

CHAPTER 3

GOVERNANCE

3.1 THE CONCEPT

3.1.1 The United Nations has defined governance as the exercise of political, economic and administrative authority in the management of a country's affairs. Governance comprises the complex mechanisms, processes, relationships and institutions through which citizens and groups express their interests, exercise their rights and obligations, and mediate their differences. Good governance is characterised by participation, transparency, accountability, effectiveness, equity and strict adherence to the rule of law.

3.1.2 Participation occurs when citizens or their representatives possess adequate and equal opportunities to initiate discussions on issues which concern them, to be consulted on matters of national or regional or parochial interest, to express their views and preferences on these issues and matters, and to play a role in formulating the ultimate decisions.

3.1.3 Transparency may be described as the absence of secrecy in all transactions and activities of the government, except those specifically excluded by law. Transparent systems of governance permit a wide range of information to be accessible as of right; are characterised by clear procedures for decision-making; and have open channels of communication between stakeholders and officials. Such systems enable citizens to scrutinise and assess all aspects of a government's business, to uncover wrong-doing, and to protect their rights.

3.1.4 Accountability is simply the requirement that government officials be responsible to citizens for any malpractices which they might perpetrate during the course of their work. Transparent systems of governance are a prerequisite of accountability.

3.1.5 It is possible, of course, for a government to be participatory, transparent and accountable and yet be ineffective. It should be obvious, however, that effectiveness, the capacity to realise objectives, is of paramount importance. As the United Nations has succinctly expressed it, "effectiveness requires competence; sensitivity and responsiveness to specific, concrete, human concerns; and the ability to articulate these concerns, formulate goals to address them, and develop and implement strategies to realise these goals."

3.1.6 The term equity speaks for itself. It implies that an essential element of good governance is that all citizens should be treated justly and without partiality; that no group, or race, or religion, or class should be discriminated against or given special privileges.

3.1.7 The final concept is that of the rule of law. The basic features of this fundamental of good governance are that (i) the law must prevail over all persons, and all institutions, including even the government (ii) citizens must be shielded from arbitrary and unlawful acts by other persons and by the state; and (iii) all citizens should be given equal treatment before the law and should be subject to the law. The rule of law is an essential precondition for accountability. For the rule of law to prevail there must be *inter alia* knowledge of the law and the legal system, an independent magistracy and judiciary, an uncorrupted and incorruptible police force, and the nondiscriminate application of the law itself.

3.1.8 **It is now generally acknowledged that there can be little lasting and sustainable social and economic development in the absence of good governance.** This is true for all societies. It is especially true, however, for multiracial societies such as Guyana in which obsessions with ethnic origins often transcend policies, plans, strategies and performance.

3.I.9 Bad governance inhibits sound economic development in several ways. First, it creates a tension between the government and those who perceive that they are being excluded from government, or are being treated unfairly by the legal system or by law enforcement officers. The results are unnecessary strikes that occur too frequently and persist for too long; other forms of economic sabotage; frequent street marches, demonstrations, and other types of protest; and a general environment of disorder and upheaval. Second, there is often a reduced respect for established authority. Laws are therefore flouted as if to countervail against the illegalities that are intrinsic in bad governance. Third, it is often accompanied by corruption. As a consequence, there is a loss of revenue to the State; over-expenditure on development programmes; and, in general, so inefficient an execution of projects that their poor quality leads to their early deterioration and, ultimately, to high maintenance and repair costs. Fourth, where transparency does not exist, there is often a perversion of economic choice with all its concomitant ills. Fifth, there is an overall loss of growth and development throughout the State. And sixth, a country that acquires a reputation for bad governance often does not attract investment because of the high unofficial rents that are often demanded in such places.

3.I.10 This list of the ills which beset nations that are badly governed is not exhaustive. It is submitted, however, that it is sufficiently long to underscore the overarching importance, in the development process, of the quality of a country's governance. **It is perhaps therefore true to state that if key elements of the strategy that is presented in this chapter are not implemented, it is most unlikely that the social and economic developmental objectives which have been established as the overall goals of this National Development Strategy, will ever be attained.**

## 3.II THE CURRENT SITUATION

3.II.1 An exhaustive survey of the state of governance in Guyana has not been undertaken. It was therefore found necessary, in preparing this section, to study and assess various reports by those international and bilateral agencies that are interested in the social, cultural and economic development of Guyana; reports and statements of the government itself; newspaper articles and correspondence; submissions to the Constitutional Reform Committee; and relevant articles in social, economic and political journals.

3.II.2 The picture that emerges is very disturbing. As many of the problems which now exist are historical, and owe their origins to the practices of past governments, or to the combined follies of past and current opposition and ruling parties, what follows is not intended to cast aspersions on the performance of any particular group. All Guyanese, in one way or another, have contributed to the poor quality of governance which has prevailed, and still exists, in our country.

