

## Guyana's new Constitution and the elections of 1980: A case of people's power?\*

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According to the provisions of the old Constitution in effect since independence in May 1966, general elections were due in Guyana not later than 25th October, 1978. Instead of holding new elections, however, the Government, in power since independence, arguing that Guyana needed a new constitution in keeping with Guyana's socialist thrust, introduced a bill in Parliament in June 1978 to amend Article 73, Paragraph 3, Sub-paragraph (a) of the Constitution. This article was designed to entrench certain clauses in the constitution in that it required either a 2/3 majority in Parliament (in the case of those stipulated in section 3 (b)) or a majority in Parliament supported by a majority in a referendum (in the case of section 3 (a)) to effect changes to those articles listed in Paragraph 3. Among the articles listed in section 3 (a) is Article 73 itself and Article 82 dealing with the prorogation and dissolution of Parliament, Paragraph 3 of which limits the life of Parliament to 5 years. The purpose of the Bill of June 1978, should it subsequently be supported by a majority at a referendum, was to dispense with the requirement for any further referendum to effect changes to the entrenched clauses.

At the referendum held on 10th July, 1978, the government claimed a massive victory of over 95 % of the votes cast with some 70 % of the electorate voting. In the week following the referendum, the National Assembly extended its life for 15 months and constituted itself a Constituent Assembly for purposes of drafting a new constitution. In October 1979, Parliament extended its life for a further 12 months on the grounds that the Constituent Assembly had not yet completed its work. The »Constitution of the Co-operative Republic of Guyana Act 1980« was finally approved by Parliament on 14th February, 1980 and promulgated on 6th October, 1980, when the then Prime Minister, Forbes Burnham, was inaugurated Guyana's first executive President and the existing National Assembly became the transitional National Assembly. A proclamation was issued on 24th October dissolving Parliament on 25th October, and two further proclamations were signed on 26th October setting 15th December, 1980 as the date for elections under the new constitution to the National Assembly and the Regional Democratic Councils. The elections, boycotted by part of the opposition, yielded the following official results:

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Elections to the National Assembly, Dec. 1980

Party	Votes	% of votes cast	Seats
People's National Congress (PNC)	312,988	77.04	41
People's Progressive Party (PPP)	78,414	19.3	10
United Force (UF)	11,612	2.86	2

The total number of votes cast was officially given as 406,265, representing 81.66 % of the electorate of 493,550.<sup>1</sup>

Elections to the Regional Democratic Councils, Dec. 1980

Party	Votes	Seats
PNC	282,751	169
PPP	76,450	35
UF	4,334	1

The PNC obtained overwhelming majorities in each of the 10 Regional Democratic Councils. Not surprisingly, all chairmen and vice-chairmen were subsequently drawn from the PNC.<sup>2</sup> Since under Article 60 (3) each Regional Democratic Council (RDC) elects one member to the National Assembly, the PNC gained a further 10 seats in the 65-seats National Assembly. The remaining 2 seats in the National Assembly were drawn under Article 60 (4) from representatives of the National Congress of Local Democratic Organs (NCLDO) convened on 26th January 1981. These 2 seats also went inevitably to the PNC, which commands a grand total of 53 of the 65 seats in Parliament. . . . Apart from the executive President himself, the government formed after the elections is made up of 5 Vice-Presidents, one of whom is also Prime Minister, 10 Senior Ministers, who together with the President and Vice-Presidents form the Cabinet, and 16 other ministers.<sup>3</sup>

Burnham was inaugurated President at the National Park on 18th January 1981. On 30th January, the 65 members of the National Assembly took the oath of office, and the

1 Details of overseas voting were as follows:

Total overseas electoral roll		47,464
Votes cast		35,748
	PNC	34,784
	PPP	741
	UF	126

- In 1968 the PNC officially obtained 94.31 % of the overseas votes cast. In 1973 the figure was 98.34 %.
- 2 There are three Indian chairmen (Regions 3,5, & 6) and no woman chairperson. Of the ten vice-chairmen, one is Indian (Region 6) and five are women (Regions 1,2, 3,4 & 10). Of the elected candidates, about 25 % of the PNC's are of Indian extraction and about the same percentage are women. Of the 41 directly elected PNC MP's, about 35 % are Indian and about 28 % women.
- 3 Among the five vice-presidents, there are two Indians and no women. Of the ten senior ministers, two are Indian; there are no women. Three women and five Indians are among the remaining sixteen ministers.

ceremonial opening and first sitting of the new Parliament took place on 9th February, when President Burnham delivered his first state-of-the-nation address.

