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USAID/Guyana Democratic Consolidation and Conflict Resolution (GDCCR) Project

**Consultancy for Aspects of National
Assembly Strengthening and Updating of
Laws of Guyana**

September 2005

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Consultancy for Aspects of National Assembly Strengthening and Updating of Laws of Guyana

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Original Terms of Reference

In 2004, RTI International was awarded a 4-year contract to help consolidate democratic reforms and reduce conflict in Guyana. The project, funded by the U.S. Agency for International Development (USAID), seeks to promote citizen participation in policy making, foster transparency and accountability in government, improve the judicial system, and reduce the nation's vulnerability to ethnic and political conflict.

In January 2005, this consultant was contacted by the Deputy Chief of Party (DCOP)/Government Specialist about the possibility of assisting RTI to:

1. improve the functionality of the National Assembly and strengthen democracy and governance in Guyana by conducting needs assessments and making recommendations for
2. training parliamentarians
 - a. preparing timely and accurate Hansards
 - b. upgrading the Parliament Library
3. provide technical assistance to the Office of the Attorney General to regularly update the Laws of Guyana in compliance with the Law Revision Act by
4. reviewing existing arrangements for updating laws
5. reviewing provisions for staffing a law revision unit, if one exists
6. (c) reporting on what seem to be best practices to update the laws

A key element in the above assignment would be to review any recently completed consultants' reports, which were made available to the consultant.

Revised Terms of Reference

The revised Terms of Reference for this contract were as follows:

- conducting needs assessments and making recommendations for:
 - training of parliamentarians
 - preparing timely and accurate Hansards
 - upgrading the Parliament Library
 - revising Standing Orders of the National Assembly

- providing technical assistance to the Office of the Attorney General to regularly update the Laws of Guyana in compliance with the Law Revision Act by:
 - making the Revised Laws of Guyana 1998 on CD-ROM more user-friendly by adding search and retrieval features
 - producing a fully searchable edition of the Laws of Guyana 1998–2005 on CD-ROM, which would be used to update the 1998 Revised Edition of Laws
 - making recommendations to staff a small law revision unit within the Office of the Attorney General

The Consultant

The consultant, Senator Velma Newton, has had a long and positive association with international agencies such as USAID, the Commonwealth Secretariat, the United Nations Development Programme, the World Bank and the National Democratic Institute. (See Appendix.)

Project Duration

The Terms of Reference of this project envisaged that for Phase 1, the consultant would spend 1 week in Guyana from August 15 to 22 and that a report on this stage of the project would be submitted to RTI within 15 days of her departure from Guyana.

Methodology

Interview

The consultant conducted a number of interviews and also undertook independent research to assist her in the execution of the assignment.

Review of Documents

The consultant reviewed Sir Michael Davies' *Needs Assessment of the Guyana National Assembly* (the main report), dated February 18, 2005, and his *Addendum* to the report, dated May 18, 2005. On paragraph 22 in the main report, Sir Michael noted that the Standing Orders of the National Assembly had not been revised since 1992 and recommended that Mr. James Pender make proposals for consideration of the Standing Order Committee. Mr. Pender's report, which dealt specifically with certain Standing Orders, was also seen by this consultant.

The consultant also revisited the *Findings of the Guyana Parliamentary Library Assessment Mission*, 1996, a large part of which she had prepared in association with Mr. Michael Anderson of the Library of Congress, as National Democratic Institute for International Affairs (NDI) consultants.

Parliament

Article 51 of the Constitution of Guyana provides for the establishment of a Parliament of Guyana which shall consist of the President and the National Assembly. With regard to its composition, Article 52(1) states that “Subject to paragraph (2) and to articles 105, 185 and 186, the National Assembly shall consist of such number of members as shall be elected in accordance with the provisions of this Constitution and subject thereto in accordance with any law made by Parliament in that behalf.” The National Assembly is comprised of 65 members elected by the people of Guyana every 5 years and has no more than four nonelected Ministers and two Parliamentary Secretaries.

The Parliament Office

The Parliament Office provides administrative and clerical support for the efficient functioning of the National Assembly and its committees, for the caucus of the political parties represented in the National Assembly, and for individual members of Parliament in carrying out their official parliamentary-related business.

Parliamentary Committees

General Committees

Parliamentary committees are established by the Constitution and National Assembly to assist the Assembly in its work and to perform a variety of functions. Ideally, committees should be so constituted as to ensure that as far as possible, the balance of parties in the Assembly is reflected therein. The main committees are

- the **Committee of Supply**, which is the whole National Assembly sitting as a committee to consider budgetary allocations;
- the **Committee of the Whole Assembly**, which is the whole National Assembly sitting as a committee to consider particular clauses of a Bill; and
- the **Parliamentary Management Committee**, the functions of which are to decide on matters relating to the business of the National Assembly, matters referred to it by the National Assembly, and such other matters which the Committee may wish to consider.

In addition, there are four other types of committees. These are 1) Sessional Select Committees, 2) Standing Committees, 3) Sectoral Committees, and 4) Special Select Committees.

Sessional Select Committees

The Sessional Select Committees of the National Assembly are: the Public Accounts Committee, the Committee of Selection, the Assembly Committee, the Committee of Privileges, and the Standing Orders Committee. The **Public Accounts Committee** performs three functions: 1) it examines the accounts showing the appropriation of the sums granted by Parliament to meet public expenditure and such other accounts laid

before the Assembly as the Assembly may refer to the Committee together with the Auditor General's report thereon, 2) it supervises the Audit Office, and 3) it nominates members of the Public Procurement Commission. The **Committee of Selection** nominates members to all the other committees of the National Assembly. The **Assembly Committee** considers and advises the Speaker on all matters connected with the comfort and convenience of the Assembly, and the **Standing Orders Committee** considers from time to time and reports on all matters relating to the Standing Orders of the National Assembly which are referred to it by the Assembly.

