

Assessment of Options in Guyana for Improving Law-Making Capacity

Prepared by

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

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I. EXECUTIVE SUMMARY

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

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

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

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

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

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

Based on the assessment, we recommend a number of modifications to the current conditions precedent in order to help accomplish Intermediate Result 1. Due to the particular political dynamic in contemporary Guyana, there is a concern that, without modification, some of the conditions precedent may have unintended consequences that run counter to the results that they were designed to achieve. NDI has previously expressed concerns that the conditions precedent were preventing assistance on structural reform that, ultimately, may do more to

improve the law- and regulation- making process than hiring additional drafting and library staff. Because of this concern, NDI has previously suggested that an outright waiver of the conditions was appropriate. We do, however, appreciate the concerns expressed by the mission regarding an outright waiver of the conditions precedent. As a result, this report offers a number of recommendations (short of an outright waiver) that hopefully will address the mission's concerns. These recommended modifications, as well as recommendations regarding program activities, are discussed in detail in Section V of this report. In general, we recommend that USAID consider the following actions with respect to the conditions precedent:

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

(or combinations of them) may be feasible, including: 1) transferring underutilized, skilled staff from government ministries, 2) hiring part-time staff, 3) providing a budget to contract out for research and policy support services on particular laws, and 4) designating and training existing staff (subject to conditions designed to ensure that staff, once trained, will remain the position long enough to repay the investment in training).

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

II. BACKGROUND

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

The Cooperative Agreement and the Conditions Precedent

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

The Librarian Condition Precedent. The bilateral agreement between USAID and the Government of Guyana required the Government of Guyana to provide adequate remuneration to attract and retain the services of a Research Librarian for the Parliamentary Library and fill the position. This condition was viewed as necessary in order "to provide for effective parliamentary representation and to maximize the use of resources previously made available to the Parliamentary Library through the Government of Guyana and USAID funding."¹

Since 1995, NDI had worked closely with the Clerk of the National Assembly to develop a Parliamentary Library. A parliamentary library assessment mission was conducted in March of 1996 by Michael Anderson, a senior research librarian of the US Library of Congress, and Velma Newton, a law librarian at the University of the West Indies in Barbados. The report from that earlier assessment mission provides useful background information regarding the rationale for developing the Parliamentary Library. In addition to providing parliamentarians with resources needed to make more informed decisions, NDI also viewed building the library as a way to gain the trust of MPs by consulting with them on its development, enabling the Institute to develop a broader consensus on the utility of a more meaningful legislature and to implement a broader legislative strengthening process. The development of the Parliamentary Library was also seen as critically important in order to preserve rapidly deteriorating

¹Bilateral Agreement between USAID and the Government of Guyana, August 1999.

documents. The parliamentary document loft was not climate-controlled. The only ventilation was provided by opening windows, which allowed moisture to enter the loft. The assessment report noted widespread bookworm and water damage to portions of the collection. A corner section of the roof had leakage problems and, as a result, Hansard documents from the 1800s to the early 1900s were so water damaged that they were black with mold and could not be preserved.² The physical rehabilitation of the Parliamentary Library has been completed, documents have been organized and the condition of salvageable documents has been stabilized.

Although there are three administrative staff persons assigned to the library, none of the current staff are currently capable of providing professional librarian services. Despite a sustained effort by USAID, NDI and the Parliament Office since 1997, the Parliamentary Librarian position remains vacant. The civil service position of research librarian for the Parliamentary Library was created and approved in March 1997. The position was to be compensated at \$27,054 (\$150USD) per month, far too low to attract a suitable candidate for this position. To address the low salary issue, the Secretary of the Cabinet agreed to discuss a proposal to hire a librarian on a contractual basis (at a higher salary scale) at the cabinet level, but nothing materialized. In August 1998, the Parliament Office resubmitted a proposal to the Minister of Parliamentary Affairs. The Parliament Office requested that Ms. Doreen Holder be appointed to the position of research librarian. Ms. Holder was the NDI-contracted Library Advisor to the Parliamentary Library at that time and was on sabbatical from her position as Deputy University Librarian at the University of Guyana. The Parliament Office recommended to the Minister that the position be compensated at a rate of \$200,000 (\$1,111USD) per month. Ms. Holder, after having waiting for over a year for a response, decided to take a position as a librarian at a law school in the Bahamas. The Parliament Office then decided to advertise for the position of Research Librarian at the lower civil service salary scale. In response to the advertisement, the Parliament Office received four applications and two persons were subsequently short-listed. However, at this point (May to June 1999), public service employees went on strike and the government placed a temporary freeze on the hiring of new employees. This freeze is reportedly still in force and can only be waived in emergencies. Although there have subsequent discussions with the Secretary of the Cabinet, no new developments have occurred. More recently, USAID has raised the matter with the President of Guyana, who indicated that the commitment made by the government would be fulfilled. However, it seemed unlikely that any further action would be taken before the elections in March 2001 and the submission of a budget by the next government.

