC did work to increase capacity to resolve disputes in a timely manner by contracting a local expert to draft the job descriptions of the vacant positions, this activity did not induce the Government to fill those positions. The continuing vacancies underscore the growing concern of the Partners and USAID that the government is not committed to moving forward in judicial reform and not likely to take the necessary steps to satisfy the CPs in this area.

Research and Consultations

Despite the promising responses TCC received from many members of the Guyanese legal community, the judiciary remained, like other institutions, unable and unwilling to address reform prior to the elections. Even an assessment of ADR options was foreclosed. For example, one alternative that must be considered is whether an ADR system should be court-annexed or not, the latter implying a community-based dispute resolution mechanism for community disputes. Engaging courts on this alternative remained unlikely until after the elections.

However, in this period TCC succeeded in preparing for future judicial reform activities. Specifically, TCC continued developing effective and productive relationships with and between donors and other program implementers. TCC also identified a local ADR expert for incorporation into work pending the fulfillment of the CPs. Similarly, the Partners view as essential facilitating communication and building more positive and effective relationships between donors and implementers who are working in the rule of law arena.

Finally, reviewing the status of technological assistance previously given to the court under the GJIP offered an important opportunity to identify lessons learned and reminded the Partners that future activities should address these and other related issues.

<i>IR 3</i>	<i>Sustained Capacity to Conduct Free and Fair Elections</i>
<i>Indicator:</i>	<i>Level of Support for Permanent GECOM</i>
<i>IR3.1</i>	<i>Establish and Institutionalize a Permanent GECOM: Strengthened Capacity of Permanent GECOM</i>
<i>Indicator:</i>	<i>Clearly Articulated and Established Institutional Framework for the Permanent Elections Secretariat</i>
<i>IR3.2</i>	<i>Strengthened Capacity to Conduct Free and Fair Elections</i>
<i>Indicator:</i>	<i>Permanent GECOM Performance Improves</i>

During this period, preparations for the general elections originally scheduled for January 17 and moved to March 19 dominated the political climate. Working closely with GECOM and EAB, the Partners helped to strengthen the capacity of the Permanent Elections Commission and the country's ability to conduct free and fair elections.

IR3.1 *Establish and Institutionalize a Permanent GECOM: Strengthened Capacity of Permanent GECOM*

Technical Coordination

IFES helped to institutionalize GECOM's use of timetables and communication mechanisms by establishing the practice of weekly meetings, involving the chairperson and

principal officers. These meetings served to facilitate communication and promote awareness of activities and obstacles.

IR3.2 Strengthened Capacity to Conduct Free and Fair Elections

IFES also helped to strengthen Guyana's capacity to conduct free and fair elections. In reviewing these results, please note the interrelationship between efforts to assist in conducting a free and fair general election in March 2001 and how this assistance will contribute to IR3.1, strengthening the capacity of the permanent GECOM.

Technical Coordination

The regular meetings the IFES organized not only institutionalized GECOM's use of timetables and communication mechanisms, but also served to facilitate communication and promote awareness of activities and obstacles around the March 2001 elections, improving the quality of those elections.

Information Technology

Yard made several important observations and recommendations during his three trips to Guyana. During his first trip, Yard established the importance of timetables and proposed guidelines for voter registration and identification in his work with the British firm contracted to establish the national voter identification system. Yard also left recommendations on transparent and accurate compilation of votes. Yard detected on his second trip the possibility of over-allocation of seats based on the new election system, not only effectively enforcing compliance with electoral reform but also attempting to modify the new system and avoid potential conflict. Yard assisted the competent and transparent handling of the claims and objections period by improving the data entry function of this process. Yard recommended the development of several databases to help improve election day management.

Yard recommended that a time-motion analysis be conducted to test and verify the card production process. In addition, Yard suggested that the quantity of cards to be produced and the specified timeframe be clearly delineated and guaranteed in the contract.

During his second visit in December 2000, Yard examined the parliamentary seat allocation according to the new electoral law amendment, detecting a flaw that could have resulted in over-allocation of seats. The national top-off seats are allocated by applying the Hare formula, using the total number of votes nationwide, divided by 65 seats. For each party, the number of geographical constituency seats won is then subtracted from the number of seats allocated at the national level, and the result is the number of "national top-off seats" awarded to that party. It is possible that using this method may result in allocation of more than 65 seats.

Yard proposed that the easiest solution would be to clarify at the onset that the allocation of seats will stop when 65 seats have been allocated. Seats awarded on the basis of “integer division” would be awarded, and subtracted from the seats won within the geographical constituencies. This subtraction should occur before awarding any seats based upon fractional remainders. The number of seats awarded based upon fractional remainders would be 65 minus the number of seats already allocated.

Yard was present when a difference of over 18,000 votes between Master Registration Cards (MRCs) with “New Photo Taken” transactions and MRC’s transacted overall was detected, the latter being the larger figure. The error was investigated and identified as a software error in a reporting tool, causing the reported figures for photographic transactions and overall transacted MRC’s to differ by over 18,000. A careful re-examination of the Revised Voter’s List (RVL) criteria and a computer query confirmed that the higher figure was correct. Further investigations confirmed that the error existed only in the reporting tool and that the data in the Master Registration Database (MRDB) was correct at all times. In other words, only the transaction summary reports were inaccurate; the error did not cause any elector to be wrongly included or excluded in the RVL or any other statutory list output from the MRDB.

Yard recommended that GECOM develop a number of database systems before March 19, including a Logistics Tracking Database, a Preliminary Results Reporting Database, a Statement of Polls Processing System, Seat Allocation Programming and a Results Publication System. He recommended that consultant Fitzgerald Jean travel to Guyana to assist the Elections Secretariat in developing these systems.

Election Logistics

Noel also made important recommendations to allow for better logistical management, including time management, on election day. He institutionalized the use of daily logistical task lists, and his work helped GECOM complete its National Logistic and Communication Plan.

In gathering baseline information on the logistics plan, Noel felt the conceptual plan was acceptable and found preparations underway. Among his recommendations was prepackaging the materials for delivery to the regions instead of delivering them in bulk. He anticipated that this step would not prevent the Returning Officer and Presiding Officer from controlling the materials while it would relieve the burden of assembling the materials at the regional level where resources are fewer and quality control more difficult to maintain. Noel also proposed the pre-packaging of ballots and ballot boxes and recommended that GECOM use a database of polling stations and political parties in preprinting the distribution and return forms as well as the statement of poll and tally sheets to save time during counting and reduce mistakes after a long election day.

With Noel’s assistance, by early January GECOM had completed the National Logistic and Communication Plan. The Logistic Unit had prepared a training program, including the

use of a Daily Logistic Task List, for the District Logistic/Communication Clerks, and the District Logistic/Communication Clerks were recruited and trained on January 22.

Fischer also made an important contribution to the institutionalization of free and fair elections in Guyana. In his assessment report, Fischer was impressed with GECOM's progress in organizing free, fair and transparent elections, and felt that adequate international assistance complemented those efforts. To improve further the electoral process, Fischer put forth a few recommendations for the Elections Secretariat's consideration such as strengthening GECOM's media strategy by emphasizing central voter education themes in all their public statements and organizing frequent briefings for the press and local media. Fischer also urged that training efforts further clarify criteria to determine valid and invalid votes and ballot stamping procedures, identification procedures, and voting procedures for the Disciplined Forces. Finally, provided that international donors are interested and funding exists, Fischer also suggested that a legal review of election day procedures and a review of election day security planning be conducted.

Furthermore, Fischer improved GECOM's effective communication with voters through the media by redesigning GECOM's media strategy. Fischer also assisted the process to transparently and accurately count votes by clarifying standards for valid and invalid votes and ballot stamping procedures.

Domestic Observation of Elections

The role of civil society is crucial to ensure the transparent and effective preparation and execution of the elections process. With NDI's financial and technical support, the EAB continued to strengthen its role as the leading domestic election monitoring organization in Guyana. NDI's support of the EAB contributed to the development of Guyanese capacity to sustain and conduct a free and fair election process.

With Lachmansingh's assistance, the EAB established practices designed to improve the organization's performance, as measured by an Institutional Performance Index. EAB established binding timetables with respect to the establishment of schedules for regular meetings and deliverables. EAB's press releases and media strategy allowed the group to communicate effectively with voters through the media, and their releases served to effectively enforce compliance with electoral reforms. Through the website, the EAB will assist in the prompt announcement of election results and help ensure the transparent and accurate recording of votes. As of the end of this reporting period, EAB successfully confirmed the participation of 436 observers and supervisors. While there, Lachmansingh led the EAB through its first organizational meeting under the project. That session established a regular meeting schedule and determined the project's staffing. Lachmansingh also conducted an in-house strategic workshop with staff members. This session identified the primary work areas for the program and developed the strategy necessary to conduct the project, including volunteer recruitment goals, operational transparency, and media strategy. The EAB decided on six shared and clear objectives:

1. Validating the voters list;
2. Monitoring the performance of the media;
3. Monitoring the conduct of the political parties during the election campaign;
4. Observing the conduct of elections on polling day;
5. Undertaking poll projections; and
6. Checking the post-election processes and procedures up to the time of the swearing in of the President.

The initial strategic sessions also yielded a clearly articulated and established institutional framework for a civil society organization that could serve as an honest broker in Guyana's democratic progress. Lachmansingh's consultations helped the group establish six clear and shared objective areas. EAB also developed a clear organizational structure, with clearly delineated roles and responsibilities for its staff.

<i>IR4</i>	<i>Civil Society Influences Public Policy</i>
<i>Indicator:</i>	<i>Successful Advocacy Campaigns</i>
<i>IR4.1</i>	<i>Increased Networking and Consensus-Building Capacity Among NGOs within the Three Identified Populations</i>
<i>Indicator:</i>	<i>Joint Program-Related Activities Undertaken by NGOs, including one or more Targeted NGOs (TNGOs)</i>
<i>IR4.2</i>	<i>Increased Organizational and Analytical Capacity of a Subset of TNGOs Representing the Three Identified Populations</i>
<i>Indicator 1:</i>	<i>TNGOs Clearly Articulate their Objectives</i>
<i>Indicator 2:</i>	<i>TNGOs Collect Information and Input about Issues that Concern Them, and Formulate a Policy Position on the Issue in a Consultative Participatory Fashion</i>
<i>IR4.3</i>	<i>Increased Capacity to Advocate for Improvements in the Status of Each of the Three Targeted Segments of Civil Society</i>
<i>Indicator:</i>	<i>TNGOs Develop and Allocate Resources for Advocacy</i>
<i>IR4.4</i>	<i>Increased Public Debate on Issues Affecting the Three Identified Populations</i>
<i>Indicator:</i>	<i>Number of Forums Concerning: (a) Constitutional Reform, and (b) Public Issues/Decisions Pertinent to the One or More of the Three Groups at National, Regional and Local Levels</i>
<i>IR4.5</i>	<i>More Informed Media Discussions of Issues Affecting the Status of the Three Identified Populations</i>
<i>Indicator:</i>	<i>Increase in Informative and Useful Programming and Publications</i>

During this period, the Partners achieved results through the implementation of new activities and the ongoing success of efforts from previous periods and also laid the groundwork for achievement of additional results in the next period.

IR4.1 Increased Networking and Consensus-Building Capacity Among NGOs within the Three Identified Populations

Candidate Forums

Through their consultations with youth groups in preparation for the candidate forums, NDI and TCC's consultations led to the formation of the Alliance of Youth for Electoral Awareness. The objective of the Alliance was to provide, in a medium that reflected Guyanese youth culture, an opportunity for young people to interact with the candidates and view the parties' proposed programs and policies that formed their campaign platform. The Alliance designed the forums with the theme of "Present Leaders Meet Future Leaders," an opportunity to promote meaningful interaction between youth and candidates contesting the national and regional elections.

Promoting Women's Participation

With the financial and technical assistance from NDI, the WMC has become one of the nation's principal women's interest advocacy groups. Since the group's formation in 1999, NDI has assisted in the development of the WMC's institutional capacity through regular consultations and cooperation on activities.

This period, the WMC increased networking and consensus-building capacity among NGOs with its cooperation with labor unions and Critchlow Labour College on the eight-week "Circle for Women in Trade Unions" series. With this activity, the WMC identified new priority issues for the organization and increased public debate on issues affecting women. The WMC increased the impact of these results through continuing consultations with other women's groups on a series of public education campaigns on gender issues and the new constitution. The study circle lasted for 8 weeks with sessions of 1 hour per week. Eight unions participated.

IR4.2 Increased Organizational and Analytical Capacity of a Subset of TNGOs Representing the Three Identified Populations

Organizational Development

This period, the partners were able to increase the organizational and analytical capacity of civil society organizations, a by-product to its other civil society efforts in this period. First, in the course of the discussions it became clear that all persons involved in Guybernet, a youth NGO, did not share the same vision and definition of the mission of Guybernet. It also appeared that there were significant leadership issues that the organization must address. Through discussions with TCC and NDI, the organization's representatives recognized the need to develop a more cohesive and coherent approach and realized that they must improve their internal communications in order to be able to deliver the services

intended. They have begun their work in this area, although it is clear it will take significant time and effort to address their problems effectively.

Public Education on the Constitution

Furthermore, TCC and NDI worked closely with GAWL in developing a proposal for a public education program, contributing to that organization's ability to secure funding from other organizations in the future.

IR4.3 Increased Capacity to Advocate for Improvements in the Status of Each of the Three Targeted Segments of Civil Society

Capacity Building

The partners also helped increase the capacity of civil society organizations to advocate for improvements in the status of youth and women. TCC and NDI provided significant assistance to Guybernet in securing a small grant from UNICEF and UNDP to undertake a small project at the end of the year 2000.

Public Education on the Constitution

GAWL's public education program will ultimately yield a population that knows its rights and are better able to articulate those rights in the ballot box and more generally in the political process.

Candidate Forums

Finally, TCC and NDI also laid the groundwork for a series of candidate forums allowing for interaction between candidates and citizens and focusing political debate on issues concerning target populations, specifically women and youth.

<i>IR5</i>	<i>Strengthened Local Governance</i>
<i>Indicator:</i>	<i>Increased Responsiveness by Local Officials to Community Concerns</i>
<i>IR5.1</i>	<i>Strengthened Management and Technical Capacity to Respond to Communities' Needs</i>
<i>Indicator:</i>	<i>Increase in the Quantity and/or Variety of Public Services Provided by Local Councils</i>
<i>IR5.2</i>	<i>Role of Local Government Further Defined and Rationalized</i>
<i>Indicator:</i>	<i>CRC Recommendations on Local Government Reform are Progressively Translated into Draft Legislation</i>
<i>IR5.3</i>	<i>Dialogue Promoted Between Local Government Entities and Affected Communities</i>
<i>Indicator:</i>	<i>Increased Frequency of Public Interaction between Council Members and Citizens</i>

Due to the lack of national attention on local governance issues during the pre-election period and the lengthy constitutional reform process with implications for local governance, the Partners were unable to conduct activities that would have yielded results as outlined in the PMP.

Local Government Assessment

Nevertheless, through the January local government assessment, NDI succeeded both in identifying obstacles to strengthened local governance at the national and local levels and in recommending approaches to overcoming them.

In the assessment report, Forte made the following recommendations:

- Essential training in practical measures for improving governance must be integrated with skills training relevant to real and immediate concerns of livelihood.
- Opportunities for such linkages can be found in the need for groups to learn how to interact freely and collaborate on management issues vital to the new projects now being promoted for economic development in these very localities.
- NDI must collaborate with the management of other development agencies active in the Region to contribute modules of governance training, on a modern participatory style, within the training being provided in technical and substantive subjects for several new income-generating projects, namely the Poor Rural Communities Support Services Project and the InterAmerican Institute for Cooperation in Agriculture.
- Activities designed to strengthen management and technical capacity to respond to communities' needs must be linked with activities to promote dialog between local government entities and affected communities.

Through the assessment, Forte found that local governments do not have the capacity to achieve social consensus and respond to community problems, impeding community development. Similarly, he found that economic development projects are likely to fail because of the inability of the participants to resolve diverse views and interests, and to agree on equitable sharing of responsibilities and benefits. Furthermore, Forte concluded that there is low capacity in these populations to deal with conceptual learning through conventional methods; as a consequence of material and educational poverty, most individuals are preoccupied with basic subsistence.

The assessment, building upon the findings of the May 2000 roundtable consultations, will serve as a basis for strengthening the Partners' local government program to promote the empowerment of local officials, from training to political reform.

Sharing Information Internationally

In addition, NDI's Haiti program has benefited from the information about NDI's local government work in Guyana. For example, the NDI-Haiti team is considering translating the local government trainers manual into Haitian Creole for use by local counselors in that country. Thus, the impact of the Partners' local government program in Guyana extends beyond the country's borders.

V. FUTURE ACTIVITIES

The March national elections and the post-election environment will shape the Partners' activities in the next reporting period. Following the elections, the Partners will review their work plan and adjust their program in response to changes in the political environment and the needs of the Guyanese. Also, after this reporting period, USAID decided to redesign the program framework and adjust the bilateral agreement with the Government of Guyana. Thus, the program's future will also depend upon the outcome of this redesign process.

IR1 Improved and More Informed Law and Regulation-Making

Pending the status of the CPs and the post-election political environment, the Partners are prepared to move forward on programmatic and administrative activities to achieve improved and more informed law and regulation-making, including those to assist the Government of Guyana in meeting the CPs. Specifically, NDI is prepared to undertake the following activities:

- To develop, with the assistance of a legislative drafter from a Commonwealth country, a drafting manual to document the necessary drafting standards and procedures to open the drafting process to Guyanese legal experts outside of the OCPC;
- To assist the parliament in developing a staffing and resource plan;
- To support the development of standing committees by providing comparative information through the parliamentary library and directly to members of parliament and facilitating discussion on committee systems; and
- To resume its search for a legislative program officer, should the program require it.

IR2 Increased Capacity to Resolve Disputes in a Timely Manner

Again, pending the status of the CPs and the post-election political environment, the Partners are prepared to increase their efforts to build capacity to resolve disputes in a timely manner. Although political will for judicial reform has been slow to develop, TCC is prepared to undertake the following activities:

- To continue creating and maintaining relationships upon which the organization can build its future judicial reform efforts, including relationships with the GBA and the British Department for International Development;
- To continue identifying and consulting with local experts on activities to achieve judicial reform; and
- To conduct an assessment mission to evaluate the possibility for implementing ADR.

IR 3 Sustained Capacity to Conduct Free and Fair Elections

Next period, the Partners will continue to support the conduct of free and fair elections. IFES, through its work with GECOM, is prepared to undertake two principal activities:

- To continue providing technical and procurement assistance to GECOM through election day; and
- To collaborate with GECOM in organizing a post-election retreat to evaluate the commission's work this election and make recommendations for future elections.

NDI, through its work with EAB, may also undertake these activities:

- To conduct in-house and field checks to test the accuracy of the Revised Voters List;
- To monitor the performance of the media during the election campaign;
- To monitor the conduct of the political parties during the election campaign;
- To observe the conduct of elections on polling day;
- To undertake poll projections; and
- To check the post-election processes and procedures up to the time of the swearing in of the President.

IR4 Civil Society Influences Public Policy

Next period, the Partners will continue their efforts to strengthen the capacity of civil society to influence public policy. Among other activities, TCC and NDI may undertake the following activities:

- To continue to assist GAWL in conducting public forums and other educational events and activities on the revised constitution, especially for voters and members of the youth, women and Amerindian communities;
- To support the candidate forum in cooperation with BCCP that is an initiative of the NGO Forum that will introduce political candidates to the NGO community,
- To support the candidate forum that is a similar effort of youth groups to provide young people an opportunity to ask candidates questions about issues of importance to their communities;
- To help the NGO Forum draft NGO legislation; and
- To commence activities to develop select organizations.

