

ETHNIC RELATIONS COMMISSION

SECOND ANNUAL REPORT TO THE NATIONAL ASSEMBLY

INTRODUCTION

The genesis of the Ethnic Relations Commission lies in the Herdmanston Accord which was signed on January 17, 1998 by the then two main political leaders Mrs. Janet Jagan of the People's Progressive Party/Civic and the Mr. Hugh Desmond Hoyte of the People's National Congress.

The Accord, brokered by the CARICOM Mission that included Sir Shridath Ramphal, Sir Alistair McIntyre and Sir Henry Forde, sought to provide a peaceful solution to the political impasse that had gripped the country following the December 1997 Regional and General Elections.

The Accord set out a menu of measures that provided for, among other things, the establishment of a Constitutional Reform Commission (CRC).

Among the matters to be addressed by this Commission were measures and arrangement for improving race relations in Guyana, including the contribution which equal opportunities legislation and concepts drawn from the CARICOM Charter of Civil Society could contribute to the cause of justice, equity and progress in Guyana.

On August 6, 1998, the National Assembly of the Seventh Parliament of Guyana by Resolution No.13, established a Special Select Committee "to determine the terms of reference and the composition of the CRC.

The Special Select Committee after four months of deliberations, arrived at the terms of reference of the Constitutional Reform Commission. It would appear that the following two

elements, extracted from the Terms Of Reference, influenced the CRC in drafting its recommendations on the treatment of the problems of race and ethnicity as an item during the constitution reform process:

- i. Eliminating discrimination in all its forms; and
- ii. Improving race relations and promoting ethnic security and equal opportunity.

In its report to the National Assembly on July 17, 1999, the CRC made a number of recommendations in respect of race relations.

The Special Select Committee to which the National Assembly referred the CRC's Report for consideration, agreed *in toto* with the recommendations on race relations and thereafter, a Parliamentary Oversight Committee was appointed by the National Assembly to pursue the implementation of the recommendations and was mandated to take priority of the reform of the electoral system and the establishment of the Ethnic Relations Commission.

A draft Bill that provided for the establishment of the Ethnic Relations Commission and its functions was presented to the National Assembly and passed into law on August 11, 2000

PUBLIC EDUCATION AND AWARENESS

Regional Visits

Commissioners and staff visited the 10 Administrative Regions during the year under review. The visits were organized and conducted under the theme, "Promoting Ethnic Harmony and Security".

These outreaches were well attended by civil society and officials from the Regional Administration and the Neighbourhood Democratic Councils.

The opportunity was taken to make residents in the regions aware of the mandate of the ERC, and to encourage persons to report to the Commission any form of ethnic or racial discrimination of which they are aware.

The setting up of sub-regional ethnic relations committees in some regions, with persons representing the seven constituencies that comprise the Commission, was mooted.

A complaints desk was set up at each outreach. Complaints received pointed to administrative acts which appeared to be racially biased, the unfair tendering of government contracts, and insufficient job opportunities in some communities.

There were other complaints of a high incidence of juvenile delinquency, domestic violence, a lethargic attitude among policemen in the execution of their duties, inadequate access to potable water, unfair distribution of land and house lots, and the exclusion of citizens from decision making on serious issues.

In Region Four, two public consultations were held at the Ocean View Convention Centre, Liliendaal, East Coast Demerara which saw residents and community leaders from Mahaica to Georgetown attending and the second at the Prairie International Hotel, East Bank Demerara which drew participants from Moblissa to Agricola. There was also a Public Forum at the Le Meridien, Pegasus in Georgetown.

Film Festival

The object of the ERC's Film Festival is to foster a sense of security among the country's ethnic groups by encouraging understanding, acceptance and tolerance of diversity in all aspects of national life.

The 2005 Film Festival programme was executed with the theme "Breaking down walls of partition, building bridges of participation --- Youth, Guyana's hope for racial healing".

The Film Festival was taken to 114 secondary and primary schools, eight (8) youth groups and eighteen (18) summer camps. There were also fifteen (15) public viewings.

Discussion was encouraged after each showing and viewers made pertinent suggestions.

