



INNOVATIONS FOR SUCCESSFUL SOCIETIES

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CHAUBEY: Today is May 15th, 2009. My name is Varanya Chaubey. I'm here with Dr. Rupert Roopnaraine, who is co-leader of the Working People's Alliance, formerly a member of Parliament, and on the Constitutional Reform Commission in Guyana.

Thank you, Dr. Roopnaraine, for participating in this interview.

ROOPNARAINÉ: *It's my pleasure.*

CHAUBEY: I'd like to begin by asking you about your work on the Constitutional Reform Commission. Would you describe your experiences on the Commission, and some of the recommendations you came up with?

ROOPNARAINÉ: *Well, it's important to take into account how the Commission came into being. The Commission came into being because it was in effect one of the central recommendations of the Hermanston Accord. And the Hermanston Accord happened because following the 1997 elections, which were held under the 1980 Constitution, there was unrest in the city. The opposition refused to accept the results of the elections. People were massing on the streets. It began to take on—as street protest does in Guyana—extremely unpleasant ethnic features, and the situation was frankly at times riotous and very difficult.*

The elections were held in December. By January, the opposition absolutely refused to take up its seats, refused to accept the results, and there was all of this unrest. Around January the 18th, CARICOM [the Caribbean Community and Common Market] became sufficiently alarmed at what was happening in a member state, and they sent into Guyana three of their leading citizens. [...] Alister McIntyre and Henry Ford came into Guyana, and they started a place in the city called Hermanston House, which is how the Hermanston Accord got its name.

They listened to everyone. They interviewed the political parties, those that participated in elections and parties that have not. They talked to civil society, held extensive hearings at the time, and came up in the end with a menu of measures that they felt would significantly address the current crisis. I won't go into all of the measures. Most of the measures failed. One of the measures was that there would be a dialogue between the PPP [People's Progressive Party] and the PNC [People's National Congress]. That really got noplacé.

Another measure was that there would be an audit of the elections in two phases, and Justice Ulrich Cross, a retired judge from Trinidad, headed the audit team and came and conducted an audit of the elections. The most far-reaching recommendation made by the Hermanston Accord architects was that the ethnic division was at the heart of the problem, and this is what had to be addressed. They felt that the way to address this was to look at the 1980 Constitution, which has a very colorful history in the country. Essentially the constitution was foisted onto the people in a fraudulent referendum in 1978. In 1980 it came into being, and we have been governed up to 1997 by this constitution.

They felt that we should look at the constitution and carry out whatever engineering was necessary to resolve the issue of the ethnic polarization. All the parties signed on to the recommendations of the Hermanston Accord. Nothing effectively happened for the next six months. The PNC and its followers remained in the streets; they refused to take up their seats in Parliament. In fact, when the government was attempting to argue that in order to enact the legislation to make the audit possible to which they had signed on, the PNC

argued that their presence in Parliament was not necessary for this legislation to be done, and they did not go into Parliament; they remained on the streets.

The situation was again beginning to deteriorate by July. At that time, the Caribbean heads of government were meeting in St. Lucia, and they invited Mr. Cheddi Jagan, who was the presidential candidate, the elected president of the PPP, and Mr. Desmond Hoyt, the opposition leader of the PNC, who was on the streets with his followers, to St. Lucia to have a discussion with the CARICOM people. They went, and they had their conversation, and out of that came something called the St. Lucia Agreement.

The St. Lucia Agreement replicated a lot of the recommendations and arguments of the Hermanston Accord, and most importantly held to the Hermanston timetable. I raise this because it has some implications for the constitution reform process. It was not until February of 1999 that the Constitution Reform Commission was actually put in place, which is a year later than it should have been put in place.

Now, under the Hermanston timetable, they had said that the Constitution Reform Commission should be put in place. After 18 months it should present its report to the National Assembly. This would have been July 17, 1999, and 18 months after that, there should be new elections under the new reform constitution. That was the Hermanston timetable. Well, notwithstanding the fact that we lost an entire year before the Commission got going, the Commission eventually was established, and it was an interesting commission in that it was made up not only of all the parliamentary political parties, but it was made up of representatives from civil society. There were representatives of the farmers, of the labor movement, of the Bar Association. The women's movement was there, and so on. The churches were there. We have three major faiths in Guyana—the Hindus, Muslims, and the Christians—they were all on the Commission.

It was a big commission, twenty-odd people. And the agony of the Commission was that if we were to maintain the Hermanston timetable—and the government was pretty fierce about maintaining the timetable, because as part of the compromise at Hermanston, they had reduced their term of office from five years to three, so that the elections to be held in March of 2001 became absolutely invaluable.

So we met in the Commission, and we held hearings throughout the ten regions of the country, and accomplished a great deal of work in the six months that we had available to us. We actually managed to present our report to the National Assembly, as per the timetable, in July of 1999. And in that report, the Commission made, I believe, in the vicinity of 170 recommendations for the reform of the Constitution.

Among these reforms, I would say that the basic task facing the Constitutional Commission was to deal with the excesses of the 1980 Constitution. And by excesses, what I mean is this: the 1980 Constitution set aside the chicanery involved in its implementation. It had, as its main thrust, the complete centralization of authority in the hands of the executive president. Prior to this 1980 Constitution, we had a more or less Westminster style of government arrangement: a prime minister and cabinet, answerable to Parliament and so on, and a ceremonial president. After 1980, we had an executive president with enormous powers. And it was in this 1980 Constitution that the center of gravity of governmental power moved entirely in the direction of the president and away

from all other institutions, so that Parliament, for instance, became nothing more than a rubber-stamp for presidential decisions.

The three functions of Parliament under Westminster—the legislative, financial, and scrutiny functions—had no scrutiny function in the National Assembly. It looked after the consolidated fund and it passed laws, but it had no scrutiny function of the executive whatsoever. The systems of local government were totally emasculated.