IR5 Strengthened Local Governance

Next period, NDI will continue its efforts to strengthen the role of local governance. Among other activities, NDI may undertake the following:

- To collate, compile and categorize all recommendations for local government reform as outlined in the CRC, CARICAD, Wallace Rogers' reports and the NDS. NDI would

then forward the resulting document to the Ministry of Local Government with the intention that it would form the basis for developing a local government reform agenda;

- To organize a follow-up meeting with the captains, councilors and community leaders to discuss the report and possible program activities, probably after the March 2001 elections; and
- With the proposed December 2001 local government elections, to begin formulating strategies for increasing women's participation in local government in cooperation with Guyanese. The experience of Trinidad & Tobago's Network for the Advancement of Women would be extremely valuable and worthwhile in this regard and should be tapped.

List of Appendices

***MORE RESPONSIVE AND PARTICIPATORY GOVERNANCE AND RULE OF
LAW IN GUYANA***

Grant No. 504-A-00-00-00110-00

July 27, 2000, to January 26, 2001

- A. List of Acronyms.
- B. Report from January 2001 Legislative Assessment Mission.
- C. Proposal from the Guyana Association of Women Lawyers.
- D. Report from January 2001 Local Government Assessment Mission.
- E. Press coverage on election-related activities.

Appendix A: List of Acronyms

ADR	Alternative Dispute Resolution
APA	Amerindian People's Association
BCCP	Building Community Capacity Program
CARICOM	Caribbean Community
CIDA	Canadian International Development Agency
CP	Condition Precedent
CRC	Constitution Reform Commission
CTA	Chief Technical Advisor
EAB	Electoral Assistance Bureau
EU	European Union
GAWL	Guyana Association of Women Lawyers
GBA	Guyana Bar Association
GECOM	Guyana Elections Commission
IFES	International Foundation for Election Systems
IR	Intermediate Result
ISD	Information Systems Department
JITA	Joint International Technical Assessor
MRC	Master Registration Card
MRDB	Master Registration Database
NDI	National Democratic Institute
NGO	Non-Governmental Organization
OSC	Oversight Committee
PMP	Performance Monitoring Plan
PNC	People's National Congress
PNC/R	People's National Congress/Reform
PPP	People's Progressive Party
PPP/C	People's Progressive Party/Civic
PVL	Provisional Voter's List
RVL	Revised Voter's List
STA	Senior Technical Adviser
TCC	The Carter Center
UGSS	University of Guyana Students' Society
WMC	Women's Millennium Caucus

Appendix B:
Report from January 2001 Legislative
Assessment Mission.

Assessment of Options in Guyana for Improving Law-Making Capacity

Prepared by

**The National Democratic Institute for International Affairs
1717 Massachusetts Avenue, NW, Fifth Floor
Washington, DC 20036**

February 2, 2001

NOT INTENDED FOR EXTERNAL DISTRIBUTION

This assessment was funded by the
U.S. Agency for International Development
under

**More Responsive and Participatory Governance and Rule of Law in Guyana
(Cooperative Agreement 504-A-00-00-00110-00)**

ACKNOWLEDGEMENTS

The report is based on an assessment conducted from January 7 to 13, 2001, by the National Democratic Institute. The assessment was conducted by three NDI staff members -- K. Scott Hubli, Senior Advisor for Governance Programs, who was the principal author of this report; Matt Dippell, Deputy Director for Latin America and the Caribbean; and John Heffernan, NDI Country Program Director in Guyana. Nicole Mlade, NDI Program Officer, and Jim Dau, NDI Program Assistant, provided valuable background information for the assessment. A number of NDI staff members with previous Guyana experience helped to edit and refine this assessment report, particularly, Tom Melia, Vice President for Programs, and Jean Freedberg, Director of Public Affairs. Their assistance is greatly appreciated.

NDI would like to express our appreciation to those who took time to share their views and insights with the assessment team. The list of individuals interviewed in connection with this assessment is contained in Appendix 3. NDI would also like to express our gratitude to USAID Mission Director in Guyana, Dr. Carol Becker, and to Dr. Charles Cutshall, Senior Advisor for Democracy and Governance, USAID/Guyana, for their willingness to explore options for improving the law-making process in Guyana.

NDI hopes that the assessment mission and this report will contribute to an improved and more informed law- and regulation-making process in Guyana.

TABLE OF CONTENTS

<u>ACKNOWLEDGEMENTS</u>	i
<u>I. EXECUTIVE SUMMARY</u>	1
<u>II. BACKGROUND</u>	4
<u>The Cooperative Agreement and the Conditions Precedent</u>	4
<u>Current Political Environment and Constitutional Reform</u>	5
<u>III. ASSESSMENT CONSULTATIONS</u>	8
<u>IV. FINDINGS</u>	10
<u>The Legislative Drafting Process</u>	10
<u>Legislative Reform and Parliamentary Staffing</u>	15
<u>V. RECOMMENDATIONS</u>	19
<u>Conditions Precedent</u>	19
<u>Programming</u>	22

APPENDICES

1. Summary of NDI Guyana Program Activities: 1990-99
2. Assessment Team Biographies
3. List of Persons Consulted

I. EXECUTIVE SUMMARY

On January 11, 2000, the United States Agency for International Development (USAID) awarded a multi-year Cooperative Agreement (the Agreement) to the National Democratic Institute for International Affairs (NDI or the "Institute") for a project entitled "More Responsive and Participatory Governance and Rule of Law in Guyana." NDI and its partners, The Carter Center (TCC) and the International Foundation for Election Systems (IFES), have submitted a work plan to USAID to conduct activities designed to achieve the following intermediate results: 1) improved and more informed law and regulation making, 2) increased capacity to resolve disputes in a timely manner, 3) sustained institutional capacity to conduct free and fair elections, 4) civil society influences public policy and 5) strengthened local governance. USAID approved a work plan to implement this Agreement on November 3, 2000.

Activities under the first of these intermediate results (improved and more informed law- and regulation-making) have yet to be commenced. Under a bilateral agreement negotiated with USAID, the Government of Guyana agreed to fulfill the following conditions precedent before funds for the first intermediate result are disbursed:

- The Drafting Condition Precedent -- The Government of Guyana agrees to commit itself to adequately addressing the issue of capacity building in the Office of the Chief Parliamentary Counsel (OCPC) by concluding efforts to recruit trained draftspersons.
- The Librarian Condition Precedent -- In order to provide for effective parliamentary representation and to maximize the use of resources previously made available to the Parliamentary Library through the Government of Guyana and USAID funding, the Government of Guyana agrees to provide adequate remuneration to attract and retain the services of a Research Librarian for the Parliamentary Library and fill the position.

USAID has recognized that it has not been possible for the Government of Guyana to hire staff to satisfy the Drafting Condition Precedent. Accordingly, USAID agreed to an assessment mission to determine whether there are other ways to strengthen the technical capacity for drafting, other than recruiting legal drafters for the OCPC. Preparations began in December 2000, and the assessment was conducted from January 7 to 13, 2001. The assessment team included three senior NDI staff members: K. Scott Hubli, Senior Advisor for Governance Programs; Matt Dippell, Deputy Director for Latin America and the Caribbean; and John Heffernan, Guyana Country Program Director. The assessment included consultations with a broad range of stakeholders and participants in the law-making process in Guyana: parliamentarians and party leadership from the major parties and several minor parties, the Chief Parliamentary Counsel, the Clerk of the National Assembly and representatives from civil society. Country Program Director John Heffernan conducted additional follow-on meetings and telephone conversations in the two weeks following the assessment mission.

The assessment mission was useful in refining NDI's approach with respect to Intermediate Result 1. In particular, the assessment helped to focus on the interactions between the two components of this intermediate result: increased technical capacity for lawmaking (subresult 1.1) and improved procedures for obtaining public input in lawmaking (subresult 1.2). The OCPC's current monopoly on the technical capacity for drafting laws presents significant obstacles for public input into the lawmaking process. The lack of alternatives to the OCPC for drafting legislation discourages members from advocating proposed legislation on behalf of civil society. The centralized nature of the drafting process also provides a convenient mechanism for the government to delay legislation, other than through the political process. Strengthening the capacity of the OCPC, although it may have a positive impact on subresult 1.1, may, by strengthening its monopoly on legislative drafting, negatively impact subresult 1.2. Our recommended modifications to the conditions precedent and our recommendations for programming reflect this increased appreciation for the need to open up the legislative drafting process to a broader range of individuals.

The assessment mission also allowed us to better gauge the opportunities presented by legislative reform initiatives that have been part of the constitutional reform process. One of the primary recommendations from

the Constitutional Reform Commission regarding the National Assembly was to establish a system of standing committees. Indeed, anticipating that the conditions precedent would eventually be satisfied, NDI, in response to the Commission's recommendations (as well as through a process of extensive consultation with a number of key legislative players), proposed in its year-one work plan to assist in the development of the standing committee structure. During the assessment mission, members from both major political parties indicated that they were confident that a system would in fact be implemented. However, the assessment team found a lack of information regarding the issues to be considered in implementing a system of standing committees. This lack of information could have a significant effect on the ability of standing committees to play a greater role in shaping public policy. For example, should the standing committee meetings be open or closed? How will bills be referred to committee? Will members of parliament devote significant time to additional standing committee meetings at their current, minimal level of pay? Will ministers be allowed to serve on committees (or even chair) the committees that are responsible for overseeing their ministries? Will committees be required, enabled or permitted to hold public hearings? etc. In addition to questions regarding the role and functioning of committees, there is as yet no consensus on how these committees will be staffed. Although there is general agreement that additional professional staff will be required, significant questions remain regarding the structure, role, hiring and supervision of staff. The assessment mission was able to begin to raise awareness of the issues that will need to be resolved in implementing a system of standing committees.

Based on the assessment, we recommend a number of modifications to the current conditions precedent in order to help accomplish Intermediate Result 1. Due to the particular political dynamic in contemporary Guyana, there is a concern that, without modification, some of the conditions precedent may have unintended consequences that run counter to the results that they were designed to achieve. NDI has previously expressed concerns that the conditions precedent were preventing assistance on structural reform that, ultimately, may do more to improve the law- and regulation- making process than hiring additional drafting and library staff. Because of this concern, NDI has previously suggested that an outright waiver of the conditions was appropriate. We do, however, appreciate the concerns expressed by the mission regarding an outright waiver of the conditions precedent. As a result, this report offers a number of recommendations (short of an outright waiver) that hopefully will address the mission's concerns. These recommended modifications, as well as recommendations regarding program activities, are discussed in detail in Section V of this report. In general, we recommend that USAID consider the following actions with respect to the conditions precedent:

- Waive the Drafting Condition Precedent, upon a commitment from the Government of Guyana to cooperate in the implementation of certain project activities designed to strengthen drafting capacity. Currently, the OCPC holds a virtual monopoly on legislative drafting in Guyana. Because of the increased demand for legislative drafting to prepare legislation to implement constitutional reform, "outside" legislative drafters who are not part of the OCPC have been included in the process, including other government attorneys. It is precisely this type of involvement that USAID should encourage. In particular, we recommend that, instead of demonstrating its commitment to improving drafting capacity through hiring staff for the OCPC, the Government of Guyana be permitted to demonstrate its commitment to improving drafting capacity by pledging its assistance on the following project activities: 1) developing a manual documenting the standards to be met by draft legislation in Guyana (regardless of who prepares the draft), 2) providing training on legislative drafting to government lawyers, attorney members of parliament and members of the private bar, and 3) assembling and disseminating a more up-to-date compilation or codification of Guyanese law.
- Negotiate a modification to the Librarian Condition Precedent to focus more broadly on the provision of research and policy support services. Framing this condition precedent in terms of services provided by a research Librarian, rather than more generally in terms of policy or research support, appears to be unnecessarily limiting. Although the members of parliament and party officials with whom we spoke do not have a strong understanding of the need for, and the role of, a parliamentary library, most do acknowledge that

functioning standing committees will require professional policy or research support staff. Moreover, it is strengthened research and policy support capacity (rather than other types of library services, such as archival support) that is likely to have the greatest impact in achieving the intermediate results stated under the Cooperative Agreement. Moreover, the condition precedent should provide the government and MPs some flexibility in how it strengthens this capacity. In addition to hiring new staff, other alternatives (or combinations of them) may be feasible, including: 1) transferring underutilized, skilled staff from government ministries, 2) hiring part-time staff, 3) providing a budget to contract out for research and policy support services on particular laws, and 4) designating and training existing staff (subject to conditions designed to ensure that staff, once trained, will remain the position long enough to repay the investment in training).

- Exempt certain activities from the conditions precedent, in order to allow the expenditure of Intermediate Result 1 funding for activities that are specifically designed to assist the government to fulfill the conditions precedent. Certain expenditures of Intermediate Result 1 funds should be permitted, even if the conditions precedent have not been satisfied, in order to assist the government in proceeding to satisfy the conditions. There is a lack of information on comparative legislative drafting issues and on legislative staffing structures in Guyana. It would seem appropriate for USAID to preserve the discretion to authorize the expenditure of funds under Intermediate Result 1 for activities that would assist the government in fulfilling the conditions precedent. For example, if there is political will to make modest improvements to the library, research and policy support services that are available to the legislature, USAID should have the flexibility to allow the expenditure of Intermediate Result 1 funds before the condition precedents are met in order to assist the government in deciding how to proceed with the hiring.

II. BACKGROUND

NDI first began working in Guyana in 1990. Since that time, NDI has conducted a broad range of activities involving local government, elections, civil society, legislative strengthening and constitutional reform. A summary of NDI's previous programming in Guyana is attached as Appendix 1.

The Cooperative Agreement and the Conditions Precedent

On January 11, 2000, USAID awarded a new multi-year Cooperative Agreement to NDI for a project entitled "More Responsive and Participatory Governance and Rule of Law in Guyana." USAID approved the partners' work plan on November 3, 2000. The activities in the work plan are designed to achieve the following intermediate results: 1) improved and more informed law and regulation making, 2) increased capacity to resolve disputes in a timely manner, 3) sustained institutional capacity to conduct free and fair elections, 4) civil society influences public policy and 5) strengthened local governance. Activities under the first of these intermediate results (improved and more informed law- and regulation-making) have yet to be commenced. Under a bilateral agreement negotiated with USAID, two conditions precedent must be fulfilled before funds for the first intermediate result are committed or disbursed – one relating to filling a Parliamentary Librarian position, the other relating to increasing legislative drafting capacity in the Office of the Chief Parliamentary Counsel (OCPC).

The Librarian Condition Precedent. The bilateral agreement between USAID and the Government of Guyana required the Government of Guyana to provide adequate remuneration to attract and retain the services of a Research Librarian for the Parliamentary Library and fill the position. This condition was viewed as necessary in order "to provide for effective parliamentary representation and to maximize the use of resources previously made available to the Parliamentary Library through the Government of Guyana and USAID funding."⁶

Since 1995, NDI had worked closely with the Clerk of the National Assembly to develop a Parliamentary Library. A parliamentary library assessment mission was conducted in March of 1996 by Michael Anderson, a senior research librarian of the US Library of Congress, and Velma Newton, a law librarian at the University of the West Indies in Barbados. The report from that earlier assessment mission provides useful background information regarding the rationale for developing the Parliamentary Library. In addition to providing parliamentarians with resources needed to make more informed decisions, NDI also viewed building the library as a way to gain the trust of MPs by consulting with them on its development, enabling the Institute to develop a broader consensus on the utility of a more meaningful legislature and to implement a broader legislative strengthening process. The development of the Parliamentary Library was also seen as critically important in order to preserve rapidly deteriorating documents. The parliamentary document loft was not climate-controlled. The only ventilation was provided by opening windows, which allowed moisture to enter the loft. The assessment report noted widespread bookworm and water damage to portions of the collection. A corner section of the roof had leakage problems and, as a result, Hansard documents from the 1800s to the early 1900s were so water damaged that they were black with mold and could not be preserved.⁷ The physical rehabilitation of the Parliamentary Library has been completed, documents have been organized and the condition of salvageable documents has been stabilized.

Although there are three administrative staff persons assigned to the library, none of the current staff are currently capable of providing professional librarian services. Despite a sustained effort by USAID, NDI and the Parliament Office since 1997, the Parliamentary Librarian position remains vacant. The civil service position of research librarian for the Parliamentary Library was created and approved in March 1997. The position was to be compensated at \$27,054 (\$150USD) per month, far too low to attract a suitable candidate for this position. To address the low salary issue, the Secretary of the Cabinet agreed to discuss a proposal to hire a librarian on a contractual basis (at a higher salary scale) at the cabinet level, but nothing materialized. In August 1998, the Parliament Office resubmitted a proposal to the Minister of Parliamentary Affairs. The Parliament Office requested that Ms. Doreen Holder be appointed to the position of research librarian. Ms. Holder was the NDI-

⁶Bilateral Agreement between USAID and the Government of Guyana, August 1999.

⁷NDI, *Findings of the Guyana Parliamentary Library Assessment Mission: March 22-25, 1996.*

contracted Library Advisor to the Parliamentary Library at that time and was on sabbatical from her position as Deputy University Librarian at the University of Guyana. The Parliament Office recommended to the Minister that the position be compensated at a rate of \$200,000 (\$1,111USD) per month. Ms. Holder, after having waiting for over a year for a response, decided to take a position as a librarian at a law school in the Bahamas. The Parliament Office then decided to advertise for the position of Research Librarian at the lower civil service salary scale. In response to the advertisement, the Parliament Office received four applications and two persons were subsequently short-listed. However, at this point (May to June 1999), public service employees went on strike and the government placed a temporary freeze on the hiring of new employees. This freeze is reportedly still in force and can only be waived in emergencies. Although there have subsequent discussions with the Secretary of the Cabinet, no new developments have occurred. More recently, USAID has raised the matter with the President of Guyana, who indicated that the commitment made by the government would be fulfilled. However, it seemed unlikely that any further action would be taken before the elections in March 2001 and the submission of a budget by the next government.

The Drafting Condition Precedent. The bilateral agreement between USAID and the Government of Guyana required a second condition precedent to be met before funds could be committed or expended under Intermediate Result 1. Under the bilateral agreement, the Government of Guyana agreed to commit itself to adequately addressing the issue of capacity building in the OCPC by concluding efforts to recruit trained draftspersons. It is our understanding that several factors went into the development of this condition precedent. In an effort to overcome the general weakness of the drafting process, USAID, through its Justice Improvement Program, has provided funding for two individuals to be trained as legislative drafters at the University of the West Indies in Barbados. Neither of these individuals is currently employed by the OCPC. One of the individuals is no longer resident in Guyana. The second is employed by the Ministry of Legal Affairs, but not in the OCPC.

In correspondence between NDI and USAID regarding the status of the conditions precedent USAID recognized that finding legal draftspersons for the OCPC has not been possible up to this date.⁸ It was proposed that NDI and its partners conduct an assessment to determine whether this function might be better accomplished through direct training of legislators rather than specialist drafters in the Chief Parliamentary Counsel's Office. The assessment would determine the extent to which there is a political environment conducive to the devolution of legislative drafting capacity and whether or not an effort to enhance the technical capacity of legislators is a viable option. USAID indicated that if the assessment showed promise and if the Government of Guyana agreed to the modification, then USAID might waive the Drafting Condition Precedent for Intermediate Result 1. This assessment was conducted from January 7 to 13, 2001; this report presents its results.

