



## Fortnight Overview

### Events

- People's National Congress/Reform One Guyana (PNC/R-1G) calls for government of national unity on 30<sup>th</sup> August
- People's Progressive Party/Civic (PPP/C) declared winner of elections on 31<sup>st</sup> August
- Alliance for Change (AFC) held press conference on 1<sup>st</sup> September and said the Guyana Election Commission (GECOM) performed creditably
- Region 4 Regional Democratic Office destroyed by fire on 2<sup>nd</sup> September
- Linden Television station gutted by fire on 2<sup>nd</sup> September
- President sworn in on 2<sup>nd</sup> September
- Parliament did not begin its session by the constitutional deadline of 2<sup>nd</sup> September
- President swore in two ministers on 2<sup>nd</sup> September, which the AFC and PNC/R-1G argue was in violation of a constitutional requirement that the Cabinet only be appointed from duly elected Members of Parliament
- PNC/R-1G supporters who worked as party polling agents on election day in Region 6 said they were not paid for their election day services
- PPP/C and the PNC/R-1G on 5<sup>th</sup> September agreed to appoint legal counsel who would work together to deal with the constitutional impasse
- On 7<sup>th</sup> September hundreds of GECOM Georgetown polling day staff stand in line throughout the day to be paid at Queenstown office
- President swore in 19 Ministers on 9<sup>th</sup> September, again allegedly in violation of constitutional requirements as noted above
- One of the GECOM buildings was struck by fire on 9<sup>th</sup> September
- The old Guyana Broadcasting Corporation (GBC) building was gutted by fire on 9<sup>th</sup> September
- AFC member criticised the party and tendered her resignation over not being allocated a parliamentary seat during a press conference on 9<sup>th</sup> September
- President announced on 12<sup>th</sup> September that the new parliament would be convened on 28<sup>th</sup> September, before the appointed legal team could meet
- Following the President's announcement, the AFC moved to the court on 12<sup>th</sup> September to determine the way forward regarding the current constitutional impasse over parliament
- PNC/R-1G in a press conference on 13<sup>th</sup> September said that the government must act to resolve the constitutional issue.
- The Chief Justice on 27<sup>th</sup> September ruled in the AFC legal challenge that the President's proclamation convening the 9<sup>th</sup> Parliament was valid.
- Parliament convened on 28<sup>th</sup> September.
- PNC/R-1G candidate filed a petition on 28<sup>th</sup> September challenging the validity of the elections
- Only three PNC/R-1G parliamentarians attended parliament when it was convened on 28<sup>th</sup> September.
- The PNC/R-1G indicated that it will appeal the Chief Justice ruling which deemed the President's proclamation of the convening of parliament valid
- AFC appealed the CJ's ruling on 5<sup>th</sup> October to the Guyana Court of Appeal
- The Guyana Peace Builders Network held a public forum on 6<sup>th</sup> October at the National Library, Georgetown.

## **Rallies and Political Meetings**

- PNC/R-1G post-election political rally at Golden Grove on 3<sup>rd</sup> September
- PNC/R-1G post-election rally at Mocha on 3<sup>rd</sup> September
- PNC/R-1G post-election rally at Den Amstel WCD on 3<sup>rd</sup> September
- PNC/R-1G post-election rally at Dartmoth, Essequibo Coast on 2<sup>nd</sup> September

## **Analysis**

Monitors have not reported any election-related violence over the reporting period. Monitors did report on a variety of key political developments and events. Throughout the country, the week following the national election was relatively calm and peaceful as fears of post-election violence and disturbances did not materialise. However, the country, especially parts of the capital city, took some time to return to normalcy since the citizens for the most part kept off the streets because of the fear of violence. According to interviews conducted by our Monitors during the first and second weeks after the elections, most citizens believe that the tensions associated with elections in Guyana are decreasing. The EAB would especially like to commend the leadership of the various political parties for calling for peace and the supporters and all involved for remaining peaceful from the time the polls closed to the present time.

As will be discussed in detail below, an unresolved issue is the fires in several government and media building. Monitors reported that many questions have been raised about the coincidence of the burning of four government building soon after the elections. A number of commentators have expressed their concerns about the constitutional issue that resulted from parliament not being convened by the constitutionally-mandated date of 2<sup>nd</sup> September according to Article 69 of the constitution.

### *GECOM Workers Stand in Long Lines to be Paid*

Also during this period, GECOM paid its polling day workers at locations throughout the country. According to an eyewitness, there was some amount of confusion at the Queenstown, Georgetown GECOM office where the polling day staff who worked in Georgetown and its environs were paid. It was reported that persons were in long lines for hours mainly because there was only one person issuing the wages, coupled with the fact that all the different categories of workers were paid at the same time. This situation caused many persons to become frustrated with the system. At various times the police had to be summoned to control the impatient crowd. In the future, GECOM is encouraged to ensure adequate staff are available to provide multiple lines to issue payments, or to assign different pay days to different groups of workers.