Standing Committees

A standing committee is a permanent committee appointed by the National Assembly for a specific purpose. There are two standing committees of the National Assembly. They are: 1) the **Parliamentary Standing Committee on Constitutional Reform** which is to continually review the effectiveness of the working of the Constitution and make periodic reports thereon to the Assembly with proposals for reform as necessary, and 2) the **Standing Committee on Appointment of Members of Constitutional Commissions**. This latter committee is responsible for initiating or taking action in respect of functions to be discharged by the Assembly under the Constitution in relation to the appointment of a Commission established under the Constitution.

Sectoral Committees

Parliamentary Sectoral Committees are permanent in nature and have an ongoing mandate to oversee government departments. The four sectoral committees are: 1) the **Natural Resources Committee**, 2) the **Economic Services Committee**, 3) the **Foreign Relations Sectoral Committee**, and 4) the **Social Services Sectoral Committee**.

Special Select Committees

These are temporary committees appointed by the National Assembly for specific purposes. They are usually appointed to consider bills after the second reading and they enquire into any matter connected to the bill on which the National Assembly requires direction.

The Davies Report on Needs Assessment of the Guyana National Assembly

In February 2005, Sir Michael Davies, KCB, was engaged by the Commonwealth Secretariat as its Senior Parliamentary Staff Advisor "to make an assessment of the needs of the Guyana National Assembly and to make recommendations for such changes as would enable it to become the principal institution in Guyana for political dialogue." The recommendations made by Sir Michael which pertain to the assignment of this consultant—training, upgrade of the library and production of Hansards—will now be considered.

On page 14, of his report Sir Michael stated:

"44. If the National Assembly is to operate effectively as a parliamentary body (something which all sides acknowledge is not the case now) it is highly desirable that Members from all sides of the House should, as soon as possible, have the opportunity to

discuss with other parliamentarians how they work in their respective Parliaments. Seminars, workshops and visits to other Parliaments would all help to give Guyanese MPs a better idea of their role in holding the Government to account, something for which both Government and Opposition MPs have a responsibility....”

Sir Michael thereafter recommended that international support be directed at making capacity building available in Guyana.

Training for Parliamentarians

I endorse Sir Michael’s recommendation that international support should be directed towards capacity building and make the following recommendation:

Recommendation 1

With regard to training of parliamentarians by RTI, my recommendation is that members of Parliament, including members of all committees, be exposed to current parliamentary practices in Canada (a country which is well respected in parliamentary circles in the Commonwealth) and in the region at a training session to be organized on behalf of RTI in 2006. The main presenters could be speakers, clerks, and chairpersons of committees from Barbados, Canada, the Bahamas, Jamaica, and the Republic of Trinidad and Tobago. A booklet of the papers and/or video of the training sessions could be prepared by RTI for consultation/viewing by parliamentarians in the future.

With regard to visits, it would be expensive and of doubtful usefulness for all parliamentarians to visit parliaments overseas. It may also not be a prudent use of funds for members of nonfunctioning committees to be sent overseas on training visits. The Management Committee, Public Accounts Committee, and Standing Orders Committee are three important committees and at least three members, one from the Government side, one from the Opposition, and a third person, preferably the clerk to these committees, should be given an opportunity to see how these committees function in Canada and a Commonwealth Caribbean country.

Recommendation 2

It is therefore being recommended that RTI fund the overseas visit of the three members of the Management Committee, the Public Accounts Committee, and the Standing Orders Committee to the Parliament of Canada and Barbados where fully functioning Management Committees are in place.

Training for Parliamentary Support Staff

In paragraphs 61 to 72 of his report, Sir Michael Davies dealt with personnel issues. He recommended the establishment of a Personnel Office under the direction of an experienced Personnel Officer who would be responsible for all recruitment, training, promotions, and discipline. He further recommended that

“73. A training budget, with sufficient funds, should be included in the National Assembly’s estimates so that a regular training programme can be introduced for staff.

Currently staff are sent on training seminars arranged by the Ministry of Public Services but this is haphazard and I learned that some managers had not been sent on management training and those responsible for financial matters had had no training in accountancy. Greater emphasis should be placed on training so that staff feel valued and their service to Members improves.”

In the Addendum to his report on *The Needs Assessment of the Guyana National Assembly* submitted on May 18, 2005, Sir Michael returned to the subject of training for parliamentary staff, stating that “It is also important that the parliamentary staff are trained to give a better service to Members, in all sorts of areas (library, committees, financial matters, etc.) but particularly in procedural matters.”

This consultant has not had an opportunity to discuss the training needs of support staff with the Clerk of Parliament or any of his senior staff, but if Sir Michael’s observations are correct, training may be required in a number of areas.

Recommendation 3

The Clerk of Parliament should be requested to identify, in writing, those areas in which training is needed and the personnel who should be trained. RTI would then be in a better position to decide whether and how it could be involved in the training of the parliamentary support staff.

The Parliament Library

Recent Observations

In his report, Sir Michael Davies noted that a legislature requires a comprehensive library to support its work, and stated that the National Library does not currently conform to the standards which a modern parliament library should meet. He pointed to the fact that there is no qualified librarian, no budget for purchase of books, and no catalogue, and made a number of other observations, including the fact that the lighting is poor and the general ambience unattractive. He also stated in his recommendations for improvements to the library that a Parliamentary Librarian should be invited to give further advice on the future development of the library.

Background

This librarian agrees with some of Sir Michael’s observations and recommendations, but would wish to state that parliament libraries in the Commonwealth differ in size, collection development emphases, and staffing, depending on finances available and the importance which the country places on the education of parliamentarians.

In March 1996 when this consultant and Mr. Michael Anderson, senior research librarian of the Library of Congress, visited Guyana at the invitation of NDI, we conducted a complete assessment of the information needs of Members of Parliament and assisted in

the drafting of a report subsequently published by NDI, entitled *Findings of the Guyana Parliamentary Library Assessment Mission, March 22–25, 1996*.

In the report, we provided an overview of libraries in the Commonwealth, from the larger libraries in Canada, Great Britain, and India to the smaller parliamentary libraries such as those in the Commonwealth Caribbean and the South Sea Islands. We noted that the Parliament Library in the Red House, Port of Spain, contained the largest collection in the Commonwealth Caribbean (about 10,000 volumes).