Current Political Environment and Constitutional Reform

The assessment mission took place at a very critical juncture in the country's political development. Years of controversial elections, undemocratic rule and racial tensions have weakened government institutions in Guyana and have led to public disenchantment with the political system. Since holding its first generally accepted democratic multiparty elections in 1992 and local elections in 1994, Guyana has made progress in its transition toward democracy. However, the weak political institutions, a centralized power structure and a highly politicized racial divide between the majority Indo-Guyanese population and the large minority Afro-Guyanese population threaten the fragile political balance.

Guyana held general elections on December 15, 1997. Despite a smooth run up and election-day polling, the tallying of voting results was marred by irregularities, which led to opposition party protests, public demonstrations and street violence. As a result, the Caribbean Community (CARICOM) intervened and brokered two peace agreements in the first few months of 1998, the Herdmanston Accord and the St. Lucia Statement. These agreements called for, among other things, the creation of a Constitutional Reform Commission (CRC) consisting of political and civic representatives who would be responsible for presenting recommendations for reform to Parliament by July 17, 1999.

⁸ Letter from John May, Regional Grant Officer, to NDI President, Kenneth Wollack, dated August 22, 2000.

Following a lengthy debate about the exact composition of the body, the CRC was inaugurated in January 1999. In developing its proposals for reform, the CRC conducted a public outreach program, soliciting input on topics like structure of government, electoral systems, and gender and indigenous issues from political parties, civil society organizations and the public. During this period, among other activities, NDI provided comparative information, through international experts on issues like systems of governance, fundamental rights and gender issues. Most notably, in April 1999, NDI organized the visit of South African Constitutional Court Justice Albie Sachs to Guyana. Justice Sachs held a series of meetings, both on and off the record, with political and civil society leaders on the topic of "Political Accommodation and Constitution-Making in South Africa." A key portion of the visit was the time that he spent with the CRC, addressing the methods of negotiation and conflict resolution used by the South Africans in their long and difficult process. He also addressed the set of "confidence-building measures" which were instituted as a long-term substitute for formal power-sharing arrangements and the short-term benefits and negatives of a government of national unity. Following an intense review period, the CRC presented to Parliament its recommendations for reform in mid-July 1999. Upon receipt of the CRC's report, Parliament established another Select Committee to consider the work of the CRC and present recommendations of its own to Parliament, which it did in late October 1999.

In December 1999, Parliament established a seven-member Oversight Committee (OSC) and charged it with creating and enforcing a time-bound work plan for drafting the recommendations into constitutional amendments. The OSC submitted its final report in August 2000. Since that time, the National Assembly has adopted several of the amendments; however, at the time of the assessment mission, there were additional pieces of enabling legislation that had yet to be tabled in parliament. One of the primary recommendations to emerge from the CRC and OSC concerning the Parliament was a recommendation to "enlarge the responsibilities of the Assembly and the scope of Parliamentarians" by the establishment of a standing committee system, which would enable Parliament to "exert a measure of influence and control over the Executive, thereby familiarizing the Parliamentarians more intimately with the functions of Government." The enabling legislation to implement this reform has not yet been enacted. Although some of the people consulted during the assessment mission argued that it would still be possible for the remaining constitutional reform legislation to be enacted before the National Assembly is dissolved in advance of new elections, it now seems unlikely that this will in fact occur.

The assessment mission was conducted from January 7 to 13, 2001 – the week before the January 17th date originally set by the Herdmanston Accord and St. Lucia Statement for completion of the constitutional reform process and the holding of new elections. Because of technical deficiencies, the elections were postponed until March 19th. While the political parties have accepted the postponement, the main opposition party (PNC/Reform) had called for the establishment of an interim governing structure or for other formal limitations placed on the powers of the current government (PPP/Civic) during that time. In December 2000, President Bharat Jagdeo and PNC/Reform Leader Desmond Hoyte met for the first time since Jagdeo had become President to discuss interim governance. This meeting was an important one, as Mr. Hoyte and his followers have never accepted the results of the December 1997 election, and therefore do not recognize the legitimacy of PPP/Civic rule. An essential part of the reconciliation process in Guyana, also mandated by accord, is dialogue between the parties. At the time of the assessment mission, agreement had not been reached between the two parties on interim governance arrangements for the period between January 17 and March 19.

Moreover, during the week of the assessment, Justice Claudette Singh announced that the much-anticipated court decision regarding the validity of the 1997 elections would be released on Friday, January 12. The Friday release of the decision was postponed, in part because of a PNC rally planned for Sunday, January 14th. The decision, which was released on Monday, January 15, declared the results of the 1997 elections void by Justice Claudette Singh on the grounds that the requirement for voter ID cards was unconstitutional. Justice Singh found that the requirements for the compulsory use of voter identification cards added a restriction to voters not provided in Guyana's Constitution. Despite her scathing observations on the conduct of the elections and the Elections Commission, Justice Singh did not find that the irregularities would have affected the allocation of seats in the National Assembly. As such she held that the petition failed to prove that "the results may have been affected by an unlawful act or omission" as required under Article 163 of the Constitution. A subsequent order, on January

29th, clarified certain aspects of the decision: 1) the court held that the current government may remain in office subject to certain limitations and 2) all legislation passed since December 15, 1997, and deemed invalid because of the flawed elections is temporarily validated by the court until such time as it can be validated or rejected by National Assembly.

NDI conducted an assessment mission from January 7 to 13, 2001 in order to reassess the strategies underlying the conditions precedent for Intermediate Result 1 and to assess opportunities to improve and inform law and regulation making in Guyana. The assessment team included three NDI staff members: K. Scott Hubli, Senior Advisor for Governance Programs; Matt Dippell, Deputy Director for Latin America and the Caribbean; and John Heffernan, Country Program Director in Guyana. Assessment team biographies are included in Appendix 2. NDI's Country Program Director, John Heffernan conducted several follow-up meetings and telephone conversations in the two weeks following the assessment.

The assessment mission had several objectives:

- **Reassessing the assumptions underlying the conditions precedent to determine the extent to which they further the accomplishment of Intermediate Result 1 and to determine whether modifications are appropriate in light of evolving political realities.** In the correspondence between NDI and the USAID mission in Guyana, it was agreed that the assessment mission would determine, among other things, whether the legislative drafting capacity might be strengthened through the direct training of legislators, rather than of specialist drafters in the OCPC. The issue of investigating alternate methods of strengthening legislative drafting capacity remained the focus of the assessment mission. However, given the close linkages between the Intermediate Result 1 subresults and the interconnected needs for both legal and policy support in the law-making process, the need for librarian and research support services was also evaluated as part of the assessment mission.
- **Evaluating the prospects for a more active legislative role in the law-making process.** Obviously, one issue that must be considered in assessing options for strengthening legislative drafting and policy support services is the extent of the current and future demand for such services. As a result, the assessment mission also evaluated the significance of the proposed legislative reforms, the interests of the various political parties, and the likelihood that these reforms will enable the legislature to play a more active role in the law-making process.
- **Assuming that the conditions precedent will be resolved, refine NDI's strategy regarding programming under Intermediate Result 1.** Assuming that activities will be able to proceed under Intermediate Result 1, the assessment mission sought to determine what can be done in advance of the enactment of legislative reforms and in advance of the national elections. The assessment sought to develop NDI's thinking regarding the sequencing, modalities and design of program activities under Intermediate Result 1. Opportunities for partnerships with Guyanese organizations were considered as part of the assessment.
- **Providing basic information to help inform the legislative reform process.** Because much of the discussion in the assessment consultations focused on the proposed legislative reforms, the assessment mission provided an opportunity to disseminate very basic information regarding committee structures and arrangements for staffing them. Comparative information on committee staffing was provided to representatives of all of the parties represented in parliament.

A high level of political activity characterized the period during which the assessment mission was conducted. Discussions between the parties on interim governance arrangements (for the period between January 17, 2001, the date specified under the Herdmanston Accord for new elections, and March 19, 2001, the date to which elections have been postponed) continued throughout the period of the assessment. In addition, on Wednesday, January 10, 2001, Justice Claudette Singh announced that the much-anticipated court decision regarding the validity of the 1997 elections would be released on Friday, January 12. This decision was subsequently postponed until the following week, in part because of a PNC rally planned for Sunday, January 14. Given this high level of political activity, it was not possible to meet with every person that the assessment team would have liked to have met.

However, despite the degree of political activity during the week of the assessment, the assessment team did enjoy good access – in part because of the long-standing relationships NDI has developed in Guyana, having worked in the country since 1990. The list of persons consulted during the assessment mission is attached as Appendix 3. The assessment team met with senior staff individuals involved in the legislative process, including the Chief Parliamentary Counsel and the Clerk of the National Assembly. Consultations were held with six members of parliament, including the Minister of Parliamentary Affairs. These members represented the two major parties, as well as the leaders of the Alliance for Guyana and The United Front. The assessment team consulted with a range of representatives from civil society, including the presidents of the Guyana Bar Association and the Guyana Association of Women Lawyers. A representative of the “Initiative” civil society group, which recently sponsored an opinion survey on political attitudes and party choices in Guyana, was also consulted. Finally, the consultations included meetings with active participants in the constitutional reform process and the Chair of the Private Sector Commission. In part because of the politically charged atmosphere, consultations were generally held individually with the assessment team. A determination was made that it was neither feasible nor desirable to organize roundtable discussions regarding some of the issues covered by the assessment. The focus on one-on-one consultations with the assessment team did provide the opportunity for a number of surprisingly candid discussions.

In addition to the consultations, the assessment team reviewed a number of documents. The NDI Washington-based program staff prepared a thorough briefing package for the assessment team including the basic program documents and information on the political environment and history of Guyana. The assessment team also reviewed the Guyanese Constitution, the text of proposed constitutional changes relating to the legislature, the standing orders of the National Assembly and sample pieces of legislation. Finally, the team reviewed several documents produced by civil society, including portions of the National Development Strategy and the opinion poll on political attitudes sponsored by “The Initiative.”

The assessment mission was generally successful in achieving its objectives. The assessment mission did help to formulate recommended modifications to the conditions precedent, to advance NDI’s thinking regarding options for strengthening legislative drafting capacity in Guyana, to refine program strategy, and to evaluate the possibilities offered by the proposed legislative reforms, as well as the obstacles to their implementation. The assessment mission also helped to raise awareness of the issues that will need to be resolved in implementing legislative reform. Copies of NDI’s *Legislative Research Series* paper on comparative committee structure and staffing were distributed to representatives of each of the parliamentary parties.

IV. FINDINGS

Although much of the information gathered during the assessment served to confirm previously developed ideas and strategies, useful information was gathered regarding the prospects for genuine legislative reform. The assessment also helped to focus attention on the interactions between the two components of this intermediate result: increased technical capacity for lawmaking (subresult 1.1) and improved procedures for obtaining public input in lawmaking (subresult 1.2). The main findings of the assessment team follow:

The Legislative Drafting Process

The drafting process in Guyana is centralized in the OCPC, which is headed by the Chief Parliamentary Council, Mr. Cecil Dhurjon. Mr. Dhurjon has worked as a drafter in Guyana for more than 30 years and appears to involve himself personally in all drafting that passes through the OCPC. He is currently officially retired, but is working in this capacity on a contract basis. Mr. Nagee, a retired drafter from the Indian Parliament who has been working with the OCPC for the last several years, assists Mr. Dhurjon. Mr. Nagee intends to return to India in September. The office contains two other legislative drafters.

The OCPC has responsibility for reviewing all legislation before it is submitted to the Cabinet for approval and introduction to the National Assembly. The vast majority of the drafts originate with ministries or (less frequently) with consultants; however, all drafts ultimately go through the OCPC. Although there does not appear to be a legal requirement for all legislation to go through the OCPC, this is generally accepted practice, even for the few pieces of legislation that have been initially drafted by civil society. The OCPC also works on regulations (subsidiary legislation). The OCPC is occasionally asked to provide legal advice and opinions, although the Solicitor General's Office of the Ministry of Legal Affairs has primary responsibility for the provision of legal advice to the government. He indicated that all of his staff work as generalists and do not specialize in particular areas of the law.

The assessment team asked roughly how many laws were processed by the OCPC per year. Mr. Dhurjon correctly observed that the absolute number of laws prepared by his staff was not the most relevant measure of drafting output, because some laws are only several pages long, while others may be several hundred. When pressed for an estimate, he estimated roughly 30-35 laws per year, varying in size from a page to several hundred pages, with an average of 15-20 pages. When asked about the turn-around time for a law of average size, Mr. Dhurjon initially indicated that generally it would take a month or two, but then backtracked somewhat, noting that often it was difficult because the office will often start on a law and then get pulled away to work on a different matter that has a higher priority. He correctly indicated that the time needed to draft a law depends on the quality of the materials submitted to his office. He indicated that a law prepared by a respected attorney might require only minimal review; other drafts prepared by a ministry may be nothing more than a concept paper. The OCPC seems to play a very limited role in the preparation of the budget bill, limiting their review primarily to format.

Although centralized drafting offices are common, the extent of the centralization of legislative drafting capacity in the OCPC is extreme.

Throughout the democratic world, legislative drafting capacity is typically provided through a centralized drafting office. In separation-of-power systems, these centralized offices are typically located in the legislative branch of government. In parliamentary systems, the executive branch is responsible for drafting the vast majority of legislation and this capacity is often located in the Ministry of Justice. However, even in parliamentary systems, provision is generally made for the introduction for private members bills, i.e., bills introduced by members who have no ministerial or opposition responsibilities or “backbenchers.”⁹ Even if these bills have a limited chance of passage, they can help to advance the policy debate and put pressure on the government to pursue legislation on an issue. Moreover, a certain number of these laws are often enacted.¹⁰ It should also be noted that, even within Westminster-model systems, there are growing calls to increase the role of both committees and private member bills.¹¹

The degree of centralization of the legislative drafting function varies widely. Where drafting is centralized in the executive branch, there tends to be variation in the degree to which drafting is done in the centralized drafting office or by the legal staff of the line ministries. In separation-of-powers systems with bicameral legislatures, drafting may be done in two separate offices for each of the houses. More commonly in separation-of-power systems, the drafting responsibility may be shared between a centralized office and legal staff assigned to committees. Systems also vary in the extent to which drafts must go through the centralized drafting offices and in the level of review given to legislation initially drafted outside the centralized drafting office. Regardless of the formal requirements for draft legislation to pass through a centralized drafting office, in developed systems, there is typically significant legislative drafting capacity located outside this office – whether in other governmental offices (committee staff, personal staff of legislators, legal staff in line ministries, etc.), or in the private sector (the bar association, lobbying firms, civil society advocacy groups, etc.). This outside drafting capacity both supplements the capacity of the centralized drafting office and can help to ensure its accountability, by providing other options when the centralized staff is not responsive to the needs of political groups and civil society.

By any standard, the degree of centralization of the legislative drafting function in Guyana appears extreme --- not only in the OCPC, but in the Chief Parliamentary Counsel personally. As Mr. Dhurjon indicated, “In the last ten years, I cannot think of a single law that has not crossed my desk.” The role of the Chief Parliamentary Counsel extends to the drafting of amendments considered in the plenary sessions of the National Assembly. Mr. Dhurjon indicated that he attends many of the plenary sessions in order to assist in the drafting of amendments to laws. He volunteered that it is sometimes difficult for him to be present at the debates when members criticize a bill based on an inaccurate understanding of the provisions. Often members will propose amendments to include something that is already in the bill. In these situations, he often will whisper in the ear of the relevant government minister, to point out the relevant provisions. Although the Standing Orders currently permit members to introduce legislation (subject to certain restrictions)¹², the procedure does not appear to have been used within the last five to ten years. When asked about private member bills and minority party access to legislative drafting services, the Chief Parliamentary Counsel indicated that, in theory, a member might draft the law himself or herself, but thought it should then be submitted to the OCPC for review. He also indicated that, often, if the government agreed with the idea, it might eventually be addressed as a government bill.

⁹ House of Commons Factsheet, Series L, No. 2, *Private Members’ Bills Procedure*.

¹⁰ In the British Parliament during the 1990s, between 8 and 22 private member bills per year received Royal Assent, House of Commons Factsheet, Series L, No. 3, *The Success of Private Members’ Bills*.

¹¹ “The continuous growth during the last half century of the resources of government and in the means of communications has led to a corresponding increase in the power of executive government. This development has in turn contributed to a weakening of the role of parliamentarians. Although this has been a worldwide phenomenon, its impact has been particularly pronounced in countries that have adopted the British parliamentary model, where party discipline is key to executive power. ... Some Westminster parliaments have faced up to this development and deliberately adopted changes in practice and procedure in order to offer private members a more meaningful role.” Peter Dobbell, *Reforming Parliamentary Practice: The Views of MPs*, (Montreal: Institute for Research on Public Policy, December 2000), p. 8.

¹² See Rule 45 of the Guyana Standing Orders. The provision limits the ability of private members to introduce legislation that imposes a tax or places a charge on the Consolidated Fund.

In addition to its virtual monopoly on the drafting process, the OCPC retains control over some of the tools that are needed in order to draft legislation well. According to Mr. Dhurjon, the laws of Guyana were last published in 1976. Although a revised compilation of laws was prepared in 1997, this compilation has not been published and does not appear to have been otherwise distributed outside of the OCPC.¹³ When asked about the availability of the laws to the courts, Mr. Dhurjon explained that the courts do not usually have copies of the laws but rely on the lawyers to provide them with the relevant laws. When asked how lawyers find the relevant law, Mr. Dhurjon indicated many lawyers have the ability to specialize in a particular area of the law and are familiar with the laws in the at field. He also noted that the laws do appear in the Official Gazette. However, he admitted that it is very difficult to conduct research using the Official Gazette, given the lack of a well-organized, comprehensive index.

Under current circumstances and current management, capacity building with the OCPC is unlikely to achieve significant results.

When asked about the types of assistance that he believes would be useful to the OCPC, Mr. Dhurjon made several requests. First, Mr. Dhurjon asked for material assistance -- another copier, computers, a fax machine, books, etc. When asked about the use of computers to assist in drafting, Mr. Dhurjon indicated that his lawyers do use computers to prepare the draft laws. However, it seems unlikely that such assistance would be effectively utilized. Guyanese involved in the legislative drafting process indicated that the OCPC often makes changes to draft laws by literally pasting typewritten text over the old text. Text is retyped at several points in the legislative drafting process rather than by sharing text electronically. The contract printer for the Official Gazette also apparently retypes the text of draft legislation before publication of the Official Gazette. The lack of information technology usage in the legislative drafting process is consistent with the lack of interest expressed by Mr. Dhurjon in issuing the 1997 compilation of laws on CD-ROM.

Mr. Dhurjon asked if we could fund an expert drafter like Mr. Nagee to replace Mr. Nagee when he leaves. Mr. Nagee is also retired and appears to have a similar approach to drafting. When asked about hiring recent graduates, Mr. Dhurjon indicated his belief that it was sufficient for someone to have a bachelor's degree in law to begin a career in legislative drafting. However, he also noted that it is difficult to recruit new staff because this type of government service is viewed as a "blind alley-way." He cited the lack of compensation and the lack of career alternatives available to those who become legislative drafters. The assessment team raised the issue of the two individuals who received USAID funding in order to study legislative drafting at the University of the West Indies. He indicated that one of the graduates has emigrated and the other is working in the Ministry of Legal Affairs, though not in the drafting section. He noted his opinion that the program in the West Indies is not particularly rigorous. It seems unlikely that Mr. Dhurjon is willing to delegate much authority to other staff members, especially those who would use more modern methods or skills that he does not possess. When discussing attendance at the National Assembly plenary session, Mr. Dhurjon remarked that, although in the past he asked some of his junior drafters to accompany him, he rarely does this any longer.

A number of the individuals consulted during the assessment mission indicated their belief that, regardless of the outcome of the election, the current Minister of Legal Affairs would be replaced. Although prospects for capacity building in the OCPC should be reevaluated after a change in the leadership of the Ministry, at present, it does not appear that technical assistance to the OCPC is likely to achieve significant progress toward achieving Intermediate Result 1.