### *Acceptance of Results*

The calm that has prevailed after the elections is largely attributed to the acceptance of the election results by all of contesting parties. This is important since in the most recent past elections the main opposition party had not been satisfied with the elections or their results, and in marching to air grievances, violence and looting broke out. In contrast to the mood following those elections, this time all contesting parties had called on supporters to accept results before the elections, and all expressed overall satisfaction with the process following the elections. Following preliminary results of this election, in what was viewed as an acceptance speech on 30<sup>th</sup> August, the leader of the PNC/R-1G reiterated his call for a government of national unity based on the principle of shared governance and said that the present system of government is inadequate for forging a system of national unity. He also said that the PNC/R-1G is committed to peace and justice for all citizens and would not engage in activities that would make the country unstable. These remarks were further evidence that the party was committed to following the trend of its pre-election statements for peace.

On 31<sup>st</sup> August, the PPP/C was officially declared the winner of the national elections by GECOM's Chief Election Officer. In a speech following the declaration by the chairman, PPP/C

presidential candidate Bharat Jagdeo urged all parties to put aside their campaign rhetoric and to work together to move the country forward. This call for unity was reiterated at his swearing-in ceremony held at State House on 2<sup>nd</sup> September which was attended by representatives of several parties and foreign dignitaries. The attendance of members of the other political parties is another good sign for peace in the country since it not only gives credence to their rhetoric of accepting the results of the elections, but was a sign of their engagement in the process. Also several other parties continued to call for peace after the elections.

The AFC also joined the PNC/R-1G and the PPP/C in continued calls for peace after the elections. It should be remembered that this party also made press releases during before and during the counting of the votes urging Guyanese to accept the election. During a press conference on 1<sup>st</sup> September the party praised the work of GECOM and vowed to give credible service in the national parliament.

### *Factors Contributing to Peaceful Election Period*

In the second week following the elections, a number of persons from various political parties were interviewed as were members of the general public about their views on the recently concluded elections and the peace that was maintained throughout the election period. In the opposition-supported areas, many of the residents are of the view that, even though people did not move to the streets to protest the election results like in previous years, they expressed frustration that the elections did not bring about change in the political environment. According to the persons, years of unstable political climate, especially after previous general elections, have taken their toll on some sections of the population.

On the other hand, the PPP/C supporters are of the opinion that the peace was as a result of the maturity of the politicians and that the elections results were accepted by all. Reports from Region 6 stated that some residents were not totally satisfied with the President and by extension the government but were happy that the PPP/C retained power. In Linden Monitors reported a significant level of dissatisfaction with the results in the talk among people in the community, and to some degree the calls for peace from the PNC/R-1G leadership, but this decreased as time passed (further details are below).

In general, several factors were believed to have contributed to peaceful elections: the presence of the Independent Media Monitoring Unit and more responsible media coverage; calls for peace from political leaders; unprecedented involvement and activism of civil society groups to conduct peace initiatives and monitor and report on the political environment; greater presence of election observers in polling stations; greater transparency of GECOM and the absence of any glaring or widespread irregularities; and fatigue with violence and tension among the population. Many Monitors also reported that members of their communities have made positive comments on the EVER Project.

### *Fires in Government Buildings Raise Public Concerns – Fire Urged to Pull in Experts*

Tensions which were lowered following the declaration and the acceptance of the elections results by all parties were raised as first one, and then three other government buildings were destroyed by fire. The buildings destroyed were the Region 4 Regional Democratic Council building in Paradise, East Coast Demerara, the building that housed the Linden Television (LTV) station in Linden, one of the buildings in the GECOM compound in High Street, Kingston and the old GBC building in High Street, Georgetown. The fires are being investigated. The *Stabroek News* has reported that some have expressed the view that the Fire Service could benefit from outside expertise in fire investigation. It is in the interest of the Nation to resolve all outstanding cases quickly and to have as much information as possible about what happened.

Evidence of the need for speedy and accurate resolution of the cases is seen as already, while the causes of the fires are still under investigation, speculation is rife about possible causes, especially in the Linden fire. Speculation was raised when Linden police arrested 3 PNC/R-1G activists, who according to the *Stabroek News*, were held during a search for arms and ammunition. However, the paper further stated that these arrests were interpreted by their

relatives as being in connection with the fire. Following an ID parade, these men were disqualified as suspects by the police. The 3 men were released without being charged. It has been brought to the attention of EAB that it is normal police procedure to arrest and question suspected persons in relation to any incident.

