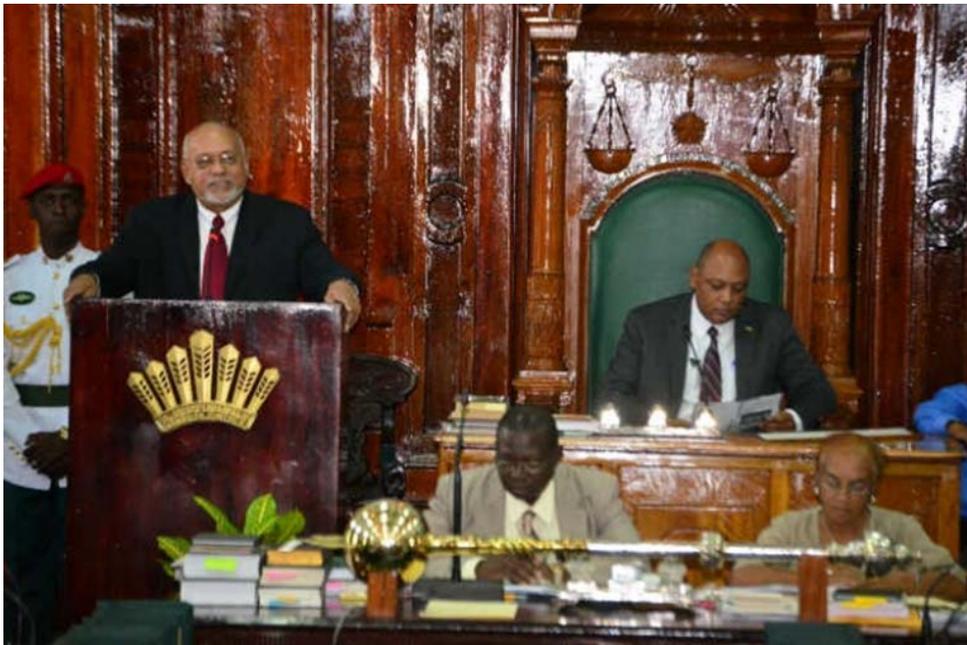


The President vs. The Parliament



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Monday 10th November 2014 was the darkest day for democracy in Guyana. It was on that day that President Donald Ramotar promulgated a *Proclamation* to prorogue the parliament of Guyana. The President indicated in his address to the nation that his decision to prorogue Parliament was made in accordance with powers conferred on him by Article 70 (1) of the *Constitution of the Cooperative Republic of Guyana*.

The *'Proclamation'* has effectively paralysed the parliamentary process and smothered the voices of the people's legitimate representatives in the National Assembly. It is an affront to the Guyanese people who, almost exactly three years ago, in November 2011, voted for A Partnership for National Unity and the Alliance for Change to have the majority of seats in the National Assembly.

President Ramotar has now single-handedly engineered a constitutional crisis. The main purposes of the *'Proclamation'* are to allow the People's Progressive Party Civic to preclude parliamentary scrutiny while it attempts to prevent debate on the Opposition 'no-confidence' motion; prevent debate on financial excesses and impropriety; protect the reputations of ministers from parliamentary sanction; permit the PPP's campaign for general and regional elections to proceed unimpeded; permit the continued expenditure of state funds without parliamentary scrutiny and postpone the holding of local government elections.

The President has been using every device at his disposal to obstruct majority decisions in the National Assembly since the general and regional elections of November 2011 that submerged the government members into a minority. He has been toying with parliamentary democracy since the start of the 10th Parliament in January 2012. He has attempted to diminish the authority of the National Assembly. His administration has challenged the Assembly's legitimate decisions in the High Court, ignored recommendations of experts, failed to assent to bills and attacked the Opposition through the state media.

The threat to parliamentary democracy is real. Speaker of the National Assembly Raphael Trotman warned the Executive of the danger of a constitutional crisis. He said: *"The continued resort to the High Court to question legitimate decisions of the National Assembly points to the grave and gathering danger of a constitutional crisis which has the potential to assume proportions the likes of which the nation has never seen and may be unable to handle."*

President Donald Ramotar took the extraordinary step to announce publicly, on 13th June 2012, that he had no intention of supporting any bill piloted by the Opposition. He said, *"That is not the function of the opposition. They must respect what is their role... I am making it very clear that I will not assent to any bill that they carry unless it is with the full agreement of the executive and the full involvement of the executive."*

It must have been as a result of this thinking that the President's assent to three local government bills – the *Local Government Commission Bill*, the *Municipal and District Councils (Amendment) Bill* and the *Fiscal Transfers Bill* – was not granted until three months after they were passed. The *Local Government (Amendment) Bill* and others still have not been assented to.