We recommended the establishment of the present library with equipment and book stock in the following terms:

Location

The best location for the library is the western wing, ground floor of the parliamentary building...Space is needed for the following: a librarian's office, a workroom in which new and other unprocessed items can be temporarily shelved; an area for shelving pre-1970 items now housed in a loft of the upper floor of the Parliament building; an area for shelving new and post-1970 materials; a large reading room; a newsroom for parliamentarians; a book repair room and two bathrooms.

Governance

Library Committee

...Since decisions regarding any library that may serve a variety of users should not be made by one individual, it is recommended that a library committee be established to oversee the library's direction and render major policy decisions. The committee would comprise members from the parties represented in Parliament, the Clerk of Parliament and the librarian.

The Library Committee would: prepare an annual budget; make recommendations regarding staffing; establish operating policies to include opening hours, categories of users, maintenance of library facilities and inventory, penalties for breach of regulations, book selection and ordering, and photocopying charges...

Rules and Regulations

Every library should establish its own operating rules and regulations. Regulations should be made by the Library Committee and should provide hours of operation, procedures for categories of users, loans, general discipline (i.e. no smoking, no carrying of large bags in the library) and charges for photocopying services for non-parliamentary members of staff where these are provided. In addition, the regulations could provide penalties for their breach. The regulations should be posted in the library for all patrons to see...

Reference

As a general rule, parliamentary libraries are reference libraries only...However, the librarian should have the discretion to make short-term, overnight loans in very special cases...

Staff

...Most of the parliamentarians interviewed believed that the person in charge of the proposed library should be a trained librarian.

Legislative libraries tend to be labour intensive because of their active role as information centres. In this case, it is recommended that the initial staff consist of a qualified librarian; a library assistant/stenographer clerk; a library attendant; a part-time custodian and a book repair assistant, who, initially, could work on a part-time basis. Another research assistant may be subsequently added if the librarian and library assistant cannot handle all the requests for information.

Librarian

The librarian should be an ex-officio member of the library committee and in this capacity would assist in policy making. He/she would make recommendations for book purchases to the library committee through the Clerk of Parliament, to whom the librarian should report on a day-to-day basis. The librarian would be responsible for establishing systems for serials control; designing the physical form of the catalogues; subject headings and filing rules; maintaining authority files; classifying and cataloguing new additions; creating policies on binding procedures and the provision of reference services; indexing parliamentary publications; monitoring expenditure; determining guidelines on storing or disposing of records and statistics and preparing the annual report on the library's activities. Undertaking research for MPs would form an important part of his/her duties...

Book Collection

Staff and collection form the foundation of a library. The collection of a parliamentary library should mirror the information needs of legislators, and must be organized in such a manner that relevant materials are available to readily respond to parliamentary inquiries.

The Parliament Library 9 Years Later

Establishment of Library

The recommendations which the consultants made in 1996 for locating the library in the West Wing of the ground floor of the Parliament Building and for providing space for certain functions were to a large extent followed.

Other Physical Facilities

Sir Michael's comment on poor lighting is supported. The problem is that the book shelves block some of the overhead lighting, some of the fluorescent tubes are not working, and also, that the heavy shutters placed at the windows and kept tightly shut during the day exclude the light. When the library renovations were being undertaken in 1996, the recommendation was made that glass panels be placed outside the shutters so that when the shutters were opened adequate lighting would still be available without security being compromised. This modification should be considered by the Parliament Office.

Recommendation 4

The Parliament Office should place glass panels on the outside of the library windows (tinted in such a way that persons outside cannot see inside the library) so that the heavy wooden shutters can be opened during working hours to let more light into the library.

With regard to air-conditioning, the consultant found that the eastern section of the library is unbearably hot and the staff have to use two fans in this section. This situation has resulted from the fact that the air-conditioning units were all installed on the western side of the library and again, the book shelves prevent the cool air from reaching the eastern side.

Recommendation 5

Two additional air-conditioning units of 18,000 btu should be purchased and installed in the eastern side of the library.

While dealing with physical facilities, the consultant notes that about 20 of the approximately 26 seats and most of the tables provided for library users are being used by parliamentary committees on an on-going basis. The consultant was informed that this is a temporary arrangement, because committee rooms are being established elsewhere in the building. The consultant was also informed that in any event, the number of persons visiting the library on a daily basis is only about 15, including attorneys-at-law and school children, and that in general, parliamentarians do not visit, but request material and information by telephone.

This is not surprising: this consultant, as a parliamentarian, can confirm that in many countries, parliamentarians are in the habit of "sending for" rather than checking the library themselves for information which they need. They see it as a way of saving time.

However the consultant agrees with Sir Michael that the library, which is poorly lit, humid (in the seating area), and with most of the seats and tables set up, complete with microphones, for committee meetings, does not have an inviting atmosphere. In addition, the collection is not developing as was envisaged and promised back in 1996 when the NDI study was undertaken.

Library Committee and Rules

Since recommendations were made in 1996, no library committee or rules and regulations for operating the Parliament Library have been put in place.

Staff Complement and Training

Professional Librarian

A trained librarian was appointed in 1997, but shortly thereafter she left Guyana for a job overseas. No replacement was made. The Parliament Library is currently supervised by a graduate, termed a research assistant, who has no qualifications in librarianship.

However, she was given basic training in cataloguing by the Guyana Library Association but has not put that training to use. The graduate-in-charge is assisted by two other graduates, one of whom is currently attending a course for library technicians offered by the Guyana Library Association. A fourth person, a Librarian II within the Civil Service scheme, has no formal qualifications in any area.

At present, library staff not only assist users, including the Members of Parliament who mainly telephone for assistance, but they have been working with parliamentary committees and assisting the Clerk's office in the preparation of *The Parliament Chamber*, a magazine of which commenced in January 2005. In addition, the researcher has been using the experience which she gained working in the Clerk's chambers with legislation to produce a list of the Acts of Guyana from 1993 to 2003 and is currently working on a list of subsidiary legislation for the same period. This information will be tremendously useful for parliamentarians and many others conducting research in the law of Guyana. These efforts are commendable, but even so, one could not conclude that the staff of the Parliament Library are fully occupied.