The Drafting Condition Precedent. The bilateral agreement between USAID and the Government of Guyana required a second condition precedent to be met before funds could be committed or expended under Intermediate Result 1. Under the bilateral agreement, the Government of Guyana agreed to commit itself to adequately addressing the issue of capacity building in the OCPC by concluding efforts to recruit trained draftspersons. It is our understanding that several factors went into the development of this condition precedent. In an effort to overcome the general weakness of the drafting process, USAID, through its Justice Improvement Program, has provided funding for two individuals to be trained as

² NDI, *Findings of the Guyana Parliamentary Library Assessment Mission: March 22-25, 1996.*

legislative drafters at the University of the West Indies in Barbados. Neither of these individuals is currently employed by the OCPC. One of the individuals is no longer resident in Guyana. The second is employed by the Ministry of Legal Affairs, but not in the OCPC.

In correspondence between NDI and USAID regarding the status of the conditions precedent USAID recognized that finding legal draftspersons for the OCPC has not been possible up to this date.³ It was proposed that NDI and its partners conduct an assessment to determine whether this function might be better accomplished through direct training of legislators rather than specialist drafters in the Chief Parliamentary Counsel's Office. The assessment would determine the extent to which there is a political environment conducive to the devolution of legislative drafting capacity and whether or not an effort to enhance the technical capacity of legislators is a viable option. USAID indicated that if the assessment showed promise and if the Government of Guyana agreed to the modification, then USAID might waive the Drafting Condition Precedent for Intermediate Result 1. This assessment was conducted from January 7 to 13, 2001; this report presents its results.

Current Political Environment and Constitutional Reform

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

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

Following a lengthy debate about the exact composition of the body, the CRC was inaugurated in January 1999. In developing its proposals for reform, the CRC conducted a public outreach program, soliciting input on topics like structure of government, electoral systems, and gender and indigenous issues from political parties, civil society organizations and the public. During this period, among other activities, NDI provided comparative information, through international experts on issues like systems of governance, fundamental

³ Letter from John May, Regional Grant Officer, to NDI President, Kenneth Wollack, dated August 22, 2000.

rights and gender issues. Most notably, in April 1999, NDI organized the visit of South African Constitutional Court Justice Albie Sachs to Guyana. Justice Sachs held a series of meetings, both on and off the record, with political and civil society leaders on the topic of "Political Accommodation and Constitution-Making in South Africa." A key portion of the visit was the time that he spent with the CRC, addressing the methods of negotiation and conflict resolution used by the South Africans in their long and difficult process. He also addressed the set of "confidence-building measures" which were instituted as a long-term substitute for formal power-sharing arrangements and the short-term benefits and negatives of a government of national unity. Following an intense review period, the CRC presented to Parliament its recommendations for reform in mid-July 1999. Upon receipt of the CRC's report, Parliament established another Select Committee to consider the work of the CRC and present recommendations of its own to Parliament, which it did in late October 1999.

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

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

Moreover, during the week of the assessment, Justice Claudette Singh announced that the much-anticipated court decision regarding the validity of the 1997 elections would be released on Friday, January 12. The Friday release of the decision was postponed, in part because of a PNC rally planned for Sunday, January 14th. The decision, which was released on Monday, January 15, declared the results of the 1997 elections void by Justice Claudette Singh on the grounds that the requirement for voter ID cards was unconstitutional. Justice Singh found that the requirements for the compulsory use of voter identification cards added a restriction to voters not provided in Guyana's Constitution. Despite her scathing observations on the conduct of the elections and the Elections Commission, Justice Singh did not find that the irregularities would have affected the allocation of seats in the National Assembly. As such she held that the petition failed to prove that "the results may have been affected by an unlawful act or omission" as required under Article 163 of the Constitution. A subsequent order, on January 29th, clarified certain aspects of the decision: 1) the court held that the current government may remain in office subject to certain limitations and 2) all legislation passed since December 15, 1997, and deemed invalid because of the flawed elections is temporarily validated by the court until such time as it can be validated or rejected by National Assembly.