### The Constitution and Socialism

The justification for the new constitution rests on the PNC's claim to be a socialist party in the vanguard of a movement dedicated to the socialist transformation of the society.<sup>4</sup> This process of transformation is supposed to have taken a decisive step in 1970, when Guyana became a »co-operative republic« and the articulation of the socialist thrust found its most clearly stated ideological expression in 1974 and 1975.<sup>5</sup> The new constitution was needed because the old was capitalist oriented. It had entrenched those, »economic and associated social and political relationships which make up the framework of a capitalist society«, e. g. property rights and the use of property »as an instrument of exploitation« or the role of labour, where work is, »merely an input in the capitalist industrial machine«, and, »not a creative experience designed to develop the individual personality in any human kind of way.« Consequently, »the degree of people involvement which is possible . . . is limited . . . They may criticise governmental action, but they do so as spectators . . . The great forces which control the economy upon which their welfare is dependent are largely beyond their reach . . . In effect, there is much formal democracy, but little practical democracy.«<sup>6</sup>

In addition to the »classical rights and freedoms of the individual«, the new constitution was to include the »social and economic rights of the individual to society and the state-the duty of the individual to contribute to society, to work for society and to defend the state.«<sup>7</sup> Moreover, there was need for a new state apparatus,

»a new framework of government which recognises frankly and from the beginning that it is the duty of the state to intervene actively in the affairs of its people with a view to guaranteeing them some minimum level of decent living, with a view to providing them with the means of achieving this, with a view to enabling each individual to have a fairly equal chance of developing his in-born potentials to their fullest. It should not be supposed that each individual will become as competent as every other, but it is certainly contemplated that each individual should have an equal opportunity to develop his talents. The state should be actively concerned not merely to

- 4 »The Party [the PNC] is a Socialist Party, rooted in the masses and derives its strength and authority from the working people.« Desmond Hoyte at the opening of the 14th Biennial Conference of the Guyana Labour Union, 24th Oct. 1980, *New Nation*, an official organ of the PNC, 97, 2. 11. 80, p.5. References to the PNC as the vanguard party in Guyana have become a commonplace in the PNC. See, for example, Elvin McDavid at the 2nd Congress of the Cuban CP, *New Nation*, 107, 11. 1. 81 and the Young Socialist Movement, youth arm of the PNC, *New Nation*, 104, 21. 12. 80. Ptolemy Reid, General Secretary of PNC referred to his party as the vanguard party seven times in a short article. *New Nation*, 99, 16. 11. 80, p.3.
- 5 »Declaration of Sophia,« 14th Dec., 1974, Georgetown, n.p., n.d., and »Towards the Socialist Revolution,« 18th August, 1975, Office of the Prime Minister, Georgetown, n.d. For a brief exposition see Rajendra Chandisingh, »The State, the Economy, and Type of Rule in Guyana: An Assessment of Guyana's »Socialist Revolution,« *Latin American Perspectives*, (forthcoming 1982).
- 6 Mohamed Shahabuddeen, »The New Guyana Constitution: Philosophy and Mechanics,«, paper presented at the 3rd Biennial Conference of the PNC, 22-26 August, 1979, Georgetown, n.p., n.d., pp.33-35.
- 7 *Ibid.*, p.36.

preserve but to improve the quality of its people, the quality of their environment, the quality of their society, and the nature of their economy.«<sup>8</sup>

To achieve these goals, changes were necessary in the old constitution affecting (1) the basic principles on which the constitution rested, (2) the system of democracy, and (3) the structure of the executive.<sup>9</sup>

### Basic Principles

That the goal is socialism is stated unequivocally in the Preamble to the Constitution and in Article 1. The Preamble reads in part,

»WE THE PEOPLE OF THE CO-OPERATIVE REPUBLIC OF GUYANA, . . . CONVINCED that the organisation of the State an society on socialist principles is the only means of ensuring social and economic justice for all of the people of Guyana; and, therefore, BEING MOTIVATED and guided by the principles of socialism, BEING OPPOSED to all social, economic and political systems which permit the exploitation of man by man; . . . DO ADOPT the following-CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA.«

And Article 1 states, »Guyana is an indivisible, democratic sovereign state in the course of transition from capitalism to socialism . . .«

The principal objective of the political system is:

»to extend socialist democracy by providing increasing opportunities for the participation of citizens in the management and decision-making processes of the State.«<sup>(13)\*</sup>

The supreme goal of the economic system, on the other hand, is:

»the fullest possible satisfaction of the people's growing material, cultural and intellectual requirements, as well as the development of their personality and their socialist relations in society.«<sup>(14)</sup>

The economy will be based on the social ownership of the means of production (15 (2)) and »will develop in accordance with the economic laws of socialism on the foundation of socialist relations of production and development of the production forces,« (15 (3)) though it is difficult to imagine that the framers of the constitution themselves know what these »economic laws of socialism« are supposed to be. The basic principle of development and management of the economy will be national economic planning (15 (4)). Co-operativism is »the dynamic principle of socialist transformation« (16). Article 18 declares that land is for social use and must go to the tiller, while Article 34 makes it the duty of the state to eliminate discriminatory distinctions between classes, between town and country, and between mental and physical labour.