Although a strong centralized legislative drafting office is often desirable to ensure quality control and consistency of legislative drafting style, the application of this model to Guyana is problematic.

There are several reasons why a strong centralized legislative drafting office is often desirable. Centralization of the drafting function helps ensure quality control over draft legislation. Good legislative drafting can be extremely challenging. Whereas a judge needs only to apply the law to a particular factual situation involving a

¹³ This echoes NDI's experience with the Guyanese Constitution; there was no complete, generally available text of the constitution until NDI compiled, printed and distributed it.

limited number of parties, a legislative drafter is asked to envision all potential future applications of the law to all members of society and ensure that the law is unambiguous with respect to each of these cases. Legislative drafting requires certain technical skills to ensure that draft legislation does not conflict with other enacted laws and to ensure that the law is capable of being implemented. There are numerous technical issues raised by certain specific types of provisions -- appropriations, "sunset" provisions, delayed effective dates, criminal penalty provisions, etc. In addition to allowing the development of legislative drafting expertise, centralization of the drafting function also typically allows legislative drafters to specialize in a given substantive area of the law – commercial law, government administration, criminal law, environmental law, etc. This helps to reduce the amount of time required to produce a draft – less legal research is required when the drafter is already familiar with a given area of law. When a drafter is able to specialize in a given substantive area of the law, he or she is more likely to be sensitive to potential problems in implementing the law and the potential areas of ambiguity in a draft law.

These two primary advantages of a centralized legislative drafting office – allowing for greater specialization and ensuring quality control – are not currently being realized in Guyana. Staff members of the OCPC do not specialize by subject and the quality of the OCPC's work product appears to be mediocre at best. In discussions with members of parliament and others close to the drafting process, the assessment team tried to get a better sense of the nature of the perceived weaknesses of the OCPC, i.e., whether the problem was with quantity and lack of output, lack of responsiveness and poor turn-around time, lack of quality, questions of bias, etc. The majority of those with whom we spoke indicated that there were problems in all of these areas and that quality and quantity needed to be improved simultaneously. It was indicated that the OCPC would often substantially rewrite laws initially prepared by a consultant. According to some, when the legislation finally emerged from the OCPC, it was in worse shape than when it went in for review. Occasionally, the policy embedded in the legislation would have been unintentionally changed by the OCPC in the course of reorganizing or redrafting the material.

Not only are the advantages of a centralized drafting office not currently being realized, there are several factors that suggest that the model of a strong centralized drafting office may not be well suited to the needs of Guyana:

Small Population and Emigration. The problems associated with the relatively small population of Guyana (July 2000 estimate of 697,286) are compounded by emigration and "brain drain." In a recent survey, roughly half of all Guyanese said that they would leave Guyana to settle elsewhere, if given the opportunity.¹⁴ In the *Final Design of Results Packages* for Strategic Objective 2, Management Systems International recommended that, given the degree of emigration, "***many activities must be predicated on turnover, over-training and a constant stream of poorly skilled and inexperienced human resources*** until living and work conditions and remuneration can be bolstered and sustained."¹⁵ In this environment, it may be more appropriate to open up the drafting process to involve a broader range of individuals in order to ensure a degree of resident knowledge on legislative drafting, regardless of the turnover of specific individuals. Given the large role Mr. Dhurjon currently plays in the process and his advanced years, work should be done now to build future drafters to assume portions of this role when he retires. Moreover, as discussed in detail below, there is capacity in emerging civil society, in other government offices, in the private bar, and in the party structures that could be tapped to help build legislative drafting capacity.¹⁶

¹⁴Forty-five percent responded that they would leave, 46 percent said that they would not, 7 percent responded "maybe". Saint Augustine Research Associates, *Hopes and Aspirations: Political Attitudes and Party Choices in Contemporary Guyana*, p. 17 (August 2000).

¹⁵ Management Systems International, *Final Design of Results Packages for Strategic Object 2, "More Responsive and Participatory Governance and Rule of Law,"* p. 6.

¹⁶ This is not always the case in some small countries. Some nations without this capacity rely primarily on one or more expatriate lawyers for drafting, who are hired on a 2- or 3-year contract basis. For example, the Federated States of Micronesia (population of approximately 105,500) uses this approach, offering a salary of approximately \$30,000 (free of US taxes under the foreign earned income tax credit), plus a housing allowance and airfare. For a recent job announcement, see: <http://www.ncsl.org/public/jobs/counselmicro.htm>.

Party-Centered, “Winner-Take-All” Political Culture. Given the party-centered “winner-take-all” nature of the Guyanese political environment, it may not be appropriate to seek to strengthen government-controlled institutions when other options are feasible. The current monopoly on the technical capacity for drafting laws presents significant obstacles for public input into the lawmaking process. The centralized nature of the drafting process provides a convenient mechanism for the government to delay low-priority legislation, other than through the political process. It seems unlikely that a strengthened OCPC would help advocate or promote improved procedures for obtaining public input in lawmaking (subresult 1.2). When the assessment team mentioned to Mr. Dhurjon that in most separation-of-power systems, a nonpartisan legislative office provides drafting services, Mr. Dhurjon indicated his belief that he is viewed as nonpartisan. He cited his long tenure as evidence of this fact. However, he also noted that he “just does what he is told” by whomever is in power. This statement indicates that, in the current political culture, the term “non-partisan” is interpreted as providing services to solely the majority party (whichever party that may be) rather than providing services on a nonpartisan basis to all (including backbenchers and opposition members).

There are opportunities to “open up” the legislative drafting process to individuals outside the OCPC.

Because of the lack of capacity in the OCPC, attorneys outside the OCPC have been called in to participate in the legislative drafting of the constitutional reform legislation. For example, Roxanne George, a government attorney in the prosecutor’s office and Vice-President of the Guyana Association of Women Lawyers actively participated in portions of the constitutional reform process. By increasing the involvement of attorneys outside the OCPC in drafting, attorneys with substantive expertise in the area of law covered by the proposal can play a greater role in drafting. This can help in improving the quality of legislation. More importantly, involving a greater number of individuals in the legislative process can help to make the legislative process more permeable. It can also help to create accountability for the OCPC and create pressure to improve the level of the services it provides.

There do appear to be opportunities to involve others in providing this drafting capacity, although not necessarily with members of parliament. At the time the assessment was proposed, a suggestion was made to consider training individual members in how to draft legislation. There is only very limited potential here. First, only roughly 10 percent of the members of parliament are attorneys. It is not realistic to expect non-attorneys, without extensive training, to be able to provide meaningful contributions to legislative drafting capacity. Second, given the part-time nature of the National Assembly, the time of members is already limited. Members (who are not also ministers) receive approximately US\$ 150-200 per month (plus expenses) for their services as MPs. Virtually all MPs need to earn income from other sources. As constitutional reforms are implemented, the demands on the MP time are likely to increase. To the extent that members have extra time that they can devote to the political process, it seems that it would be better spent on “political” activities (serving constituents, working within civil society, working on party reform issues), rather than providing legal support to the legislative process. Although MPs who have an interest in legislative drafting should not be excluded from any training that is provided (it can help sensitize MPs to the importance of good drafting), it is unrealistic to expect capacity to be significantly increased by training members of parliament.

There are, however, other options. First, government lawyers may be able to provide legislative drafting assistance as a part of their work. Roxanne George appears to have been able to participate in the constitutional reform drafting process as a part of her employment with the public prosecutor’s office. Second, there are individuals involved in civil society, including the bar association, that can provide assistance on laws in which they are interested. The assessment encountered a range of opinions on the willingness of the private bar to assist, on a *pro bono* basis, on legislative drafting issues. Some Guyanese officials were skeptical of the willingness of the private bar to provide assistance on drafting matters, but this seems likely to be due in part to a perception that the bar association has leanings toward the PNC. Although a member of the bar may not be willing to devote a great amount of time to staffing a parliamentary committee, many – particularly those who may consider a political career at a later point – may consider providing *pro bono* services to the party in helping develop legislative initiatives for a party. The older generation of Guyanese lawyers indicated that, in the past, there had been a tradition of *pro bono* service on legislation – there had been a legislation committee of the bar

association that had provided comments on draft legislation. It also seems likely that certain professors at the University of Guyana will be able to contribute to strengthening drafting capacity.

Supplementing the drafting capacity of the OCPC by developing a drafting manual and providing training to other attorneys in other parts of government and in civil society will not resolve all of the issues relating to legislative drafting in Guyana. However, it should increase the technical capacity for law making (subresult 1.1), by clarifying the drafting standards and conventions used in Guyana. It is important that this effort be undertaken to help codify certain practices and procedures in the event of turnover in the OCPC. The provision of technical assistance by a consultant from a Commonwealth country to prepare the manual can also help to introduce reforms and more modern drafting practices. By involving others, in addition to the OCPC, in the development of a drafting manual, it will contribute directly to the goal of increasing public input into law-making procedures (subresult 1.2) and will help in developing a broader range of individuals with a background in drafting. Even if all drafts continue to go through the OCPC, the starting quality of these drafts prepared in the line ministries or by civil society would help to achieve Intermediate Result 1. Moreover, this would help to increase the constituency for getting drafts out of the OCPC without delay or changes in the intent of the legislation. It will also help focus attention on the role of the OCPC and help create pressure to make it more accountable and responsive.

Legislative Reform and Parliamentary Staffing

The assessment mission also allowed us to continue to gauge the opportunities presented by legislative reform initiatives that have been part of the constitutional reform process. One of the primary recommendations from the Constitutional Reform Commission concerning the National Assembly was to establish a system of standing committees. In addition to assessing the options for improving legislative drafting capacity in Guyana, the assessment mission evaluated the opportunities for legislative reform and its implications for parliamentary staffing. In particular, the assessment team made the following findings:

Some measure of legislative reform is likely to be enacted and standing committees are likely to be created.

There seemed to be general agreement across parties that some degree of legislative reform would occur and drafting committees would be created. However, there was less agreement on the question of whether this reform would be enacted before the National Assembly is dissolved and on the question of the degree to which the reform will have a significant impact on the political process. There is a perception that the standing committees may be a way to institutionalize the positive inter-party dialogue that has occurred in the context of the constitutional reform process.

There appears to be public support for this approach. Despite the degree of racial and political polarization in the country, only 41 percent of the population is satisfied with the existing “winner-take-all” system, but instead supported other options -- various possible coalition governments (PPP/PNC – 10 percent; all-party coalition – 11 percent; a coalition of all opposition parties – 5 percent; a nonparty government – 6 percent); annexation by the United States (4 percent); or refused to say or respond (22 percent).¹⁷ Only a relatively small percentage of the population was satisfied with the existing constitution (16 percent) or considered the constitutional reform effort to be a waste of time (3 percent).¹⁸ Civil society has also indicated awareness of the need for legislative reform. The section on governance in National Development Strategy, produced by Guyanese civil society with funding from various governments, international organizations and private donors, notes that:

¹⁷ Saint Augustine Research Associates, *Hopes and Aspirations: Political Attitudes and Party Choices in Contemporary Guyana*, p. 20.

¹⁸ *Ibid.* p. 22.

The parliamentary opposition parties should also be part of the process. However, apart from their participation in the Public Accounts Committee in Parliament, they do not appear to possess any constitutional or legal right to engage, except in negative ways, in the business of governance. It is therefore considered necessary to enshrine in the law measures which would ensure that the opposition parliamentary parties be included in a more creative way in the law-making process.”¹⁹

The possible creation of standing committees is a sign for cautious optimism. Committees can help part-time legislatures become more effective on several levels, particularly in a politically polarized environment. Committees help increase legislative productivity through specialization. Committee proceedings typically operate under less formal rules of procedure than those that govern the entire legislature. As a result, committee members are able to discuss issues informally and to develop relationships with committee colleagues who represent other parties. That creates a collegial environment in which compromises on small matters and technical improvements in legislation can be agreed upon expeditiously. National Assembly member Raphael Trotman noted that the set-up of the National Assembly is currently not conducive to informal interactions between members – he cited the lack of a member lounge or cafeteria. He noted that these settings would seem to provide informal opportunities for members of different political parties to exchange views and ideas in a nonconfrontational setting. Committees can help create some of this less confrontative space.

Nonetheless, technical assistance and support will be needed in order to overcome obstacles to the development of a meaningful standing committee system in Guyana.

Despite the broad support for some level of legislative reform, like many similarly situated countries, there are several obstacles to the development of a meaningful standing committee system in Guyana. Although these obstacles are not unique to Guyana and have been overcome in numerous countries, technical assistance and support will be needed to help to overcome the following issues:

- ***Powerful, Centralized Parties.*** The power of committees and the power of parties in parliament tend to be inversely related – although there are a number of complex ways in which these two factors interrelate. Although strong parties tend to weaken committee systems, the converse is also true -- strengthening committee structures can also be used as a tool to make parties more open.
- ***Westminster-Model Traditions.*** Parliaments modeled on the Westminster-system do not have a tradition of powerful standing committees. This stems from the basic role of the legislature in a parliamentary system: “The influence of parliament over the executive normally comes not so much through the rejection, alteration, or approval of bills by parliament as through the deterrent effect of bad publicity from parliamentary scrutiny and debate.”²⁰ Nonetheless, as indicated earlier, there are pronounced trends in Westminster-model parliaments to strengthen the role of legislative committees.
- ***Pay.*** Members of the National Assembly of Guyana who are not ministers receive minimal compensation for their service – US\$150-200/month. Currently, the National Assembly meets only for a couple of days per month. This issue will need to be addressed if members can be expected to devote significantly more time to legislative responsibilities. Often outside organizations can provide political cover for these salary increases, by providing comparative information and outside recommendations for the increases.
- ***Electoral System.*** As currently designed, the electoral system limits the development of committees. The majority of MPs are primarily accountable to their party, rather than to a specific constituency. Although, after the March 19th national elections, 25 of the 65

¹⁹ The National Development Strategy, paragraph 3.II.3.4, p. 9.

²⁰ C.E.S. Franks, *The Parliament of Canada* (Toronto: University of Toronto Press, 1987), 163.

members of the National Assembly will have a geographic constituency to represent, these MPs are not required to live in the regions they represent. As a result, members may lack incentives to actively seek opportunities to hear from constituents through committee mechanisms such as public hearings. However, it may be possible to build on the changes to the electoral system to push for greater links between members and constituencies.

- ***Lack of Information.*** Finally, there is a lack of information about the issues that will need to be addressed in implementing committee reform. During the assessment mission, the assessment team posed a number of questions to members of parliament regarding the implementation of the standing committee reforms: Will the standing committee meetings be open or closed? How will bills be referred to committee? Will ministers be allowed to serve on committees (or even chair) the committees that are responsible for overseeing their ministries? Will committees be required to hold public hearings? The assessment mission was able to provide some basic comparative information on some of these questions and supplied copies of NDI's comparative paper on committee systems and staff to representatives of the parties represented in parliament. However, this lack of information will need to be addressed through programming.

Given these obstacles, it is important to take advantages of the window of opportunity presented by the constitutional reform movement.

The window of opportunity for legislative reform will not remain open indefinitely. It seems likely that, if both major political parties accept the results of the March election as legitimate, there will be some pressure by the losing party to implement legislative reform measures quickly. But it is unclear how long this momentum would last. If reforms are implemented fairly quickly in order to get the losing party to accept the result, there is a danger that decisions will be taken without sufficient information regarding the implications of these decisions. This may result in structural problems with standing committee decision that may be difficult to change at a later point and that may have a significant adverse effect on the overall effectiveness of Parliament. For example, ideally, there would have been a discussion of legislative pay for the next parliament before the election of the new parliament. Because of the political difficulties of MPs proposing an increased salary for themselves, it is often helpful to make this structural change effective for a subsequent parliament. The modifications to the standing rules to implement a committee system will have an enormous impact on whether the standing committee reforms will be meaningful. Based on our conversations with both PPP/Civic and PNC/Reform representatives, there is only a partial understanding of the political implications of the rules governing committee referral, committee member selection and eligibility, committee staffing structures, etc. Unless assistance can be provided to the committees in their initial formation, there is a risk that bad practices will become institutionalized, making it less likely that the committee system will develop in a manner that will provide meaningful opportunities for public input into the legislative process.

There is a need for additional professional legislative staff, but there needs to be flexibility and creativity in how these staffing needs are met.

The National Assembly appears to have added a significant number of staff in the last five years. At the time of the Parliamentary Library Assessment Mission in March 1996, the Parliament Office included 34 staff members – the Clerk, the Deputy Clerk and a team of 32 support staff in six areas – Registry and Typing, Clerical and Office Support, the Sergeant-at-Arms and Operatives, Personnel, Accounts, and Reportorial. In his meeting with the assessment team, the Clerk of the National Assembly, Frank Narain, indicated that the staff has grown to almost 50, with the new staff being added to provide administrative support the library, as well as the Oversight Committee and the constitutional reform effort. Mr. Narain indicated his belief that the staff that has been added to assist with the constitutional reform effort would be retained after the elections to assist with the newly formed standing committees. However, with the exception of the clerk and the deputy clerk who provide technical advice on procedural issues, the parliamentary staff remains exclusively administrative and clerical. Mr. Narain believes that additional professional and technical staff members are needed and may be added after the elections.

Both human and budgetary resources are scarce in Guyana. Again, the observation in the MSI's *Final Design of Results Packages* for Strategic Objective 2 is well-taken: "**many activities must be predicated on turnover, over-training and a constant stream of poorly skilled and inexperienced human resources** until living and work conditions and remuneration can be bolstered and sustained."²¹ In this context, hiring additional, full-time well-qualified staff needs to be considered as one, but not the only, option for addressing legislative support needs. Some additional arrangements may include: secondment of other government staff to the legislature; the use of part-time or "sessional" employees; contracting for certain services; relying on staff development (training an overly large group in the hope that a certain percentage will benefit from the training and remain with the organization to repay the investment in the training); reallocating existing staff to higher priority needs; etc. Many of these options were discussed in connection with the OCPC. Members of the PNC noted that this office should be under the supervision of the legislature. There was also a recognition that the transfer of staff from the civil service to the legislative service may allow greater flexibility with respect to pay scales – which can help to attract and retain qualified staff.

²¹ Management Systems International, *Final Design of Results Packages for Strategic Object 2, "More Responsive and Participatory Governance and Rule of Law,"* p. 6.

V. RECOMMENDATIONS

The findings of the assessment team have several implications on the effectiveness of the current conditions precedent in helping to achieve Intermediate Result 1. The recommended modifications to the conditions precedent are followed by recommendations regarding programming to achieve Intermediate Result 1.

Conditions Precedent

The assessment mission helped to confirm that, due to the particular political dynamic in contemporary Guyana, there is a risk that the conditions precedent may have unintended consequences that run counter to the results that they were designed to achieve. NDI has previously expressed concerns that the conditions precedent were preventing assistance on structural reform that, ultimately, may do more to improve the law- and regulation-making process than hiring additional drafting and library staff. In addition, if the current situation persists, the conditions precedent are likely to limit the ability of the project to take advantage of potential synergies between Intermediate Result 1 and the other intermediate results covered by the project. Because of this concern, NDI has previously suggested that an outright waiver of the conditions was appropriate. Given the degree of political activity in Guyana and the potential need to be able to react quickly to narrow windows of opportunity, the programmatic flexibility of an outright waiver of the conditions precedent under Intermediate Result 1 still appears to be the preferred option. We note that, even if the conditions precedent were waived, NDI would retain the discretion to implement activities only when there is the requisite level of commitment from the government to make those activities worthwhile.