### 3.II.3 Participatory Democracy

3.II.3.1 Given the nature of the country's history and its current constitution, it should not be surprising to learn that there is little participation by Guyanese non-governmental groups and other sections of civil society, in the formulation of public policies and in their implementation. Opposition parties, as always in the country's political history, are not routinely and formally consulted on legislative matters, nor are the trades unions and the private sector. It seems to be the rule that such organisations are asked to participate in the decision-making processes only in times of crisis, particularly when there is industrial strife and political violence. Successive Guyanese governments have failed to appreciate that if consultation and participation were made essential stages in the exercise of government, the frequent confrontations which have become an integral part of the country's life would be considerably reduced, if not eliminated.

3.II.3.2 The diminution of strife would be of value in any country, for, as has been pointed out, frequent demonstrations and incidents of economic violence either dissuade financiers from investing in a country or,

because of the perceived risk, incline them to demand higher rates of return on their investments. In either instance, economic and social development is severely hampered. The reduction of strife would be doubly beneficial in a country like Guyana in which every disagreement is given a racial connotation, and where problems, which in other communities would be considered to be normal political or industrial disputes, are intensified and made fearful by the racial cleavages which prevail in the society. Consultation and participatory procedures need therefore to be institutionalised in all aspects of government and at all levels. In this regard the trades unions, the private sector, non-governmental organisations, and civil society as a whole, should be seen as partners in the country's quest for equity and sustainable development.

3.II.3.3 The roles of the trades unions, the private sector, and non-governmental organisations which represent specific interests are well-known. It might, however, be useful to state what is meant by the term "civil society". The United Nations Development Programme defines it well. "Civil Society", it states, "is more than just society. It is the part of society that connects individuals with the public realm and the state – it is the political face of society. Civil society organisations channel people's participation in economic and social activities and organise them into more powerful groups to influence public policies...". It should be evident, in the context of Guyana's social, economic and political environment, that civil society organisations should play a more important part in both shaping and implementing public policies.

3.II.3.4 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 processes.

3.II.3.5 The history of governance in Guyana demonstrates that the country's very origins; its various Constitutions, the political systems under which it has been governed, culminating in a Westminster type arrangement; and its political configurations, have militated against consensus-building and the practice of participatory and consultative democracy. Indeed, often, the only objective of the political exercise is to confound the opposing political party. In such circumstances, opacity in government is seen as a virtue, and transparency an impediment in the exercise of power. Moreover, because voting preferences are not based on performance in government, or on the policies of contending political parties, but are almost inextricably linked to race, accountability and effectiveness are often considered to be irrelevancies. As a result, most Guyanese do not appear to have as yet fully developed that level of political sophistication which demands good governance as of right. This is the basic reason for the necessity to establish guidelines, rules of procedure, and laws to ensure inclusivity.

3.II.3.6 The current systems of local and regional government also do not lend themselves to meaningful participation. Indeed, in many respects, they accentuate the imperfections of the central government, by replicating both the winner-take-all syndrome, and the absence of statutory and formal procedures for consultation. If anything, because the power to make decisions which impinge upon regional and village life rests almost entirely with the Centre, the peripheral systems impede, rather than assist, the development of local democracy. For example, budgetary allocations and expenditure are controlled by the Centre; the most senior regional public servant is employed by the central government and reports directly to the minister responsible for regional and local government; and the laws which the regional and local authorities administer are initiated, enacted, and imposed by the Centre. It follows, therefore, that no matter what the political allegiance and complexion of the regional and local governments, the economic and social decisions which influence and control the lives of their citizens are made by the Centre. The current local government system therefore, to a large extent, acts as a brake on regional democracy.

3.II.3.7 There must therefore be a much greater degree of decentralisation to the regional and local authorities. Systems must be put in place which would empower the regional authorities to make laws and to

impose local taxes. There must be popular participation in the development process at all levels of our society.

### 3.II.4 The Rule of Law

3.II.4.1 It must be emphasised at the outset that Kafkaesque situations in which the authorities knock on the doors of innocent citizens, throw them into prison without even stating the reason for their seizure, and relentlessly pressure them into confessing to they know not what, do not often obtain in Guyana. Nevertheless, there is strong evidence that many people in the country are of the opinion that the rule of law does not always prevail. They hold the view that the administration of justice is unpredictable and often biased; and that law enforcement officers often ignore the rights of the population, employ unnecessary force and violence in their dealings with certain classes, and appear either to be unable to solve problems of any complexity or choose not to bring the perpetrators to justice if they are rich or influential. In any event, many law enforcement officers are considered to be rent-takers. These impressions of the ordinary Guyanese citizen are difficult to substantiate to the degree that would be required in a court of law. Moreover, they are generalisations which should not be applied to the entire judiciary, magistracy and police force. The sad fact is, however, that it is agreed by all objective commentators that the Guyana justice and law enforcement systems have deteriorated severely over the years.