III. ASSESSMENT CONSULTATIONS

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

The assessment mission had several objectives:

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

- **Providing basic information to help inform the legislative reform process.** Because much of the discussion in the assessment consultations focused on the proposed legislative reforms, the assessment mission provided an opportunity to disseminate very basic information regarding committee structures and arrangements for staffing them. Comparative information on committee staffing was provided to representatives of all of the parties represented in parliament.

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

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

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

Development Strategy and the opinion poll on political attitudes sponsored by “The Initiative.”

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

IV. FINDINGS

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

The Legislative Drafting Process

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

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

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

paper. The OCPC seems to play a very limited role in the preparation of the budget bill, limiting their review primarily to format.

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

Throughout the democratic world, legislative drafting capacity is typically provided through a centralized drafting office. In separation-of-power systems, these centralized offices are typically located in the legislative branch of government. In parliamentary systems, the executive branch is responsible for drafting the vast majority of legislation and this capacity is often located in the Ministry of Justice. However, even in parliamentary systems, provision is generally made for the introduction for private members bills, i.e., bills introduced by members who have no ministerial or opposition responsibilities or “backbenchers.”⁴ Even if these bills have a limited chance of passage, they can help to advance the policy debate and put pressure on the government to pursue legislation on an issue. Moreover, a certain number of these laws are often enacted.⁵ It should also be noted that, even within Westminster-model systems, there are growing calls to increase the role of both committees and private member bills.⁶

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

⁴ House of Commons Factsheet, Series L, No. 2, *Private Members’ Bills Procedure*.

⁵ In the British Parliament during the 1990s, between 8 and 22 private member bills per year received Royal Assent, House of Commons Factsheet, Series L, No. 3, *The Success of Private Members’ Bills*.

⁶ “The continuous growth during the last half century of the resources of government and in the means of communications has led to a corresponding increase in the power of executive government. This development has in turn contributed to a weakening of the role of parliamentarians. Although this has been a worldwide phenomenon, its impact has been particularly pronounced in countries that have adopted the British parliamentary model, where party discipline is key to executive power. ... Some Westminster parliaments have faced up to this development and deliberately adopted changes in practice and procedure in order to offer private members a more meaningful role.” Peter Dobbell, *Reforming Parliamentary Practice: The Views of MPs*, (Montreal: Institute for Research on Public Policy, December 2000), p. 8.

By any standard, the degree of centralization of the legislative drafting function in Guyana appears extreme --- not only in the OCPC, but in the Chief Parliamentary Counsel personally. As Mr. Dhurjon indicated, “In the last ten years, I cannot think of a single law that has not crossed my desk.” The role of the Chief Parliamentary Counsel extends to the drafting of amendments considered in the plenary sessions of the National Assembly. Mr. Dhurjon indicated that he attends many of the plenary sessions in order to assist in the drafting of amendments to laws. He volunteered that it is sometimes difficult for him to be present at the debates when members criticize a bill based on an inaccurate understanding of the provisions. Often members will propose amendments to include something that is already in the bill. In these situations, he often will whisper in the ear of the relevant government minister, to point out the relevant provisions. Although the Standing Orders currently permit members to introduce legislation (subject to certain restrictions)⁷, the procedure does not appear to have been used within the last five to ten years. When asked about private member bills and minority party access to legislative drafting services, the Chief Parliamentary Counsel indicated that, in theory, a member might draft the law himself or herself, but thought it should then be submitted to the OCPC for review. He also indicated that, often, if the government agreed with the idea, it might eventually be addressed as a government bill.

In addition to its virtual monopoly on the drafting process, the OCPC retains control over some of the tools that are needed in order to draft legislation well. According to Mr. Dhurjon, the laws of Guyana were last published in 1976. Although a revised compilation of laws was prepared in 1997, this compilation has not been published and does not appear to have been otherwise distributed outside of the OCPC.⁸ When asked about the availability of the laws to the courts, Mr. Dhurjon explained that the courts do not usually have copies of the laws but rely on the lawyers to provide them with the relevant laws. When asked how lawyers find the relevant law, Mr. Dhurjon indicated many lawyers have the ability to specialize in a particular area of the law and are familiar with the laws in the at field. He also noted that the laws do appear in the Official Gazette. However, he admitted that it is very difficult to conduct research using the Official Gazette, given the lack of a well-organized, comprehensive index.