Many secondary school students asked that the ERC take the film festivals to their parents as they were the ones who needed it most. They claimed that in school they get along well with students of other ethnic groups, but it was when they got home that they hear ethnic slurs and other derogatory remarks pertaining to race.

Several students recommended that the schools' curricula include conflict resolution and orchestrated programmes to facilitate interaction among all races.

Media Encounter

A Media Encounter, with the theme "The Media - A Catalyst for Conflict Transformation", was held at the Demerara Life Commercial Building in Georgetown on November 17 and 18, 2005.

Discussions centered on:

- The ethnic dilemma and the role of the media.
- Social ills and ethnic discrimination.
- Encoded language and images that promote/diffuse ethnic tension.

- Helping negotiators maintain their credibility.

The Encounter sought to obtain from the media their commitment to promoting ethnic harmony and security.

Participants agreed that the state media should look at granting air time to political parties based on their representation in the National Assembly.

It was also suggested that journalists in both the state and private media be allowed to present their stories in an unbiased manner.

Participants included representatives of television stations, the radio and the newspapers, along with talk-show hosts, columnists, public commentators and foreign correspondents.

(A full report of the Media Encounter is at Appendix I)

LEGAL AND INVESTIGATIVE

Complaints

The Commission received a total of one hundred and sixteen (116) complaints in 2005.

Eighty-three (83) of these were received during regional visits between September and November. Thirty-three (33) were received through the mail and by persons visiting the ERC office in the city.

Fifty-six (56) were outside of the ERC's mandate, and were referred to the relevant agencies.

Fifteen (15) complaints were brought to a closure by the Commission. The Commission's inability to bring closure to more complaints was due to the slow pace of information flow from complainants and affected persons.

(A matrix of the number of complaints received and investigated is at Appendix II)

Three complaints were closely followed by the public. They were:

The Freddie Kissoon Complaint on behalf of Dr. Rishi Thakur.

This complaint was brought to the Commission by Mr. Freddie Kissoon, newspaper columnist and University Lecturer, on behalf of Dr. Rishi Thakur.

The complaint made against the University of Guyana (Vice-Chancellor) claimed that Dr. Thakur was a victim of discrimination when his application for sabbatical teaching was denied.

Subsequently, the teaching privilege denied Dr. Thakur was granted to another Lecturer, Ms. Barbara Thomas.

In its decision, the ERC recommended that the University of Guyana take all necessary measures to give transparency to the procedure and rules of conduct of its sabbatical policy, set forth clear guidelines on the circumstances where an exception to the sabbatical rule will be considered and granted, and where such an exception is made, record the reasons and publish its decision in an appropriate place accessible to the University staff.

(A copy of the Commission's decision is at Appendix III)

The Indian Arrival Committee Complaint

In this complaint, the Indian Arrival Committee (IAC) claimed that the publication "The Cycle of Racial Oppression in Guyana" by Dr. Kean Gibson "peddled and spread racial hatred in Guyana among its principal ethnic groups, and that it had as its central theme that Hindus in

Guyana were oppressing Afro-Guyanese."

The Commission agreed that the publication was deeply flawed and profoundly unscientific. And so the work must be regarded as wholly lacking in academic character and as representing nothing further than the personal views, unfortunately distorted and regrettably prejudiced, of a private individual.

The Commission concluded that, in the interest of greater ethnic harmony, public institutions carrying a copy of the publication withdraw the publication from general public circulation.

Alternatively, it was stated by the Commission that a copy of its decision should be lodged with a copy of the publication retained by any public institution.

This complaint proved to be very contentious, and received much attention in both the print and electronic media.

(A copy of the Commission's decision is at Appendix IV)

Complaint against the Guyana Lottery Company Limited (GLCL)

A complaint against the Guyana Lottery Company Limited (GLCL) was initially brought to the Commission late September by Mr. Kellowan Lall, a member of the Guyana Lottery Commission. The complaint spoke of unease at the headquarters of the Guyana Lottery Company Limited (GLCL) due to what was perceived as an unacceptable ethnic relations situation.

Additional complainants comprised six staffers and the complaints were directed against GLCL, and more particularly against its General Manager, Ms. Tracy Lewis.