The basic principles of the constitution are also expressed in the freedoms and rights of the individual. The traditional package of fundamental political rights and freedoms are reproduced almost verbatim from the old Constitution (Chapter II, Articles 3–20 in the old Constitution; Chapter III i. e. Article 40 and Title I i. e. Articles 138–154 in the new constitution.).

\* References given in this form should be read as »Article . . .«. Where the reference takes the form e.g.13(1)(a) it should be read, »Article 13, Paragraph (1), Sub-Paragraph (a).

8 Ibid.

9 Ibid., p.38.

The new fundamental economic and social rights of the individual are included in Articles 22–30. The most fundamental of all of these is the right to work and to its free selection »in accordance with social requirements« (22 (1)), and to be rewarded according to the »nature, quality and quantity of his work.« This, together with the corresponding duty to work (22 (2)) is seen as resting on the principle »from each according to his ability, to each according to his work.« This right to work is guaranteed, according to the Constitution (22 (3)), by seven measures including (a) the social ownership of the means of production, and (b) socialist labour laws. Among the fundamental social rights are the right to free medical attention and to social care in old age or disability (24), the right to adequate housing (26), the right to free education from nursery to university (27), and equal rights for women (29) and for children born out of wedlock (30).

The most fundamental guarantee of all rights and freedoms-political, social and economic – is designed to reside in the system of democracy which will allow for greater involvement of the people in the day-to-day decision-making processes of the State i. e. greater »practical democracy« rather than simply formal democracy.

### **The Organs of Democratic Power**

Article 50 lists five »supreme organs of democratic power« in Guyana: (a) Parliament; (b) the National Congress of Local Democratic Organs; (c) the Supreme Congress of the People; (d) the President; and (e) the Cabinet. The first three of these together with the »organs of local democratic power« form a complex system intended to deepen the democratic organisation of the state.

As was indicated above the National Assembly or Parliament consists of 65 elected members, of which 53 are elected directly by the electorate, 1 is chosen from each of the 10 RDCs and 2 from the NCLDO, the umbrella organisation of the local democratic organs. Persons other than elected MP's may hold appointments as Ministers or Vice-Presidents (103 (2)). In such cases the non-elected ministers shall be members of the National Assembly but shall not have the right to vote (105).

The Supreme Congress of the People, made up of all members of the National Assembly and NCLDO, »may discuss any matter of public interest and may make recommendations thereon to the National Assembly or the Government. In particular, the Congress shall advise the President on all matters which he may refer to it.«(83).

Local government, which is »a vital aspect of socialist democracy« and which »shall be organised so as to involve as many people as possible in the task of managing and developing the communities in which they live« (71 (1)), takes the form of a series of local democratic organs, the largest in area coverage being the RDCs. These are divided into sub-regional councils, which in turn are divided into district councils, the latter into community councils, then come neighbourhood councils, and then the smallest unit of local democratic power, the co-operative councils. All members of local democratic organs are to be directly elected by the relevant electorate.

When all the elections are held, the total member of elected representatives at the different levels from national assembly to co-operative unit will be over 16,000.<sup>10</sup> Because of the depth of these representative institutions, Burnham could claim in a pre-election address, »That is ›People’s Power‹ for you . . . The government of the people shall be by the people and for the people.«<sup>11</sup>

## The Executive

The two remaining »supreme organs of democratic power«, the executive President and the Cabinet, form part of the executive. The central figure is the executive President, »who shall be Head of State, the supreme executive authority, and Commander-in-Chief of the armed forces of the Republic (89). He will be assisted by a Prime Minister, who »shall be the principal assistant of the President in the discharge of his executive functions and leader of Government business in the National Assembly« (101 (2)), Vice-Presidents and Ministers. The Cabinet shall consist of the President, the Prime Minister, the Vice-Presidents and »such other Ministers as may be appointed to it by the President« i. e. the Senior Ministers (106). But it is the office and powers of the executive President that is of decisive importance.

The President is not elected separately from the members of the National Assembly. Each party contesting a general election submits a list of candidates for the National Assembly, as well as its candidate for the presidency. The elector then votes for a list and the candidate of the party list gaining the most votes is declared the elected President (177).

The powers, protection and immunities of the President are vast:

(a) **Power of veto (170):** All Bills passed by Parliament requires the assent of the President to become law. The President may, however, withhold assent and return the Bill to the National Assembly stating his reasons for the withholding of assent. Should Parliament wish to proceed with the Bill, it may once again submit it for presidential assent but only if it is first supported by two-thirds of all the elected members of the National Assembly. In such a case, the President is obliged to give his assent within twenty-one days of the Bill’s presentation, »unless he sooner dissolves Parliament« (which he may do at any time by proclamation (70 (2))).