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

When asked about the types of assistance that he believes would be useful to the OCPC, Mr. Dhurjon made several requests. First, Mr. Dhurjon asked for material assistance -- another copier, computers, a fax machine, books, etc. When asked about the use of computers to assist in drafting, Mr. Dhurjon indicated that his lawyers do use computers to prepare the draft laws. However, it seems unlikely that such assistance would be effectively utilized. Guyanese involved in the legislative drafting process indicated that the OCPC often makes changes to draft laws by literally pasting typewritten text over the old text. Text is retyped at several points in the legislative drafting process rather than by sharing text electronically. The

⁷ See Rule 45 of the Guyana Standing Orders. The provision limits the ability of private members to introduce legislation that imposes a tax or places a charge on the Consolidated Fund.

⁸ This echoes NDI's experience with the Guyanese Constitution; there was no complete, generally available text of the constitution until NDI compiled, printed and distributed it.

contract printer for the Official Gazette also apparently retypes the text of draft legislation before publication of the Official Gazette. The lack of information technology usage in the legislative drafting process is consistent with the lack of interest expressed by Mr. Dhurjon in issuing the 1997 compilation of laws on CD-ROM.

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

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

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

There are several reasons why a strong centralized legislative drafting office is often desirable. Centralization of the drafting function helps ensure quality control over draft legislation. Good legislative drafting can be extremely challenging. Whereas a judge needs only to apply the law to a particular factual situation involving a limited number of parties, a legislative drafter is asked to envision all potential future applications of the law to all members of society and ensure that the law is unambiguous with respect to each of these cases. Legislative drafting requires certain technical skills to ensure that draft legislation does not conflict with other enacted laws and to ensure that the law is capable of being implemented. There are numerous technical issues raised by certain specific types of provisions -- appropriations, "sunset" provisions, delayed effective dates, criminal penalty provisions, etc. In addition to allowing the development of legislative drafting expertise, centralization of the drafting function also typically allows legislative drafters to specialize in a given substantive area of the law – commercial law, government administration, criminal

law, environmental law, etc. This helps to reduce the amount of time required to produce a draft – less legal research is required when the drafter is already familiar with a given area of law. When a drafter is able to specialize in a given substantive area of the law, he or she is more likely to be sensitive to potential problems in implementing the law and the potential areas of ambiguity in a draft law.

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

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

Small Population and Emigration. The problems associated with the relatively small population of Guyana (July 2000 estimate of 697,286) are compounded by emigration and “brain drain.” In a recent survey, roughly half of all Guyanese said that they would leave Guyana to settle elsewhere, if given the opportunity.⁹ In the *Final Design of Results Packages* for Strategic Objective 2, Management Systems International recommended that, given the degree of emigration, “**many activities must be predicated on turnover, over-training and a constant stream of poorly skilled and inexperienced human resources** until living and work conditions and remuneration can be bolstered and sustained.”¹⁰ In this environment, it may be more appropriate to open up the drafting process to involve a broader range of individuals in order to ensure a degree of resident knowledge on legislative drafting, regardless of the turnover of specific individuals. Given the large role Mr. Dhurjon currently plays in the process and his advanced years, work should be done now to build future drafters to assume portions of this role when he retires. Moreover, as discussed in detail below, there is capacity in emerging civil society, in other government offices, in the private bar, and in the party structures that could be tapped to help build legislative drafting capacity.¹¹

⁹Forty-five percent responded that they would leave, 46 percent said that they would not, 7 percent responded “maybe”. Saint Augustine Research Associates, *Hopes and Aspirations: Political Attitudes and Party Choices in Contemporary Guyana*, p. 17 (August 2000).

¹⁰ Management Systems International, *Final Design of Results Packages for Strategic Object 2, “More Responsive and Participatory Governance and Rule of Law,”* p. 6.