Given the size and low use of the library, the present staff complement is adequate. However, if the objective is to provide a meaningful information service for parliamentarians, the graduate-in-charge should be encouraged or assisted to pursue a course leading to the Master in Library Science (MLS) in Librarianship. She could seek registration for the MLS in the distance programme offered by the University of Wales which would only require her to visit Wales for a few weeks each year over a 3-year period; she could seek admission to a programme offered by the University of South Florida, a part of which is offered by distance; or she could seek admission to the Library School, University of the West Indies, Mona Campus. Information on the programmes offered by these library schools may be obtained from: <http://www.aber.ac.uk>, <http://web.usf.edu/iac/admissions>, and <http://www.mona.uwi.edu>.

The main consideration in training a librarian for the Parliament Library is whether he/she is likely to remain in the public service of Guyana. My recommendation is that financial assistance be provided to the research assistant for training, but that as a condition for receipt of such training, she be under contract return to work in the Parliament Library for 3 years after completion of the degree and train one of the other graduates who is working in the library.

Recommendation 6

The graduate now in charge of the Parliament Library should be assisted or sent for training at a recognized library school.

Support Staff

At present, the graduate-in-charge is assisted by two other graduates, one of whom is currently attending a course for library technicians offered by the Guyana Library Association. In addition, there is one library attendant, styled a “Librarian II,” who has no qualifications, and performs various duties in the library.

In the 1996 NDI report, a part-time cleaner, styled a “Part-time Custodian,” was recommended for maintenance chores such as cleaning and dusting and running errands for the library. According to the research assistant-in-charge, there is now a “general cleaner” who works in the library on a part-time basis, but her job description does not include dusting of books and therefore the books are not being cleaned. The consultant informed the researcher that she should draw this undesirable situation to the attention of the Clerk of Parliament.

Recommendation 7

The Clerk of Parliament must make long-term arrangements for cleaning the book stock of the Parliament Library. In addition, before the collection is catalogued and classified by a librarian, it should be weeded.

Library Collection

In the 1996 NDI report, this consultant recommended that a Parliament Library collection should comprise five categories of materials: (i) documents produced by Parliament, (ii) other official publications, (iii) reference books, (iv) current affairs materials, and (v) general books on subjects germane to the legislature’s statutory responsibilities.

Documents Produced by Parliament

With respect to parliamentary documents comprising legislation, records of proceedings of the Guyana Parliament (*The New Hansard*), and the Official Gazette, the library’s collection is as current as possible and the materials are frequently bound into annual volumes. In addition, duplicate copies of Official Gazettes and Hansards and the untranscribed proceedings of the Guyana National Assembly dating back to 1963 which this consultant was told in 1996 would be transcribed and printed by the company currently producing *The New Hansard* are also housed in the library and are in a very untidy and brittle state.

Recommendation 8

The duplicate copies of unbound Hansards should be discarded. Items which are not duplicates should be photocopied and bound in their present state, for the time being. Scanning is not recommended because the end product is likely to be so incomprehensible that the information will have to be word processed anyway. If the

volumes are copied and bound in the near future, at some later date the word processing may be done by library staff.

Recommendation 9

The bound Guyana Hansards (now called The New Hansard or Inside Parliament) of recent years should be kept, and the research staff should index them so that parliamentarians and other researchers may more easily discover if and when particular topics were debated in the National Assembly and which parliamentarians contributed to the debates. This is a project which the existing staff could easily execute without the requirement for funding from any agency.

Other Official Publications

Official publications from other countries are sometimes received as gifts and the Commonwealth Parliamentary Association sends as gifts reports on its own activities, elections, parliamentary procedure in Commonwealth countries, and related topics to the Parliament Library on a regular basis.

Reference and Other Books

Reference materials and books on miscellaneous topics have not been purchased in recent years. In fact, since the approximately 600 titles recommended by the consultants in 1996 were purchased by NDI between 1997 and 2001, only about 50 items have been received by the library. Of these, 4 books were actually purchased with funds from the Parliament Office, while the other 46 were items sent to the library by the Constitution Review Commission established during the late 1990s. These materials would have been requested by the Commission from constitutional commissions in other countries to facilitate its work. Most were received as gifts.

This is a most disappointing record. In 1996 when discussions took place between NDI consultants and the then Clerk of Parliament, the impression was given that Parliament would make funds available on an annual basis to update its library's collection. Now, nearly 9 years later, it is clear that this is not possible.

Recommendation 10

Financing should be made available to upgrade the reference, periodicals, and book collection with materials in book and nonbook format published between 1997 and 2005. As a follow up to this project, a consultant could be requested to provide such a list and should be brought back to Guyana to ensure that the materials are properly organized. (If assistance is to be given to the Office of the Attorney General and the High Court Library, the collections of these libraries will now have to be examined in detail and a cost estimate provided).

Also disappointing is the fact that even though purchasing has been negligible, the library's book shelves are almost entirely taken up with incomplete sets of the *U.S. Federal Practice Digest*, the *U.S. Federal Reporter*, and the *New York Digest* which were donated by the University of Guyana Library, and with bound volumes of local

newspapers and British Hansards. These publications, if housed anywhere, ought to have been at the University. There is no evidence that they are being used at the Parliament Library. The decision to discard them may be a difficult one to make, but it makes no sense having hundreds of volumes taking up space in a library if they are unlikely to be used.

Recommendation 11

A list of these volumes of the U.S. Federal Practice Digest, the U.S. Federal Reporter, and the New York Digest should be sent to the Faculty of Law Library at the University of the West Indies, Cave Hill Campus. If this library does not want the items, then they should be discarded.

Newspapers

Several volumes of newspapers, bound as recently as July 2005, occupy a considerable amount of shelf space. The collection and binding of local newspapers should cease, because these newspapers are collected by the National Library Service, and are now published on the Internet. (See www.guyanachronicle.com and www.stabroeknews.com.)

Recommendation 12

The binding of newspapers should cease and when the U.S. reports, Hansards, and other materials which are not being used have been removed, the main national newspapers should be placed on the shelving made available.