Complaints spoke of:

- Recruitment of staff being biased in favour of Afro-Guyanese.
- Statements by the General Manager that were considered racist.
- The 2005 GLCL calendar depicted only Amerindian and Afro-Guyanese groups.
- The General Manager approved the payment of medical expenses for a "favourite" staffer, while only minimal assistance was given to another staffer who made a similar

request.

In its analysis of the issues, the Commission found that while there was evidence of a poor recruitment policy at the GLCL, which can lead to discrimination, there was no adequate evidence to conclude same, and that the mere racial composition of the workforce did not in itself mean that there was a case of racial discrimination.

Similarly with respect to the complaint of perceived harassment and discrimination with regard to requests for medical assistance, the Commission found that while this seemed to be a deviation from standard company procedure, this did not necessarily amount to racial discrimination.

As for the 2005 calendar, the Commission found that there was no obvious discrimination in its design and content, and that suggestions of racial prejudices contained therein could be reasonably explained.

The Commission concluded that no clear case of discrimination had been made out against the GLCL and its General Manager, and recommended that:

- The GLCL may consider the need for a proper and clearly defined policy with respect to its employment and recruitment practices.
- The GLCL may consider sourcing a management manual to guide its management operations.
- The Lotteries Commission may wish to consider being more involved in GLCL matters, and to perhaps offer some level of direction and guidance in its operations.
- The management may wish to consider an independent mediation process to heal the racial differences that the Commission believes exist in the Company at present.
- The GLCL produces a human resources policy document that takes into consideration the building of harmonious relations within the company.

It was also suggested that such a document may be subject to review by the Commission six months from the date (December 21,2005) on which the recommendations were made.

(A copy of the Commission's decision is at Appendix V)

EMPLOYMENT PRACTICES

During the year, the ERC visited Government Ministries, Corporations and other places of employment to look at employment practices and to educate the respective agencies as to the functions of the Commission. Businesses operating within the Eccles and Coldingen Industrial Estates were also visited.

These visits were in keeping with the ERC's mandate to promote equality of job opportunities among persons of different ethnic groups and harmony and good relations among such persons.

The visits were also meant for the Commission to gather relevant data and to follow up with professional research into employment practices, land distribution, housing, tendering and procurement, and scholarships and training.

Overall, the ERC found that employment practices at the agencies visited were commendable, though in a few cases management spoke of minor racial tension.

In those cases, management was able to neutralize such tension through in-house mediation.

Senior officials from many Government agencies spoke of persons acting in positions for long periods, sometimes for years.

Visits were made to:

- Ministry of Agriculture
- Civil Aviation Department
- Central Housing and Planning Authority
- Ministry of Local Government
- Transport and Harbours Department
- Georgetown Hospital
- Ministry of Finance
- Public Service Commission
- Guyana Elections Commission
- Police Service Commission
- Guyana Power and Light
- Guyana Forestry Commission
- Guyana Lands and Surveys Commission
- Guyana Office for Investment
- Ministry of Human Services and Social Security
- Ministry of Foreign Affairs
- Office of the President
- Ministry of Housing and Water
- Ministry of Health
- Guyana Energy Authority

On those visits Commissioners of the ERC met with Permanent Secretaries and Heads of Department, and at Commissions with Chairpersons and Commissioners.

On visits to the Ministry of Housing and Water, the Lands and Surveys Commission, the Forestry Commission, and the Central Housing and Planning Authority, beside looking at employment practices, the Commission also enquired about procedures for allocating house lots and forestry and mining concessions.

The Commission was assured that this was done fairly, with no ethnic considerations interfering with the process.

Scholarships and Training

The Commission met with senior officers from the Office of the President and the Public Service Ministry including the Permanent Secretaries, to examine the award of scholarships and training programme. This was to ensure that available scholarship and training opportunities are awarded without prejudice.

The Permanent Secretary, Public Service Ministry, Dr. Nanda Gopaul, assured the Commission that scholarships and training opportunities are open to all state employees. He then gave an insight into the process:

- Applications are available countrywide; there was soon to be a website on which these will be published.
- Interviews for awarding the scholarships and other training opportunities are conducted by experts in the relevant fields, and
- The names of those with the highest ratings are submitted to the Permanent Secretary,

then to the Minister and finally to Cabinet for approval.