So when we met in the Constitution Reform Commission, one of the main tasks that we had was to redress this balance, to move a lot of this power away from the president and towards the National Assembly and other institutions. To do this, we reduced the powers of the president considerably and enhanced the powers of the National Assembly. In order to institutionalize some scrutiny powers in Parliament, we created four special standing committees; Standing Committee on Finance, Standing Committee on Social Services, Standing Committee on Economic Services, Standing Committee on Natural Resources. And these standing committees of Parliament were meant to oversee government policy and so on. The only other standing committee we had of the National Assembly which functioned, is the Public Accounts Committee.

Now, we attempted a number of devices in the creation of the special standing committees. As you know, in the Westminster tradition, the Public Accounts Committee—that's an audit committee—is always chaired by a member of the opposition. What we attempted to do in the other standing committees, is to rotate the chairmanship of the standing committees, so that either the chairman of the committee drawn from the government side and the vice-chairman drawn from the opposition, in some instances, would rotate.

The idea of all of this was to try to deal with the question of power sharing, writ small, if I may put it that way. I think it's important to say that we did not manage in the Constitution Reform Commission to go as far as we needed to go in relation to reconciliation mechanisms in the Constitution. The way the Commission worked was that we were divided into various taskforces that dealt with certain aspects. We had chosen those aspects not only in terms of what was laid down in the Hermanston legislation; there were certain things that we had to look at, but also based on what submissions we were getting from the population. So a taskforce was set up on race relations; a taskforce was set up on commissions; a taskforce was set up on human rights.

The taskforce on race relations was, of course, a crucial taskforce, because Hermanston had already identified—and the St. Lucia Agreement repeated this—that the essential problem at the heart of our predicament was the racial divisions, so this is what had to be addressed. Unfortunately, on the day that the race relations taskforce made its recommendation, its recommendation was, to my mind, as a commissioner, extremely soft and really was not addressing the problem.

What they proposed was the establishment of a race relations commission. Eventually they called it the Ethnic Relations Commission. And I argued at the Commission, and I argued subsequently in Parliament, that the Ethnic Relations Commission was really designed to address individual grievances. But the problem in Guyana was not simply individual grievances; it was a question of mass aspirations, and the Ethnic Relations Commission could not address mass aspirations. So on that day, I submitted a proposal to the Constitution Reform Commission calling for using the two years that the PPP had given up of their

term as a time-out, and proposed that for these two years we should establish a national government based on the results of the last elections, and that this government should remain in place until the end of the natural term. During this period, we should complete the work of constitutional reform. I didn't feel that compressing it the way we were compressing it was doing justice to the whole process.

This was called the April Appeal, I think I called it. And I submitted this because I felt that this was the kind of mechanism that the WPA required to deal with the question of the racial issues. It didn't fly. Neither of the major parties really supported it. So we were left with the Ethnic Relations Commission, and then we turned our attention to one of the most vexed issues in Guyana, which is the question of electoral reform.

To give you a little bit of the history here, I think it's important to understand how we reached where we reached in relation to our electoral system. Our first historic elections under adult suffrage took place in 1953. In April of 1953, we had our first elections under adult suffrage. The People's Progressive Party, that was at that time a broad coalition of anti-colonial forces, won 18 out of the 25 seats in the legislature. This surprised everyone, including the party itself. So they went in, and attempted to implement what they had argued for in their election manifesto.

The People's Progressive Party, in those days, was led mostly by Marxists. It was a left anti-colonial coalition, and they raised the banners of socialism and national liberation, and that kind of thing. They were permitted to hold office for 133 days, after which the British sent in gunships and suspended the constitution, jailed many of the ministers, overthrew the government, and imposed four years of really quite repressive government, called the Interim Government, which lasted in Guyana between 1957 and 1961.

This is an important period in our history, because it was in this period that the party split into two factions, which eventually consolidated around the two major ethnic groups. The beginning of political and racial polarization really came about within this period, most of it engineered by the colonizers. They had a lot of practice with this. So in 1957—new elections were going to be held in 1961—the important thing to understand about the electoral system at this stage was that it was based on first-pass-the-post constituency elections. The country was broken up into a number of constituencies, and people contested for constituencies in the normal way. By 1961, the two factions of the original national movement, one calling themselves the PPP Jaganite, and the other the PPP Burnhamite—at that time the PNC has not called itself the PNC—contested the elections, and Dr. Jagan's side won the elections.

This is where, in 1961, the racial pattern of voting following the split in the national movement was established and was made a permanent feature of our electoral behavior from then to now. The Indians in Guyana are arithmetically the superior group. They outnumber the Africans by not that much, but they outnumber them. And for as long as the votes are honestly counted, there is very little prospect of them losing an election if the pattern remains the same. The pattern was strongly there in 1961. So Dr. Jagan won the elections in 1961 and assumed office.

Between 1961 and 1963 there was widespread communal violence in Guyana. Racial riots erupted. A lot of the villages are in effect Indian villages next to African villages next to Indian villages; the villages in those days tended to be

much more mixed. It was after the communal riots of the 1960s that the minority race left the villages in which they were a minority and went to the villages in which they were a majority. It was after the riots of the 1960s that you got Indian villages, African villages, and so on. Before that, you had more mixed villages.

So between 1961 and 1964, we had extraordinary turmoil, loss of life, arson. I was leaving the country in 1962 myself. February of 1962 was when half the city was burned to the ground when the riots began over the budget. Dr. Jagan had brought in Nicholas Kaldor, a Cambridge left-wing economist, to write his budget. The small right-wing, but very vocal, opposition, mostly made up of people supporting the Portuguese commercial class, as well as the Catholics and the Amerindians, revolted against the budget, and this led to widespread disruption. It was in this period, of course, that the CIA and the British Intelligence Services played a very key role and had a heavy hand in what happened. Their interest was in dislodging this left-wing government that was closely aligned to Moscow, and was proclaiming that they wanted to turn Guyana into a second Cuba. This was at the height of the Cold War; they were having none of this, so they came in heavy-handedly through the AIFLD [American Institute for Free Labor Development] and subverted the trade union movement, and financed the 80-day strike, and so on. All of this is pretty well documented.