3.II.4.2 Consider the justice system. Court facilities, although having been improved in recent times, are still, in general, shabby and in various states of disrepair. Court staff are depleted in numbers and not as qualified as they are required to be. Indeed, almost fifty percent of the positions in the judicial system is vacant, and many of the existing staff occupy positions that are well beyond their education and capabilities. In addition, the law libraries do not possess basic reference documents and reports, and are not kept up-to-date.

3.II.4.3 Moreover, there are reported to be inordinate delays in the trying of cases, mainly because (i) court files very frequently cannot be found, because of the absence of indexing systems, the low quality of security, and the inefficiency of the filing procedures; (ii) inadequate noticing procedures for litigating parties, attorneys, witnesses, and the police; and (iii) the dearth of qualified staff. As a consequence, there is a tremendous backlog of cases. Even more reprehensible is the practice by many judges of handing down their judgments long after the trials over which they presided have been finished. The combined result of trial delays and late judgments is that, often, innocent persons serve long periods in jail pending trial, business transactions are stymied, and economic development is hindered.

3.II.4.4 Furthermore, Guyana's courts are not supported by modern technology. Computers are virtually unknown. Indeed, the equipment that is currently utilised is often so obsolescent that spare parts cannot be obtained for them. In addition, the organisational structure of the administration which manages the judicial system is, at best, very early twentieth century.

3.II.4.5 It is argued by many that the overarching reason for this devastating inefficiency is the uncompetitive salaries that are paid to those who work in this important branch of government. Except for a dedicated few, it is simply impossible to attract the best and most experienced. It is evident, therefore, that in the national development strategy, provision must not only be made for improving the management system, modernising its procedures, refurbishing its premises and providing it with relevant equipment, but also for increasing salaries, and for putting in place an organisation which would ensure that the emoluments of the judiciary are not subject to the whims and fancies of politicians, or those who make decisions on their behalf.

3.II.4.6 In Guyana, members of the judiciary are appointed by a Judicial Service Commission whose members are selected by the President, after consultation with the Minority Leader. As there is widespread belief in the country that there is often political interference in both the appointment and promotion of judges, their integrity and impartiality are often challenged. This matter too must therefore be addressed.

3.II.4.7 The fundamental importance of a well-functioning judiciary in the economic and social development of a country such as Guyana cannot be overemphasised. It is now well-documented that one of the reasons for the persistent underdevelopment of many poor countries has been the failure of the governments of these countries to ensure that the basic legal framework of liberalised economies is provided. The vigour of the marketplace depends in large part on the establishment of an environment in which legal rights, especially property and contractual rights, are enforced and protected.

3.II.4.8 The legal environment should therefore comprise competent, ethical, well-paid professional judges, who administer rules that are designed to promote, and not to hamper, economic development. The judges should be advised by competent, ethical and well-paid lawyers. Their decisions should be enforced by competent, ethical and well-paid policemen and bailiffs. And the judges should operate within a framework of easily ascertainable rules and practices. Perhaps above all, the judges should be insulated from interference by the legislative and executive branches of government.

3.II.4.9 What is required in Guyana is an independent and capable judiciary that is dedicated to upholding the Constitution and the rule of law, and to protecting individual and community rights. In order to attain the necessary independence, it will be necessary to devise a system which minimises the influence of the executive on the selection of the Chief Justice, the Chancellor, and the Judicial Service Commission. To this end, the selection panels should comprise persons chosen mainly from the legal profession, but including also representatives of Civil Society. Parliament should be empowered to approve recommendations from these panels, by some proportion that is more than a simple majority. The salaries of the Judiciary should be financed from a fund especially established for that purpose.

3.II.4.10 The problems which beset the Police Force are similar in many respects to those which so adversely affect the judicial system: poor salaries, a shortage of equipment and the virtual absence of modern aids and technology. Moreover, in addition to being 30 percent under strength, a large proportion of the existing force is poorly educated and virtually untrained. This is particularly true of, but not confined to, the lower ranks. On top of all this, the physical facilities in which the Force operates are frequently inadequate. Means must therefore be devised to overcome these obstacles to development, and to remove the concomitant incentives to bribery and corruption. It would also be necessary, because of the racial tensions which seem always to exist in Guyana, to devise means of ensuring that the composition of the Police Force reflects the ethical diversity of Guyanese society. Because it has been argued that, for one reason or another, certain ethnic groups do not wish to work in the Police Force, efforts to recruit them should not only be intensified, but the processes of recruitment should be transparent and should be publicised.