The Commission was informed that the criteria for Cuban scholarships have been set by the Cuban government. The programme started in 2005, and at the time of the meeting, 250 scholarships had been awarded.

ENGAGEMENTS WITH DONOR/INTERNATIONAL COMMUNITY

United States Agency for International Development

At a meeting with representative of the United States Agency for International Development (USAID) on July 20, 2005 at the ERC's Secretariat the discussion centered on the role the ERC could play in the periods before, during and after the 2006 Regional and General Elections.

Areas looked at were:

- The setting up of regional desks in all ten administrative regions where complaints of discrimination could be lodged, and which would support expeditious action.
- Engaging political parties.
- Essay writing and debating competitions which would support research and study by youth into the areas of ethnic discrimination and conflict.
- Training of trainers in conflict management and mediation

At a follow-up meeting on July 22, 2005 the potential role of the Commission in the Guyana Democratic Consolidation and Conflict Resolution (GDCCR) project was looked at.

The GDCCR project has a four-year duration (2004-2008) and is funded by USAID. It is designed to increase citizens' participation, improve transparency and accountability in

governance and reduce vulnerability to ethnic and political conflict.

The meeting focused on mediation of conflicts in Guyana and some of the possible agencies/institutions from which persons can be trained as mediators.

The Commission noted that it had already started work with religious leaders in this regard and this was proving a valuable experience for the religious leaders. The involvement of youth as peer educators in conflict transformation was also considered.

Sir Paul Reeves, CSG Special Envoy to Guyana

In January and July of 2005, Sir Paul Reeves visited Guyana and met with Commissioners of the ERC. The Commonwealth Secretary General Special Envoy to Guyana was briefed on the mandate and work of the Commission and the challenges faced.

Both meetings were conducted in a cordial atmosphere.

Conflict Transformation Workshop

A Conflict Transformation Workshop, organized by the Ethnic Relations Commission, in partnership with the Multi-Donor Building Social Cohesion Programme administered by the UNDP, was held at Le Meridien Pegasus in Georgetown on April 17-18, 2005.

The objective of the workshop was to "explore and exchange ideas from the conflict transformation perspective to help collectively chart a peaceful course for the future."

The workshop agreed that there was conflict in Guyana and identified the following processes and challenges for taking Guyana forward:

- a) Participation through involvement of all stakeholders, inputs from all strata of society, and consensus building.
- b) Benefits for all (win-win) as might be demonstrated by the goals identified, equality, a focus on improving the quality of life, and increased opportunities via empowerment and capacity building.
- c) Engender hope through firing the imagination, continuing political engagement, and strategies for ownership.

Participants at the workshop included representatives of political parties in Parliament, unions, women's organizations and civil society.

Prior to the Conflict Transformation Workshop, there were bilateral meetings with political parties, mainly the People's Progressive Party/Civic, the People's National Congress-Reform, The United Force and the Working People's Alliance. The Commission also met with representatives of Civil Society and non-Parliamentary Political Parties.

These meetings were in preparation for the Conflict Transformation Workshop, which itself was designed to prepare the political parties and other stakeholders for the 2006 Regional and General elections.

Participants at the Workshop included senior functionaries of the government, the People's Progressive Party/Civic, the People's National Congress Reform, the Working People's Alliance, the Women's Affairs Bureau, the Private Sector Commission and the Central Islamic Organisation of Guyana. They were so impressed by the process that they asked for it to be taken to stakeholders around the country.

They posited that there are many citizens who are not affiliated to any group or organization, and that the voices of these persons should be heard.

The civil society representatives also shared the view that they should not be involved at a particular time in the discussion, but should be represented throughout the process.

Training for Commissioners and Staff

Commissioners and the Chief Executive Officer participated in training at the Baganara Resort in Essequibo the weekend of May 14-15, with facilitators from the USAID Guyana Democratic Consolidation and Conflict Resolution (GDCCR) Project.

The sessions looked at complaints coming to the ERC and how these are best handled; the Commissioners' concerns about the period running up to general elections; the aftermath of the elections and how these concerns should be addressed.