By 1964, which is when the elections were due—these were elections that were in effect going to elect the government that would take us into independence, because independence was now being negotiated in a lot of the former colonies, and our time had come. And so the 1964 elections were seen as pretty key. Well, we went into the 1964 elections, but by this time, the constitutional talks were taking place in London, and as part of the independence settlement, they decided to impose proportional representation of the country. They had worked out by this time that Dr. Jagan would inevitably win the elections again in 1964, and would take Guyana into independence. This was to be avoided at all costs, so Kennedy actually put a great deal of pressure on Macmillan in London at the time, and they arranged for this maneuver. And the maneuver was the imposition of single-list proportional representation, a system I believe that we shared only with Israel at the time.

It worked in the sense that although Dr. Jagan won a plurality, he did not win enough votes to stave off a coalition of the PNC and the right-wing united force that was able to put together a coalition that formed the government of 1964. It was this government, this coalition government, that took Guyana into independence in 1966.

Now, it's important that at this stage, in the single-list proportional representation system that was imposed, the manner of presenting the list to the population was in order of priority. So at least people had a sense of who they were putting into Parliament. Although it can be argued that the single-list proportional representational system encouraged tribal voting, and you were no longer voting for people; you were voting for tribes and parties. That's an important thing to realize as we come later to look at what happened to the election system.

In 1968, which is when the next elections were due, by this time Mr. Burnham found his right-wing coalition partner to be a fetter and decided he would like to be rid of him, so he got rid of him. The problem for Mr. Burnham in 1968 was that he could not win an honest election, if the votes were counted. His solution to that was not to count the votes. So from 1968 to 1992, we had a complete destruction of the election system, as we have known it. And they did it a number of ways.

One, lists were to be presented by amending the election bill, the Election Laws Act. Lists were now to be presented not in order or priority, but alphabetically. Now, you can see where that takes you. Once the lists are presented alphabetically, the people who are extracted from the list to go into National Assembly are entirely in the hands of the leader. There's no longer anything to do with the people. So we move one step further away from people and their representation.

But the main pillars of the election rigging had to do with the control of the Elections Commission. The Elections Commission was a three-person commission: you had a representative from the opposition, a representative from the government, and a chairman appointed by the president. So the government always had a two to one majority on this three-person Elections Commission. They controlled it absolutely.

The second pillar was that the elections were managed by the Ministry of Home Affairs. So you had a party ministry running an election supervised by an Elections Commission that was essentially appointed by the president. And then to make matters worse, they institutionalized overseas voting, proxy voting, and postal voting. Now, the overseas vote was an international scandal. The BBC had in fact done something called "The Tale of the Vanishing Voter" at the time, where when they tracked down a number of these voters who were supposed to have voted in the Guyana elections, and when they went to the addresses, they found cattle grazing where voters were supposed to be living. The thing was a scandal, but it ensured Mr. Burnham the necessary majority, so he won the elections of 1968 comfortably. He won the elections of 1973 even more comfortably. By 1973, he had engineered a two-thirds majority in the National Assembly with this system that he had devised.

The next elections were due in 1978, but instead of holding the elections in 1978, he went to the people in a referendum on July 10th, 1978. At this time we were still operating under the Independence Constitution. Under that constitution, there were certain provisions of the constitution that could only be altered by a referendum. That had to do with important provisions, like, the powers of the Parliament could only be altered by a two-thirds majority. A lot of the other provisions could be altered by a two-thirds majority. Well, he had that. But how to get around this referendum thing? So he went to the country in a referendum to end all referendums, asking the population to place the right to change these provisions, formerly required by referendum, by a two-thirds majority in the National Assembly instead.

We boycotted the referendum. We created quite a large opposition coalition against the referendum. We fought it bitterly. The citizens came out. Civil society organized itself into something called the Citizens Committee, which was made up of trade unions, professional organizations, churches, and so on. And between these two formations, the opposition parties and the Citizens Committee, we mounted a fierce campaign against the referendum, and defeated it.

International observers who came said that between 11% and 13% of the population had actually gone to the polls, but this did not prevent Mr. Burnham, who was a rather brazen sort of fellow, from announcing that 79% of people had voted, and he won 97% of the vote, and so on. In fact, it was in that referendum that he devised a new technology of rigging, which was the transporting of voters by trucks and buses from one polling station to the other, to give the illusion of

participation, since the polls were deserted. There was nobody in them, so he had to kind of get busy around the country to give the illusion of participation. There was no participation, and it was that referendum that ushered in the 1980 constitution, which is what we set about in the Constitution Reform Commission to try to deal with.

I give you this background to frame the recommendations that we needed to deal with in relation to the electoral system. Now, after Mr. Burnham died in August of 1985 with all these things intact, Mr. Hoyt acceded to the presidency. He held his own election in December of 1985. Mr. Hoyt was something of a reformer, and he carried out major reforms in the economy, and a certain number of reforms in the elections. Not enough reforms to affect the center of the system, but he did away with postal voting, overseas voting, proxy voting. These obscenities he disposed of.

He also took the Elections Commission out of the Ministry of Home Affairs, and created a separate operation for the Elections Commission, so that it would be more independent of the ministry. That was important. What he did not touch was the Elections Commission. He retained the three-person commission, and, in fact, he went ahead with the elections in 1986 with these systems, and he won the elections. They were rigged. We had two observers, Lord Avebury and Lord Chitnis, who had come from London, and were not permitted to come into Guyana. They had to sit in Trinidad and take evidence from us at this time. And they produced a report called "Elections As Crooked As Barbed Wire." In spite of what he was attempting to do, what we felt at the time was that Hoyt may have had a genuine interest in completing the reform process.

He had reformed the economy completely. He had turned the economy around from what was a typical third-world state-planned "command" economy into an open-market economy. He had done a certain number of important things. We had been readmitted to the IMF, which is something of a mixed blessing. But we were no longer declared bankrupt; we could borrow money again, and so on. So he had essentially cleared the way for a certain amount of economic recovery.

But as far as the election system was concerned, he could not get past the hard-liners in the PNC, who more than Mr. Hoyt understood that, were he to do this, they would lose power. Mr. Hoyt had more faith in what he was attempting to do, and felt that the reforms would have won the party sufficient crossover support to win. This was not believed by the hard-liners in the PNC, who continued to rig the elections.