### 3.II.5 Civil Rights

3.II.5.1 The current constitution of Guyana enshrines the rights of the Guyanese people. Indeed, it includes certain rights, such as that of free education, which the courts have ruled to be merely declaratory and not justiciable. There can be little doubt, therefore, of the intention of the framers of the Constitution to provide Guyanese citizens with a set of legal principles that are designed to ensure that they enjoy certain basic benefits. The trouble lies in the recognition and enforcement of these rights by the authorities. Indeed, many Guyanese seem to be unaware that even the justiciable rights are enforceable.

3.II.5.2 This state of affairs has come about partly because mechanisms have never been established in Guyana to inform citizens not only of the existence of these rights, but also what they mean in practice, and what steps should be taken to ensure their enforcement; partly because no specific civil rights statute exists;

and partly because there are few institutions in the country which seem capable of thoroughly and impartially investigating complaints of breaches of civil rights, of preparing cases against those who are accused of committing such breaches, and of prosecuting the offenders in the court.

3.II.5.3 The Race Relations Commission which has been established in recent years has not gained the approval of the major political opposition party, and has not been allocated adequate financial resources. As a result, it seems to be incapable of vigorously pursuing allegations of racial discrimination and violence in Guyana.

3.II.5.4 The Ombudsman's Office, strictly speaking, should not be considered to be a civil rights authority, because its mandate confines its investigations to the administration of the public sector. In any event it does not seem to have dealt with any major case of public service maladministration, over the last two decades or so, despite the many allegations of governmental malfeasance that are made by Guyanese citizens.

3.II.5.5 It is evident that the list of civil rights must be revised and modernised; that a body of laws should be enacted to ensure that the nature and extent of these rights are clearly defined, and the penalties for their breach are known; and that institutions with a sufficiency of resources to investigate civil rights claims and to take them to the courts be established as soon as possible. Above all, a system must be put in place to formulate policies and enact and enforce laws prohibiting discrimination on the basis of race, disability, sex, religion and national origin.

### 3.II.6 Public Administration

3.II.6.1 It is now generally accepted by most Guyanese that, in future, the private sector would play the leading role in the social and economic development of the country. It may therefore be considered to be somewhat paradoxical that, in such a context, the importance of a competent and efficient Public Service should increase rather than diminish. This is, however, the case. For if the private sector is to be the engine of growth for the economy, the Public Service's duty is to create the most favourable environment for such growth, and to ensure that all the citizens of Guyana benefit from the activities of investors and entrepreneurs. Moreover, the Public Service would be required to become more efficient and cost-effective in the formulation and implementation of social and infrastructural policies.

3.II.6.2 Therefore, what is required in Guyana today, and in the years to come, is a Public Service that is capable of:

- (i) formulating macro-economic and other public policies which would enable the private sector, and other sections of civil society, to flourish and develop;
- (ii) negotiating agreements with potential investors which would, at one and the same time, ensure fair returns to the State and the financier;
- (iii) establishing the social and physical infrastructure (or creating the conditions for its establishment) which would enhance the quality of life of all citizens; and
- (iv) putting into place institutions which would monitor the performance of the general economy, and of the private sector, not only to assist in its successful development, but also to make certain that the interests of Guyanese citizens are always taken into account.

3.II.6.3 This entails the identification of a range of possible developmental objectives and the selection of those that would be most beneficial to the Guyanese people; the analysis of the various options that might be available for the attainment of the selected objectives; the formulation of plans and strategies to optimise the

returns from the chosen objectives; and the devising of methodologies, mechanisms, and institutions to implement the strategies and/or to monitor their implementation.

3.II.6.4 Such a Public Service must possess the skills of policy formulation and policy analysis; must be knowledgeable of relevant modern technologies and techniques; must either have at its disposal the most up-to-date information on a wide spectrum of topics, or know how to gain and interpret such information; must be able to analyse and adapt this knowledge to Guyana's needs, situations and environment; and must be able to apply such information in its dealings with the Private Sector.

3.II.6.5 Guyana does not have such a Public Service. Although the country is fortunate to possess a number of Public Servants with the capacity to perform many of the policy-making, administrative and technical functions of a modern government in a developing economy, critical masses of well-trained and experienced Public Servants do not exist in many areas. Indeed, in several vital disciplines, there is a complete absence of qualified personnel.

3.II.6.6 The Guyana Public Service is too large in certain non-essential areas and too small in many crucial fields. Moreover even where required skills are available, they are often under-utilised because of poor deployment practices and the existence of weak institutions.