¹¹ This is not always the case in some small countries. Some nations without this capacity rely primarily on one or more expatriate lawyers for drafting, who are hired on a 2- or 3-year contract basis. For example, the Federated States of Micronesia (population of approximately

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

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

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

There do appear to be opportunities to involve others in providing this drafting capacity, although not necessarily with members of parliament. At the time the assessment was proposed, a suggestion was made to consider training individual members in how to draft legislation. There is only very limited potential here. First, only roughly 10 percent of the members of parliament are attorneys. It is not realistic to expect non-attorneys, without extensive training, to be able to provide meaningful contributions to legislative drafting capacity. Second, given the part-time nature of the National Assembly, the time of members is already limited. Members (who are not also ministers) receive approximately US\$ 150-200 per month (plus expenses) for their services as MPs. Virtually all MPs need to earn income from other sources. As constitutional reforms are implemented, the demands on the MP time

105,500) uses this approach, offering a salary of approximately \$30,000 (free of US taxes under the foreign earned income tax credit), plus a housing allowance and airfare. For a recent job announcement, see: <http://www.ncsl.org/public/jobs/counselmicro.htm>.

are likely to increase. To the extent that members have extra time that they can devote to the political process, it seems that it would be better spent on “political” activities (serving constituents, working within civil society, working on party reform issues), rather than providing legal support to the legislative process. Although MPs who have an interest in legislative drafting should not be excluded from any training that is provided (it can help sensitize MPs to the importance of good drafting), it is unrealistic to expect capacity to be significantly increased by training members of parliament.

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

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

Legislative Reform and Parliamentary Staffing

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

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

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

There appears to be public support for this approach. Despite the degree of racial and political polarization in the country, only 41 percent of the population is satisfied with the existing “winner-take-all” system, but instead supported other options -- various possible coalition governments (PPP/PNC – 10 percent; all-party coalition – 11 percent; a coalition of all opposition parties – 5 percent; a nonparty government – 6 percent); annexation by the United States (4 percent); or refused to say or respond (22 percent).¹² Only a relatively small percentage of the population was satisfied with the existing constitution (16 percent) or considered the constitutional reform effort to be a waste of time (3 percent).¹³ Civil society has also indicated awareness of the need for legislative reform. The section on governance in National Development Strategy, produced by Guyanese civil society with funding from various governments, international organizations and private donors, notes that:

The parliamentary opposition parties should also be part of the process. However, apart from their participation in the Public Accounts Committee in Parliament, they do not appear to possess any constitutional or legal right to engage, except in negative ways, in the business of governance. It is therefore considered necessary to enshrine in the law measures which would ensure that the opposition parliamentary parties be included in a more creative way in the law-making process.”¹⁴

¹² Saint Augustine Research Associates, *Hopes and Aspirations: Political Attitudes and Party Choices in Contemporary Guyana*, p. 20.

¹³ *Ibid.* p. 22.

¹⁴ The National Development Strategy, paragraph 3.II.3.4, p. 9.

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

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

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

- ***Powerful, Centralized Parties.*** The power of committees and the power of parties in parliament tend to be inversely related – although there are a number of complex ways in which these two factors interrelate. Although strong parties tend to weaken committee systems, the converse is also true -- strengthening committee structures can also be used as a tool to make parties more open.
- ***Westminster-Model Traditions.*** Parliaments modeled on the Westminster-system do not have a tradition of powerful standing committees. This stems from the basic role of the legislature in a parliamentary system: “The influence of parliament over the executive normally comes not so much through the rejection, alteration, or approval of bills by parliament as through the deterrent effect of bad publicity from parliamentary scrutiny and debate.”¹⁵ Nonetheless, as indicated earlier, there are pronounced trends in Westminster-model parliaments to strengthen the role of legislative committees.
- ***Pay.*** Members of the National Assembly of Guyana who are not ministers receive minimal compensation for their service – US\$150-200/month. Currently, the National Assembly meets only for a couple of

¹⁵ C.E.S. Franks, *The Parliament of Canada* (Toronto: University of Toronto Press, 1987), 163.

days per month. This issue will need to be addressed if members can be expected to devote significantly more time to legislative responsibilities. Often outside organizations can provide political cover for these salary increases, by providing comparative information and outside recommendations for the increases.