The next elections were then due in 1990, in December. Well, by December 1990, we had not convinced Mr. Hoyt to complete the election reforms. The three-person commission was still in place, and there was a lot of dissatisfaction over the voters' list, and so on. And, in fact, in January of 1986, following the 1985 elections, we had formed a Patriotic Coalition for Democracy, which was a coalition of all the opposition parties at the time. And the PCD waged a really unrelenting campaign, locally and internationally, for the restoration of free and fair elections.

We approached United States, the State Department. We had overseas groups that were lobbying the congress, and all kinds of things, and putting a lot of pressure on. Well, of course, by this time, 1989, the socialist world had imploded. The Cold War was officially at an end. The PPP was no longer seen as the menace they were seen as at the height of the Cold War. There was no more

Soviet Union to attach oneself to, so that they seemed much less of a hazard for the United States.

In 1990, when we led street protests against the December 1990 elections, eventually Hoyt was forced to essentially postpone these elections because we refused to have anything to do with them, and enormous turmoil was on the streets again. It was at this stage that the Carter Center entered Guyana. They entered Guyana in order to mediate between the government and the opposition to see whether or not they could bring about a solution to this problem.

Well, through this mediation, a lot took place. Eventually, after a lot of intense battles, we won the argument about the Elections Commission. That is where we put in place this form of Elections Commission that we'd like to get rid of, which was a so-called Price-Carter formula. Instead of the three-person commission, we now have a seven-person commission, where three persons are appointed by the president, and three persons are appointed by the leader of the opposition, and a chairman is appointed through a consensus mechanism, which you've probably seen described in our constitution, where the leader of the opposition puts up six names that are of people who are not unacceptable to the president, and the president chooses one of those names to become chairman.

We've had, under this formula, four or five chairmen of the Elections Commission appointed in this way, and for the most part, they functioned extremely well. But our argument was, even at the time of the Constitution Reform Commission, that this was something we need to look at again, because the way in which the commission was structured—essentially a political commission—meant that the political conflicts out in the wider society would migrate into the Commission and paralyze it from time to time. And that, of course, is what has happened, and what is presently happening in relation to a number of things that are before the Commission.

How will we get past that? My own feeling, and the feeling of others who have been arguing this for some time, is that we need really to devise a different form of Elections Commission. We need some kind of commission based on the same kind of principles by which you establish other constitutional commissions. Whether it's the service commissions, like the Judicial Service Commission or the Police Service Commission—where you get people, retired judges or whoever it is—that you get people who are acceptable to the population to be members of the Elections Commission. That's a reform that is yet to happen.

But in terms of the electoral system, if I can come back to that, under Hermandston, under the Constitution Reform Commission, we addressed the question of the PR [proportional representation]. We argued, and I think it's an accepted argument, that proportional representation has one enormous advantage, and that is, it gives you a proportionate house. You don't get this absurdity where a party can win 40% of the votes and 80% of the seats. That couldn't happen under PR, so PR has that advantage.

Its immense disadvantage is that it breaks any connection between the voting population, the constituency, and the member of Parliament. The member of Parliament has no connection to a geographical constituency; he's not accountable to real people. He's accountable only to the party leader under the alphabetical system of listing, and so on. So we addressed this, and we came up with a recommendation for reform, that said that while retaining the proportional representation system, we believe that an element of geographical and gender

representativeness must be going into the electoral system. That was the nature of the reform.

We also made a reform that said that the manner in which lists are presented to the population should allow people to know for whom they were voting, and that this principle would be breached if the lists were alphabetical or if crossing the floor was permitted. That was the naked resolution that went to the National Assembly trying to address both the question of constituency representation, gender representation, and the issue of people knowing for whom they were voting. So that went in a package to the National Assembly.

Now, in terms of the constitutional reform process, I need to make an important point about this, and that is that as I described the original Constitution Reform Commission of 1999, it was composed of political parties and civil society. This was, to my mind, a very efficient and useful way to construct the commission. But what happened was that after the commission delivered its report to the National Assembly in July of 1999, it was taken over by the National Assembly. The civil society component fell away, fell out of the picture altogether, and the matter was handed over essentially to the people who caused the problem in the first place, that is the political parties.

So it went to the Select Committee of the National Assembly. I was at the time serving not only on the Constitution Reform Commission but also on the Select Committee of Parliament, so I was handing my report to myself. We took the report in the Select Committee, went through the recommendations, since our task was to review the recommendations and report on them to the National Assembly. So we did that. And when we had done that, we then created something called the Oversight Committee. And the Oversight Committee was then charged with taking the recommendations from the National Assembly and putting them in constitutional and legislative form; that was its main task. I served on that too.

At the end of that process, we had the reforms. It took us from 1999 to more or less 2002, 2003, before those reforms actually got onto the law books. They mostly have gotten all onto the law books of the country, but many of the crucial reforms remain unimplemented.

Now, I had mentioned the part of what we were addressing in the reform. The commission was trying to redress the balance of governmental power between the president and the National Assembly. I mentioned that we had done certain things to enhance the powers of the assembly, but we'd also done other things, which was: we created a slew of constitutional commissions that would also essentially draw some of the powers away from the executive, and even from Parliament. And these commissions were rights commissions that we established. We established a Human Rights Commission, and we established a Gender and Equal Opportunities Commission, Rights of the Child Commission, Indigenous People's Commission, and so on, a lot of commissions. Well, they've only just started. I think they just named the Children's Commission in 2009. But ten years later, we are still without these important commissions.

One quite important element which I think deserves to be mentioned is that when we looked at what we were faced with, with the reduction of time for all the reform work, we argued that, look, we needed a mechanism that would keep this reform constitution under continuous review, and would also be there to correct mistakes that we would be making because of this compression, and so on. So we created something inside the constitution called the Standing Committee on

Constitutional Reform. This was a standing committee of a new type on the Westminster order, in that it was going to be made up not only of parliamentarians, but also of constitutional experts, who would be brought onto the committee as full members. And this Constitutional Reform Committee of the National Assembly would in effect look at a number of matters that we were not able to really resolve on the Constitution Reform Commission. There were a number of areas that we felt needed more work, and there were even a number of recommendations that we felt might need to be refined. And we felt that this mechanism we were creating within the constitution itself would actually permit this kind of review to be taking place.