3.II.6.7 In almost every tier of the Public Service morale is low. It is low because of still unrewarding salaries, a perception of political interference by employers, and a dearth of incentives. There are no merit rewards, and the system of annual increments has long been abolished. As reprehensible as the absence of rewards is the absence of penalties for inefficient performance.

3.II.6.8 On top of all this, Public Servants operate in systems which not only lack transparency and accountability, but in which mechanisms for asserting authority have broken down. It should not be surprising, therefore, that the probity of the Public Servant is most suspect, and that some of them have been accused of demanding and accepting bribes. The practice of rent-taking is allegedly particularly rife in the revenue collection agencies, and in those institutions that are involved in the tendering processes, and in the execution and implementation of government contracts, e.g., in the procurement of medicinal and educational supplies, and in the establishment of transport and building infrastructure. There are also serious claims that there is much discrimination and corruption in the allocation of land and housing.

3.II.6.9 Although many of these claims and allegations might be unprovable, there is little doubt that all the procedures which permeate these activities provide opportunities for fraud. The reform of the Public Service, which is now in process, should therefore be intensified, with a view to streamlining its structure and rationalising its activities. Special attention needs to be paid to the internal structures and working procedures of individual ministries and departments, the relationships and linkages among them, the objectives and functions of the various Boards which have been established, and the strategic utilisation of personnel who possess skills and expertise that are in much demand throughout the Government, but are in short supply.

3.II.6.10 Salaries, incentive schemes, packages of perquisites, and the enticement of expatriate Guyanese to return to their country of birth to fill certain positions, will have to be examined. Perhaps above all, systems which ensure accountability and transparency, and which increase the possibility of detecting illicit acts, would have to be established.

3.II.6.11 The term public administration includes, of course, Ministers and the entire ministerial apparatus. Because, in Guyana, many allegations of financial impropriety are levelled at this group, it would be necessary to define clearly the responsibilities of Ministers and to distinguish them from those of public servants. There is also need to examine carefully the entire ministerial structure; to determine whether there are too many ministries; to enquire, for example, whether the duties of the Ministries of Trade and Finance

overlap, and whether the responsibilities for some aspects of economic development, which seem to have been assigned to the Ministry of Foreign Affairs, do not add yet another unnecessary layer to the bureaucracy; to consider whether there is not duplication and waste in possessing both a Ministry of Agriculture and a Ministry of Fisheries, Crops and Livestock when in a reformed Public Service all that should be required of Ministries is the formulation of policies and the monitoring of their implementation. Moreover, it would be essential to establish transparent and accountability procedures which would make it easier to detect and punish transgressions. An important first step would be the reduction or elimination of the wide discretionary powers now held by Ministers.

### 3.III THE OBJECTIVE

3.III.1 The general objective of governance in Guyana is to ensure that the nation is administered and managed effectively and equitably, at all levels of government and in all geographical areas of the country.

3.III.2 The specific objectives are that (i) governance should be participatory and inclusionary, (ii) the rule of law should prevail throughout the land; (iii) governance should be transparent, and (iv) government officers and politicians should be accountable to Guyanese citizens.

### 3.IV THE STRATEGY

#### 3.IV.1 Participation and Inclusion

3.IV.1.1 It will be a requirement of law that permanent parliamentary committees be established to participate in all stages of the drafting of all legislation. No bill will be brought to Parliament if it had not been subjected to the scrutiny and examination of these committees.

3.IV.1.2 It will be enshrined in the law that all such permanent parliamentary committees must consult with relevant sections of civil society and relevant non-governmental organisations during their deliberations on proposed legislation.

3.IV.1.3 Non-governmental organisations will be registered, and their right to be legally consulted on a range of issues, including legislative matters, enshrined in the country's laws.

3.IV.1.4 It will be a legal requirement that a number of days be set aside in each session of Parliament for the consideration of legislation originating from the Parliamentary Opposition Parties.

3.IV.1.5 Guidelines will be legally established in order to ensure that governments consult civil society and non-governmental organisations on the objectives and contents of national economic and social programmes, on the means and strategies for their implementation, and on their respective roles and responsibilities in their formulation and execution.

3.IV.1.6 Legal provision will be made for all regional assemblies to make laws, within clearly defined boundaries, and for them to impose taxes.

3.IV.1.7 Parliament will devise a formula for the sharing of state funds among the centre, the regions, the municipalities and the village authorities. This formula will be based on the amount of revenue accruing from the particular area, its population, its economic potential and its needs.

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3.IV.1.8 Provision for periodic revisions of the formula will be enacted.

3.IV.1.9 A framework will be devised, and legislation enacted, empowering regional governments to *deliver* educational, health, water, infrastructure and a range of other services in the regions for which they bear responsibility. The Regions will be required to carry a proportion of the costs of delivering such services.