- ***Electoral System.*** As currently designed, the electoral system limits the development of committees. The majority of MPs are primarily accountable to their party, rather than to a specific constituency. Although, after the March 19th national elections, 25 of the 65 members of the National Assembly will have a geographic constituency to represent, these MPs are not required to live in the regions they represent. As a result, members may lack incentives to actively seek opportunities to hear from constituents through committee mechanisms such as public hearings. However, it may be possible to build on the changes to the electoral system to push for greater links between members and constituencies.
- ***Lack of Information.*** Finally, there is a lack of information about the issues that will need to be addressed in implementing committee reform. During the assessment mission, the assessment team posed a number of questions to members of parliament regarding the implementation of the standing committee reforms: Will the standing committee meetings be open or closed? How will bills be referred to committee? Will ministers be allowed to serve on committees (or even chair) the committees that are responsible for overseeing their ministries? Will committees be required to hold public hearings? The assessment mission was able to provide some basic comparative information on some of these questions and supplied copies of NDI's comparative paper on committee systems and staff to representatives of the parties represented in parliament. However, this lack of information will need to be addressed through programming.

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

The window of opportunity for legislative reform will not remain open indefinitely. It seems likely that, if both major political parties accept the results of the March election as legitimate, there will be some pressure by the losing party to implement legislative reform measures quickly. But it is unclear how long this momentum would last. If reforms are implemented fairly quickly in order to get the losing party to accept the result, there is a danger that decisions will be taken without sufficient information regarding the implications of these decisions. This may result in structural problems with standing committee decision that may be difficult to change at a later point and that may have a significant adverse effect on the overall effectiveness of Parliament. For example, ideally, there would have been a discussion of legislative pay for the next parliament before the election of the new parliament. Because of the political difficulties of MPs proposing an increased salary for themselves, it is often

helpful to make this structural change effective for a subsequent parliament. The modifications to the standing rules to implement a committee system will have an enormous impact on whether the standing committee reforms will be meaningful. Based on our conversations with both PPP/Civic and PNC/Reform representatives, there is only a partial understanding of the political implications of the rules governing committee referral, committee member selection and eligibility, committee staffing structures, etc. Unless assistance can be provided to the committees in their initial formation, there is a risk that bad practices will become institutionalized, making it less likely that the committee system will develop in a manner that will provide meaningful opportunities for public input into the legislative process.

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

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

Both human and budgetary resources are scarce in Guyana. Again, the observation in the MSI's *Final Design of Results Packages for Strategic Objective 2* is well-taken: "***many activities must be predicated on turnover, over-training and a constant stream of poorly skilled and inexperienced human resources*** until living and work conditions and remuneration can be bolstered and sustained."¹⁶ In this context, hiring additional, full-time well-qualified staff needs to be considered as one, but not the only, option for addressing legislative support needs. Some additional arrangements may include: secondment of other government staff to the legislature; the use of part-time or "sessional" employees; contracting for certain services; relying on staff development (training an overly large group in the hope that a certain percentage will benefit from the training and remain with the organization to repay the investment in the training); reallocating existing staff to higher priority needs; etc. Many of these options were discussed in connection with the OCPC. Members of the PNC noted that this office should be under the supervision of the legislature. There was also a

¹⁶ Management Systems International, *Final Design of Results Packages for Strategic Object 2*, "More Responsive and Participatory Governance and Rule of Law," p. 6.

recognition that the transfer of staff from the civil service to the legislative service may allow greater flexibility with respect to pay scales – which can help to attract and retain qualified staff.

V. RECOMMENDATIONS

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

Conditions Precedent

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

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

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

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

For these reasons, this condition precedent should be waived if the Government of Guyana agrees to cooperate in the implementation of certain specified project activities designed to strengthen drafting capacity: 1) developing a manual documenting the standards to be met by draft legislation in Guyana, 2) providing training on legislative drafting to government lawyers, attorney members of parliament, university faculty and others, and 3) assembling and disseminating a more up-to-date compilation or codification of Guyanese law. A commitment to cooperate with these activities should be sufficient to achieve the desired intermediate result. It might be helpful, in making the case to the government, if the activities were presented in terms of: 1) helping to document and preserve the experience of the Chief Parliamentary Counsel before he retires, 2) benefiting from the experience of other Commonwealth countries experience on legislative drafting, and 3) providing training to others outside the OCPC to supplement, rather than supplant, its role in the drafting process.