The Speaker had to warn the President once again that he could be in *"gross dereliction of his constitutional duty"* for not approving Bills that have been passed by the National Assembly. He said, *"The Office of the President is cautioned not to provoke a constitutional crisis as there is no winner in such a scenario but, rather, to respect and recognise the reality, authority and legitimacy of the 10th Parliament."*

The President has studiously ignored the most important recommendations of several reports and studies which pointed to the democratic way forward. The United Nations Development Programme in 2013 published a report – *Assessment of Committees System of the National Assembly of Guyana* – by Robin James and Dr David Ponet. The Report concluded that the National Assembly still lacks

sufficient autonomy and resources and advised that it was “*high time that Guyana’s political culture reflects this ideal of power-sharing.*”

Several earlier studies made similar recommendations. *The Needs Assessment of the Guyana National Assembly* by Sir Michael Davies; *Advisory Papers on Needs Assessment of the Guyana National Assembly* by James Pender and *Guyana Fiduciary Oversight Project-Phase 1: Inception Report* by Bradford & Associates, all recommended greater autonomy for the National Assembly.

The *Report of the 35th conference of the Caribbean, Americas and Atlantic Region of the Commonwealth Parliamentary Association* in Trinidad in July 2010 declared, “*Autonomy is needed for Parliaments to function freely; Parliaments should therefore seek Administrative Autonomy; Institutional and Political Autonomy and Financial Autonomy; A weak feeble and subservient Parliament is a threat to democracy.*”

Recommendations on autonomy of the National Assembly by these studies generally reflect the *Commonwealth (Latimer House) Principles on the Three Branches of Government* endorsed at the Commonwealth Heads of Government Meeting in Abuja, Nigeria in 2003. Among those principles were that Parliament should be serviced by a professional staff – independent of the regular public service – and that an all-Party committee of members of parliament should review and administer parliament’s budget which should not be subject to amendment by the Executive.

The PPPC administration’s other tactic has been to resort to the courts of law. Attorney General Anil Nandlall, starting his campaign of litigation in March 2012, filed a Constitutional Motion in the High Court seeking to overturn a parliamentary vote on the composition of the Committee of Selection. He then moved to the courts in an attempt to have the 2012 National Budget cuts reviewed and reversed and, again, to set aside the Speaker’s order prohibiting a government minister from speaking in the National Assembly and referring consideration of the matter to the Committee of Privilege.

The state-owned media – the National Communications Network (NCN), Government Information Agency (GINA) and the Guyana Chronicle newspaper that is published by Guyana National Newspapers Ltd (GNNL) – have relentlessly attacked opposition members of the National Assembly. The state media have described Opposition Members and the Speaker on some occasions in scurrilous terms such as “irresponsible and reckless,” “vindictive and unprincipled” and “power drunk.” The Opposition has been accused of exercising “reckless and blatant opportunism.” The National Assembly was called a “sham and a veneer” and “an unruly horse.” Such has been the Executive branch’s contempt for the legislature!

The People’s Progressive Party (PPP), at the national level, wrecked the work and hopes of former US President Jimmy Carter – the man who helped it to leap back into office. Carter visited Guyana for the last time a decade ago in 2004. He saw how his democratic dreams had degenerated into a nightmare of despotism during Bharrat Jagdeo’s presidency. Carter complained then that, instead of attaining the goal of inclusive and shared governance, “the Guyanese government remains divided with a ‘winner-takes-all’ concept that continues to polarise many aspects of the nation’s life.” Jimmy Carter had carefully diagnosed the PPP disease as that of political paranoia.

The PPP’s obsession with controlling autonomous institutions was documented in the report of Sir Michael Davies who came here as the Commonwealth’s Senior Parliamentary Staff Advisor to the Guyana Parliament. Davies conducted a deep, detailed study of the National Assembly, that most important institution of democratic governance. His findings – entitled *Needs Assessment of the Guyana National Assembly* – turned out to be an incisive indictment on the manner in which the Assembly was being managed during the speakership of Ralph Ramkarran and under Bharrat Jagdeo’s presidency.

Davies exposed the means, mechanisms and methods that the PPP had devised to undermine the Assembly's independence. He revealed the fact that "meetings of the [National] Assembly are entirely at the whim of the Executive," that both the staffing and the budget of the National Assembly are controlled by the [PPPC] Administration and that the work of the committees "is subject to frustration by the Executive." He criticised the practice of submitting parliamentary Order Papers for sittings of the National Assembly to the Office of the President which, he says, "can and does strike out questions and motions which the Office [of the President] does not like." That practice, he added, "apparently only started in 1992."