However, we appreciate the concerns expressed by the Mission regarding an outright waiver of the conditions precedent. We agree with the Mission's concern that the government demonstrate a sufficient level of political will to make program activities worthwhile (although, it may make sense to make these judgment calls on an activity-by-activity level, rather than at the intermediate result level). We also understand the political consequences of a complete, unilateral withdrawal of conditionality in the face of government noncompliance or inaction. Accordingly, this report offers a number of recommendations (short of an outright waiver) that hopefully will address the Mission's concerns. Our proposed actions with respect to the conditions precedent seek to preserve those elements of the conditions that are most important to the success of the program, while at the same time suggesting areas where greater flexibility may be warranted. We look forward to discussing the Mission's reaction to following recommendations and would be happy to work with the Mission in developing materials and language that could be provided to the Government of Guyana to implement them:

Waive the Drafting Condition Precedent, if the Government of Guyana agrees to cooperate in the implementation of certain specified project activities designed to strengthen drafting capacity.

Currently, even with very limited capacity, the OCPC holds a virtual monopoly on drafting in Guyana. Although there are multiple factors limiting the ability of civil society and opposition to have meaningful participation in the legislative process, the monopoly on drafting does discourage civil society and opposition participation. Unless opposition and civil society are allowed the opportunity to propose suggested legislation and amendments to government-proposed legislation and have access to drafting services, the role of these groups is likely to continue to be primarily negative – criticizing government proposals, without having the tools necessary to posit possible improvements to draft legislation. The strategy of requiring that the government strengthen its monopoly on drafting capacity as a condition of implementing activities to “improve procedures for public input into the law and regulation-making process” (subresult 1.2) is worth revisiting. Moreover, in correspondence between NDI and USAID regarding the status of the conditions precedent, USAID notes that finding legal draftspersons for the OCPC has not been possible up to this date given the Guyanese labor market.

For these reasons, this condition precedent should be waived if the Government of Guyana agrees to cooperate in the implementation of certain specified project activities designed to strengthen drafting capacity: 1) developing a manual documenting the standards to be met by draft legislation in Guyana, 2) providing training on legislative drafting to government lawyers, attorney members of parliament, university faculty and others, and 3) assembling and disseminating a more up-to-date compilation or codification of Guyanese law. A commitment to cooperate

with these activities should be sufficient to achieve the desired intermediate result. It might be helpful, in making the case to the government, if the activities were presented in terms of: 1) helping to document and preserve the experience of the Chief Parliamentary Counsel before he retires, 2) benefiting from the experience of other Commonwealth countries experience on legislative drafting, and 3) providing training to others outside the OCPC to supplement, rather than supplant, its role in the drafting process.

Modify the Librarian Condition Precedent to focus on provision of research and policy support services to the legislature, rather than just library services.

Currently, there is limited perceived demand for library services. Absent Guyanese demand for these services, any satisfaction of the condition precedent is unlikely to be sustainable. In contrast, however, there is recognition that the implementation of standing committees will require the National Assembly to hire some professional staff. This recognition appeared to be shared by both major parties, as well as by the smaller parliamentary parties. Reframing the condition more broadly in terms of research and policy support services, particularly for the proposed standing committees, may be more politically acceptable.

In addition to being more politically palatable, the shift away from “library services” and to “research and policy support services” seems to make sense in terms of USAID’s programmatic objectives. The intermediate result -- “improved and more informed law and regulation making” -- requires that additional policy information and research be injected into the process from a variety of sources. Although a librarian could help to fulfill this role, it is not the only method of helping to achieve the desired results. Although a policy analyst or researcher can also help to increase the utilization of the library, it is important to bear in mind that the intermediate result is concerned with informing the legislative process, rather than increasing library usage or maximizing or recouping “sunk” costs.

Finally, particularly in situations where resource constraints are as severe as they are in Guyana, it is important to consider a variety of methods in fulfilling a key need. It should be noted that permanent professional legislative support staff is a relatively recent development in many legislatures. As recently as 20 to 30 years ago, many US state legislatures (with populations and resources far in excess of Guyana) relied heavily on the use of “seasonal” employees for providing legislative drafting and other types of legislative services. More creative options – secondment of employees from other government offices, employment of contract labor, part-time staffing, staff development and training of less skilled staff including the additional administrative staff hired for the library, are all options that should be looked at creatively to find solutions to the problem of better informing the legislative process. Although NDI recognizes that the existing administrative staff members assigned to the library are unlikely to assume a major role in providing policy and research support, there are administrative tasks (such as sending draft laws out for comment to appropriate civil society groups and experts) that can help to inject policy information into the legislative process.

There are several possible ways to modify this condition precedent, which USAID may wish to consider:

- The most narrow option would be to simply negotiate a modification to the condition precedent to broaden it to include other position descriptions that would help to inject policy information into the legislative process and would help satisfy the intermediate result. Instead of simply referring to a Research Librarian, the condition precedent could be modified to refer to research analysts, policy analysts, committee staff with substantive policy expertise, etc. This approach essentially maintains the requirement of adding a staff person, but provides additional flexibility regarding how research and policy support capacity is enhanced.

- A second option would be to require that the government annually commit a specified amount of funds for librarian, research or policy analysis services. This is slightly broader, in that it not only encompasses other types of policy support, but also allows for other types of hiring arrangements (paying the salary of seconded employees, using consultants or other contract services, etc.)
- A third, and in our opinion the preferred, option would involve a more comprehensive approach to the problem. USAID could seek to renegotiate the condition precedent along the following lines: “In order to provide for effective parliamentary representation and to maximize the use of resources previously made available to the Parliamentary Library through the Government of Guyana and USAID funding, the Government of Guyana agrees to ~~provide adequate remuneration to attract and retain the services of a Research Librarian for the Parliamentary Library and fill the position~~ develop, and commence good faith efforts to implement, an acceptable staffing plan to provide research and information to the Parliament.” This approach creates a useful entry point to deal with the legislative staffing issues more comprehensively. Obviously, the expectations for this approach need to be very measured – it is unrealistic to expect the government to be able to develop a staffing plan for the parliament that will meet all of the parliament’s needs in the short-term. However, a more comprehensive approach (if expectations are kept reasonable) may be more beneficial over the long run. Currently, the legislature is supporting a staff of nearly 50 people – however, needs in certain areas are not being met, while in others, there appears to be excess (albeit administrative) capacity. A comprehensive plan could provide for modest incremental growth in the legislative staff budget, as well as the reallocation of existing resources, as staff attrition occurs, from a larger number of administrative staff to a smaller number of more highly trained individuals. Issues of staff recruitment, retention and development could also be addressed in the context of such a plan. However, the more comprehensive option outlined in this paragraph is likely to work only if the following recommendation is also accepted by USAID.

Exempt certain activities from the conditions precedent, in order to allow the expenditure of Intermediate Result 1 funding for activities that are specifically designed to assist the government to fulfill the conditions precedent.

There is a lack of information on comparative legislative drafting issues and on legislative staffing structures in Guyana. It would seem appropriate for USAID to preserve for itself the discretion to authorize the expenditure of funds for activities that it determines would assist the government in fulfilling the conditions precedent. For example, if there is political will to make modest but meaningful improvements to the library, research and policy support resources that are available to the legislature, USAID should have the flexibility, on a case-by-case basis, to allow the expenditure of Intermediate Result 1 funds to assist the government in deciding how to do this. Should the staff be hired as part of the civil service system? What are the highest priority research staffing needs of the National Assembly? What skills sets are required to fill these needs? Are legislative research staff

members typically hired as partisan or nonpartisan staff? The assistance could be provided through consultations or, alternatively or in combination with, a workshop or seminar. This flexibility would be particularly appropriate if USAID opts for the more comprehensive modification to the Librarian Condition Precedent. In this case, it would seem appropriate to expend some funds allocated to Intermediate Result 1 to assist the government in preparing a staffing plan that supports the development of an improved and more informed process for law and regulation making. The introductory language to the condition precedent could be modified along the following lines, “except in support of activities that USAID determines would support the implementation of the following conditions precedent, no funds allocated to Intermediate Result 1 shall be committed or disbursed ...”

Programming

In anticipation of the resolution of both conditions precedent, NDI proposed a number of activities under Intermediate Result 1 in its approved work plan. Obviously, the design and implementation of these activities are affected by the approach USAID and the Government of Guyana take with respect to the conditions precedent. If the conditions precedent issues are not resolved, no additional activities under Intermediate Result 1 can be conducted. If the recommendations made in this report are acceptable to USAID, and USAID waives or is able to negotiate modifications to the conditions precedent with the Government of Guyana, the work plan activities will be affected not only by the way in which the conditions precedent are waived and modified, but also by the timing of any waiver or modification. Certain activities, particularly those tied to the legislative reform and standing committees, are time-sensitive and may be able to be conducted only if the conditions precedent are resolved in time to have an impact on the constitutional reform process.

Subject to these caveats, the following program activities may also be able to be commenced during the period covered by the existing work plan:

Development of a Drafting Manual

The development of a drafting manual was included in the RFA and our application -- “Write a manual for legal drafters so that if trained employees do leave the country, there will be a permanent record of standards and procedures.” The assessment Mission confirmed the value of preparing a drafting manual – but determined that the primary value of developing a drafting manual may be to open up the drafting process to other attorneys in Guyana outside the OCPC. If USAID accepts the recommendation to waive the Drafting Condition Precedent upon a commitment from the government of Guyana to work with us on the drafting manual, and if that commitment is made, we would begin work on the effort as soon as possible. In order for the effort to develop a drafting manual to be successful, the process will require the participation of the OCPC, but must also include others outside it -- particularly individuals who may potentially be involved in providing drafting assistance. The use of a committee to participate in the development of the drafting manual will also provide a training opportunity. The effort to produce a drafting manual should be facilitated by a consultant, preferably a legislative drafter from another Commonwealth jurisdiction. The effort should be presented as an opportunity to draw on Mr. Dhurjon’s experiences before his retirement and to provide guidelines to others in the preparation of drafts, so that the quality of drafts being submitted to the OCPC is improved. Once developed, it should be distributed widely and should be used as the basis for broad-based training – again bearing in mind that “over-training” is likely to be appropriate in Guyana. In terms of sequencing, the development of a drafting manual should proceed relatively early in the term of the Cooperative Agreement. However, its timing should be coordinated with the publication or dissemination of a more current compilation of Guyanese laws. Broader access to the existing laws will be necessary if the drafting manual will be effectively utilized.

Support on Parliamentary Staffing Planning

If USAID and the government modify the Librarian Condition Precedent to focus more generally on legislative information, policy support and librarian services, NDI would want to support this planning process by assisting the Government of Guyana to develop a staffing plan. As indicated, there are a number of arrangements, other than simply hiring of additional personnel, for addressing these needs. Support on parliamentary staffing may take the form of a staffing needs assessment (utilizing a volunteer outside consultant on legislative staffing). The assessment would evaluate the effectiveness of the existing 50 legislative staff members and identify

opportunities to reallocate and retrain existing staffing resources. The assessment would also identify the skill sets most needed to support a more empowered legislature and would evaluate the most cost-effective way of making those skill sets available to the legislature – including exploration of part-time employment, contract services, and temporary secondment of staff from other governmental agencies. The active participation of decision-makers from all parliamentary political parties would be crucial in developing local ownership of the plan. NDI would help facilitate the development of a consensus position on issues such as staff recruitment, training and supervision through the provision of comparative models and experiences. NDI/Guyana should be able to provide significant support to stakeholders and leadership in developing a plan. It is important that the plan have a long-term perspective and focus – both to emphasize the evolutionary nature of legislative institutional development and to ensure the effective utilization of long-term opportunities (caused by staff attrition) to reallocate legislative staffing resources.

Support for the Development of Standing Committees

The approved work plan currently provides for assistance in the development of standing committees. The work plan calls for the provision of assistance from an international expert on the functioning of standing committees. Comparative legislative committee experience would be crucial, ideally involving legislatures that have successfully transitioned from a part-time to a full-time legislature or that have significantly increased their power vis-à-vis the executive branch. In addition to the staffing questions discussed above, procedural issues and standing rule reform will be critical in determining whether the standing committees will develop into meaningful forums for public input and intra-party dialogue. How are appointments made? How are bills referred? Is referral mandatory or only on the vote of a majority? What is the role of ministers vis-à-vis the committees with oversight jurisdiction over their ministries? What mechanisms are available for committees to obtain public input? Is use of these mechanisms wholly voluntary or are some required? It would be important for the international consultant to have committee experience in Westminster-model systems, to be able to advise on the special obstacles to committee development that exist in these systems. As discussed in the work plan, comparative information should be supplied to the library. However, until library utilization is increased, the most useful information must also be provided directly to decision-makers (although the provision of these materials can be used as an opportunity to promote library usage for additional information).

Appendix 1: Summary of Previous NDI Program Activities in Guyana: 1990-1999

When NDI first began work in Guyana in 1990, the country's political institutions were weakened by years of centralized power structure and racial divisions. For the past eight years, NDI has supported Guyana's democratic transition, through efforts to promote a more equal distribution of power and increase the involvement of political parties and non-governmental organizations in the decision-making process. During this time, NDI has built and maintained the trust and confidence of a broad spectrum of Guyanese, including leaders and members of all the political parties, key actors in government ministries and civic activists, to the benefit of each program area. NDI also has developed cooperative relationships with local, regional and other international organizations with programs in Guyana.

NDI's program activities in Guyana contributed measurably to the increased participation of civil society and local government in the political process and to political reconciliation. Evidence of NDI's contribution is presented below.

1991-1994: Fostering Local Democratic Initiatives

In 1991, during the height of Guyanese political negotiations on an electoral system for the postponed national elections, NDI organized a symposium on efforts that have been made in other countries to promote public confidence and participation in election processes. As a result of this symposium, a group of civic leaders created a nonpartisan watchdog organization -- the Electoral Assistance Bureau (EAB) -- to enhance the integrity of the electoral process. Soon after its creation, the EAB played an integral role in verifying the accuracy of the preliminary voters' list for the 1992 national elections, which were considered to be the country's first open and democratic elections. NDI again worked with the EAB as it organized Guyana's first domestic election observation of the 1994 local elections, Guyana's first local government elections in 24 years.

Following the elections, NDI provided trainers for an orientation program for the 1,131 newly elected local officials. NDI also conducted a series of interviews with a wide cross-section of Guyanese and produced a report outlining the state of local governance in Guyana. In August 1995, NDI organized a summit for more than 100 representatives from the 65 neighborhood councils to achieve a consensus on their vision of local governance in Guyana. Experts from the Caribbean Association of Local Government Authorities and the Commonwealth Local Government Forum also participated.

In coordination with the summit, NDI created and distributed to every local councilor a handbook entitled, *Building Effective Local Governance: A Guide for Local Councilors*. The handbook is being used as a tool by councilors and educators, in increasing understanding of Guyana's local government laws, structure of central government and the roles and responsibilities of elected local officials.

1995-1999: Strengthening Democratic Institutions

In November 1995, NDI received funds from USAID to launch the *Guyana Strengthening Democracy* program to enhance the effectiveness of local government, strengthen the national legislature, institutionalize the elections process and foster the development of civil society. NDI opened a field office in January 1996 to implement projects in these areas.

To ensure broad-based, nonpartisan programming, NDI consulted with institutions critical for the consolidation of democracy in Guyana. These institutions, which were the Institute's local partners,

included the Constitutional Reform Commission, the Elections Commission, the Ministry of Local Government, the Office of the Parliament, and NGOs such as the Electoral Assistance Bureau. In turn, NDI's multinational field staff, that collectively represent more than 15 years of community organizing and political experience in Guyana, offers ideas, techniques, experiences, encouragement and moral support to these institutions where appropriate.

Building on its 1994 local government program, NDI supported efforts by the Ministry of Local Government to institutionalize an ongoing training program for local officials. NDI sponsored training seminars for experienced local community organizers and adult educators to increase the number of qualified local government trainers in Guyana. During the remainder of 1996, 45 trainers facilitated capacity-building workshops for more than 700 elected representatives and key staff at the municipal, regional and neighborhood councils in five out of the 10 regions in the country. Trainers used training modules, developed in coordination with NDI, on specific areas of local governance such as citizen participation, community planning and intergovernmental relations.

NDI has sought to address the lack of citizen participation in local government through training activities aimed at providing councilors with tools to increase dialogue and encourage input from their communities. Participating councils in the program have made significant progress in their community relations. After consulting with citizens through community meetings, several of the council projects were strengthened by citizens' contribution and participation. With the help and concurrence of citizens, councils build bridges, cleared dams and constructed roads.

NDI also worked closely with the Clerk of the National Assembly to increase the effectiveness of that body through the development of a Parliamentary Library. Previously, Members of Parliament only had access to a few resource materials, which were not organized and were either water-damaged or bookworm-infested. Through the creation of a Parliamentary Library, NDI has increased the capability of Parliament Office staff to research information for members of the Assembly that is necessary for the writing and review of legislation.

As a result of a long history of election irregularities, Guyanese were widely dissatisfied with the electoral system. To help enhance the integrity of and inform citizens about the electoral process, NDI helped the Elections Commission create a Voter Education and Information Unit. The Unit subsequently implemented the country's most comprehensive nationwide voter education and information program to date. A key component of the program was the *Promote the Vote!* workshops, which attracted more than 500 representatives from six major sectors. The Elections Commission also worked with the media, which played a significant role in disseminating voter education messages. In addition, the EAB help set Guyanese standards for public accountability and transparency in the electoral process by establishing Guyana's first media and political campaign monitoring program.

NDI also worked in close cooperation with the International Foundation for Election Systems to provide assistance toward the establishment of a voters' registry. Although difficult to quantify, the highly visible voter registration and education campaign was one of the major factors, according to international observers, that contributed to the high voter turnout, which exceeded 86 percent nationwide for Guyana's December 15, 1997 elections. These achievements, unfortunately, were overshadowed by controversy surrounding the elections results.

Guyana's fluid political climate required that NDI's *Guyana Strengthening Democracy* program be extraordinarily flexible and attuned to changing political realities. When the breakdown of political dialogue slowed efforts to review constitutional reforms, NDI helped create space for open and frank Guyanese discussion about the country's electoral and constitutional frameworks. NDI organized a study mission to Northern Ireland for Guyana's key government officials, political representatives and civic leaders who learned about Northern Ireland's reconciliation process through one-on-one discussions with political negotiators on all sides of the "Good Friday" agreement and site visits to this country's most politically polarized communities. Following the mission, Miles Fitzpatrick, participant and President of the Guyana Bar Association, wrote a series of articles analyzing the factors contributing to peace in

Northern Ireland and concluded the series by saying: “If they [the Irish] can do it, so can we. Our walls are still only in our minds.”

Since the Ireland mission, business, labor and civic organizations have begun to play a central role in developing a national strategy. For instance, members of the Trade Union Congress, the largest and most diverse umbrella civic group in Guyana, and the Private Sector Commission coordinated public statements calling for political party dialogue to resolve political differences and keep constitutional reform discussions on track. While civil society organizations in Guyana have staged a promising comeback since 1992, many NGOs continue to be perceived as being dominated by racial or political agendas. The Institute is also supporting efforts by the Guyana Association of Professionals (GAP) and the Guyana Association of Women to promote tolerance. In fact, NDI was the only U.S. NGO to be invited by GAP to their symposium on race and democratization.

NDI also provided critical support to political party leaders during the initial phases of the constitutional reform process in Guyana by researching and compiling comparative materials on reform mechanisms and inclusive political structures. In addition, NDI called on its global network of volunteer experts to help the Constitution Reform Commission form a multi-faceted advisory group. Advisors include practitioners and scholars in the areas of elections, gender, human rights, judicial, legislative, local governance, and minority rights from Australia, Canada, Chile, Germany, Iceland, Ireland, Jamaica, Malawi, Namibia, Norway, South Africa, Spain and the United States. This advisory group provides Guyanese with a network that they have called on throughout the reform process.