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

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

In addition to being more politically palatable, the shift away from “library services” and to “research and policy support services” seems to make sense in terms of USAID’s

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

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

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

- The most narrow option would be to simply negotiate a modification to the condition precedent to broaden it to include other position descriptions that would help to inject policy information into the legislative process and would help satisfy the intermediate result. Instead of simply referring to a Research Librarian, the condition precedent could be modified to refer to research analysts, policy analysts, committee staff with substantive policy expertise, etc. This approach essentially maintains the requirement of adding a staff person, but provides additional flexibility regarding how research and policy support capacity is enhanced.
- A second option would be to require that the government annually commit a specified amount of funds for librarian, research or policy analysis services. This is slightly broader, in that it not only encompasses other types of policy support, but also allows for other types of hiring arrangements (paying the salary of seconded employees, using consultants or other contract services, etc.)
- A third, and in our opinion the preferred, option would involve a more comprehensive approach to the problem. USAID could seek to

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

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

There is a lack of information on comparative legislative drafting issues and on legislative staffing structures in Guyana. It would seem appropriate for USAID to preserve for itself the discretion to authorize the expenditure of funds for activities that it determines would assist the government in fulfilling the conditions precedent. For example, if there is political will to make modest but meaningful improvements to the library, research and policy support resources that are available to the legislature, USAID should have the flexibility, on a case-by-case basis, to allow the expenditure of Intermediate Result 1 funds to assist the government in deciding how to do this. Should the staff be hired as part of the civil service system? What are the highest priority research staffing needs of the National Assembly? What skills sets are required to fill these needs? Are legislative research staff members typically hired as partisan or nonpartisan staff? The assistance could be provided through consultations or, alternatively or in combination with, a workshop or seminar. This flexibility would be particularly appropriate if USAID opts for the more comprehensive modification to the Librarian Condition Precedent. In this case, it would seem appropriate to expend some

funds allocated to Intermediate Result 1 to assist the government in preparing a staffing plan that supports the development of an improved and more informed process for law and regulation making. The introductory language to the condition precedent could be modified along the following lines, “except in support of activities that USAID determines would support the implementation of the following conditions precedent, no funds allocated to Intermediate Result 1 shall be committed or disbursed ...”

Programming

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

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

Development of a Drafting Manual

The development of a drafting manual was included in the RFA and our application -- “Write a manual for legal drafters so that if trained employees do leave the country, there will be a permanent record of standards and procedures.” The assessment Mission confirmed the value of preparing a drafting manual – but determined that the primary value of developing a drafting manual may be to open up the drafting process to other attorneys in Guyana outside the OCPC. If USAID accepts the recommendation to waive the Drafting Condition Precedent upon a commitment from the government of Guyana to work with us on the drafting manual, and if that commitment is made, we would begin work on the effort as soon as possible. In order for the effort to develop a drafting manual to be successful, the process will require the participation of the OCPC, but must also include others outside it -- particularly individuals who may potentially be involved in providing drafting assistance. The use of a committee to participate in the development of the drafting manual will also provide a training opportunity. The effort to produce a drafting manual should be facilitated by a consultant, preferably a legislative drafter from another Commonwealth jurisdiction. The effort should be presented as an opportunity to draw on Mr. Dhurjon’s experiences before his retirement and to provide guidelines to others in the preparation of drafts, so that the quality of drafts being submitted to

the OCPC is improved. Once developed, it should be distributed widely and should be used as the basis for broad-based training – again bearing in mind that “over-training” is likely to be appropriate in Guyana. In terms of sequencing, the development of a drafting manual should proceed relatively early in the term of the Cooperative Agreement. However, its timing should be coordinated with the publication or dissemination of a more current compilation of Guyanese laws. Broader access to the existing laws will be necessary if the drafting manual will be effectively utilized.

Support on Parliamentary Staffing Planning

If USAID and the government modify the Librarian Condition Precedent to focus more generally on legislative information, policy support and librarian services, NDI would want to support this planning process by assisting the Government of Guyana to develop a staffing plan. As indicated, there are a number of arrangements, other than simply hiring of additional personnel, for addressing these needs. Support on parliamentary staffing may take the form of a staffing needs assessment (utilizing a volunteer outside consultant on legislative staffing). The assessment would evaluate the effectiveness of the existing 50 legislative staff members and identify opportunities to reallocate and retrain existing staffing resources. The assessment would also identify the skill sets most needed to support a more empowered legislature and would evaluate the most cost-effective way of making those skill sets available to the legislature – including exploration of part-time employment, contract services, and temporary secondment of staff from other governmental agencies. The active participation of decision-makers from all parliamentary political parties would be crucial in developing local ownership of the plan. NDI would help facilitate the development of a consensus position on issues such as staff recruitment, training and supervision through the provision of comparative models and experiences. NDI/Guyana should be able to provide significant support to stakeholders and leadership in developing a plan. It is important that the plan have a long-term perspective and focus – both to emphasize the evolutionary nature of legislative institutional development and to ensure the effective utilization of long-term opportunities (caused by staff attrition) to reallocate legislative staffing resources.