3.IV.1.10 Every opportunity will be taken to re-examine the relevance of the Westminster system of Government to Guyana; and to have a series of structured national discussions on (i) the meaning of consociatism and federalism and other forms of inclusivity and power sharing, and (ii) their applicability to Guyana.

### 3.IV.2 The Rule of Law

3.IV.2.1 The refurbishing of court facilities throughout the country will be intensified.

3.IV.2.2 The law library will be improved by ensuring the sustained supply of up-to-date publications of case and statutory law, and relevant jurisprudential publications. Linkages will be established with law libraries in other countries in order to benefit from any relevant services which they provide. The library will be computerised.

3.IV.2.3 Administrative systems and procedures will be put in place so that court records and trial transcripts would be more readily available.

3.IV.2.4 Modern technology, through a phased programme, will be introduced into Guyana's Court system.

3.IV.2.5 The emoluments of the magistracy and judiciary will be significantly increased, over a period of time. The programme for the proposed increases would be the result of negotiations between the Guyana Bar Association and the Judicial Service Commission.

3.IV.2.6 Subject to the decisions of Parliament in its current constitutional reform exercise, it will be recommended as follows:

- i. the Head of the Judiciary be nominated by the President on the recommendation of the Judicial Service Commission, which would have made the recommendation only after consulting the Guyana Bar Association. The President's nominee must be approved by a two-thirds majority of Parliament;
- ii. the President will appoint the Judicial Service Commission after consulting the leaders of parliamentary parties, the Law Faculty of the University of Guyana, and the Guyana Bar Association;
- iii. the Judicial Service Commission will include the Head of the Judiciary, the Attorney General, a representative of the Law Faculty of the University of Guyana, a representative of the Bar Association, and the Chairman of the Human Rights Association;
- iv. appointments to the Court of Appeal and the High Court will be subjected to the approval of Parliament, by a two-thirds majority;
- v. the Judiciary will be financed by a special vote on the Consolidated Fund and managed by a separate financial administration responsible to the Head of the Judiciary. To provide the Judiciary with its own budget both bolsters its independence and places it in a position to maximise its efficiency; and
- vi. Guyana will become a member of a Caribbean Court, which would be a final court of appeal in all constitutional actions and in important civil and criminal matters.

3.IV.2.7 Responsibility for court administration, including budgeting and postings, will be in the hands of the judges themselves and will not be left to the government or public service.

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- 3.IV.2.8 The promotion of judges will be based on objective factors, such as ability, integrity and experience. The selection of judges for promotion will involve the judiciary itself, and not the executive.
- 3.IV.2.9 Time limits will be set for the handing down of judgements by magistrates and judges. These limits will be established by the judiciary itself, after consultation with the Bar Association.
- 3.IV.2.10 Minimum qualifications will be prescribed and enforced for all levels of court staff.
- 3.IV.2.11 Higher educational standards for recruitment into the Guyana Police Force will be established.
- 3.IV.2.12 Continuous intensive training courses will be conducted for police officers at all levels. Specially selected policemen will be trained, in Guyana or abroad, in the collection and analysis of intelligence information. Modern equipment and technology will be utilised in this regard.
- 3.IV.2.13 The Police Force will be provided, over a period of time, with modern policing equipment and an adequate number of vehicles.
- 3.IV.2.14 The emoluments of the Police Force will be significantly enhanced over a period of time. Increases will be linked to achievement targets, and to educational and training qualifications.
- 3.IV.2.15 Internal investigative, judicial and disciplinary systems will be strengthened in the Police Force. Policemen found guilty of infractions, particularly those involving bribery and excessive violence, will be severely punished.
- 3.IV.2.16 The physical facilities in which policemen operate will be upgraded.
- 3.IV.2.17 The organisational structure of the Police Force will be rationalised in order to increase its efficiency and its responsiveness to appeals for help from the public, and to emergency situations.
- 3.IV.2.18 Systems will be put in place to make the Police Force more "citizen friendly". The current alienation of the Police Force from the ordinary people of Guyana must be reversed.
- 3.IV.2.19 The further establishment of neighbourhood community police forces will be encouraged. These civil society organisations will be trained by the Guyana Police Force and will be responsible to it.
- 3.IV.2.20 A massive recruitment drive will be undertaken in order to encourage those ethnic groups who have not traditionally sought employment in the Police Force to enter the Service. The aim will be, as far as possible, for the Police Force to reflect the ethnic distribution of multi-racial Guyana and, also, to enable the Force to deploy its officers and ranks in geographical areas to which they might better relate.
- 3.IV.2.21 The capacity of the Police Force to solve difficult crimes, the solution of which is dependent upon sophisticated "intelligence systems" will be enhanced, through the institution of special training courses, the recruitment of personnel already qualified in this area and, if necessary, the provision of technical assistance by friendly countries.