USAID Consultant Jim Tull dealt with

- separating people from the problem
- focusing on interests and not positions
- working together to create options that will satisfy both parties;
- and negotiating with people who are more powerful and who refuse to play by the rules.

Participants included Chairman Bishop Juan A. Edghill, Deputy Chairman Dr. Frank Anthony, Commissioners Shahabudin McDoom, Shafeek Khan, John Willems, Ramkissoon Maharaj and Andrew Garnett, and Chief Executive Officer Ms. Christine King.

USAID/GDCCR also conducted a workshop for ERC technical staff at the ERC's Secretariat on December 14 -15, 2005.

The theme for this workshop was 'Facilitating the Dream of Peace and Harmony'.

The workshop looked at key characteristics of professionalism and the benefits to be had from team building.

OTHER ACTIVITIES

ERC's Consultation with the GPSU

This consultation with the Guyana Public Service Union on August 31, 2005 revealed a number of complaints, and the Union and the ERC agreed to work together to address them.

Part of the discussion focused on employment practices in Regions One, Two, Three, Four and Five and the following were revealed:

- Positions not advertised being filled.
- Indo-Guyanese are awarded more contracts than Afro-Guyanese, and are paid more expeditiously than Afro-Guyanese contractors.
- Cuban doctors are paid more than their Guyanese counterparts.
- Vacancies at NARI are filled without being advertised and only persons from one ethnic group are given the jobs.

Religious Roundtable Discussion

The Commission convened its second Religious Round Table Discussion at Le Meridien Pegasus on June 9, 2005 with participation from the Christian, Hindu, Muslim, Rastafarian and Ba'hai communities.

The theme was "Encouraging and Creating Respect for Religious, Cultural and Other Forms of Diversity in a Plural Society".

In his opening remarks, ERC Chairman, Bishop Juan A. Edghill observed that there was a high level of religious tolerance in Guyana, though there was need to look sometimes at

unacceptable statements made when individual faiths are being propagated.

The following points were noted:

- The need to define what is ‘aggressive’ as it relates to the propagation of a person’s religion.
- Those in public office should not use their positions to further their own religion and values.
- Everyone should stand up for the human rights of all regardless of their religion.

Flood Clean-up Activities

The Commission was involved in co-ordinating some clean-up activities in flood-affected areas in the Greater Georgetown areas and on the East Coast and West Coast Demerara.

The Commission brought together representatives of the communities involved. These included representatives of Christian, Hindu, Muslim and Rastafarian communities, and the Amerindian People's Association.

The Commission looked upon this as an extension of its mandate to promote the working together of various ethnic communities in the face of a disaster experienced by Guyanese.

With the assistance of personnel from the Georgetown Mayor and City Council, the Commission organised training for persons in the use of toxic material for out-door clean-up, and provided PAHO handouts on safe practices for in-door cleaning.

Households with lower flats received sanitation kits with items including industrial soap powder, bleach, jeyes fluid, vinegar, rat poison, garbage bags, gloves and face masks.

Items for the kits were provided by the Civil Defence Commission, the Ministry of Health and

the Catholic Relief Agency.

MEETINGS OF THE COMMISSION

Commissioners continued to meet on a regular basis to address policy issues, guide and input the ERC's work programme and activities of the Secretariat.

Twenty (20) statutory and sixteen (16) special meetings of the Commission were held over the reporting period.

ADMINISTRATION AND FINANCE

Accommodation

The Commission continued to be housed in the BIDCO building at 66 Peter Rose and Anira Streets, Queenstown, Georgetown.

During the period under review, maintenance work and refurbishing were done to the offices so as to ensure an environment conducive to productivity.

Staffing

As the Commission prepared to step-up its work programme in 2005, the staff was strengthened.

During 2005 the Commission acquired the services of:-

- A Public Relations Officer
- A Co-ordinator, Dispute Resolution
- Head, Public Education and Awareness Unit
- Two (2) Administrative Assistants
- A Programme Officer, Public Education and Awareness Unit
- A Legal Officer.

There were eight (8) resignations in 2005. Resignations came from:-

- The Head, Public Education and Awareness Unit
- An Administrative Assistant
- The Legal Officer
- The Programme Officer
- The Co-ordinator, Dispute Resolution Officer
- A Junior Accounts Clerk
- The Cleaner/Maid
- The Receptionist/Telephone Operator.