Unfortunately, the government has never shown any appetite for this particular committee, and it has never functioned. They named it, they sent it by the attorney general; it's not new work, and it's really the place where it should have been the most active of the select committees of the National Assembly if they were serious about reform—but they are not.

To come back to the election issues and what remains to be done, in the Oversight Committee prior to the elections of 2001, we decided that there wasn't time enough to demarcate constituencies, because the demarcation of constituencies, even in the best political conditions, is always a contentious issue. There wasn't time enough for this. So what we will do is, we will deem the ten administrative regions to be constituencies for these particular elections, but these arrangements would be a one-off arrangement, and for future elections we would go through the business of demarcating constituencies, and so on.

In point of fact, they have turned out to be rather permanent. They were as temporary as income tax was meant to be when it was first introduced in London. They have now become a regular feature of the election landscape.

And then there was also the question of the geographical constituencies. We decided in the Oversight Committee, after a lot of debate, that having established these ten constituencies, we would then allocate to them—based on their population, mostly—a number of seats that would go to them. So we devised this—to my mind—completely absurd electoral system whereby 25 seats out of the 65 in the National Assembly are deemed to be constituency seats and the other 40 would be top-up seats.

Now, you know, the top-up mechanism is well known in these mixed systems. It operates in Germany and so on. And the idea of the top-up mechanism is that you hold a number of seats in reserve as top-up seats to deal with any disproportionality that might arise in the course of the allocation of seats. That's what it's for, so that if you get a party that should win 16 seats but has only won 15, you will take one of the top-up seats and award it to the party, so that the proportionality is maintained. It's really a mechanism to reduce disproportionality in the National Assembly.

But in Guyana, they decided that the top-up mechanism would exceed the number of actual seats. Guyanese were rightly perplexed at the idea of something called the top-up seats that are in excess of what was meant to be topping up. That system is still the system that is operating.

To me, one of the most grievous and harmful things that is happening in relation to the elections is: one, the continuation of the present structure of the Elections Commission. Two, the refusal by the government to complete the work of electoral reforms, which really has to do with the demarcation of constituencies,

so we have proper constituency elections, to obey the rule about not listing seats alphabetically. In fact, there's a conflict in the representation. The People's Act allows parties to list names as they see fit, although the Constitution says that you can't list them alphabetically.

If we had the constitutional code of South Africa, or of India, I would have taken this election act to court, because it really is a violation of the constitution in a simple way. But with our perverted judicial system that we have here, it would get nowhere. So this is, to my mind, work that remains to be done in relation to the election reform.

We have, of course, the whole business of local government. The local government, the system that was built up in the 1980 constitution, is a very elaborate system of local government, a six-tier system that extends from the people's cooperative units right at the bottom, the smallest unit, through the district council, through the neighborhood democratic council, up to the regional democratic council. These things never worked. We hadn't had local government elections in Guyana for donkey's years, prior to 1994, I think. We had had them previously in the 1970s. And the last one we've had, had been in 1994. So at the moment, we are in the presence of completely decayed and dysfunctional municipal and local government structures.

Now, in the Hermanston reform process, we had looked at this whole issue and felt that the neighborhood democratic councils—which is when the PPP in 1994 brought a piece of legislation creating the neighborhood democratic councils—was nothing more than a baptism, giving a new name to the old district councils. And the problem with the district councils, as with the neighborhood democratic councils, is that they are too large to be the smallest unit of local government. They just can't work.

CHAUBEY: How large are they?

ROOPNARAIN: *Where I live, in Mahaica, it extends from a place called [...], all the way down to Unity, which in terms of distance is probably about three or four miles. But importantly, in terms of population, it's made up of no less than ten to twelve discreet communities, each of which, in effect, should be a local government unit. You get this neighborhood democratic council that's not a neighborhood at all, because there are just far too many people. One of my colleagues, who is an elder, once gave one of the most effective definitions of what a neighborhood should be, which is that it should be small enough to permit an elderly person to walk from one end of it to another without too much effort. That's as good a definition of what a neighborhood should be for me.*

So we addressed these problems in the Commission, and we came up with a number of very important recommendations. In the interest of devolution, part of the problem has been that following the patterns of 1980, the minister of local government continued to have excessive control over the local government bodies. So one of the things we recommended, was that we create a local government commission at the level of the constitution that would, in effect, oversee the operations of the local government system, deal with staffing issues in local government, and be ready to resolve any conflicts that may arise within and among local government bodies. That was the point of the commission.

The idea was to get rid of the local government minister; this was the whole point. We had the very vexed question of allocations of subventions. How should subventions be allocated? We felt that objective criteria should be agreed on by

Parliament, and that allocations for subvention should be made according to these criteria; otherwise you can have a very discriminatory situation arising, which is what we have. So that was one reform.

The other reform was about the old village councils, our most traditional form of local government, which now only exist in the Amerindian communities, but which once existed throughout the coast. We should restore the village councils, because the village councils were not only our historic contribution to local government, basically throughout the commonwealth, but also the culture of the village. They were reservoirs of village culture, and we felt that the number of the old villages, the old slave villages, the old indenture villages, have a very, very strong attachment to their local councils. So we recommended they should be restored.

We also recommended that people in one tier of local government should send a representative to the tier immediately above it. Let us say, a neighborhood democratic council would send a representative to the next highest body, which in the present situation is the regional democratic council. So each neighborhood democratic council would send a representative up to the regional democratic council, and so on.

These were the reforms that we intended—oh yes, we also made a very important reform that the election system for local government should be such that it would permit individuals, as well as parties or groups, to be able to contest the local government elections. And the idea here was, I think, to reduce the influence or the impact of the political parties on the local government elections, and to attempt to get elders, and villagers, and people living in the communities, and so on, into the management of their affairs.

We wanted an election system that would have to be first-past-the-post for the purposes of constituency elections, and it would also mean that for the municipalities, they would then have to be broken down into wards. So instead of having parties putting up a list for Georgetown, they would have to contest in each of the wards of Georgetown for a ward council who would then go on to the council. Those were the reforms that we made in relation to local government.