Two of these advisory members, South African parliamentarian Mohamed Enver Surty and Justice Albie Sachs, were both integrally involved in their country’s constitutional reform process. Surty and Sachs each visited Guyana twice to share their experiences with sustaining relations of cooperation, negotiation and consensus among different party members and to meet with the different party caucuses to discuss how progress could be made toward reform. These requests reflect the party members’ appreciation for their knowledge and political neutrality.

Appendix 2

Assessment Team Biographies

Matt Dippell is the Deputy Director of the Latin America and Caribbean team at NDI. Over the past six years, he has organized programs on civil-military relations, legislatures, political parties, civic organizations and elections in Nicaragua, Peru, Paraguay, Chile, Guyana, Haiti, Mexico, the Dominican Republic and Venezuela. Before joining NDI, Mr. Dippell served as director of research at the Shipbuilders Council of America, a trade association. He also worked for more than four years as legislative assistant for foreign affairs and health care for Representative Sid Morrison (WA) in the House of Representatives of the U.S. Congress. He also served briefly with the U.S. State Department in the economics section of the U.S. Embassy in Managua, Nicaragua. Mr. Dippell has worked on various political campaigns, including the Clinton/Gore presidential bid in 1992. He received a Master's Degree in International Relations from the Fletcher School of Law and Diplomacy of Tufts University and undergraduate degree in political science and Latin American studies from California State University, Long Beach. He also studied at the Universidad Iberoamericana in Mexico City, Mexico.

John W. Heffernan has been the Director of NDI's program in Guyana since December 1999. From 1995 through 1999 he served as the Executive Director of the Coalition for International Justice (CIJ), a Washington, D.C.- based non-governmental organization he established to support the work of the International War Crimes Tribunal for the Former Yugoslavia and Rwanda. From 1993 through 1995 Mr. Heffernan was the Country Representative for the International Rescue Committee (IRC) in Zagreb, Croatia. During the Bosnian war he managed refugee assistance projects for those who had been displaced during the conflict. From 1991-1993, he served as IRC's coordinator for the resettlement of Eritrean and Ethiopian refugees in Khartoum, Sudan. Heffernan served as the Vice-President of the Business Council for the United Nations, a United Nations affiliated NGO, from 1988 through 1991. He has also worked on several local, regional and national political campaigns serving in variety of capacities including campaign manager. In 1985 he was awarded a Coro Fellowship in public affairs. Heffernan received a graduate degree from Columbia University's School of International and Public Affairs and an undergraduate degree from the University of California, Santa Barbara, with additional coursework at Stanford University in Florence, Italy.

K. Scott Hubli is the Senior Adviser for Democratic Governance Programs at NDI. In this position, he provides technical assistance to NDI's 19 parliamentary programs around the world; he also responsible for providing assistance with respect to NDI's public integrity and anti-corruption programming. Prior to joining NDI, Mr. Hubli served as Senior Technical Adviser for Associates in Rural Development, Inc. in Ramallah, West Bank, on a USAID-funded program to strengthen the Palestinian Legislative Council (PLC). As Senior Technical Adviser he was responsible for all contract deliverables in the following substantive areas: parliamentary procedure and the legislative process, development of committee staff and structures, legislative drafting, and legislative fiscal analysis. From 1998 to 1999, Mr. Hubli served as the Administrative Services Manager for the State of Wisconsin Legislative Reference Bureau where, among other things, he was responsible for coordinating the drafting of the state's \$40 billion state biennial budget bill. From 1993 to 1998, Mr. Hubli served as a legislative attorney for the Wisconsin Legislative Reference Bureau, where he was responsible for drafting all legislation considered by the legislature in the areas of banking law, commercial law, and state finance. During his tenure at the Wisconsin Legislative Reference Bureau, Mr. Hubli took numerous leaves of absence to consult on legislative development issues in the Middle East, Central Asia, Western Africa and Southeast Asia for several development contractors and nonprofit organizations, including the National Conference of State Legislatures, the ABA's Central and Eastern European Law Initiative and the Asia Foundation. Mr. Hubli holds a J.D. and a Master's Degree in Public Policy and Administration from the University of Wisconsin. A portion of his legal studies were conducted at the Justiz-Liebig Unversitaet, Giessen, Germany. He is also an alum of the National Conference of State Legislature's Legislative Staff Management Institute at the Hubert H. Humphrey Institute at the University of Minnesota.

Appendix 3

List of Persons Consulted

Washington D.C.

Jim Dau	NDI Program Assistant
Jean Freedberg Representative	NDI Director of Public Affairs, Former Guyana Resident
Lawrence Lachmansingh	NDI Deputy Director for Asia, Guyanese Citizen
Thomas Melia	NDI Vice President for Programming
Nicole Mlade	NDI Program Officer
Makram Ouais	NDI Senior Program Officer, Former Guyana Resident Representative
Deborah Ullmer	NDI Senior Program Officer, Former Guyana Resident Representative

Georgetown, Guyana

Vincent Alexander	Vice Chairman, PNC/Reform
Deborah Backer	Member of Parliament, PNC Reform
Dr. Carol Becker	USAID Mission Director
Henry Bisharat	Political/Economic Chief, US Embassy
Hugh Cholmondeley	Civil Society Member, "The Initiative"
Dr. Charles Cutshall	Senior Adviser for Democracy and Governance USAID
Cecil Dhurjon, SC	Chief Parliamentary Counsel, Ministry of Legal Affairs
Joyceln Dow	Guyanese Businesswoman, Red Thread Leader, member of WPA
Roxanne George	President of the Guyana Association of Women Lawyers
George Jardim	Chairman of the Private Sector Commission
Manzoor Nadir	Member of Parliament and Leader of The United Force
Dr. Nagee	Assistant to the Office of the Chief Parliamentary Counsel
Frank Narain, CCH	Clerk of the National Assembly
Robert Norris	Media Monitoring Adviser, GECOM
Simon Osborne	Coordinator of the International Observer Group
Andrew Parker	Chargé d'Affairs, US Embassy
Haslyn Parris Commission	Former Vice President, Secretary to the Constitution Reform
Minister Reepu Daman Persaud	Minister of Agriculture and Parliamentary Affairs
Donald Ramotar	Member of Parliament, General Secretary of PPP/Civic
Rupert Roopnaraine	Member of Parliament, Leader of the Alliance for Guyana
Joe Singh	Chairman of the Elections Commission
Anande Trotman	President of the Guyana Bar Association
Raphael Trotman	Member of Parliament, Executive Member, PNC Reform

Appendix C:

Proposal from the Guyana Association of
Women Lawyers.

Appendix D:

Report from January 2001 Local
Government Assessment Mission.

Report

of a needs assessment survey
and baseline data on local governance
in the Amerindian communities of
Mainstay/Whyaka, Tapakuma and Capoey
conducted for the National Democratic Institute

Gordon Forte
Georgetown, February 15, 2000

Contents	page
Executive Summary	1
Acronyms	2
Introduction.....	3
Summary of findings.....	4
Relationship with the Regional Administration.....	9
Analysis of responses.....	11
Training needs and opportunities.....	25
Opportunities for learning.....	27
Recommendations.....	30
Appendix: Terms of Reference	31

Executive Summary

To guide proposals for the “strengthened local governance” component of the USAID program entitled *"More responsive and participatory governance and rule of law"*, NDI contracted a study of existing and desired conditions regarding local governance in three Amerindian communities on the Essequibo Coast. Structured participatory interviews were conducted in the field on January 21–27, 2000. The situation found was that low community capacity to respond to community problems and achieve social consensus has caused and is causing impediments in these villages’ progress. Economic development projects have a high likelihood of failure due to the inability of participants to resolve diverse views and interests and to agree on equitable sharing of responsibilities and benefits. At the same time there is low capacity in these populations to deal with conceptual learning through conventional training methods; as a consequence of material and educational poverty most individuals are preoccupied at a basic subsistence level. Essential training in practical measures for improving governance must be integrated with skills training relevant to real and immediate concerns of livelihood. Opportunities for such linkages can be found in the need for groups to learn how to interact freely and collaborate on management issues vital to the new projects now being promoted for economic development in these very localities. Recommendations are made for collaboration by NDI with the management of other development agencies active in the Region, to contribute modules of governance training, on a modern participatory style, within the training being provided in technical and substantive subjects for several new income-generating projects.

Acronyms

CDB	Caribbean Development Bank
DDO	District Development Officer
HAC	Hinterland Affairs Committee
HAW	Hinterland Affairs Worker
IFAD	International Fund for Agricultural Development
IICA	InterAmerican Institute for Cooperation in Agriculture
PRCSSP	Poor Rural Communities Support Services Project
REO	Regional Executive Officer
RDC	Regional Democratic Council
NDC	Neighbourhood Democratic Council

Introduction

This is a report of a needs assessment survey and baseline data on local governance in the Amerindian communities of Mainstay/Whyaka, Tapakuma and Capoey conducted for the National Democratic Institute.

The purpose of the survey was to ‘determine the overall status of Amerindian Local Governance in the designated communities ... to guide the development of appropriate interventions that would serve to strengthen their management and technical capacity to respond to communities.’ The interventions eventually developed would form part of the “strengthened local governance” component of the USAID program entitled *“More responsive and participatory governance and rule of law.”*

At a consultation held in May 2000 by NDI/Carter Center with Amerindian stakeholders and other partners to guide proposals for activities under the USAID governance program, NDI envisioned the provision of technical assistance to empower Amerindians for change and control through access to information and skills training. It was agreed at the May consultation to initiate a program for this purpose in the Amerindian communities near the Essequibo coast in Region 2. In December 2000 NDI contracted this study of the three villages closest to Anna Regina.

The consultant spent the week of January 21–27, 2001 in the field. One and a half days each were spent in Mainstay/Whyaka and St Denys, Tapakuma, and one day in Capoey. One day was spent in the office of the Regional Administration in Anna Regina, in discussions with the REO, the DDO and three HAWs, as well as the Acting Project Officer and the Community Development Coordinator of the PRCSSP.

In each village a number of interviews were held

up to 10 short discussions and up to three in-interviews lasting over half an hour. A pre-discussion guide was used but free participant discussions elicited comment and background explanation to aid analysis. The persons selected for interview represented a fair geographic spread and age range of adults in the villages. Still, more than half the respondents were women, expected because many men were off at work outside the village housing areas visited.

Based on analysis of the information gathered in this report outlining the situation present and desired, a report was to be submitted to NDI, also outlining ‘specific interventions that would be needed, including identifying priority areas for training

The nine Amerindian communities in Region 2 had the following populations in 1997:

	population	households
Kabakaburi	756	198
St Monica’s	800	81
Akawini	325	50
Wakapoa	1530	350
St Denys	400	70
Mainstay	220	48
Capoey	300	49
Mashabo	200	54
Bethany	380	66

There is an Amerindian population estimated at 108 located at Lima Sands, close to Mainstay, in an area traditionally occupied without Amerindian title, which had in recent years been allocated to coastlander settlement. There is a significant Amerindian presence in coastal villages

Summary of findings

Mainstay/Whyaka

Council:

Yvonne Fredericks, Captain
 Mary Williams
 Waveney Fredericks
 Christopher Pearson
 Calvin Wilson
 Betman Constantine
 Joel Fredericks

Population of Mainstay/Whyaka: 260 persons in 61 households
Occupations: farming, logging, tourism

Elected August, 2000. Most councillors returned, new faces Waveney and Joel.

Divided responsibilities:

Calvin	Forestry
Waveney and Joel	Sport, youth, education, culture

Council Employees:

Jacqueline Allen	Clerk/Secretary
Isabella Allen	Toll Collector
Pauline Daniels	Cleaner

Interviewed 2 villagers and 1 councillor in Whyaka, 14 villagers and 3 councillors in Mainstay, 1 villager in Jump-jump, out of about 120 voters.

All villagers interviewed know all councillors personally. Many are related by family. The great majority of villagers participated in last elections, when there were 20 nominations for six posts. All interviewed approve of election results, and think councillors are doing a good job. There is general agreement that the council is fulfilling expectations, and that opportunities exist for expressing disapproval or raising concerns with councillors and Captain. The Council particularly ask the villagers to take part in village life and to bring forward matters needing attention.

The Council holds formal meetings every two months. Villagers are aware when Council meetings take place but are not invited to attend. No villager interviewed said he/she would like to attend or observe meetings which they regard as properly private to Council members. A Village meeting is held shortly after every council meeting. The Captain says attendance and involvement have improved since the new Council took office.

Villagers seem generally satisfied with the process available by which they can influence the Council by their views, arguments and suggestions. There is a lower level of satisfaction with the Council's success at implementing desired changes, but it is understood that the Captain and Council have restrictions placed on their powers by the regional administration. The problem of securing cooperation between villages is also recognised. Villagers admit their leaders are limited

in their knowledge and negotiating ability, but accept that the best available talent has been elected and doing its best.

In-depth interviews were held with Mr Nathan Bishop and with the Captain, Ms Yvonne Fredericks. Mr Bishop is a coastlander who is married to an Amerindian and living with her in Mainstay over a 20-year period. He is concerned with the many injustices and anomalies in day-to-day life within the village and in its relations with the coast. He has developed an idea for joint marketing of agricultural and timber produce by the three lake communities, but recognises that problems of cooperation between villagers and between villages will be hard to overcome.

Mainstay's is the only Captain in the three villages who is not in a full-time government job, and consequently can devote a great deal of her time to village affairs. She is active with one of the national Amerindian associations, and by virtue of considerable exposure to development issues was able to analyse many problems from a human resource perspective. This captain would like to make training available to her council in areas of business negotiation and local government law. She would like all her villagers exposed to training in what the Ministry of Education call Management of Social and Sensitive Issues (MSSI). However she recognises that conventional classroom-style training is very often unsuccessful, necessitating new, non-threatening approaches.

St Denys, Tapakuma

Council:

Doreen Jacobis, Captain
 Roy Pearson
 Compton Campbell
 James Fredericks
 Winsley Pearson
 Patricia James
 Elsa Fredericks

Population St Denys:
 503 persons in 101 households

Occupations:
 logging, farming

Elected August, 2000. The Captain and most councillors are new, though some have served in previous years.

Divided responsibilities:

Roy Pearson	Forestry
Compton Campbell	Law and Order
James Fredericks	Domestic problems
Winsley Pearson	Youth
Patricia James	Sanitation
Elsa Fredericks	Education

Council Employees:

Patricia James	Clerk/Secretary
Donna-Kay Roberts	Part-time collector

Interviewed Captain and both officers, 20 villagers and 3 councillors, out of about 200 voters. In-depth interviews with Galton Fredericks, Donna-Kay Roberts and Hubert Fredericks.

Galton Fredericks had wide experience in other parts of Guyana which placed him in a leadership position when he returned to the village 15 years ago. He served as Captain some years ago but has since lost direct influence. His view is that because of low understanding of the democratic system the best people do not get elected to formal leadership positions, resulting in weakness of the council in terms of education and exposure. Although he feels his village lacks leadership, he is not prepared to speak out or agitate for development measures, because “in the long run you will make enemies.” He finds that poverty lowers the level of people’s ideals and preoccupations, but economic development is held up precisely because of the low intellectual horizons.

Donna-Kay Roberts is the clerical worker at the cassava factory established with assistance from IICA as a follow-up to the Integrated Rural Development Project started with French Government funding about 1990. She attributes the low level of success of the project to an inability of members to work together for common goals. She observes that a lot of training took place in the village with little apparent result.

Hubert Fredericks is the coordinator of the Integrated Rural Development Project and manages the cassava manufacturing and the operation of its tractor and trailer. He says that the problems

of cooperation which have hampered progress of the project and the village as a whole are due to the absence of a sense of ownership of the donated assets, which leads to unwillingness to take responsibility and a lack of enthusiasm for participation even for definable benefits. He believes that the Council should be capable of running economic enterprises on a business basis, but those elected cannot take the necessary interest, because they have their own full-time jobs to do.

Most of the other interviews held during a day and a half in St Denys revealed only a superficial analysis of village dynamics on the part of most residents. On the surface there is satisfaction with administrative processes within the village and approval of the limited success of the Captain and councillors, based on an acceptance of the limitations placed on the Captain by the local government system, by low educational standards, and by a pervasive inertia in village life.

Capoey

Council:

Ralph Hendricks, Captain
 Imelda Rodrigues
 Claire Patra
 Ray Allicock
 Sylvester Henry
 Edmund Hendricks
 Nathanael Henry

Population of Capoey:
 320 persons in 51 households

Occupations:
 logging, farming, tourism

Elected August, 2000. The Captain was re-elected but most councillors are new.

Divide responsibilities by geographical area:

Imelda	Lake-top, the eastern shore
Claire	Mission area
Ray & Sylvester	Northern shore
Edmund & Nathanael	Western shore

Council Employees:

Esther Rodrigues	Clerk/Secretary
Alice Hendricks	Cleaner (twice a month)

Interviewed Captain and both officers, 15 villagers and 3 councillors, out of 128 voters.

In-depth interviews were held with Melrose Henry, ex-Clerk-Secretary and Chairperson of the new youth group which is planning, with IFAD support, to begin an agricultural project, and Joan Allicock, past President and subsequently member of the Capoey Women Farmers Association. In the August 2000 election Joan Allicock was nominated for the Captaincy and received 55 votes as against the 57 received by Ralph Hendricks, who thus became Captain. Joan is regarded as one of the leaders of the opposition faction in Capoey. The faction gives opposition only by withholding support for most activities of the Council, on which it is not represented.

Discussions with the Captain, two councillors and both council employees did not reveal a great concern over divisions among the population. Council activity is relatively low, but expectations are not high among the supportive faction. All agree that adequate opportunity exists to make suggestions, and the elected leaders ask for participation at village meetings, which are held quarterly after private council meetings. For their part, members of the opposing faction see no opportunity to contribute to village affairs, but do not express themselves as if very much is at stake. If economic development activities expand outside of council initiatives, the balance of influence in the village may shift to allow a leadership style more representative of all interests.

Relationship with the Regional Administration

In common with the other nine administrative regions in the local government system of Guyana, the elected Regional Democratic Council (RDC) functions through public servants organised under the Regional Executive Officer. At the second level of the Regional office, the Local Government Department under the District Development Officer (DDO) is responsible for relations with the five Neighbourhood Democratic Councils (NDCs) and the nine Amerindian villages in the Region. Within the Local Government Department, the Hinterland Section comprises three Hinterland Affairs Workers, all Amerindian women resident in the three Amerindian villages nearest the office in Anna Regina.

The RDC itself has a subcommittee called the Hinterland Affairs Committee, chaired by Councillor Mr Lloyd Perriera, the Captain of Wakapau Amerindian village. On the HAC are co-opted all nine Amerindian Captains with the DDO and the officers of the Hinterland Affairs Division. At its quarterly meetings this committee formulates recommendations to the RDC regarding Amerindian issues.

The RDC makes no regular subvention to cover expenditures of Amerindian village councils, nor does it levy any taxes on them. Public services which are the responsibility of the Region, such as health and education, are budgeted for in the same way as all other schools and health centres. Regional funds are from time to time allocated to infrastructural expenditures in Amerindian villages.

The Regional Administration does closely supervise the financial affairs of the Amerindian communities, by requiring village accounts for monthly audit. To ensure compliance with annual budgets, all expenditures of Amerindian Village Councils can only be made after approval by the DDO. Infrastructural projects initiated by the village councils, as well as business contracts with non-Amerindian interests, are monitored by the Hinterland Affairs Division.