Library Organisation

Any library with more than a few hundred items and to be used for research purposes should be organized according to a recognized classification scheme. Library staff are unlikely to remember whether a library has received a certain book or know of the topics covered within the book unless it has been catalogued and classified. In 1998 the professional librarian hired to head the Parliament Library started to catalogue and classify the collection. This consultant was informed that after her departure the computer on which the information was stored malfunctioned and the data was lost. Since then, no attempt has been made to organize the collection. The graduate-in-charge has only been working in the library for 1 year, and even though she received basic training in cataloguing from the Guyana Library Association she does not have the confidence to embark on her own, and there is no one to supervise her.

The foregoing indicates that the statement on the Web site of the Parliament Office that “The Library utilizes up to date computer technology to maintain records of all parliamentary documents” is clearly misleading.

Since it has been recommended that the graduate in charge of the library should be assisted to attain professional qualifications, the main question to be considered at this point is whether the cataloguing and classification of the collection, which will result in major reorganization, should be postponed. The answer is no. It is not known at this point if or when the researcher’s training will commence, and since the upgrade of book stock

is being recommended at the earliest possible time, these new materials should be processed as soon as possible after their arrival so that parliamentarians may benefit earlier rather than later from the upgrade.

For the creation of the electronic catalogue, a copy of MINISIS, which is also used by the Documentation Centre of the Caricom Secretariat and a number of other libraries in Guyana, and which is distributed free of charge by the United Nations Educational, Scientific and Cultural Organisation (UNESCO), should be obtained. Eventually, a list of the library holdings could be published on the Parliament's Web site.

Since the collection is relatively small, and is likely to remain so, the creation of a manual catalogue as a backup of an electronic catalogue is also recommended.

Recommendation 13

Cataloguing and classifying the collection and creating a database of its holdings by a professional librarian should commence as soon as possible. The librarian should work with library staff to ensure that they understand the procedures employed. For the creation of the electronic catalogue, a copy of MINISIS, which is also used by the Documentation Centre of the Caricom Secretariat and a number of other libraries in Guyana, and is distributed free of charge by UNESCO, should be obtained. Eventually, a list of the library holdings could be published on the Parliament's Web site.

Equipment

The library currently has three computers attached to a networked printer, all in good working order. One additional computer, to be placed in the reading room so that users may access the online catalogue, and a scanner, are being recommended for purchase.

Recommendation 14

One additional computer, to be placed in the reading room so that users may access the online catalogue, and a scanner, are being recommended for the Parliament Library.

Libraries of the High Court and Office of the Attorney General

At the last meeting held with USAID, they proposed that if upgrading of libraries is being considered, the libraries of the above mentioned institutions should be considered.

Recommendation 15

The visit to Guyana of three librarians comprising the consultant; the Acquisitions Librarian of the Faculty of Law Library, University of the West Indies; and the Librarian of the High Court Library of Trinidad and Tobago is being recommended. The librarian last mentioned was formerly placed in the library of the Attorney General in Trinidad and Tobago. The purpose of the visit, which should be no more than 3 days, would be to

make an assessment of the needs of the High Court and Court of Appeal Libraries of Guyana.

Editing and Printing of Guyana Hansards

In 1966 when the NDI team reported, the Parliament Office had already started to use a private business to produce the Guyana Hansard, then called *Inside Parliament* or *The New Hansard*.

In his report of early 2005, Sir Michael Davies noted, in paragraph 137

“I have learned from the Clerk that the performance of the company which is contracted to provide a verbatim report is far from satisfactory and that the report of last year’s budget debate is not yet available. This is nothing short of scandalous. Members have the right to expect that the report of the budget session to be available within a few days of the debate being completed.”

Sir Michael recommended that an Editor of Debates (or someone with another suitable title) should be appointed with responsibility for ensuring that contracts for production of the verbatim report are observed. He also recommended that tough performance targets should be applied in future contracts. During discussions between the Clerk of Parliament and this consultant on Tuesday, August 16, the Clerk confirmed that the position as portrayed by Sir Michael is correct.

When asked whether the contract could not be ended, he stated that the staff of the Hansard office had retired or been redeployed several years ago and that while it is probably in Parliament’s best interest to “take back” the project, a new operation would have to be started. He made no suggestions regarding the equipment or staff needed. If the Parliament Office is paying large sums and the situation with regard to the publication of Hansards is no better (may even be worse) than it was years ago, then the feasibility of restarting a production unit within Parliament should be investigated.

The consultant had promised in her draft report to discuss the arrangements for production of Hansards in Barbados with the Clerk of Parliament. These discussions took place on August 24.

Hansard Production in Barbados

At present the Barbados Parliament has 51 members, 21 in the Senate and 30 in the House of Assembly.

Prior to July 2003, the Barbados Hansards were produced by the Government Printing Office to be edited and printed. Since then, the debates have been edited by staff of the Hansard Unit of Parliament and are then sent to the Government Printing Office to be put in columnar format and printed.

The Hansard Unit is staffed by a Senior Reporter, six Reporters and one Hansard Editor. The qualifications required by the Senior Reporter are: English Language Caribbean Examinations Council (CXC) certification or higher, facility in the use of computers, typing of 40 words per minute or higher, and supervisory/human resources management skills. The Hansard Editor should be a trained journalist with experience in editing materials for publication.

In February 2003, the Management Commission of Parliament signed an agreement with Voice IQ Inc. of 240 Riviera Drive, Markham, Ontario L3R 5M1 (www.voiceiq.com) to provide the Murf Digital Audio Recording and Transcription System, joining a number of legislatures in North America and Australia. The Murf System, described as “the industry standard for digital voice processing within legislatures and parliaments,” was designed to provide a digital recording alternative to tape-based systems for legislative environments. The system makes storage, retrieval, and transcription of voice recordings more efficient by automating the delivery of the audio record to computer workstations for processing and workflow management. Murf is server-based, utilizing the Legislature’s own network infrastructure and audio and computer equipment.