In the Oversight Committee report, we called the electoral reforms the most stubborn and recalcitrant of the business we had to deal with on the commission. And we also made the point in the Oversight Committee report that the reforms that we were implementing for the 2001 elections, the Hermanston elections, were not meant to be for all time, but were only for the Hermanston elections.

And the tragedy is that the PPP believes that every time they hear the word electoral reform, they reach for their guns, because of what happened in the 1960s when they changed the system to get rid of them. So whenever you mention the word electoral reform, the PPP has a bad response. They have, as a result, shown even less appetite for completing the electoral system reforms than, for say, the constitution commissions, and the other things in which they are lagging far behind.

So that is essentially where we are and, I think, the work of the future. As far as the Parliament and the conduct of the standing committees are concerned, a man called Mr. Davies, who is the clerk of the House of Lords in London, came here a couple of years ago, and he looked at the parliamentary system and made a lot of recommendations for improvement, including the rewriting and amending of the standing orders of the National Assembly, which have now been amended.

They are yet to go before the assembly for passage. There were a lot of recommendations that came out of the Davies Report that would enhance the work of the National Assembly.

But I have always maintained that we will never improve parliamentary productivity, and never improve the quality of parliamentary conduct and all of that, until we really deal with the basis of how people get to Parliament; that if people get to Parliament on the basis of an alphabetical list where they are hand-picked by their leader to whom they have to swear obedience, we will get the kind of parliament that we have. Until people get the parliament as representatives chosen by real people in their geographical constituencies, to whom they are accountable, with preferably some form of recall legislation by the constituents if their representatives fail to perform in the way that they sent them there to perform—until we do that, I believe that all these enhancement mechanisms of the National Assembly, the creation of Standing Committees, better standing orders, are all well and good, but the hard core of the matter is the issue of the basis on which people come to Parliament. Until you address the basis on which people come to Parliament, all of these things will remain empty forms.

CHAUBEY: What are some of the other reasons the Working People's Alliance did not participate in the 2006 elections? Would you share some of the reasons why?

ROOPNARAIN: *We had a big fight leading to the 2006 elections. For two years we had been campaigning for verification of the voters' list. I'm always a little embarrassed to speak to people who come from large countries, that we have a voters' list of maybe 450,000 people, but it has always been a matter of enormous confusion and contentiousness. Well, we eventually decided to try and put this behind us, to become a country where the voters' list can be produced as routinely as a weather report. We are still a long way from this. We have instituted continuous registration. We are talking about a smart registration card where you have all the information as you do in Scandinavian countries, etc., etc. However, we are a long way from it. Prior to the 2006 elections, we had been campaigning through our election commissioners, our opposition election commissioners, and through direct conversations and engagements with the Elections Commission for the verification of the voters' list. We argued for a long time for biometrics to be done, and, in fact, the Elections Commission sent people to Jamaica, where Mr. Danville Walker had initiated a system of biometric verification, and so on. Haslyn Parris was very central to a lot of this argument about biometrics.*

Eventually, they decided that they would do a biometric test. The problem was that the quality of fingerprints on our registration cards was so poor that they could not be used for anything—they were smudges. The whole thing was a mess, so that you ended up with people with wrong ID cards, people with more than one ID card, etc., etc.

So we went on a political campaign. At the time I was working with the opposition parties in a coalition, and we were campaigning throughout the country. We went on a campaign, and the slogan of the campaign was, "No Verification, No Election." We were demanding verification, because without verification, we felt that you would not produce an election that would be trouble-free. We wanted an election where the results of the elections would be accepted by all parties. And this would not happen, except if you had from the beginning a voters' list that was unimpeachable, that was acceptable.

Well, the Elections Commission continued to claim they were doing verification, until at the very end they decided to basically abandon verification procedures, and went ahead with the voters' list that, as far as we were concerned, had not satisfied the verification procedures we had been demanding. I remember addressing a large political rally in Georgetown, and I was wrongly criticized for calling on people to take to the streets to demand these things. Taking to the streets in Georgetown has now become such a kind of criminalized activity, that this was not received too well. And, of course, the international community came to meet us and wanted to ensure that we would participate in the elections—if you have an active boycott of the elections, what would happen, and this, and that. So they read us the riot act about this thing. We in the WPA were not convinced, and we decided that the others could participate if they wished, but we would not. We were not capable of going around the country saying to the people, "No Verification, No Elections," and then going to an election without verification. We could not do this. So we didn't, and so we didn't participate in the last elections.

I have mixed feelings about it. In the end, when we voted in the party, I thought that we should go into the elections anyway, because my feeling was that as a parliamentary party, it's always a mistake to stay out of Parliament, whatever the conditions. But I was in the minority, and so we stayed out.

CHAUBEY: How do you feel about the exercises that have been taken since then to create a new list?

ROOPNARAINA: *I have not been as intimately engaged with it as I had been previously. It's taking far too long for the Elections Commission to actually come out with the list. I don't know what is holding up the list. I do know there are a lot of problems with duplication and that kind of thing. And I don't know sufficiently what the ins and outs of the problems are. I do know there are still problems there that have not been resolved. And I don't know what condition the list is in. I know they went through with another registration exercise, and I haven't seen any reports from the opposition parties or spoken with the opposition commissioners to find out exactly what is at play with the present list.*

The government has been talking—rather, to my mind, recklessly—about holding local government elections in November. It's now almost June, and we still have no voters' list. This looks like more of the same. I have seen the draft legislation for the new electoral system for local government, and the thing is a nightmare, a complete nightmare. How they are intending to manage such a system, I really can't imagine. How they intend to educate the population of the villages about this new system between now and November, I can't imagine. I think it has the makings of a disaster.

CHAUBEY: And who has drafted the legislation that's been presented to you so far?

ROOPNARAINA: *It's been drafted by the government, circulated to members of Parliament, and is going to come up for debate in the National Assembly. It doesn't look promising.*

CHAUBEY: Going back to when you discussed the Hermanston Accord, you said all parties signed on, but nothing actually happened. So what, in your view, was the holdup?