The Local Government Department maintains a similar control over finances of the five NDCs on the coast, to an even greater extent since all the NDC's revenues are paid into the Region's consolidated fund, and all their expenditures paid on requisition by the Regional paymaster. Amerindian councils maintain their own bank accounts, though the passbooks are held at the Regional Office and withdrawals have to be authorized by the DDO. The Region gives training in accounting, according to standard government systems, to Amerindian village captains and clerk/secretaries as well as financial officers of the NDCs.

The captains and clerk/secretaries of Mainstay, St Denys and Capoey all have good relations with the regional officials. Some resentment was expressed by councillors and villagers that their villages' spending of their own revenues was under the control of the Region. This might not arise if it were more widely understood that coastlander NDCs were under the same restraint, or if the HAD represented their monthly audit as a positive financial service to the councils, aimed only at enforcing conformity with the annual budgets which the councils themselves prepare.

Because the Hinterland Affairs Workers are actually residents of two of the villages studied, they are in a good position to represent the Amerindian interest in their recommendations to the DDO and the HAC. The village leaders no doubt take more advantage of the relationship than they will freely admit: an indigenist stance is fashionable in these times, and it is easier to blame spending restrictions on “higher authority” than to explain the difficulty of unbudgeted spending.

The HAWs sometimes attend village council meetings, but their meetings with each captain and each clerk/secretary at least once a month keep them in close touch with village affairs. The Regional Administration intends, after the national and regional elections in March 2001, to organise training sessions to familiarise captains and councillors with their roles and responsibilities within the functioning of the local government system, as they have done before. Regional officials are conscious of the generally low level of Amerindian capacity to manage common concerns, but do not find this section of the population less advanced in this regard than the population as a whole. The Region does not seem to place a strong priority on training to improve governance at community level.

Hinterland Affairs Workers		
	Resident of	Responsible for
Ms Irma Luke	Mainstay	Mainstay, Akawini, Wakapau
Ms Victorine Allicock		Capoey St
Denys, Mashabo, Bethany		
Ms Yonette France	Mainstay	Capoey, St Monica, Kobokobui

Analysis of responses

The discussion guides reproduced below were not presented as questionnaires but rather as the structure for participatory interviews with individuals and small groups. The largest group of villagers interviewed was four adults of the same age-group. Responses were recorded so as to be able to report direct answers to the questions, while noting open-ended comments, amplifications and discussions arising.

1. Discussions with villagers

- 1.1 (establish villager status)
- 1.2 Who are the Captain and councillors of this village?
- 1.3 Do you know them all personally?
- 1.4 Did you take part in the last council elections?
- 1.5 Do you think the best possible council was elected?
- 1.6 What do you expect the council to do for the village?
- 1.7 How do you get to tell the council what you want it to do?
- 1.8 Do you think the council is fulfilling your expectations?
- 1.9 Do the council ask for your participation and cooperation?
- 1.10 Do villagers generally participate and cooperate with the council?
 - 1.10.1 Are villagers notified of council meetings?
 - 1.10.2 Are villagers free to attend and observe council meetings?
 - 1.10.3 Have you ever attended a council meeting?
 - 1.10.4 Do you think that villagers should be allowed to attend council meetings?
- 1.11 What prevents the council from doing what is expected of it?
- 1.12 What do you think would help the council to do its job better?

This set of questions breaks down into three groups, of which one received universally consistent answers. It is therefore possible to record unanimous responses to some of the questions as follows:

1.2 *Who are the Captain and councillors of this village?*

All villagers interviewed could name their Captain and all their councillors.

1.3 *Do you know them all personally?*

All villagers interviewed were personally acquainted with their Captain and all their councillors; in many cases they were related to them. These answers are to be expected in tiny rural communities each composed of the members of fewer than 10 extended families with a high degree of intermarriage.

1.7 *How do you get to tell the council what you want it to do?*

By directly approaching the Captain and/or councillors outside of formal meetings, and by speaking in periodic community meetings convened by the council specifically to report to villages and invite their comments. The question itself was met with a faint surprise, as if villagers were not used to the view that a council should be responsive to their expressed ideas;

once a villager pointed out an issue, it was the council's role to find ways to deal with it. Villagers then could comment, but new ideas and action were the job of the leaders. There is also a minority reluctance to make suggestions to designated leaders for fear of appearing to usurp official functions.

1.9 *Do the council ask for your participation and cooperation?*

Yes, at the formal occasions just mentioned. Even if the request for is only a formula which has developed as an expected leadership style, it is a necessary request in the case of arranging communal work events, and even when thus meant or interpreted it covers an assumed invitation for participation in village governance. In other words there is a surface assumption of participatory governance, which the leadership follows as of form, even when the reality differs.

1.10.1 *Are villagers notified of council meetings?*

1.10.2 *Are villagers free to attend and observe council meetings?*

1.10.3 *Have you ever attended a council meeting?*

These questions were universally answered in the negative, because for as long as village councils have functioned formally they have done so under the practice of meeting privately, as distinct from the community meetings in which they interface formally with the mass of villagers. The latter accept that their presence is not appropriate at meetings of the leadership group, and given the tendency to oratory among these people it is probably seen as a mercy that council meetings are not prolonged by the intervention of non-councillors. The community meetings, at which the captains and councillors report to and receive feedback from their constituency, can be rather long and strenuous affairs, taking up as much time as most villagers are willing to spend on public events concerning local governance.

A second set of questions elicited either "yes" or "no" answers, and for two of these the answers are simply accounted for.

1.4 *Did you take part in the last council elections?*

Fewer than 20 percent of respondents had not attended the village elections in August 2000. In all cases failure to attend was due to the respondent being absent from the village or otherwise unavoidably unavailable. No one admitted to boycotting the elections. In all these villages there was a high level of interest in the event, and in Capoey there was a keen contest for the top post.

1.10.4 *Do you think that villagers should be allowed to attend council meetings?*

No councillors, and only four villagers, answered this question affirmatively. The few who thought it would be a good idea for villagers to attend council meetings were individuals with an unusual level of exposure to western ideas, or an unusual level of interest in civic issues. None however expressed strong views on the question; perhaps most realised the price in time would be high.

For other answers, the variations have to be interpreted differently for the different villages.

1.5 *Do you think the best possible council was elected?*

In Mainstay the incumbent council was returned largely unchanged in the August 2000 elections. That in itself reflects the high confidence reposed in the captain and councillors, that they are the best talent available, doing the best that can be hoped for in the circumstances. Only one respondent thought that the councillors seriously lacked training and experience, but the same deficiency would apply to any alternatives available.

In Tapakuma the captain and council enjoy the support of a large majority of villagers. Out of 15 respondents, 12 said the elections returned the best possible results. Of the others, two made a much deeper analysis than usual of the community's problems.

In Capoey the presence of an opposition faction, still strongly identified 5 months after the last elections, explains the higher proportion of negative responses received (5 out of 15). Two of the negative assessments were qualified by a recognition of adverse circumstances which would still affect any alternative, and the apparent high approval rating has to be qualified by a high degree of apathy revealed in many of the interviews.

Overall, then, there does not seem to be a high consciousness among residents of these villages that the calibre and capability of their elected leaders can make much practical difference to the quality of everyday life. Consequently, since it is not terribly important whether the best possible council is elected, most villagers did not see this question as crucial or urgent.

1.8 *Do you think the council is fulfilling your expectations?*

The majority of respondents in Mainstay and Tapakuma answered this question positively. In Mainstay the minority represented local tradesmen who felt they should be awarded bids for public works now given to coastlander contractors — an issue which the council is engaging without success so far. In Tapakuma the minority are those few respondents who make a deeper analysis of leadership functions than the majority, and so have higher expectations, even though they are not prepared to voice them directly.

In Capoey respondents were divided equally between those who support the captain and council without question and those who disapprove generally of the council and what it does. Loyalty to the respective factions seems to overcome detailed analysis of issues. This is, unhappily, a not unfamiliar manifestation of the political immaturity which is such a powerful factor in Guyanese life at every level.

1.10 *Do villagers generally participate and cooperate with the council?*

Again, the great majority of responses in Mainstay and Tapakuma were positive, while in Capoey the "opposition" faction often appears to withhold its participation in events organised by the council. In all three villages, participation and cooperation are reported as giving voluntary labour on occasions of communal work, referred to as "village work," "self-help" or "kayap," and consisting to a very large extent of cleaning and weeding public facilities. Participation may also include attendance at village meetings at which the captain and council will report on their stewardship and solicit feedback, although the latter is most often free of frank criticism for reasons of protocol, politeness or disinterest.

The discussions guided by this group of questions revealed how little weight is given to the whole issue of leadership and its support. While a village administration will gain approval according to its ability to elicit favourable treatment by outside authorities such as the Regional Administration or aid organisations, the captain and council are not seen as primarily instrumental in securing the advantage of the community. The captain of Mainstay is highly rated for her activist energy viv-a-vis external forces, always allowing for the well-known odds against her initiatives carrying effective weight at the ultimate decision-making level, which is perceived as being inevitably outside the village. The captain of Tapakuma is widely respected for her dedication to social welfare, and enjoys approval for her efforts on behalf of her community, within the limitations perceived to be drawn around her powers by the higher authorities. In Capoey the post of captain appears to have little consequence for the interests of the village as a whole, being mainly a symbolic plum within the local factional struggles.

The uncritical approval of whatever contribution the elected leaders are able to make is a symptom that most residents do not believe that internally motivated and organised action can make much difference to their circumstances. Fatalistic acceptance of the community's lot, which waits for external assistance to bring about changes, has resulted in a steady deterioration in its condition and prospects. Because there is little idea of what change is possible or even desirable, the existing situation is accepted by default. This may be a microcosm of the national situation, making the best of a worsening fate. It is probably also a reflection of the Amerindian cultural trait to avoid open confrontation in all but the most extreme straits. Either way, there is a low level of belief in a village's ability to influence events and decisions affecting its fate.

The last group of questions was completely open-ended, and again the variation in answers depends on the degree to which factionalism has paralyzed each village.

1.11 *What prevents the council from doing what is expected of it?*

Mainstay villagers (in order of frequency)

- captain and council get pushed around by higher authorities
- parents do not cooperate with council in controlling social behaviour
- lack of financial management skills
- regional administrative structure does not allow councils to act freely
- nothing
- problems of cooperation between villages

Tapakuma villagers (in order of frequency)

- lack of money
- lack of cooperation from villagers
- can't say
- due to conflicts, the best don't get elected
- part-time and voluntary leaders can't give time required
- lack of ability, vision and capacity
- national party politics distort democratic process
- underdevelopment and poverty

Capoey villagers (in order of frequency)

- nothing
- lack of leadership knowledge and ability
- lack of money
- no cooperation from half the residents
- no vision to take up available assistance
- lack of money to pay a full-time captain
- council resents suggestions for change

1.12 *What do you think would help the council to do its job better?*

	Mainstay	Tapakuma	Capoey
• can't think	6	4	8
• full cooperation of villagers	2	2	1
• training for council and villagers		1	4
• payment for councillors		2	1
• full-time captain		1	1
• cooperation by regional admin	2		

The low proportion of villagers answering this question was due to the low importance villagers appeared to ascribe to the quality of the council's output. In perhaps half the interviews the question was not even put because the respondents were clearly unprepared to deal with the issue at all, and by the end of the discussion they had been challenged enough for one session. The matter of governance is not one to which this population is accustomed to giving thought; though they were willing out of politeness or friendliness to engage on topics of a visitor's choice, it was not easy for most respondents to apply their minds to abstract principles which they view as outside their day-to-day preoccupation with making a living.

Finally, the question which seemed most difficult to answer also produced the most revealing answers in terms of civic consciousness in the different villages.

1.6 *What do you expect the council to do for the village?*

Mainstay villagers (in order of frequency)

- help solve families' problems
- provide social leadership, "make sure things go well"
- provide public facilities
- supervise social services
- regulate economic activity
- run projects to meet economic needs
- can't say

This community benefits from almost full-time work from an extremely energetic captain, and is conscious of its good fortune to have such active leadership on a voluntary basis. Perhaps as a result, there is universal admiration and little open criticism for the captain. The captain and council very competently organise the revenue-collecting system and concomitant regulation of the timber and tourist trades. Since this economic-development aspect of leadership can be

practically taken for granted, a high proportion of those interviewed focussed on the area of social leadership, where there is a perceived breakdown in authority, and an expectation that the elected leadership should solve behavioural problems through regulation. This may be a reflection of a trend towards authoritarianism throughout the Guyanese society, or a not unusual response to a feeling of helplessness in the face of weakening social organisation. Many villagers look to the council to grapple with practically all the needs of the community, though individuals do not feel prepared to give it ideas, and a substantial proportion cannot even define the needs themselves.

Tapakuma villagers (in order of frequency)

- regulate social behaviour
- fulfil requests from community
- provide material infrastructure
- financially assist needy
- give leadership in every way
- organise economic development
- regulate visitors

The captain of St Denys was returned for a second term in the last elections in August, 2000. She has been the community's Nurse/Midwife since 1988, expressing a sense of privilege at being able to serve her natal village, though with an admitted lack of training in the functions and duties of a captain. Perhaps arising out of this orientation, it seems that her council has given priority to the social sphere. The resource endowment of this village being greater than that of its neighbours, the development of the timber sector has proceeded without intervention until the comparatively recent imposition of royalties. The presence of the Integrated Rural Development Project, latterly under the sponsorship of IICA with a separate management and participation structure, has allowed a divorce between social and economic responsibilities; even those who saw the council's role as "to give leadership" could give little definition or example of what this meant. Now that IICA is forcing the village council to take a stronger role in the agricultural development project, there is a need to extend the focus of the elected leaders, in ways which will call for wider participation than it has been able to manage in the past.

Capoey villagers (in order of frequency)

- provide material infrastructure and amenities
- promote and regulate economic activity
- can't think
- organise villagers to keep environment clean
- provide development
- organise skills training opportunities

This is a village with a sense of under-privilege and declining options. The timber resource is virtually exhausted, and adjacent state forest already under concession to coastlanders. Easy access to the coast road gives an advantage to agriculture, with more than one project at the stage of proposal for funding. The history of the Capoey Women's Agricultural Development Group has been a powerful demonstration of how a project can fail when local ownership is not felt

strongly enough to guarantee internal cohesion and self-management. The picture is further complicated by the presence of two strong social factions that find themselves opposed, not on grounds of any issue but on grounds of family affiliation. The captain and council are thus not assured of support and cooperation from half the village, including at least half the more vibrant and capable villagers, even if they had a clear programme forward. The captain is seen to be preoccupied with his full-time job as Senior Assistant Master in the village school, and there is not a strong community ethos pressing him and the council to action at any dynamic level. Individuals in the community who are heading new economic development efforts feel they cannot look to the elected leadership for support. In so far as those de facto leaders feel a responsibility to the whole population, above the constraint of factionalism, there may be room for the growth of a communal feeling for progress.

2. Discussions with Council officers

Interviews were held with all the council employees in the three villages, as follows:

Mainstay: Clerk/Secretary, 2 Collectors, 1 Cleaner

St Denys: Clerk/Secretary, part-time Collector, part-time Cleaner

Capoey: Clerk/Secretary, part-time Cleaner

The following discussion guide was used:

- 2.1 (establish officer status and function)
- 2.2 To whom on the council do you report?
- 2.3 How closely are you supervised by the council?
- 2.4 To whom besides the council do you report?
- 2.5 Do you attend all council meetings?
- 2.6 How often are council meetings held?
- 2.7 Are council meetings open to the public?
- 2.8 What services do the council provide the village?
- 2.9 Do you and the council get good participation from villagers?
- 2.10 Where does the council get its money?
- 2.11 Can villagers afford to pay for services by the council?
- 2.12 What other services should be provided by the council?
- 2.13 What prevents the council from providing other services?
- 2.14 Number of women employees as % of the total number of council employees
- 2.15 What projects are currently being carried out by the council?

Of these questions, eight elicited the same answers across the three villages.

2.2 *To whom on the council do you report?*

All employees are supervised directly by their respective captain, while councillors who make enquiries on village business matters are kept informed.

2.3 *How closely are you supervised by the council?*

Supervision is on a day-to-day basis. If a captain is out of the village, a councillor will deputize.

2.4 *To whom besides the council do you report?*

Clerk-Secretaries have to take the village accounts every month to the Regional Administration in Anna Regina, to be checked and vetted by a Hinterland Affairs Worker before approval by the District Development Officer.

2.5 *Do you attend all council meetings?*

Clerk-Secretaries attend all council meetings, where they keep minutes and present financial reports.

2.6 *How often are council meetings held?*

Statutory meetings in Mainstay quarterly, St Denys bi-monthly, plus emergency meetings in between, Capoey monthly.

2.7 *Are council meetings open to the public?*

No. Community meetings are held after statutory council meetings, in Capoey quarterly.

2.11 *Can villagers afford to pay for services by the council?*

No. Villagers are all poor people, some desperately poor by coastlander standards.

2.14 *Number of women employees as % of the total number of council employees*

100 percent of employees of these councils are women.

2.8 *What services do the council provide the village?*

Mainstay:

Road maintenance works — by payment to resident workers

Tourism facilities construction and maintenance — by payment to resident workers

Water supply system — maintenance of well

Revenue collection at toll gate

St Denys:

Cleaning at Health Centre

Revenue collection

Emergency transportation

Capoey:

Mediation in community disputes

Economic development project proposal — road improvement project

2.9 *Do you and the council get good participation from villagers?*

Support and participation claimed by council employees varied from a low of 50 per cent in Capoey, through 80 percent in St Denys to 95 percent in Mainstay, corresponding to the degree of factionalism in the three villages.

2.10 *Where does the council get its money?*

Village revenues come entirely from tolls exacted on the timber and tourist industries. Mainstay also has a sand pit near the village boundary from which coastlander entrepreneurs extract sand at a fixed fee per truckload; Capoey are negotiating an aid project to rehabilitate a roadway and bridge to allow a similar business from a sand pit on their land near the eastern end of the lake. Both Mainstay and Capoey charge visitor fees; the former village also makes a charge on

passenger vehicles bringing tourists through the toll gate, and sells on commission tickets for admission to the commercial tourist resort located on their lakeside. The Regional Administration makes no regular cash subventions to the village councils but can claim it supports them financially through occasional provision of infrastructure and regular administrative services.

2.12 *What other services should be provided by the council?*

Mainstay: can't think; road improvement; electrification; water supply; adult education.

St Denys: youth organisation for training; transportation service to the coast

Capoey: Boat service across the lake; can't think.

2.13 *What prevents the council from providing other services?*

Mainstay: lack of funding; national politics.

St Denys: lack of agricultural training.

Capoey: can't think.

2.15 *What projects are currently being carried out by the council?*

Mainstay: SIMAP funded Community Centre; developing tourist facilities.

St Denys: about to take over responsibility for Integrated Rural Development Project.

Capoey: restoring access to sand pit, with IFAD funding.

3. Discussions with Councillors

Interviews were held with a few council members in each village, as follows:

Mainstay: Chris Pearson, Joel Pearson, Waveney Fredericks, Betman Constantine

St Denys: Elsa Fredericks, Patricia James

Capoey: Ray Allicock, Claire Patra, Imelda Rodrigues

The following discussion guide was used:

- 3.1 How long have you been a councillor?
- 3.2 Do you attend all council meetings?
- 3.3 How often are council meetings held?
- 3.4 Does the council get full participation of councillors?
- 3.5 What would you say was the job of the council?
- 3.6 Do you think the council is doing that job satisfactorily?
- 3.7 What services do the council provide the village?
- 3.8 How does the council supervise the provision of services?
- 3.9 Does the council gets good participation from villagers?
- 3.9.1 Are villagers invited to serve on council committees and sub-committees?
- 3.9.2 How does the council relate to villagers?
- 3.1 How does the council relate to the RDC?
- 3.11 How does the council relate to the Regional Administration?
- 3.12 How does the council relate to the Town Council/NDC?
- 3.13 Where and how does the council get revenue?
- 3.14 Can villagers afford to pay for services provided by the council?
- 3.15 What other services do you think should be provided by the council?
- 3.16 What prevents the council from providing other services?
- 3.17 Do you think councillors have all the knowledge they need to function?
- 3.18 What areas of knowledge and function need to be improved?
- 3.19 Number of women councillors as % of total number of councillors.