In 2003, the Murf system cost the Government of Barbados US\$63,000. This did not include the cost of bringing Voice IQ Inc. staff to Barbados to install the system and train local personnel, or of providing all the necessary cabling, computers for the transcribing workstations, and the servers (two, one of which functions as a backup).

The Clerk of Parliament of Barbados sees the Hansard production system as a key factor in the success of Parliament in fulfilling its mission. Since the Murf System was installed, Hansards for several years have been edited and are actually on the Parliament’s Web site.

Recommendation 16

Financing should be set aside for establishing a unit for the editing and printing of Hansards in the Parliament Building. The Clerk of Parliament, an officer from RTI, and an information systems specialist should visit Barbados for a first-hand account of how the system operates and to look at the infrastructural work which is a prerequisite. Additional funding should be set aside for the purpose.

Revision of Standing Orders of Parliament

In paragraph 22 of his report, Sir Michael Davies noted that the Standing Orders of Parliament had not been revised since 1992, since the new Constitution was introduced. He recommended Mr. James Pender to make proposals for consideration of the Standing Order Committee. Mr. Pender subsequently visited Guyana and made recommendations, but only for revision of some Standing Orders.

Recommendation 17

Funds should be provided for the Deputy Clerk of Parliament of Barbados, the Clerk of Parliament of Trinidad and Tobago, the Clerk of Parliament of Jamaica, and this consultant to form a Standing Order Advisory Committee to meet with the Standing Order Committee of the National Assembly of Guyana to conduct a complete review of all the Standing Orders with a view to their amendment. Two meetings of 3 days each would be required and the consultant would prepare the draft agreed to by the group.

Updating the Laws of Guyana

Recent History

One of the remits of this consultant is to make recommendations for updating the Laws of Guyana by a law revision unit which could be established within the Office of the Attorney General.

The Law Revision Act (Cap. 2:02) of the 1973 Revised Laws of Guyana provided for the appointment of a Law Revision Commission of four persons who were to prepare updating pages for the Revised Laws on an annual basis—on 1st January in each year. The legislation also set out the powers of the Commission to omit, consolidate, alter, rearrange, and do such things as were necessary to perfect the Laws of Guyana. The official Revised Edition of the Laws of Guyana to which the legislation referred was published in loose-leaf format in 1973. Contrary to the intention of the Law Revision Act, updating pages for this edition have only been issued once since then.

The history of updating loose-leaf revised laws in Guyana and most of the other Commonwealth Caribbean countries suggests that it would not be a wise move for the Government of Guyana or donors to contemplate using this format at this time. Most Commonwealth Caribbean countries which issued revised laws in loose-leaf format during the 1970s and 1980s found subsequently that the offices of their Attorneys General neither had the financial nor manpower resources to update the loose-leaf revisions annually as was envisaged. Some countries like Trinidad, which published its revised laws in 1980, issued amending pages once thereafter; Jamaica and Barbados have done so at irregular intervals. One or two territories, like the Cayman Islands and Bermuda—both of them islands which could be considered more financially able than most of the others in the region—have been more regular in their updating. In the case of Guyana, which faces grave difficulty in attracting and keeping skilled personnel, the production of another revision in hard copy format which it will probably not update makes no sense.

In the early 1990s, USAID and the Faculty of Law, University of the West Indies (Faculty of Law), agreed to a memorandum of understanding (MOU) for production of a new edition of revised Acts of Guyana (not subsidiary legislation). Some time in 1998 the revision, updated to 1997, was completed, and a CD-Rom and hard copy handed over to the Office of the Attorney General. At the time, it was contemplated that the Government of Guyana would provide funds to publish the Revised Edition of Laws in hard copy, but

because of the high cost, this was not done. This revision is regarded by the Office of the Chief Parliamentary Counsel as a reasonably accurate reflection of the law, containing but a few minor errors.

A few years later, anxious to fill a dire need for an up-to-date edition of the Laws of Guyana, NDI and the Office of the Attorney General spearheaded an attempt to update the 1997 revised statutes on CD-Rom, but the product, released in 2003, was allegedly hurriedly done, and contains numerous errors.

The consultant was able to secure a copy of the CD-Rom containing the 1997 Revised Laws which should be the starting point of any revisit. Unfortunately, it is not user-friendly in that it has no search features and one has to scroll through the document to find any particular word or phrase, or indeed any individual law.

After discussions with the Chief Parliamentary Counsel and the Deputy Chief Parliamentary Counsel, this consultant makes the following recommendations to RTI:

Recommendation 18

RTI should assist in producing a reliable and authentic revision of the Laws of Guyana on CD-Rom which can be used by the Caribbean Court of Justice, the law courts of Guyana, the legal profession, scholars and other researchers, investors, and the business community with confidence that it is an authentic statement of the law. The procedure could be as follows:

- a. An MOU could be signed between RTI and the Faculty of Law Library which has had recent experience in the establishment of electronic databases to
 - i. make the 1997 CD-Rom user-friendly with the addition of search features, which are now commonplace, when preparing legislation in electronic format
 - ii. from its collection, scan, edit, print, and bind in one or two volumes, depending on the size, the Acts passed by the Parliament of Guyana and reproduce them on a CD, entitled *Statutes of Guyana, 1998–2005*. This CD would have the same search features as the parent CD which contains the law up to 1997.

The above tasks should be completed within a 6-month period. Funding would be needed for supervision and for six editors/subeditors.

RTI could provide funds for the establishment of a law revision unit within the Office of the Attorney General to which copies of the two CDs prepared above would be given, through RTI, for the purpose of updating the Laws of Guyana to 2005 within a 2-year period, using the two CDs prepared under (1) above. The unit should be required to prepare a procedures manual for future updating exercises.

Commentary on the Above Proposals

The attraction of these proposals is that, unlike the CD of the Laws of Guyana which is now in circulation, the RTI-funded product would have the imprimatur of the Office of the Chief Parliamentary Counsel and would not be consulted out of necessity by some, but regarded with suspicion by all.

Funding Requirements of Law Revision Unit (2-year period)

The initial purpose would be to ensure that the Revised Laws of Guyana 1997 and the 1998–2005 laws are integrated. After that, with the training and expertise of the consultant passed on to other lawyers in the office, the Unit could continue law revision and reform exercises currently undertaken by the Chief Parliamentary Counsel and a small team.