Support for the Development of Standing Committees

The approved work plan currently provides for assistance in the development of standing committees. The work plan calls for the provision of assistance from an international expert on the functioning of standing committees. Comparative legislative committee experience would be crucial, ideally involving legislatures that have successfully transitioned from a part-time to a full-time legislature or that have significantly increased their power vis-à-vis the executive branch. In addition to the staffing questions discussed above, procedural issues and standing rule reform will be critical in determining whether the standing committees will develop into meaningful forums for public input and intra-party dialogue. How are appointments made? How are bills referred? Is referral mandatory or only on the vote of a

majority? What is the role of ministers vis-à-vis the committees with oversight jurisdiction over their ministries? What mechanisms are available for committees to obtain public input? Is use of these mechanisms wholly voluntary or are some required? It would be important for the international consultant to have committee experience in Westminster-model systems, to be able to advise on the special obstacles to committee development that exist in these systems. As discussed in the work plan, comparative information should be supplied to the library. However, until library utilization is increased, the most useful information must also be provided directly to decision-makers (although the provision of these materials can be used as an opportunity to promote library usage for additional information).

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

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

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

1991-1994: Fostering Local Democratic Initiatives

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

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

In coordination with the summit, NDI created and distributed to every local councilor a handbook entitled, *Building Effective Local Governance: A Guide for Local Councilors*. The handbook is being used as a tool by councilors and educators, in increasing understanding

of Guyana's local government laws, structure of central government and the roles and responsibilities of elected local officials.

1995-1999: Strengthening Democratic Institutions

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

To ensure broad-based, nonpartisan programming, NDI consulted with institutions critical for the consolidation of democracy in Guyana. These institutions, which were the Institute's local partners, included the Constitutional Reform Commission, the Elections Commission, the Ministry of Local Government, the Office of the Parliament, and NGOs such as the Electoral Assistance Bureau. In turn, NDI's multinational field staff, that collectively represent more than 15 years of community organizing and political experience in Guyana, offers ideas, techniques, experiences, encouragement and moral support to these institutions where appropriate.

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

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

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

information for members of the Assembly that is necessary for the writing and review of legislation.

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

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

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

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

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

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

Appendix 2

Assessment Team Biographies

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

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

K. Scott Hubli is the Senior Adviser for Democratic Governance Programs at NDI. In this position, he provides technical assistance to NDI's 19 parliamentary programs around the world; he also responsible for providing assistance with respect to NDI's public integrity and anti-corruption programming. Prior to joining NDI, Mr. Hubli served as Senior Technical Adviser for Associates in Rural Development, Inc. in Ramallah, West Bank, on a USAID-funded program to strengthen the Palestinian Legislative Council (PLC). As Senior Technical Adviser he was responsible for all contract deliverables in the following substantive areas:

parliamentary procedure and the legislative process, development of committee staff and structures, legislative drafting, and legislative fiscal analysis. From 1998 to 1999, Mr. Hubli served as the Administrative Services Manager for the State of Wisconsin Legislative Reference Bureau where, among other things, he was responsible for coordinating the drafting of the state's \$40 billion state biennial budget bill. From 1993 to 1998, Mr. Hubli served as a legislative attorney for the Wisconsin Legislative Reference Bureau, where he was responsible for drafting all legislation considered by the legislature in the areas of banking law, commercial law, and state finance. During his tenure at the Wisconsin Legislative Reference Bureau, Mr. Hubli took numerous leaves of absence to consult on legislative development issues in the Middle East, Central Asia, Western Africa and Southeast Asia for several development contractors and nonprofit organizations, including the National Conference of State Legislatures, the ABA's Central and Eastern European Law Initiative and the Asia Foundation. Mr. Hubli holds a J.D. and a Master's Degree in Public Policy and Administration from the University of Wisconsin. A portion of his legal studies were conducted at the Justiz-Liebig Universitaet, Giessen, Germany. He is also an alum of the National Conference of State Legislature's Legislative Staff Management Institute at the Hubert H. Humphrey Institute at the University of Minnesota.

Appendix 3

List of Persons Consulted

Washington D.C.

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

Georgetown, Guyana

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