Davies noted that while the Administration appeared not to accept the assertion that "the scheduling of meetings of the Assembly was entirely in the hands of the Executive," he had seen evidence of this. He noted that the Administration "allows the opposition few opportunities to debate policy or to consider bills." He added, more precisely, "I was present at a meeting of the Parliamentary Management Committee on 1st February [2005] which was called at the request of Opposition members of the National Assembly expressly to demand a meeting of the Assembly to debate the flood situation and the government flatly refused to countenance a meeting for a further two weeks." Such is the PPP's contempt for parliamentary democracy and the public interest.

The fact is that Guyana is in a state of crisis. The governance crisis has been aggravated by the PPPC's reluctance to acknowledge its minority status in the National Assembly and to join the majority in the movement towards establishing a government of national unity.

The results of the 2011 general and regional elections opened opportunities for real political, social and economic change. A Partnership for National Unity and the Alliance For Change together polled 175,051 votes and the People's Progressive Party Civic (PPPC), 166,235 votes. These results gave the combined opposition a majority of one seat in the National Assembly. The PPPC, rather than pursue a consensual policy of "inclusionary democracy" and cooperation with the opposition as prescribed in the Constitution, adopted a posture of confrontation. That approach has failed.

President Donald Ramotar took a great leap backwards at the 30th Congress of the People's Progressive Party on 2nd August 2013 at Port Mourant. His vituperative tirade was a threat to the prospect of inclusionary democracy and a menace to the project for national unity. He had the opportunity at the PPP's first congress in five years to drop his party's time-worn, winner-takes-all approach and adopt an inclusionary approach to governance. He lost it.

He went instead on an unapologetic and uncompromising offensive against the Opposition in the National Assembly and the independent media. He did not seize the opportunity to encourage party members to pursue a more collaborative approach with the parliamentary majority for the good of the nation.

The President characterised the National Assembly as "a wound on the body politic of our nation...that is festering and reopening every time a sensible, moral and costed development project is stalled because the Opposition wants to hold back progress, or the cheap publicity, or promoting agendas inimical to our people."

President Ramotar's perception of parliamentary democracy has been unambiguous and unchanged. He had determined, by November 2014, to deliver the *coup de grâce* to the National Assembly. He decided, first, to paralyse the parliamentary process by preventing the resumption of sittings of the National Assembly for a full month after the annual recess ended on 10th October. The President, in so doing, infringed on, and intruded officiously into, the affairs of the Legislative branch.

The President delivered a warning of his intentions in a broadcast to the nation on 4th November. He peremptorily 'announced that the National Assembly would reconvene on Monday 9th November. The President said plainly:

“I disclose these, my intentions, on the assumption that the post-recess sittings of the National Assembly would proceed uninterrupted...I also wish to declare that were this not to be so, and I am provided with reasons to believe that the Parliamentary Opposition intends to disrupt Government’s business by forcing a debate on their No-Confidence Motion, I resolve to respond immediately by exercising my Constitutional options to either Prorogue or Dissolve Parliament, paving the way for holding of General Elections.”

The President’s *Proclamation* on 10th November, therefore, was no surprise. He declared:

“Consistent with my earlier position and in accordance with powers conferred on me by Article 70 (1) of the Constitution of the Republic of Guyana, I earlier today issued a Proclamation proroguing the 10th Parliament...my decision to exercise this constitutional option was not taken lightly, but it was the sole recourse that was left to me to ensure that the life of the 10th Parliament was preserved. It is no secret that the Parliamentary Opposition parties had, at every conceivable opportunity, made known their clear intention to have their motion of no confidence against my Government debated instantly at the first post-recess sitting which was called for today, November 10. Their one-seat majority in Parliament could only mean its passage and the immediate irreversible dissolution of Parliament.”

The Guyanese people are angry at the President’s decisions to prevent the holding of democratic local government elections and to prevent a parliamentary debate of the PPPC administration’s performance in office since the November 2011 general and regional elections.

The President’s decisions are an insult to the people of Guyana. They understand that his intentions were not to promote democracy but to prevent a free and open debate on his performance. It was an affront to the nation which was offended by the rationalisation for delaying the reconvening of the National Assembly which did not meet for four months.

The President has tried to smother the voices of the people’s legitimate representatives by shutting down the highest law-making institution in the land. The National Assembly is intended to be a place for discussion, debate, decision-making and the passage of laws. Prorogation is a dangerous, desperate and destructive gambit intended to obstruct democracy.

The President’s behaviour is a reckless and aggressive assault on democracy. He is provoking an already exasperated population by threatening to smother the people’s aspirations for a good life. President Ramotar must be prepared to bear full responsibility for the consequences of his words and deeds.

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Brigadier David Granger is Leader of the People's National Congress Reform and A Partnership for National Unity and Leader of the Opposition in the National Assembly of Guyana.