There were various reasons for the staff resignations, though many left because of opportunities to benefit from better remuneration elsewhere.

Transportation

To improve the Commission's efficiency, the Commission acquired a Toyota Hilux 4 Runner in August, 2005.

This strengthened the Commission's mobility and proved a real boon especially considering the Commission's work programme which includes travel to various communities across the country.

Financial Report for year ended 2005

The Commission through the Finance Ministry, budgeted for fifty-nine million, one hundred and twenty one thousand dollars (\$59,121,000) to meet its current expenditure and three million, four hundred thousand dollars (\$3,400,000) to finance its capital expenditure for the year 2005.

Of this sum, the Commission received fifty-eight million, nine hundred and ninety five thousand dollars (\$58,995,000) to finance current expenditure, and expended fifty-three million, six hundred and ninety seven thousand dollars (\$53,697,000). (*A breakdown is set out below*)

CURRENT EXPENDITURE 2005

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<u>DESCRIPTION</u>	<u>PROPOSED</u>	<u>REVISED</u>	<u>ACTUAL</u>	<u>%ACHIEVED</u>
Employment Cost	38,416	26,145	23,756	91%
Other Charges	20,705	32,976	29,941	91%
Total Sum	59,121	59,121	53,697	91%

Table 1

A Comparison of Expenditure for 2004 over 2005 is set out in Table 2.

Description	2004	2005	0/0 increase
Employment Costs	13,129	23,756	81%
Other Charges	16,158	29,941	85%
Total Sum	29,287	53,697	83%

Table 2

The 2005 expenditure shows an average of 83% increase over 2004. This resulted from a full complement of in-house staff coupled with an increase in programme activities and salary increase of 7% granted by the Government for the year.

Capital Expenditure

The Capital Expenditure budgeted for the year was G\$3.4million. Of this amount the Commission was allotted \$3,330,860, and utilized \$3,039,140 or 89% of the budgeted amount. The allocated amount was utilised as *follows*:

Motor Scooter	180,000
Motor Vehicle	2,400,000
Computer & Printer	138,780
Laptop & Printer	320,360

The unspent funds were retained by the Ministry of Finance.

Donor Funding

Funding to the tune of G\$3,977,598 was received from the Canadian International Development Agency for the purchase of office machines and equipment. *(A copy of the breakdown is attached at Appendix VI)*

There is an unspent balance of G\$44,660 which is held in the Commission's bank account. The UNDP refunded the ERC the sum of G\$1,666,043 as part of their contribution to the Conflict Transformation Workshop for members of Parliamentary Political Parties and Civil Society. This amount has been deposited into a special bank account.

RECOMMENDATIONS

The Ethnic Relations Commission recommends for consideration the following:

1. The Constituting and activation of the Ethnic Relations Commission Tribunal.
2. The establishment of all other Rights Commissions that are to be members of the Commission under the Act.
3. The Rules of Procedure for Complaints Jurisdiction of the Ethnic Relations Commission be adopted in order for the Commission's operation to be truly reflective of its Constitutional mandate.
4. That the Ethnic Relations Commission be empowered to subpoena witnesses.
5. That consideration be given for an increase in emoluments paid to Commissioners.
6. The grant of duty-free concession for the acquisition of motor vehicles by Commissioners as travelling officers be also considered.

CONCLUSION

The year 2005 for the Ethnic Relations Commission begun on a positive note with the Conflict Transformation Workshop for representatives of Parliamentary Political Parties and Civil Society and their call for the involvement of Guyanese at all levels in the process . During the period, the Commission mediated in a number of complaints brought before the body, held its first public hearing, and engaged in a number of programmatic activities aimed at encouraging equal opportunities and the promotion of harmony and good relations among the people of Guyana. The Commission in keeping with its Constitutional mandate, also focused on public education among youth and residents in the ten administrative regions, as well as preparatory work relative to the 2006 regional and national elections.

Your Honour

In accordance with Article 212E.(1) of the Constitution of Guyana, the Ethnic Relations Commission (ERC) hereby submit its second Annual Report.

Bishop Juan A Edghill

Chairman

2006-12-29