(b) **Powers of appointment:** Under the Constitution, the President controls appointments to the four powerful service commissions: – the Judicial Service Commission (198); the Public Service Commission (200); the Teaching Service Commission (207);

10 *New Nation*, 103, 14. 12. 80, p.10.

11 *Ibid.*, p.1.

and the Police Service Commission (210). These Commissions are vested with the power to make appointments to the services involved as well as to remove and exercise disciplinary control over persons holding office in such services.

(c) **Removal of the President:** The President may be removed from office on grounds of physical or mental incapacity, if a majority of the parliamentary party to which he belongs resolves that his capacity to discharge the functions of his office be investigated and the investigating board of medical practitioners appointed by the Chancellor of the Judiciary confirms such incapacity (179). In cases of any violation of the Constitution or gross misconduct, however, it is practically impossible to remove the President (180). In the first place, it is necessary that at least one-half of all the elected members of the National Assembly support a written motion alleging a violation of the Constitution or gross misconduct, at the same time specifying the particulars of the allegations and proposing that a tribunal be set up to investigate the allegations (180 (1)). A vote on the motion will then be taken without it being debated (180 (2)). Should not less than two-thirds of all the elected MP's support the motion, it shall be declared passed (180 (2)). In that case, the Chancellor of the Judiciary (who owes his appointment to the President), shall appoint a tribunal of judges to investigate the matter (180 (3)). If the tribunal finds that the allegations have been substantiated, it requires a further vote in the National Assembly with a two-thirds majority supporting a motion resolving that the President has been guilty as alleged before he ceases to hold office on the third day following the passage of the resolution, »unless he sooner dissolves Parliament« (180 (5)).

(d) **Immunities of the President:** The procedure outlined above is the only one through which the President may be made legally answerable for the performance of his office and that apart, »no proceedings, whether criminal or civil, shall be instituted against him in his personal capacity in respect thereof either during his term of office or thereafter« (182 (1)). Further, during his term of office, the President shall be immune from criminal or civil proceedings »in respect of anything done or omitted to be done by him in his private capacity« (182 (2)).

### **Trade Unions, Decision-Making and Production**

The Constitution does not say much that is very specific and concrete about the place of trade unions in the process of socialist transformation. In the chapter on »Principles and Bases of the Political, Economic and Social System« (Chapter II), Article 11 reads, »Co-operatives, trade unions and all socio-economic organisations of a national character are entitled to participate in the various management and decision-making processes of the State and particularly in the political, economic, social and cultural sectors of national life.« It is on the basis of this article, as Burnham declared, that the TUC holds

membership in the Board of the Guyana State Corporation (Guystac)<sup>12</sup> and in the State Planning Commission.<sup>13</sup> What the Constitution does not say is how the TUC may proceed to ensure that it does participate, as of right, in the various management and decision-making processes of the state. It appears that any objectivisation of Article 11 would rest on the initiative of the Government and more specifically the President unless and until, acting on article 39, Parliament provides for this principle to be enforceable in a court or tribunal.

The most specific role of the trade unions, however, seems to be contained in Article 38, which states, »it is the duty of the State, co-operatives, trade unions, other socio-economic organisations and the people through sustained and disciplined endeavours to achieve the highest possible levels of production and productivity and to develop the economy . . . ,« and the stress on the need for high levels of production and productivity is evident in several of Burnham's recent speeches.<sup>14</sup>

Exactly what the trade unions are to do to help in this process has been spelled out quite clearly by Desmond Hoyte, the Vice-President responsible for economic planning, and it suggests that the intention is that trade unions will be more or less disarmed as militant defenders of workers' interests and will, instead, be co-opted into the state apparatus and serve as the transmission belt between government and workers, conveying the governments intentions to the workers and acting to see that they are observed and met:

»The Constitution is premised upon a partnership between the Trade Unions, other socio-economic organisations, the people and the State . . . [T]he underlying premise of the Constitution is that we Guyanese would eschew confrontation and conflict as a norm in our society and seek to organize our national life on the basis of co-operative and consensual arrangements . . .<sup>15</sup> [I]ndustrial action . . . can no longer mean precipitate strikes, intemperate demands, unco-operative attitudes or wild rhetoric. Whatever definition may be arrived at, it must include the idea of positive, constructive and disciplined action calculated to safeguard the jobs of workers and guarantee them continuously improved conditions of life through expanded production and high levels of efficiency . . . It is easy to discern that the real interests of the workers are inextricably bound up with production. The Trade Unions therefore have to be constantly occupied-indeed obsessed- with the task of ensuring that everything is done to stimulate high levels of production and efficiency.«<sup>16</sup>

12 Established in 1970, Guystac comprises 29 public corporations and companies involved in public utilities and services, information and communications, trading, engineering, etc., but excluding banking, bauxite mining and sugar.