N.B. Space and furniture to be provided by the Office of the Attorney General.

Summary of Recommendations

Training of Parliamentarians

Recommendation 1

With regard to training of parliamentarians by RTI, my recommendation is that members of Parliament, including members of all committees, be exposed to current parliamentary practices in Canada (a country which is well respected in parliamentary circles in the Commonwealth) and in the region at a training session to be organized on behalf of RTI in 2006. The main presenters could be speakers, clerks, and chairpersons of committees from Barbados, Canada, the Bahamas, Jamaica, and the Republic of Trinidad and Tobago. A booklet of the papers and/or video of the training sessions could be prepared by RTI for consultation/viewing by parliamentarians in the future.

Recommendation 2

It is therefore being recommended that RTI fund the overseas visit of the three members of the Management Committee, the Public Accounts Committee, and the Standing Orders Committee to the Parliament of Canada and Barbados where fully functioning Management Committees are in place.

Training of Staff of Parliament

Recommendation 3

The Clerk of Parliament should be requested to identify, in writing, those areas in which training is needed and the personnel who should be trained. RTI would then be in a better position to decide whether and how it could be involved in the training of the parliamentary support staff.

Lighting of Parliament Library

Recommendation 4

The Parliament Office should place glass panels on the outside of the library windows (tinted in such a way that persons outside cannot see inside the library) so that the heavy wooden shutters can be opened during working hours to let more light into the library.

Additional Air-conditioning of Parliament Library

Recommendation 5

Two additional air-conditioning units of 18,000 btu should be purchased and installed in the eastern side of the library.

Training of Library Staff

Recommendation 6

The graduate now in charge of the Parliament Library should be assisted or sent for training at a recognized library school.

Weeding Collection and Cleaning of Books

Recommendation 7

The Clerk of Parliament must make long-term arrangements for cleaning the book stock of the Parliament Library. In addition, to ensure that the Parliament Library is weeded and properly organized, the exercise could be undertaken at the same time as the book stock is being catalogued and classified.

Photocopying, Binding, and Digitizing of Hansards

Recommendation 8

The duplicate copies of unbound Hansards should be discarded. Items which are not duplicates should be photocopied and bound in their present state, for the time being. Scanning is not recommended because the end product is likely to be so incomprehensible that the information will have to be word processed anyway. If the volumes are copied and bound in the near future, at some late date the word processing may be done by library staff.

Indexing of Hansards

Recommendation 9

The bound Guyana Hansards (now called *The New Hansard* or *Inside Parliament*) of recent years should be kept, and the research staff should index them so that parliamentarians and other researchers may more easily discover if and when particular topics were debated in the National Assembly and which parliamentarians contributed to the debates. This is a project which the existing staff could easily execute without the requirement for funding from any agency.

Upgrading of Book Collection

Recommendation 10

Financing should be made available to upgrade the reference, periodicals and book collection with materials in book and nonbook format published between 1997 and 2005. As a follow up to this project a consultant could be requested to provide such a list and should be brought back to Guyana to ensure that the materials are properly organized. (If assistance is to be given to the Office of the Attorney General and the High Court Library the collections of these libraries will now have to be examined in detail and a cost estimate provided).

Disposal of Unused Law Reports

Recommendation 11

A list of these volumes of the *U.S. Federal Practice Digest*, the *U.S. Federal Reporter*, and the *New York Digest* should be sent to the Faculty of Law Library at the University of the West Indies, Cave Hill Campus. If this library does not want the items, then they should be discarded.

Newspapers

Recommendation 12

The binding of newspapers should cease and when the U.S. reports, Hansards and other materials which are not being used have been removed, the main national newspapers should be placed on the shelving made available.

Cataloguing and Classification of the Book Stock

Recommendation 13

Cataloguing and classifying the collection and creating a database of its holdings by a professional librarian should commence as soon as possible. The librarian should work with library staff to ensure that they understand the procedures employed. For the creation of the electronic catalogue, a copy of MINISIS, which is also used by the Documentation Centre of the Caricom Secretariat and a number of other libraries in Guyana, and is distributed free of charge by UNESCO, should be obtained. Eventually, a list of the library holdings could be published on the Parliament's Web site.

Accessing Online Catalogue

Recommendation 14

One additional computer, to be placed in the reading room so that users may access the online catalogue, and a scanner, are being recommended for the Parliament Library.

Needs Assessment of Libraries of the High Court and Office of the Attorney General

Recommendation 15

The visit to Guyana of three librarians comprising the consultant; the Acquisitions Librarian of the Faculty of Law Library, University of the West Indies; and the Librarian of the High Court Library of Trinidad and Tobago is being recommended. The librarian last mentioned was formerly placed in the library of the Attorney General in Trinidad and Tobago. The purpose of the visit, which should be no more than 3 days, would be to make an assessment of the needs of the High Court and Court of Appeal Libraries of Guyana.

Establishment of Hansard Unit

Recommendation 16

Financing should be set aside for establishing a unit for the editing and printing of Hansards in the Parliament Building. The Clerk of Parliament, an officer from RTI and an information systems specialist should visit Barbados for a first-hand account on how the system operates and to look at the infrastructural work which is a prerequisite. Additional funding should be set aside for the purpose.

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Recommendation 17

Funds should be provided for the Deputy Clerk of Parliament of Barbados, the Clerk of Parliament of Trinidad and Tobago, the Clerk of Parliament of Jamaica and this consultant to form a Standing Order Advisory Committee to meet with the Standing Order Committee of the National Assembly of Guyana to conduct a complete review of all the Standing Orders with a view to their amendment. Two meetings of 3 days each would be required and the consultant would prepare the draft agreed to by the group.