The EAB urges citizens to allow the authorities to carry out their investigations into the causes of the fires and refrain from raising tensions through speculation and rumour.

In the more recent fires, investigations are also ongoing. On 9<sup>th</sup> September one fire destroyed one of the buildings in the GECOM compound in High Street, Kingston, Georgetown.

#### *Some Communities Dissatisfied with Elections, Outreach Needed*

According to reports from Linden, communities were politically divided and tense following the elections, and some people avoided the capital city during the first week after the elections. It has been reported that the call for peace by the leader of the PNC/R-1G has been denounced by pockets of supporters in Linden and in Georgetown. In Linden there are reports that some PNC/R-1G supporters were calling for protests or violent action. However, it seems that their frustration was not translating into action. Community leaders are encouraged to make efforts to reach out to those who are dissatisfied, and attempt to diffuse the tension. It was reported that the tone of some remarks in Linden was racial. It has been reported that there are indications that some persons concluded from the election results that Afro-Guyanese did not vote in one block, whereas Indo-Guyanese did. There was anger against both the PPP/C and the AFC, particularly the latter for splitting the vote. What is important to note here is that even though some supporters are adamant in their call for protest the PNC/R-1G leadership is fulfilling its commitment in its call for peace, and supporters are heeding it. Supporters seem very aware that any illegitimate actions would not be condoned.

Although the campaign season is over, the PNC/R-1G held a number of post-election meetings throughout Region 4. During these meetings the speakers thanked their supporters for their support and vowed that the party would continue to represent their supporters.

#### *Constitutional Issues Must be Resolved – Deadline Missed for Seating Parliament*

In the post-election period, one issue that could likely have been a source of tension in the country is the constitutional issue resulting from the national parliament not being convened by the constitutionally-mandated deadline of four months after the dissolution of the last parliament (that is, 2<sup>nd</sup> September). In an initial response to this constitutional issue, the President and the leader of the PNC/R-1G established a two-person legal team that was to have looked for a possible solution. Although the EAB is of the belief that other political parties should have been consulted on the creation of the legal team, it felt that the apparent cooperation between the PPP/C and the PNC/R-1G was a step in the right direction for the country since it was an example of both parties following through on their post-election commitment to cooperate. However, this cooperation was brought to a halt when the President on 12<sup>th</sup> September unilaterally and without the pronouncement of the legal team, announced that the national parliament would be convened on 28<sup>th</sup> September. This action by the head of state was troubling since it appeared that he reneged on his commitment to jointly formulate a solution to the constitutional issue with the PNC/R-1G. In a response to the President's decision to convene Parliament on 28<sup>th</sup> September, the AFC approached the courts to for a determination on the constitutionality of the President's actions. Soon after the declaration of the elections results, and before 2<sup>nd</sup> September, the Head of State was reported as having said that, in relation to the announcement of a date for the convening of the 9<sup>th</sup> Parliament, "I will not be rushed." The argument could be made that there was enough time for the President to convene parliament before the constitutional deadline. Thus, the above statement could have been perceived as running counter to the President's earlier calls for all parties to put aside their campaign rhetoric and to work together to move the country forward. It could also have been perceived as a show of disregard for the constitution of Guyana.

### *The Swearing in of Ministers*

Another issue of contention was whether Article 103 of the constitution required that Ministers be appointed from duly elected members of parliament. On the 2nd and 9th September, the President swore in 21 Ministers to serve in the government. However, according to a few commentators, most of the Ministers were sworn illegally because the new parliament had not yet been convened. They cited Article 103 of the Guyana constitution, which states that persons who were national and regional candidates for political parties that contested the general elections must be sworn in as members of parliament before they may be sworn in as members of the cabinet. It should be noted that in a country in which citizens have a history of protesting grievances against the government, it should have been imperative for the government not to be perceived to be acting in contravention of the laws/constitution of Guyana. It could have been argued that, if there was public perception that the constitution was violated, any protest against the government's would have been justifiable. Additionally, a negative public perception could have also caused the government's actions to be regarded as provocation.

#### *Ruling of the Chief Justice on the President's proclamation and the appointment of Government Ministers.*

The speculation over the illegality of the President's proclamation of the convening of parliament and the appointment of ministers ended with the ruling of the Chief Justice on 27<sup>th</sup> September. The Chief Justice upheld the President's proclamation and said that it was valid although it was issued after the deadline set forth in Article 69 of the constitution. He also ruled that the appointment of the ministers to be constitutional since no legal requirement stipulated that their names had to be extracted from their party's list as nominees to hold seats in parliament. The ruling allowed the 9<sup>th</sup> Parliament to be convened as proclaimed by the President on 28<sup>th</sup> September. This ruling by the judge did not find favour with the PNC/R-1G, the AFC and the civic group, the Guyana Human Rights Association (GHRA).