ROOPNARAINA: *The holdup between the signing of the Accord and the actual implementation of measures took place after July, so you had this six- month*

hiatus. The Accord was not sufficient to deal with the accumulated bitterness in the defeated sections of the population. The security forces had behaved badly. The Home Affairs had banned demonstrations in the streets, and there was a lot of tit-for-tat behavior, and in a real sense the unrest developed its own dynamics. The dynamics of the unrest could not be held back or averted by the mere signing of the Accord. In a real sense, the process had to run its course, and it was running its course essentially until July and until later in that month. There were beatings of citizens in various parts of the country. And with every new episode there would be a new movement of people and that kind of thing. So it acquired its own dynamic, and in a very real sense the Accord, which was an accord of leaders and of politicians and leaders of society, was not an accord that really reached into the fibers and the nerves of the people on the streets.

The biggest mistake of the St. Lucia agreement was that they should have taken into account the fact that we had already lost this amount of time, and what made them keep so rigidly to the timetable was the giving up of the two-year term. And once the PPP had given up those two years, and had moved the elections forward two years to a particular date, then you couldn't really go beyond that date, because if you went beyond that date it meant that the PPP had more than they should have had, and you got into that argument. So I think that was what it was. But it had the very unfortunate effect of compressing the work of the Constitution Reform Commission. That was its major defect. They were bound by the end of term agreements, by the end of term; the quid pro quo was they would shorten their term by two years, and the PNC would come off the streets and return to Parliament. That was the political peace that was brokered.

CHAUBEY: You mentioned that there was a referendum to end all referendums. What, in your view, is the reason for very low participation in that referendum?

ROOPNARAIN: *The effectiveness of the campaign against it. I mean, we campaigned for a boycott, and were very vigorous in the campaign. Walter Rodney was still alive at the time. We held vibrant public meetings throughout the country. The regime was very violent at the time. But the combined forces of all the opposition parties without exception, the building of a real democratic alliance—that was a difficulty, building such an alliance, because the PPP, as the sort of guardians of the flame, never liked to work with the right wing, so that they always felt that people had to subscribe to the socialist orientation before they worked with them. This must sound quite familiar, but that's how they behaved at the time. So the achievement of a democratic alliance across ideological differences was a major achievement. And we conducted a campaign which, once a citizens' committee had gotten itself together, meant that you had an industrial front that had opened up with the trade unions, the professional organizations, the students. There was really a widespread national revolt against the referendum. And for that reason, the boycott that was campaigned for was as effective as it was.*

CHAUBEY: The type of democratic coalition that you had at that time: is that something that has been tried recently or could be in the future?

ROOPNARAIN: *Let me put it this way. We have worked in the WPA. We are strong believers in alliance politics. And we worked very hard in the 1978 period to maintain the democratic alliance that had been formed in 1978 against the referendum. You see, the important thing about the referendum and the boycott of the referendum is that it was the first time since 1953, prior to the split of the national movement, that the ethnic masses of the country had taken the same position on a political issue. That was its key importance. And for that reason, we argued that even after the defeat of the referendum, we should keep this*

democratic alliance together, because the dictatorship was clearly strengthening itself through the new constitution: giving itself additional powers, consolidating itself. And it would be a mistake for the opposition to disintegrate at this stage.

But, unfortunately, the ideological tensions existed in the democratic alliance. At the end of the campaign, the PPP insisted that we dismantle the Patriotic Coalition. They were under a lot of pressure, because at the time, the line coming out from Moscow was that Communist parties should give critical support to governments that were taking anti-imperialist positions and carrying out socialist orientation policies. But Burnham could be said to be an anti-imperialist government carrying out socialist orientation policies, so Jagan had a difficult time explaining to Moscow how he could be sitting around with right-wing forces planning the downfall of a progressive anti-imperialist socialist-oriented government.

So all of these things were playing out in Guyana, which is an absurd thing to even think about in this little country. All of these elements of the Cold War were playing out in a major way in the country. So the coalition fell apart after 1978.

In November of 1978, we had the Jonestown Massacre. And in the WPA, we felt that the Jonestown Massacre was something that we needed to bring forces together to deal with, because there were elements of that thing that were monstrous. We had, in effect, the creation of a state within the state of Guyana, operating like a state, with its own customs and all kinds of things. And so we created a committee of public safety. Luckily, Jagan was out of the country at the time. And I will say that for us, it was not a ruse, but a good reason to try to revive the democratic alliance on an issue that was national and affected everyone.

The PPP did come to the first meetings of this public safety committee, but when Dr. Jagan returned from a trip to Moscow, they left again. So that collapsed. And between 1978 and 1980, there were a number of attempts that were made to bring together the opposition parties. Three prominent citizens called together the opposition parties trying to bring about a unity coalition that failed. The churches called together the opposition parties in early 1979, trying to bring about a coalition, and that failed. So the difficulties of creating a coalition were very, very real.

The next time that we succeeded was in January of 1986. Following the rigging of the December elections of 1985, we held a public meeting not far from here, by the market square, and launched the Patriotic Coalition for Democracy, and invited the PPP onto our platform. And at that moment, we formed the Patriotic Coalition, and that lasted until 1992. But it was fraught with problems again.

One major difficulty concerned the 1990 elections, when we argued in the Patriotic Coalition that we should have nothing to do with these elections Mr. Hoyt was trying to foist on the nation. We should go onto the streets. He has to hold proper elections, complete electoral reforms, and so on. So we refused to participate. But on nomination day, the PPP was at City Hall with its list prepared to participate in the elections. This caused a major fracture in the building of alliances. It has not been easy in Guyana for a complex set of reasons.

We tried again in 1986 to build a broad opposition alliance, this time with the PNC and other political parties. And it broke on the issue of whether to participate in unverified elections or not. It has to happen in the future because, to my mind, the only way in which we can defeat the incumbents is with the

broadest opposition. Unity has to be achieved. But my own experience, since the middle 1970s in trying to build opposition unity in Guyana, is that it's a minefield; it has to be negotiated with great care.

CHAUBEY: With the lack of systemic reform that is needed, in your view, what can the election management body do to either foster dialogue or to ensure a cleaner, smoother process?