Revised Laws of Guyana

Recommendation 18

1. RTI should assist in producing a reliable and authentic revision of the Laws of Guyana on CD-Rom which can be used by the Caribbean Court of Justice, the law courts of Guyana, the legal profession, scholars and other researchers, investors, and the business community with confidence that it is an authentic statement of the law. The procedure could be as follows:

- a. An MOU could be signed between RTI and the Faculty of Law Library which has had recent experience in the establishment of electronic databases to
 - iii. make the 1997 CD-Rom user-friendly with the addition of search features, which are now commonplace, when preparing legislation in electronic format
 - iv. from its collection, scan, edit, print, and bind in one or two volumes, depending on the size, the Acts passed by the Parliament of Guyana and reproduce them on a CD, entitled *Statutes of Guyana, 1998–2005*. This CD would have the same search features as the parent CD which contains the law up to 1997.

The above tasks should be completed within a 6-month period. Funding would be needed for supervision and for six editors/subeditors.

2. RTI could provide funds for the establishment of a law revision unit within the Office of the Attorney General to which copies of the two CDs prepared above would be given, through RTI, for the purpose of updating the Laws of Guyana to 2005 within a 2-

year period, using the two CDs prepared under (1) above. The unit should be required to prepare a procedures manual for future updating exercises.

Commentary on the Above Proposals

The attraction of these proposals is that, unlike the CD of the Laws of Guyana which is now in circulation, the RTI-funded product would have the imprimatur of the Office of the Chief Parliamentary Counsel and would not be consulted out of necessity by some, but regarded with suspicion by all.

Funding Requirements of Law Revision Unit (2-year period)

The initial purpose would be to ensure that the Revised Laws of Guyana 1997 and the 1998–2005 laws are integrated. After that, with the training and expertise of the consultant passed on to other lawyers in the office, the Unit could continue law revision and reform exercises currently undertaken by Chief Parliamentary Counsel and a small team.

N.B. Space and furniture to be provided by the Office of the Attorney General.

Appendix

Senator The Hon. Professor Velma Newton, SCM, is currently law librarian and a professor in the Faculty of Law, University of the West Indies. In Barbados, she has been an independent senator since 1999, a member of the Governor-General's Privy Council, a member of the Executive of the Commonwealth Parliamentary Association (Barbados Branch), and a member of the Securities Commission since 2001; chairperson of the Board of Management of Erdiston Teachers' Training College since 2003; and chairperson of the Board of Management of The Alexandra School from early 2005. In 1995 she was a member of the Commission on Casino Gambling which recommended that it be not introduced in Barbados and in 1997 was consultant to the Forde Commission on Constitutional Reform which recommended that Barbados move to republican status.

Senator Newton's public service contributions were recognized in 1995 when she was awarded the Silver Crown of Merit by the Government of Barbados and in 2003 when she was the first librarian in the University of the West Indies to receive the Vice-Chancellor's Award for Excellence. She was also promoted to a personal chair in law librarianship in 2003 in recognition of her outstanding contribution in the fields of law and legal systems, legal bibliography, and law librarianship.

Senator Newton worked as a law library consultant for the University of the West Indies/USAID Caribbean Justice Improvement Project in the late 1980s, preparing reports on the status and needs of the law libraries of Grenada, St. Vincent and the Grenadines, and organizing a training course for library assistants in charge of law libraries in the Organisation of Eastern Caribbean States (OECS) and other Commonwealth Caribbean states which were beneficiaries under the project. During the 1990s, Senator Newton also conducted reviews and made recommendations for the upgrade of the libraries of the Attorney General's Chambers of The Bahamas, the Caricom Secretariat, the University of Guyana, the High Court and Court of Appeal of Guyana, and the National Assembly of Guyana. In Guyana, the reviews of the High Court and Court of Appeal were funded by USAID, while that of the National Assembly was funded by the National Democratic Institute (NDI) which at that time maintained an office in Georgetown. Senator Newton was also involved in a review of the plans for the new High Court Library in Georgetown during the late 1990s, made recommendations to USAID for purchase of legal materials which were followed, and afterwards supervised the organization of the library.

In 1997 Senator Newton was contracted by the Commonwealth Fund for Technical Cooperation to reorganize and make recommendations for the upgrade of the libraries of the Attorney General and Supreme Court of Dominica. And then, in 2001 and 2002, Senator Newton conducted a needs assessment of the Parliament Library of Barbados which resulted in the library being resited and reorganised.

In addition to these regional projects, during the mid 1990s, Senator Newton was leader of teams sponsored respectively by the World Bank, the Royal Netherlands Government, and NDI which made recommendations for the upgrade of the law libraries of the United Republic of Tanzania and Uganda and the Parliament Library of Ghana.

After having worked on USAID-sponsored library-related projects during the mid 1980s to early 1990s under the Caribbean Justice Improvement Project, from 1989 to 1993 Senator Newton was deputy executive director of the USAID-sponsored Caribbean Law Institute, a joint project between the University of the West Indies and Florida State University for drafting commercial laws and assisting governments of Commonwealth Caribbean countries to modify the draft laws to suit local conditions. Two outstanding achievements of the Caribbean Law Institute were the adoption of modern company and insurance laws in most Commonwealth Caribbean countries.

Between 2001 and 2004, Senator Newton was supervisor of a USAID project to create a database of a selection of Commonwealth Caribbean treaties and legislation in trade and commerce and of unreported cases decided by the higher court of the region held by the Faculty of Law Library for the period 1955–2000. This project, for which USAID provided US\$351,000, resulted in the creation of CARILAW (Caribbean Law Online), a database to which several governments and attorneys-at-law in business and private practice subscribe. The database is being updated on an ongoing basis by staff provided by the University.

A related project, the OECS Trade Law Database, the creation of which was also supervised by Senator Newton, was funded to the extent of US\$70,000 by the Canadian Development Agency through the office of the Organization of American States in Washington, DC. Work on this database commenced in late 2004.

In 2003 Senator Newton, with former Chief Justice of Barbados Sir Denys Williams, conducted a review of the statute book of Barbados at the request of the Attorney General and made recommendation for the removal or amendment of a number of obsolete laws or provisions therein. In late 2003, she was contracted by the United Nations Development Programme to prepare a study on access to justice in Barbados as part of a larger study on the subject for Latin America and the Caribbean. This project was successfully completed in early 2004.