### 3.IV.3 Civil Rights

3.IV.3.1 It will be recommended to Parliament, if it has not already concluded its deliberations on constitutional reform that:

- i. there be included in the new constitution a statement to the effect that the citizens of Guyana are committed to the

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establishment of a democratic society in which all races are considered and held to be equal before the law; in which there is equal opportunity for advancement; in which there is no discrimination with respect to gender and sexual preferences; in which respect is paid to all religions and all cultures; in which individual enterprise is encouraged; in which the privacy of all citizens is sacrosanct; in which there is freedom of expression, access to information, and freedom of association; in which the judiciary is independent and the laws fearlessly and objectively administered; in which the rights of the indigenous peoples, children; the family and disabled persons are respected and enforced; in which the state shall use its best endeavours to provide comprehensive and well administered health and educational systems; and in which every person shall have a right to life, liberty and personal security; and

ii. these principles should be incorporated in a Bill of Rights.

3.IV.3.2 A continuous campaign will be mounted in order to ensure that all citizens would not only know that civil rights exist, but would also understand the importance of these rights and the procedures and means of enforcing them.

3.IV.3.3 A set of laws will be enacted to define those civil rights which are justiciable and to provide penalties for their breach.

3.IV.3.4 It will be recommended to Parliament that provision be made, within the constitution itself, for the establishment of institutions to monitor the honouring of civil rights by the government and people of Guyana. It is considered that the rights of the people of the country are of too great importance to be left to the whims and fancies of any particular government. If, however, the framers of our Constitution do not share this view, laws (outside of the Constitution) will be enacted to put in place such institutions. To this end a Civil Rights Commission will be established.

3.IV.3.5 This Civil Rights Commission will comprise at least two divisions: an Equality Division and a Human Rights Division. The Equality Division will be charged with the responsibility of ensuring that the principles of racial and ethnic and gender equality be observed throughout the society, by both the private and public sectors. The Human Rights Division's main concern will be with the enforcement of those other civil rights that are enshrined in the Constitution or in the law. Other Divisions will be added from time to time as the need arises.

3.IV.3.6 The mission of the Civil Rights Commission will be, first, to enforce all those

laws which prohibit exclusion and discrimination; and second, to educate the public in regard to their civil rights so that all Guyanese would be treated with dignity and would be able to enjoy fully all the benefits and privileges which flow from being Guyanese citizens and residents.

3.IV.3.7 The range of the mandate of the Civil Rights Commission will be wide. It will cover discrimination on the basis of race, sex, physical disabilities, religion and national origin; it will include discrimination in respect of voting; and it will embrace, *inter alia* discrimination in education, employment, credit, housing and land distribution.

3.IV.3.8 The Civil Rights Commission will be provided with the financial and human resources that are necessary to enable it to investigate complaints with regard to breaches of civil rights; to mediate extra-judicially if the complaints warrant such an approach; to bring cases before the courts whenever the necessity arises; to co-ordinate relevant civil rights activities in areas in which other arms of the government are engaged; and to prosecute cases which either cannot be, or are not sufficiently, addressed by other authorities, particularly in respect of misconduct by state and regional government functionaries.

3.IV.3.9 There will be a special section devoted to the prohibition of discrimination in the distribution of state houses and state land. Another section will concern itself with discriminatory activities by lending

institutions, particularly in respect of loans for housing and business entrepreneurship.

#### 3.IV.4 Public Administration

3.IV.4.1 The process of Public Service Reform which has been undertaken since 1990 will be intensified. The objective will be to hone the Service into an efficient organisation capable of performing the increasingly sophisticated duties of a modern society. To this end the numbers of the Public Service will be reduced; its operating systems modernised; modern technology introduced; and higher salaries paid.

3.IV.4.2 When public servants retire or resign from non-essential positions, these posts will not be filled.

3.IV.4.3 In addition to the process of attrition the required reduction will be attained through the provision of incentives to resign from the Service. Potential departees would be trained in various fields to enable them to work either alone as entrepreneurs, or in paid employment in the private sector. Moreover, those opting to operate their own business, be it in farming, or in commerce, or in construction, or in industry, will be granted low interest loans, repayable over relatively long periods. Resources for such loans have been obtained by at least one African country from the Bretton Woods institutions. In addition, tax holidays for a specified period and lump-sum monetary benefits will be granted to public servants who voluntarily go into early retirement and become self-employed. Public Servants who lose their jobs as a result of the reform Programme will, of course, be compensated, according to the prevailing laws. The unions representing the members of the Public Service will be consulted in all these matters, before their implementation.