13 In his first state-of-the nation address, *New Nation*, 112, 15. 2. 81, p. 11.

14 See, for example, his address at his inauguration as President following the general elections, *New Nation*, 109, 25. 1. 81, pp. 8–12, as well as his address on the 11th anniversary of the Republic the whole of which was practically devoted to this single theme. *New Nation*, 113, 1. 3. 81, pp. 8–10.

15 This apparently is the rationale for having a Minority Leader (110) in Parliament instead of the traditional Leader of the Opposition. It »suggests the consensual rather than the adversary approach . . .« Burnham's New Year Address, *New Nation*, 106, 4. 1. 81, p. 10.

16 At the opening of the Guyana Labour Union's 14th Biennial Conference at Sophia, Oct. 24th, 1980. Speech reprinted in *New Nation*, 97, 98, & 99, 2nd, 9th, & 16th Nov., 1980. The quoted sections are found in nos. 98, p. 5, & 99, p. 5. This seems to be the line, too, in the essay, »Unionism and Socialism,« *New Nation*, 10, 15. 3. 81, p. 5.



## Procedure for Amending Constitution

The normal requirement for effecting changes to the Constitution is a simple majority of all the elected members of the Assembly in favour of a Bill proposing such changes (164 (1)) and, of course, presidential assent. Some articles, however, are entrenched in the Constitution. Bills to alter those listed in Article 164 (2) (b) require either a two-thirds majority of all elected members of the Assembly or a simple majority in Parliament plus a majority at a referendum. Those listed in Article 164 (2) (a) cannot be altered unless the Bill proposing changes is supported by a majority in Parliament as well as by a majority at a national referendum.

The new Constitution therefore incorporates the referendum requirement for alterations to the entrenched clauses as was the case in the old Constitution and which the Government did away with through the referendum in 1978. Why then the deletion of the referendum method in 1978? Shahabuddeen, the Attorney General and Minister of Justice, offers the following explanation:

»The answer, I suggest, is that there is a real distinction between the incorporation of the referendum method in a constitution hastily adopted at independence, and the incorporation of the same method in a constitution hammered out after the fullest possible degree of public consultation and discussion. In the former case, the constitution is little more than evidence of independence. In the latter case, the constitution is a full legal portrait of the basic national ethos. In the former case, a referendum method is consequently a burden on legitimate constitutional advance. In the latter case, it is a wise method of consolidating constitutional advance carefully charted and faithfully expressed.«<sup>17</sup>

In other words, the provisions which made it difficult to change certain fundamental clauses of the old constitution without testing the will of the electorate on the proposed changes were an incumbrance to the PNC in its own plans to affect changes, while, since the PNC now wishes to protect its new Constitution, the impediments to proposed changes have been reintroduced.

## The Constitution and Concrete Political Reality in Guyana

That the Constitution was, »hammered out after the fullest possible degree of public consultation and discussion«, is difficult to accept, when all 139 memoranda submitted by groups and individuals other than the PNC were completely ignored<sup>18</sup> including all of the recommendations made by the Guyana Trades Union Congress (TUC) to the Constituent Assembly.<sup>19</sup> Equally difficult to accept is the sweeping claim by the PNC that what had begun 5 years ago as the »paramountcy of the party« had now reached the stage of the »paramountcy of the people« achieved and exercised through the new »people's

17 Op. cit. (note 6), p. 40.

18 **Comment**, No. 40, »Guyana«, Catholic Institute for International Relations, London, April 1980, p. 12.

19 **Voice of Labour** (the TUC's own newspaper), March 1980, p. 1.

Constitution« and the »people's Parliament«,<sup>20</sup> given the past and recent political history of Guyana.

The background of how the PNC came to power with the help of the CIA and of its rigging of the general elections in 1968 and again in 1973 with the help of the army, and its rigging of the referendum in 1978 will not be discussed here. What is important for us in this context is the increasingly authoritarian and repressive nature of PNC rule.<sup>21</sup>

The violation of civil and human rights i. e. the denial even of so-called »bourgeois democracy« in Guyana moved the National Executive Committee of the British Labour Party to adopt a motion, which reads in part, »This National Executive Committee views with alarm the drift away from political democracy in Guyana and the slide into repression under the PNC government of Forbes Burnham . . . The National Executive Committee deplores the PNC's maintenance of its monopoly of power by ballot rigging and constitutional manipulation . . . In particular the National Executive Committee condemns the PNC regime's repression of political opposition by press censorship, manipulation of the judiciary, attacks on Trade Union activities and the proliferation of PNC controlled para-military groups often linked with bizarre religious sects . . .<sup>22</sup> In an attempt to forestall open conflict and bloodshed in Guyana the National Executive Committee calls on all fraternal parties and the Socialist International to dis-associate themselves from the PNC regime in Georgetown.«<sup>23</sup>