The following responses were recorded:

3.1 *How long have you been a councillor?*

Most of the councillors interviewed had served only since the last elections in August 2000. There is a tendency to rotate the privilege of office, so several councillors had served in past

councils. An element of continuity is provided by two of the villages having second-term captains.

3.2 *Do you attend all council meetings?*

Most councillors are faithful in meeting attendance, barring a minority being away from the village at the time of a meeting. In all three councils there had been only a few meetings since the council assumed office last year.

3.3 *How often are council meetings held?*

Mainstay council holds statutory meetings quarterly, St Denys every other month, and Capoey monthly. Emergency meetings are also held as necessary.

3.4 *Does the council get full participation of councillors?*

In the short time since these councils took office, members appear to have participated fully, except for a few men who have been away from the villages. Migrant labour is a common source of livelihood in these communities..

3.5 *What would you say was the job of the council?*

It was striking how much emphasis was placed in all three villages on social welfare functions of the council. In Mainstay, where the council has the strongest role in the economic sphere, it seems to be accepted that its powers to provide infrastructure and business environment are limited by the regional local government system. At the same time, perhaps because it is the most acculturated community, there is a consciousness of a breakdown in social behaviour, and a feeling that the council should be providing leadership to restore traditional norms of discipline. In St Denys the council feels it has been elected to organise assistance to the needy and to mediate communal disputes. In Capoey the council is expected to help maintain social order and keep the landscape clean. Again the role of the leadership in economic development is seen as restricted.

3.6 *Do you think the council is doing that job satisfactorily?*

Councillors were generally satisfied with their performance in the restricted areas mentioned, except in Capoey where there was a perceived lack of cooperation on the part of the opposition faction.

3.7 *What services do the council provide the village?*

On the economic side, all three councils regulate wood-cutting and collect royalties. Mainstay council maintains roads and tourist facilities, manages relations with the commercial tourist operation and collects user fees, and is attempting to arrange public lighting and water supply. In St Denys the council supports the health service and arranges road maintenance by voluntary labour. In Capoey the council pays for cleaning the health post compound, and is trying to have access restored for sales operations at the village's sand pit.

3.8 *How does the council supervise the provision of services?*

The captain, or councillors delegated to specific areas of responsibility, will deal direct with providers of village services. In all cases services are provided through employees of the council or by contract with local residents.

3.9 *Does the council get good participation from villagers?*

Councils are able to rely on support and participation of the residents that elected them. Where factionalism is marked, as in Capoey, the faction whose votes were not enough to elect the leaders of their choice will often withhold support from the captain and council. However individual approaches can often get cooperation across factional lines when the common good demands.

3.9.1 *Are villagers invited to serve on council committees and sub-committees?*

None of the three village councils has any committees or subcommittees. The captain and council (or the captain alone) operate directly on all matters and co-opt villagers as necessary for specific action.

3.9.2 *How does the council relate to villagers?*

These are very small communities which grew out of traditional Amerindian settlements, on the pattern of extended family dwelling patterns. As a result almost all residents are related by a web of familial and marriage ties. These relationships are often the basis for choice of leaders. This allows informal direct contact in all aspects of village life.

3.1 *How does the council relate to the RDC?*

No respondent mentioned relations with the RDC. It is likely that since the councillors interviewed were mostly new, and the Region has not yet held its customary training session for new councils, they did not know of the existence of the Hinterland Affairs Committee (HAC) of the RDC, especially since that committee has not met since the last council elections in August 2000.

3.11 *How does the council relate to the Regional Administration?*

Primarily through the monthly meetings between the HAWs and the Clerk/Secretary, for submission and checking of the monthly village accounts. The DDO attends village council meetings occasionally, and visits to conduct biennial elections for Captain and councillors.

3.12 *How does the council relate to the Town Council/NDC?*

No relations, except for the sale of building sand from Mainstay's sand pit, where local government institutions are given a 50 percent discount.

3.13 *Where and how does the council get revenue?*

All three councils depend for revenue on royalties non wood products cut on village lands. In the case of Mainstay the village operates a sand pit and collects user fees from tourists visiting both the commercial resort and the village's own facilities.

3.14 *Can villagers afford to pay for services provided by the council?*

All respondents answered that they and their villagers were all poor people and could not afford to pay for services, either actual or desired, supplied by the council. Indirect taxation now gathered as royalties and fees is unlikely to increase quickly; as a result any increase in services must be externally funded.

3.15 *What other services do you think should be provided by the council?*

All three councils would like to arrange infrastructure and amenities to which their populations aspire no less than any other community in Guyana.

3.16 *What prevents the council from providing other services?*

All three councils feel restricted by a lack of money. Even where a regular revenue is available, there is no capital available for major improvements.

3.17 *Do you think councillors have all the knowledge they need to function?*

Councillors are not conscious of any deficiencies of knowledge to carry out the functions for which they were elected: indeed they may have been elected because their knowledge was recognised.

3.18 *What areas of knowledge and function need to be improved?*

The area in which further knowledge was most desired had to do with business management, where councillors thought the council could expand its role in the economic sphere. One Capoey councillor rather plaintively wished he knew how to get people to cooperate.

3.19 *Number of women councillors as % of total number of councillors*

	male	% male	female	% female
Mainstay	4	57	3	43
St Denys	4	57	3	43
Capoey	5	71	2	29
	13	62	8	38

The captains of Mainstay and St Denys are women, two of only four women among the 76 Amerindian captains in Guyana.

Training needs and opportunities

These villages, in common with rural communities in all parts of Guyana, are littered with the wreckage of failed development projects. For decades development aid has been spent on initiatives for skills transfer and income generation from local resources and abilities. The most optimistic review finds a depressingly small minority of projects in which local people have translated known potential into sustained successful production. In a majority of cases, community-level development projects have foundered not on technical difficulties but on a gap between group commitment and group performance. This is not news to aid agencies, but with a growing trend to results orientation it may be time to consider adding something to the technical assistance and training input which can directly address the fatal dysfunctions in group dynamics.

In most of the interviews the consultant asked people to talk about past projects and why they had not met expectations. Even short and superficial discussions revealed that the loss of opportunities for development in these communities has been due to human behaviour more than any external factor. Those who met the challenge to think deeply on reasons for failure were stymied as to why people seemed unable to act rationally in their own interest. This is the essential conundrum met in encounter after encounter:

- Why don't people cooperate with each other?
- Why are people so short-sighted and selfish?
- Why can't people see that working together is better for them?
- Why can't people get along?
- Why can't people — why can't WE — get it together?

These are questions about 'governance', which has been defined as 'the complex of different ways by which individuals and institutions, public and private, manage their common concerns'. As Borrini-Feyerabend (1998) puts it: 'good governance depends on the legitimacy of the political system and on the respect shown by the people for its institutions. It also depends on the capacity of such institutions to respond to problems, and to achieve social consensus through agreements and compromise'.

It is not very helpful to ruminate that human nature is subject to frailties: people are greedy and envious; people are undisciplined; people are irrational and unpredictable; above all, people are lazy. In a way we can be thankful that people are not orderly, conformist or boring, but that is no real consolation. After all, some people (though not many we could name) are indeed successful. Some people do manage to get it together. Are they doing something that we are not? Do they know something that we do not?

This was the hopeful trend of many of these conversations. Is there something that leads to success, something that successful people know? If there is, is it something that we can come to know too? Can the secrets of success be learned?

The first step in that enquiry was to go back to the experiences of failure, the events which gave rise to the first poignant set of questions. Can people learn to see further than the next meal, the next sale, the next crop? Can people be taught what prevents them from getting along, so they

can try and avoid the bad consequences of not getting along? If this is possible, what is the best way for the teaching to happen? Clearly, to have an outsider come and recite lessons from a different culture does not work: there has already been a lot of that kind of ‘training’ in these communities, none of it with lasting results. The best teacher is a shared reflection on experiences of the past, drawing lessons applicable to the present.

The next step was to reflect that, failure after failure, life goes on much as before. The consultant was able to recount his own observation of a failed project in one of these villages 15 years ago. In the years that have passed, no one has died of poverty as a result. Indeed there has been another project since, and another failure. But the population is still there, and as many people have been born in that village in those 15 years as were alive there at the time of the project. People of that village are trying again to start yet another income-generating project. Is there an opportunity to learn, from past failures, what to avoid? Is it possible to learn something to do with getting along, what to do in community relations that can lead to success?

‘Opportunity to learn’ is another way to say ‘training’. There is a clear demand for training in group dynamics or what is called governance, but in a different way that allows people to reflect on their own experiences, their own community’s place in history, and their own place in the modern world.

Governance training which is presented in the form of lectures in a formal setting will not help leaders to get people to cooperate.

Although it is agreed to be necessary, training in governance, citizenship, or civics cannot be administered directly in any way that will attract meaningful participation and internalization. This kind of subject matter has to be covered as an essential ingredient in skills training on practical subjects related to people’s preoccupation with earning a living. If training workshops are offered in subjects such as pluralism, patrimony, conflict management, social communication, and other elements of governance, people will attend, but the concepts transmitted will not be internalized and applied to real-life situations. This has been proven by experience in many parts of Guyana and the world. The challenge is to find ways of relating these important topics as factors of success in concrete projects vital to real people’s livelihoods.

Opportunities for learning

- **New projects in Mainstay/Whyaka**

The village of Mainstay is currently attempting to develop its tourist product to offer a day-trip alternative to the neighbouring privately-owned Resort, at prices affordable by a high volume of visitors from the Essequibo Coast. The leadership of this community is also in a good position to propose and organise a common marketing service for agricultural and timber producers from all three villages near the population centre around Anna Regina. Both these enterprises, it is realised, are fraught with difficulties of securing cooperation within and between the communities, over and above the need for improving management and financial skills.

- **Renewed project in St Denys**

In St Denys, Tapakuma, about 1990, an Integrated Rural Development Project was started with French Government funding. After the Guyana Government changed in 1992, the French pulled out of the project and its management was taken over by the Ministry of Agriculture. About 1996 the Government asked IICA to take over responsibility and the latter arranged and funded an expansion into cassava processing. Members soon stopped planting cassava to feed the factory, and the operation has never given results commensurate with the large investment of aid funds. Ownership, benefit and contribution by its members have never been clear. At the time of this study IICA representatives visited St Denys to give up active management of the project to the village council, on the grounds that IICA could not continue to support an enterprise that was failing through an apparent lack of motivation among its intended beneficiaries.

The St Denys leadership now has to provide for management of the assets for the benefit of the village. The first essential is a plan which must bring about wide understanding of the issues of shared ownership and cover all of the ensuing measures necessary to secure participation and cooperation.

- **New projects in Capoey**

The Capoey Women Farmers Association were beneficiaries of an agricultural project supported by Futures Fund 1994-1996. The project's members, about 30 women, received training and material assistance in land clearing, nursery techniques and an "agro-forestry" approach to crop farming for subsistence and market. The first crops were successful but members gave up cultivation after funding support ceased and the association was sustained by operation of a passenger service using the project's boat and engine donated by Futures Fund. Activities ceased altogether after the engine was stolen.

Plans have been made by a few members of the original group for a new agricultural project along the same lines, and a proposal is being made for IFAD assistance. Leaders of the defunct Association claim to have learned from the experience of failure. They recount that the failure of their first project resulted from a lack of cohesion within the group, stemming from unclear lines of responsibility and benefit flows, particularly after Futures Fund gave up control. They

agree that in the new project great attention must be paid to mechanisms to manage conflicting priorities and members will need to learn basic principles of group dynamics.

- **New development activity in the Region**

The Poor Rural Communities Support Services Project (PRCSSP), active on the East Bank Essequibo and Essequibo Coast & Pomeroon, is a joint project of GoG, IFAD and the CDB. The Project is headed by a Project Officer, but as that post is now vacant management is in the hands of Assistant Project Officer, Abdool Haniff, at the Head Office in Den Amstel, WCD. The Region 2 Branch Office in Anna Regina, located in the Regional Administration Office, is headed by Harry Persaud, Community Development Coordinator, with a staff of 4 Group Promoters, 2 secretaries and 2 drivers.

The PRCSSP has been operating in Region 2 since March 2000. It has established a plant nursery in Charity, a fisheries station in Anna Regina, 12 Water Users Associations in Contract 2 (Tapakuma Irrigation Scheme) Areas, 20 Community Investment Fund groups and five women's groups now engaged in sewing and other activities including training.

Target beneficiaries are small farmers, women-headed families and Amerindian communities. The project staff are currently processing applications from, among many others, the women's agricultural group and a youth group in Capoey, and the Integrated Rural Development group in Tapakuma which is just now being handed over by IICA to the St Denys Village Council.

The project (known on the coast as IFAD) uses training and workshop activities to develop technical and practical skills and knowledge for income-generation in poor communities. As in all projects of this nature, beneficiaries have to be groups and not individuals, and activities are supported by funds disbursed to and spent by groups as a result of group discussion and agreement. The coordinators are aware that organisational skills necessary for the successful operation of the groups are often deficient but it is difficult to provide training in areas not directly included in the technical aspects of the project.

For example, a women's sewing group might be established and qualify for project support. In addition to donations of sewing machines and materials, the project is mandated to provide training for group members in cutting and stitching, sewing machine maintenance, costing and marketing, and business management. It soon becomes evident that efficient and equitable functioning of the group requires skills in group dynamics, negotiation, leadership, conflict resolution and other aspects of organisation which are unfortunately outside the capacity of the relatively unexposed and unsophisticated members. However the project's technically oriented rules do not provide funding for training in such apparently generalised and unrelated areas. Furthermore the project staff are chosen for their competence in technical matters, and are not expert in the subject-matter of citizenship training.

The PRCSSP coordinators seem receptive to the idea that collaboration with another organisation might supply skills and resources which the PRCSSP lacks but needs if it is to be successful in its community-based income-generation projects. NDI may consider it preferable, rather than separately offering citizenship and governance training as an abstract

subject on its own, to attach the subject-matter to training programmes already being carried on for groups already established for practical purposes. An approach to the Assistant Project Officer is recommended in order to explore the possibilities for collaboration.

Recommendations

1. NDI should make contact with the PRCSSP to discuss collaboration as above.
2. NDI should request access to IICA's records and experience with the St Denys project, and offer to collaborate with PRCSSP in the planning stages of the project they are designing with the St Denys council.
3. NDI should similarly approach the individual who facilitated Futures Fund's intervention in Capoey, to benefit from his guidance in planning a similar collaboration with PRCSSP in Capoey.
4. NDI should design training modules in community dynamics to offer as a component of training programmes already being organised by PRCSSP.
5. These training modules should be conceived not as information material to be imparted but as guides for group discussion of relevant issues. They should be prepared, in the light of the latest literature on Participatory Management, as facilitation in a group process, not as knowledge to be transmitted.
6. The training in this subject area should be conducted not as sessions of instruction but as guided discussions in a completely participatory fashion. Sessions should be run by facilitators carefully briefed in PRA techniques.
7. NDI should explore with PRCSSP whether PRCSSP personnel should be prepared by NDI assistance to cover social and governance aspects by this approach within their training programmes in substantive areas, or whether the facilitators should be additional personnel trained and provided by NDI.
8. NDI should be prepared to collaborate in this approach with PRCSSP in projects for communities beyond the three Amerindian villages studied here.

TERMS OF REFERENCE

Needs Assessment Survey and Baseline Data

This document serves as terms of reference and scope of work between the National Democratic Institute for International Affairs (NDI) and Mr. Gordon Forte (Consultant). It outlines the roles and responsibilities of both parties and defines the relationship between them. NDI will contract the services of the Consultant, subject to the terms and conditions outlined in this document, to conduct a Needs Assessment Survey and gather Baseline Data on local governance in the Amerindian communities of Mainstay/Whyaka, Tapakuma and Capoey.

BACKGROUND

NDI, in partnership with the Carter Center and the International Foundation for Election Systems, has been awarded a grant from the United States Agency for International Development (USAID) to conduct its democracy and governance program in Guyana for the next 3-5 years. This program entitled “*More responsive and participatory governance and rule of law*” consists of five components, namely:

- 1) Improved and more informed law and regulation making
- 2) Increased capacity to resolve disputes in a timely manner
- 3) Sustained institutional capacity to conduct free and fair elections
- 4) Civil society influences public policy (women, youth, Amerindians)
- 5) Strengthened local governance

NDI intends to concentrate on Amerindian Local Governance until the other forms of local government have undergone reform as recommended by the Constitution Reform Commission. The Institute proposes to develop programs that would address the concerns raised at the May 2000 Program Consultation. First, however, it is necessary to collect baseline information and conduct an assessment using this information. This would be the principal role of the Consultant. The purpose of the assessment is to determine the overall status of Amerindian Local Governance in the designated communities which would in turn be used to guide the development of appropriate interventions that would serve to strengthen their management and technical capacity to respond to communities.

As part of the initial steps in program development, NDI and its partners conducted consultations with stakeholders and interested parties. These culminated with a two-day partners and stakeholders consultation for each component. The participants, who were previously consulted, came together with the purpose of identifying possible program activities for each component. While each component is distinct and interrelated, we intend to encourage synergies that can be built between and within them. For instance, in an attempt to achieve a local

governance structure that has a strengthened management and technical capacity to respond to communities, we envision the provision of technical assistance that will inevitably empower those decision-makers within the structure to be effective advocates for and in their communities thereby establishing a clear linkage between this component and Amerindians in Civil Society in component 4.

For the strengthened local governance component, the consultation focused on Amerindian Local Governance and was characterized by frank and free sharing of ideas in the spirit of camaraderie and consensus. The participants, mainly Amerindian Touchaus and Councilors, were very positive in their approach and made every effort to make the consultation a worthwhile and meaningful experience. It was apparent that, while most local councils want to take active roles in their communities, they felt unable to advocate individually or collectively on policy matters to controlling regional and national authorities. As a result matters of great local importance such as land management and taxation are seen frustratingly out of the reach of local officials. Shortcomings were also mentioned in access to information and best local government management practice. The participants agreed that training of Amerindians is both needed and necessary and should concentrate on empowering Amerindians for change and control. They identified access to information and skills training as two critical areas in this process.

ROLE OF CONSULTANT

The consultant will design a discussion guide to be used to gather data in order to assess the

- training needs of the council as expressed by the councillors
- level of participation by citizens
- attitude of citizens to the council and its work
- degree of understanding by councilors of their roles and responsibilities
- extent to which services are provided by the councils
- degree of organization and administration of council
- sources of revenue
- extent of gender representativeness

The discussion guide would be submitted to NDI by January 2, 2001 for review. Following the review, the consultant will visit the designated areas and conduct the survey from January 21 – 27, 2001. The information gathered would be analyzed by the consultant and a report outlining the situation present and desired will be submitted to NDI. The consultant would also outline specific interventions that would be needed including identifying priority areas for training. All of these should be submitted to NDI on hard-copy and disk within 21 days after completion of field visit.

ROLE OF NDI

NDI would facilitate all necessary and relevant arrangements so that this exercise can be conducted in a smooth and professional manner. The Consultant is free to contact NDI, in particular, Winston Cramer to discuss any aspect of this contract.

Appendix E:

Press coverage on election-related activities.