ROOPNARAINÉ: *I think they have to do more to engage not only the political parties, but also civil society in these operations. I think by now, for instance, I should not be as puzzled as I am—and I regard myself as a relatively informed citizen—I should not be as puzzled as I am as to where they are. This should be a matter of public knowledge. In terms of where they have reached their process of preparation, there needs to be a lot more transparency. There needs to be a lot more outreach. They need to be doing a lot more public education. There was a time in the Elections Commission where they did a lot of these things quite well.*

CHAUBEY: When was that time, in your view?

ROOPNARAINÉ: *The Commission worked prior to 1997, when the chairman committed a major folly, in the lead-up to the 1997 elections. So the Commission that existed from 1992 to 1997 did a really good job in relation to outreach and civil society involvement. This one, at the moment, is really too introverted and is spending too much time speaking to itself. It needs to be far more outward looking. It needs to not only call in the political parties on a regular basis; it should be having widespread citizens' consultations.*

We've just had a national registration exercise, and the least you can do is report to the citizens of the country where their registration stands, but you get none of this. It should be on the radio station; they should be doing work, and to my mind there is not much of that that is happening.

CHAUBEY: Are there any significant changes you've seen between the 2001 and 2006 elections that you'd like to point out?

ROOPNARAINÉ: *No. There were, alas, very few changes between 2001 and 2006. Certainly systemically, there was nothing. We continued with the same abomination of an election system. We continued with the same ridiculous constituencies. We continued essentially with things that should have been put in place. We had an Elections Commission that by 2006 had not, to my mind, performed as it should have performed. In fact, things got so tense and difficult in the Elections Commission that Haslyn Parris, who was by far the most creative and productive of the election commissioners, was forced to resign on essentially matters of principle. The chairman would have to admit that a lot of the work was generated by Parris, as a commissioner.*

So it's had its difficulties. In a lot of ways, 2001 was a better election in that we were implementing, however half-heartedly and inadequately, the Hermanston reforms, which were an advance over what they had been prior to 2001. But by 2006, when it became clear that they were not intending to move on the reforms, when you had a repetition and a replication of the 2001 business, then, to my mind, that was something to be regretted.

CHAUBEY: The reports say that the 2006 election was far less violent than the previous one. What would you credit that with?

ROOPNARAINÉ: *The 2006 election was far less violent mostly because of the large amounts of money spent on pacification. There was a lot of work that went into pacifying especially the urban population. The UNDP [United Nations Development Program] and the banks, and all kinds of people, and the churches, instead of putting their energies into ensuring proper election arrangements, they put their energies into pacification, and the government successfully criminalized protest activity on the streets. Once you came onto the streets for protest, you were a criminal and had to be dealt with in a certain way. And the churches and the peace forces did a hell of a job pacifying people.*

I regard the 2006 elections as supremely lawless elections from the systemic point of view. They were the first elections, for instance, in our history where the elections commissioner, the Chairman of the Commission, told the president that elections could not be held before the 31st of August, and the president went ahead and held them on the 20th of August. In our situation, it's the chairman of the Elections Commission who tells the president when he can hold elections. He can tell the president, "Look, you can't hold them before such and such a date." After that, the president is free to choose. But he can't override the chairman of Elections Commission. That was done last time.

CHAUBEY: This point you brought up about criminalizing street protest. Was this through legislation?

ROOPNARAINÉ: *Not through legislation; through police behavior and police activity. And the regime can infiltrate its own elements within the crowd to carry out the necessary anti-social activity, then blame the opposition, covering political activity in a cloak of criminality and violence. This is something that, as a citizen, I really resent. I resent the fact that I cannot go onto the streets of my country and protest in a peaceful way. This is to my mind a completely unacceptable situation here when I see what goes on in London, and what goes on in the so-called civilized world, in relation to street protest. Look at the last G-20 meeting, with the extraordinary levels of street activity.*

A citizen's right to be on the streets of their city in peaceful demonstrations is guaranteed by our constitution. We have freedom of assembly and freedom of movement. And once you are not breaking the law, you should be free to be on your streets.

CHAUBEY: Well, we've covered a wide range of topics, and I'd now like to ask you if there's something you'd like to bring up that I haven't mentioned.

ROOPNARAINÉ: *One of the ways in which we worked, I think, quite carefully was on our ethnic predicament. Unfortunately, we on the coast are so preoccupied with each other, that the real ethnic abomination in Guyana is the treatment of the indigenous people. And as a result of over-concentration on ourselves on the coast, the issues of the indigenous people and their historical marginalization has essentially been on the back burner. And because they live mostly in the hinterland, the conditions of their lives, and their schools, and that kind of thing, are kept far from the view of people on the coast.*

In Guyana, 94% of the population lives on 6% of the land. And the other 6% of the population occupies the other 90% of the country. There's a big gap in terms of knowledge and experience of what goes on in that area. So I would say that our attempts in the Constitutional Commission to address the indigenous issues were, to my mind, one of the most important achievements of the Commission, with the establishment of the Indigenous People's Commission that would look

into the long-vexed issue of land entitlement. These are our original inhabitants; they were here before we came, and we don't treat them like the original owners of the land, and we should. Efforts to bring them into the mainstream of our politics and our professions, and everything else, should be accelerated.

We've come a long way from where we used to be. We have established the Indigenous People's Commission, but it's one of the unimplemented recommendations still not in place. We established the Council of Toshias, where the Toshias, who are the village leaders of all the Amerindian villages—and we have nine distinct Amerindian tribes that survive in Guyana—would come together in a Toshias' Council. The powers of the Toshias' Council were not something we could get much agreement on. I would have liked to see the Toshias' Council originate legislation, and send legislation to the National Assembly. And I would also like to see them have more direct responsibility over their own development, so that there would be the creation of an Amerindian Development Fund. The money that would come from taxation on timber, and taxation on mining, and taxation on tourism would be retained in an Amerindian Fund to which the Amerindians would have access. The Amerindian Fund would be audited in the usual way by the auditor general, but is something of which they would have control.

We also made indigenous rights a fundamental right in the constitution. And I think that if you look at the Reform Constitution, the elevation of indigenous rights to fundamental rights, the creation of the Commission, the special arrangements made for Amerindian participation, is one of the achievements of the Commission of which I personally am proudest.