3.IV.4.4 The salaries of public servants will be increased, over a specified period, in accordance with a formula agreed between the government and the Public Service Union. This formula will take into account comparable salaries and perquisites in the private sector, the ability of the government to pay increases, the productivity of the Public Sector, and rises in the cost-of-living index.

3.IV.4.5 A special land and housing allocation scheme will be established specifically for public servants.

3.IV.4.6 Public Service Reform will not be confined to a reduction of its members and an improvement of its salary structure. It will also include a reassignment of personnel from areas in which their experience and qualifications are not now fully utilised, to others in which their full potential and their talents would be optimised.

3.IV.4.7 Special attention will be paid to enhancing the quality of the institutional environments in which public servants operate, and to raising their morale.

3.IV.4.8 Special compensation packages will be offered to Guyanese experts who possess rare skills that are needed in Guyana to encourage them to join the Public Service if they are already in Guyana, or to return home if they live abroad. UNDP's TOKTEN programme, which funds expatriates of developing countries for short periods in their own countries, will be utilised more intensively. In addition, a register of expatriate Guyanese will be prepared and arrangements will be made with those who are willing to do so for them to undertake a number of duties while living abroad, through the utilisation of Information Technology.

3.IV.4.9 A code of conduct will be established for public servants. Penalties will be prescribed for breaches of this code. These penalties will be strictly enforced.

3.IV.4.10 The system of annual increments will be re-introduced. These increments will, however, not be obtained automatically. Civil Servants will be required to receive positive recommendations from their supervisors before earning these increments.

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3.IV.4.11 The Ministries of Agriculture, and of Fisheries, Crops and Livestock will be merged.

3.IV.4.12 There will be a new Ministry of Natural Resources which will be responsible for the mining and forestry sectors. The forestry activities now performed by the Ministry of Fisheries, Crops and Livestock will be absorbed by the new Ministry, as will the wide range of activities currently undertaken by the Guyana Natural Resources Agency, which will be abolished.

3.IV.4.13 The functions of the Ministries of Finance and Trade, and the activities of the Ministry of Foreign Affairs which impinge on economic development, will be rationalised.

3.IV.4.14 A National Anti-Corruption Committee will be established and charged with the responsibility for devising and monitoring a strategy against corruption. In effect, this body will constitute a citizens' oversight board. Its duties will be to (i) assess the government's procedures in public procurement, tendering, contracting, and make recommendations for their improvement; (ii) investigate public complaints of corruption that are brought to its attention; (iii) identify key areas on which the anti-corruption effort might focus in the first years of its operation; and (iv) monitor the performance of any procedures against corruption which have been established. This National Anti-Corruption Committee will be a civil society organisation comprising representatives of the trades unions, the private sector, the consumers' association and various professional organisations.

3.IV.4.15 A systematic review of the discretionary powers now wielded by ministers and public servants will be undertaken. Thereafter, these discretionary powers will be substantially curtailed in order to reduce the possibilities of venality. Replacing these discretionary powers will be well-defined rules of procedures that are designed ultimately to eliminate corruption in the country.

3.IV.4.16 The Auditor General's office will be strengthened. More resources would be devoted to its modernisation and the introduction of new technologies.

3.IV.4.17 The accounting services in all government departments will be strengthened.

3.IV.4.18 A public information campaign against corruption will be mounted.

3.IV.4.19 It has been demonstrated in many parts of the world that corruption is a symptom of fundamental economic, political, and institutional causes. Accordingly, a number of social, political and economic reforms have been proposed as an integral part of the overall development strategy. Among these are some which would unambiguously reduce opportunities for corruption: lowering tariffs; eliminating enterprise subsidies; minimising regulations, licensing requirements, and other barriers to entry for new firms and investors; privatising assets; enforcing prudent banking regulations and auditing and accounting standards; improving financial management and tax administration; and strengthening the legal and judicial systems.

3.IV.4.20 Tender Boards will be re-organised in order to provide civil society with the dominant role in the tendering system. The procurement of goods and services for every level of governance will be regulated by an Act of Parliament, which would make provision for the appointment of independent and impartial tender boards to deal with such procurement.

3.IV.4.21 The tendering system will be fair, public and competitive and tender boards will on request give reasons for their decisions to interested parties.

3.IV.4.22 No organ of state and no member of any organ of state will improperly interfere with the decisions and operations of the tender boards.

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3.IV.4.23 All decisions of all tender boards will be recorded.

3.IV.4.24 A unified Procurement Code will be formulated. This will establish the basic principles and practices to be followed in public procurement.

3.IV.4.25 Bidding documents will be standardised, and simplified purchasing procedures for special kinds of procurement will be established.

3.IV.4.26 A public information programme will be mounted. It will be addressed to all parties, the public, suppliers, contractors and officials, and would clearly define all the procedures that relate to the public procurement of goods and services.