Similarly, the U. S. State Department's 1979 Country Reports on Human Rights Practices, in its section on Guyana, refers to the accusations made by opposition parties in Guyana that the PNC government sought authoritarian solutions when unable to generate popular support for its policies. It also referred to the censorship of press and radio, to limitations on the freedom of movement to travel abroad and the freedom of assembly, and to the harassment of and punitive measures against dissident trade unions.<sup>24</sup> The

20 P. H. Daly writing in *New Nation*, 107, 11. 1. 81, p. 4, under the caption, »People's Parliament: fidelity to paramountcy vindicated.«

21 For a fuller analyses of the type of state and method of rule see Chandisingh, op. cit. (note 5).

22 According to a study by George K. Danns there were 21,751 persons active in military service and the police force in 1976. This represented a ratio to the whole population, of 1:37. The ratio in 1964 was 1:284. »Militarization and Development: An Experiment in Nation Building«, *Journal of the Faculty of Social Sciences and the Institute of Development Studies*, University of Guyana, Georgetown, Vol. 1 (1), 1978, pp. 29-31. A Barclays Bank International Survey puts the size of the armed forces (mainly an army) at 5,000 men in July 1979 and the paramilitary forces at 10,000. The *Statesman's Yearbook* 1979/80, Macmillan, 1979, assesses the strength of the army at 2,500 men, while »Background Notes: Guyana«, U.S. Department of State, March 1979, p. 3, put the size of the National Service at 1,500. The para-military forces in Guyana are the National Service, established in 1973 and the People's Militia, established in 1977.

23 Text of the motion printed in *Catholic Standard*, published by the Catholic Church, Georgetown, 27. 1. 80, p. 5. At the 15th post-war Congress of the Socialist International held in Madrid, 1980, the opposition party, the Working People's Alliance, was accorded its requested status as observer. The SI also adopted a resolution on free elections in Guyana which reads, »The Socialist International, concerned about the human rights situation in GUYANA, expresses its solidarity with the people of that country and calls upon the government to ensure that the coming elections [i. e. those held on 15th Dec., 1980 - R. C.], unlike the last, are free and fair.« *Caribbean Contact*, Dec. 1980, p. 16.

24 »Country Reports On Human Rights Practices For 1979«, US Dept. of State, Washington, 1980, pp. 334-340.

State Department's 1980 Report is particularly candid, referring to the »general deterioration« in the human rights situation and to the »repressive measures« taken by the government to deal with political discontent. Reprisals for participation in opposition political groups, »have included dismissal from employment [80 % of the economy is state-owned-R. C.], interruption of supplies to businessmen, attacks in the official press, police harassment, transfers to remote sections of the country, and denial of earned promotions and benefits.«

The Report also states, »Available information indicates that the government was implicated in the June 13 death of WPA [Working People's Alliance-R. C.] activist Walter Rodney and in the subsequent removal of key witnesses from the country.« The assassination of Rodney has to be seen in the context of the PNC's connections with the notorious House of Israel sect, led by a US fugitive from justice, which has supplied thugs for the breaking up of political gatherings by opposition parties and other acts of terrorism, as well as the PNC's known connections with the Jim Jones' People's Temple. Finally, the Report characterizes the GTUC as a »pro-government« body led by »safely pro-PNC figures«. <sup>25</sup>

The position of the TUC, excluding the four »dissident« unions, <sup>26</sup> with respect to the PNC may be judged by the decision taken by the TUC on 3rd December, 1980 to endorse the PNC for the general elections, just as it had done in 1968 and again in 1973, after the PNC had endorsed the propositions of the TUC that all political parties should: (a) be against racism; (b) denounce totalitarianism; (c) guard against violations of human rights and freedoms; and (d) commit themselves to defending these rights and freedoms. The main reason for supporting the PNC was, »the substantial achievements of the PNC over the past 15 years and the promise it holds for Guyana's future.« <sup>27</sup>

It is strange that the TUC could simply accept a PNC assurance to defend human rights and freedoms given the PNC's daily practice of violating those rights and freedoms, and given the fact that the Constituent Assembly had rejected **all** of the TUC's recommendations for the new constitution. Equally strange was its judgement that the PNC had »substantial achievements« to its credit, when a Special Delegates' Conference of the TUC could adopt a resolution in November 1978 which says in part, »THIS SPECIAL CONFERENCE OF THE GTUC expresses its opposition to and concern at the increasing burdens being placed on the workers to counter the serious balance of payments crisis, and at the anticipated additional burdens yet to be imposed on the workers . . . BUT EMPHASISES that as a prerequisite to redressing the economic hardships facing the nation a political solution is paramount in which all sections of the Guyanese working

25 »Country Reports On Human Rights Practices«, US Department of State, Washington, 1981, pp. 450-458.