The PNC/R-1G indicated that it would appeal the Chief Justice's ruling in either the Guyana Court of Appeal or the Caribbean Court of Justice (CCJ). Also, during the first sitting of Parliament the party only sent three representatives who nominated one of their colleagues to the position of deputy speaker. The reason given for this was that time was not adequate for the PNC/R-1G Parliamentarians who were extracted from the list of candidates to participate in the opening of parliament, especially when efforts to delay the opening proved futile. However, this action could be perceived as a form of protest because after the nomination of the deputy speaker was made the three PNC/R-1G parliamentarians left the assembly. It should be noted that although the PNC/R-1G was not in agreement with the ruling, they accepted the ruling since they are of the view that the Chief Justice's judgment made the proclamation of the President and the appointment of ministers constitutional. This stance by the PNC/R-1G is commendable since it indicates that the party is willing to follow the rule of law and take their grievances for resolution by the lawful institution.

The AFC on 5<sup>th</sup> October appealed the Chief Justice's ruling on the constitutionality of the President's proclamation to convene Parliament on 28<sup>th</sup> September. The basis for the appeal was that the Judge had erred in law and misrepresented the constitution in reaching the verdict. Like the PNC/R-1G, the AFC is following the rule of law to address their dissatisfaction with the ruling of the Chief Justice.

Although the GHRA never indicated that they would challenge the court ruling they issued a public statement on 30<sup>th</sup> September voicing their concerns. According to the civic group, the Chief Justice "encourage[ed] a dangerous precedent of taking the courts out of the picture" when he said that the courts have no power. The GHRA was also dissatisfied with the fact that the court failed to find anything to regret or censure the government for failing to meet the constitutional deadline for the convening of parliament. The statement also said that the organisation hopes that the Guyana Court of Appeal would correct the impression that the constitution can be breached when convenient and that the courts are helpless bystanders.

It is hoped that the appeal of the Chief Justice's ruling will be heard as a matter of urgency and signal the importance of the constitution of the country. Also, the ruling of the appeal court might put to end the perception that some members of the judiciary are biased in favour of the government and the ruling party.

### *Validity of Elections Challenged*

The same day Parliament was convened, 28<sup>th</sup> September, a PNC/R-1G candidate filed a petition challenging the validity of the just concluded national elections. According to the petition, there were unlawful acts and omissions which affected the outcome of the elections and thus asked the court to declare the elections null and void and order fresh elections. This petition named the GECOM's Chief Elections Officer and leaders of all the parties that contested the elections as respondents. Like the appeal of the Chief Justice's ruling, it is hoped that this will be treated as a matter of urgency by the courts.

### *Peace Efforts*

During the post election period there were efforts by the Guyana Peace Builders Network (GPBN) to maintain the peace. The Group was founded with the objective to delay or even thwart future violence. The organisation held its third interactive peace building public forum on 6<sup>th</sup> October at the National Library, Georgetown. The major objective of this forum was for the general public to give reasons why the August 28<sup>th</sup> elections were violence-free. Apart from giving reason for the absence of violence during the election period, a majority of the speakers gave opinions on how to prevent future violence. This third public forum of the GPBN) was its first in the post election period. In the second meeting held on 25<sup>th</sup> August at the National Library, Georgetown, leaders of the various political parties were given the opportunity to tell the nation what efforts they would undertake to maintain the peace during and after the elections. The GPBN should be commended for their efforts in engaging the public about the dangers of election related and other violence.

### **Outlook**

With the calls for peace by all political parties and civic groups the outlook is promising. However, it is hoped that the political parties and their leadership continue to work for peace. Also, it is our belief that calls for constitutional and electoral reforms should be addressed urgently since many of the problems facing the Guyanese society hinge on them.

### **Recommendations**

- All parties are urged to follow the commitment they made to maintain the peace
- Constitutional reform should be a priority
- Civil society should continue their peace promotion campaigns
- Civil society groups should continue their momentum commenting on governance and progress on the constitutional and other reforms for which they may want to advocate
- The Fire Service and Ministry of Home Affairs should use all necessary resources to resolve the investigations of the recent fires in government buildings
- GECOM should ensure more efficient means of paying their election day officers
- All the political parties should be involved in finding a solution to the present constitutional situation
- The appeal of the Chief Justice's ruling on the constitutionality of the convening of Parliament to the Guyana Court of Appeal by the AFC should be heard promptly.