26 (a) The Guyana Agricultural and General Workers Union (GAWU), the largest single union in Guyana and controlled by the PPP, (b) the Clerical and Commercial Workers' Union (CCWU), (c) the National Association of Agricultural, Commercial and Industrial Employees (NAACIE), and (d) the University of Guyana Staff Association (UGSA).

27 *New Nation*, 103, 14. 12. 80, p. 16.

people will be involved in the urgent task of reconstruction.«<sup>28</sup> These burdens have led to a fall in the real wage of workers of 23.2 % since 1977 according to Clive Thomas of the UGSA relying on official figures.<sup>29</sup>

The PNC's attitude towards trade unions in Guyana and indeed towards the public service was clearly enunciated by Burnham in August 1975. Relying on the principle of the »paramountcy of the party«, he argued that the public service, »has at least contractual obligations to carry out the day-to-day administration of the country, subject to policy directions from the political government.« By extension, therefore, the Public Service was subordinate to the Party. As Burnham put it:

»It follows, therefore, that members of the political government and Public Service alike, must understand and be prepared to act in accordance with [the Party's] ideology and policy. The Party cannot be accountable to the masses, the people, the nation and give them leadership and not at the same time exercise ultimate control over the acts of those who according to the rules are its agents.«<sup>30</sup>

In his analysis of the hoped-for relationship between the PNC and the TUC, his starting point was the claim that certain trade unions were continuing to conduct their business, correct in its time but now serving a negative function, as if they were still operating in the context of the capitalist system. In other words they were taking up positions opposed to the regime, and since the Party was in the van of a socialist revolution, ipso facto an anti-socialist, anti-working class position. Burnham argued that:

»To all intents . . . **most Trade Unions consist of PNC members organised for industrial purposes**, and unless there is to be some form of schizophrenia, there ought to be a community of outlook and aims as between the movement and the Party . . .«

»Any Trade Unionist in Guyana who talks about being politically neutral is politically subversive of the interests of the working class . . .«

»**Some Trade Unions have recently become affiliates of the Party . . .** This is a healthy sign . . . (emphasis added)«<sup>31</sup>

Now, the claim of the PNC to paramountcy over the government, the public service and trade unions is closely associated with the style of government i. e. with authoritarianism and commandism, and this in turn is closely linked with the increasing use of physical violence in the form of terrorism and assassination, all expressions of a supreme arrogance and contempt for the opposition. The lead in this belligerence and aggressiveness was given and has been sustained by Burnham himself. In his address at the 3rd Biennial Congress of the PNC in August 1979, touching on the right to strike, he said, »Political strikes are legitimate but they will be met with equally legitimate political sanctions and no holds are barred . . . And let there be no weeping at the bar when we set out to recompense. **We shall match steel with more highly tempered steel. What is at stake is the Revo-**

28 Op. cit. (note 19), pp. 1 & 12.

29 **Dayclean**, organ of the WPA, 15. 5. 81. Incidents of the violation of civil and human rights, malpractices by government ministers, ambassadors etc. are regularly reported in this broadsheet as well as in the **Catholic Standard** and in **Liberator**.

30 »Towards a Socialist Revolution«, op. cit. (note 5), pp. 8–9.

31 *Ibid.*, pp. 19–22.

lution itself« (emphasis in original).<sup>32</sup> And referring to the fire-bombing of the PNC headquarters a few weeks earlier, an act for which three leading figures from the WPA, including Walter Rodney, were charged and which he described as an »act of the counter-revolutionaries«, Burnham went on, »they have awakened a sleeping giant who will not sleep again, who will not rest again until his enemies are crushed and utterly destroyed . . . The gauntlet has been thrown down. We have picked it up. The battle is joined. We ask no quarter and we shall give none. We shall use every weapon at our disposal. Let there be no weeping or complaints.«<sup>33</sup> This speech was delivered amidst tumultuous applause and ten months later Rodney was liquidated.

But the PNC Leader's threatening, war-like posture surfaced again during the pre-election campaign. On various occasions the WPA was referred to as the »walkie-talkie« party, a reference to the way in which Rodney was killed<sup>34</sup> and in a clear reference to Rodney's death, Burnham claimed that, »in spite of its protestations outside of Guyana the Worst Possible Alternative [i. e. the WPA-R. C.] was bent on removing this Government by force and by violence. It is said ›your young men shall see visions and your old men shall dream dreams‹. They have been disappointed . . . Come they in peace, we shall meet them in peace. Come they in war, we shall destroy them in war.«<sup>35</sup>

Thus, the WPA gave the following response to Burnham's offer of an »olive branch« in his New Year's Day message:

»The man ›holding out an olive branch‹ is a man with power to crush and destroy who has been crushing and destroying. Without justice, without righteousness, without reason except his own self-interest, he has flooded the land with corruption, terror and want. And after committing the most massive fraud against the people, he holds out an olive branch. It is an olive branch without a promise. It is an olive branch without the rainbow. It is not an olive branch offering to lift the big stick of oppression from the backs of the citizens; to pay the wages; to remove the National Security Act from its present abuse; to free the press and the unions; to restore the rights of citizens; to disarm the House of Israel and the various private armies.«<sup>36</sup>

Finally, we will touch on the conduct of the elections in December. Although the PNC claimed a 77 % majority with over 80 % of the electorate voting, the WPA estimates that

32 Forbes Burnham, »Towards the People's Victory«, address at the 3rd Biennial Congress of the PNC, August 22–26, 1979, Georgetown, n. p., n. d., p. 14.

33 Ibid., pp. 19 & 26.

34 See, for example, *New Nation*, 102, 7. 12. 80, p. 5. There was also the quip, »The PPP talks and the WPA plays with walkie-talkies.« *New Nation*, 105, 28. 12. 80, p. 10.

35 In a public address in Festival City on 23 Nov., 1980. *New Nation*, 101, 30. 11. 80, p. 5. The occasion for claiming that the WPA was bent on removing the government by force were the statements by the PPP leader that the WPA had fomented political strikes to bring down the government. For details see Dayclean, 6. 1. 81 and *New Nation*, 23. 11. 80, p. 4. In another speech, this time in the bauxite mining town of Linden on 7th December, Burnham said, »I remember 1979, July. Congress Place was burnt down. The Worst Possible Alternative was on the rampage. I remember that they actually had the gumption, arrogance and presumption to come here to Linden, believing that this could be their romping ground. I remember our Third Biennial Conference at Sophia in August, the very next month, and I remember that huge rally which we had at the 1763 Monument in Georgetown. And I said then that the W.P.A. had held its last meeting.« *New Nation*, 105, 28. 12. 80, p. 6.

36 Dayclean, 23. 1. 81. We have quoted at length both here and elsewhere to convey something of the »life and blood« of the positions which could not be conveyed by a cold and dry »academic« summary.

the turnout of eligible voters could »by no stretch of the imagination« have been more than 40 %<sup>37</sup> and that largely due to the participation of the PPP in the elections (the WPA called for a boycott of the elections). The turnout at the referendum in 1978 boycotted by all opposition parties was estimated at about 15 %.<sup>38</sup>

A team of international observers headed by Lord Avebury, Chairman of the UK Parliamentary Human Rights Group, was invited by the Guyana Human Rights Association to monitor the elections. Their conclusion was that the elections were a »clumsily managed and blatant fraud.«<sup>39</sup> The PNC's response took the form of ridiculing the team of observers and playing upon the strong feelings of resentment many Guyanese have at any indication that Europeans or North Americans are attempting to dictate events in Guyana. The General Secretary of the PNC complained about the »rudeness and arrogance« of the group, while Burnham advised the group »to go back to their respective countries and assist in solving problems there.«<sup>40</sup>

Before his audience of ambassadors at his inauguration ceremony, he dismissed the charge that civil rights were trampled on in Guyana with the comment, »Every Party was free to contest, every lord was free to lie.«<sup>41</sup>

## The Constitution, Democracy and People's Power

There are two levels at which we can examine the question of democracy and its relation to the Constitution. One is to examine the provisions in the Constitution in relation to the practice i. e. whether the Constitution is being observed or being violated. The other is to examine the provisions themselves. In the latter case, the quarrel over the Constitution has not centred on the traditional rights and freedoms or the new social and economic rights written into the Constitution. Where the controversy has raged has been over

37 **Caribbean Contact**, January, 1981, p. 16.

38 Election results (in %) in Guyana since 1961:

	PPP	PNC	
1961	42.6	40.9	
1964	45.8	40.59	- last elections before independence
1968		56.0	- 1st rigged elections
1973	25.51	70.15	- 2nd rigged elections
1980	19.03	77.4	

39 **Caribbean Contact**, January, 1981. Among their conclusions were the following: (a) intimidation of voters; (b) the polling process was controlled by PNC activists; (c) massive evidence that large numbers of voters were denied the right to vote (7 methods are listed); (d) double registration of some voters; (e) irregularities in the handling of ballot boxes and in the actual voting procedure (7 points are listed); (f) an intimidating military presence and intervention in some cases; (g) the forcible expulsion of the opposition's agents from all places where ballot boxes were held.

40 **New Nations**, 104, 21. 12. 80.

41 **New Nation**, 109, 25. 1. 81, p. 9.

the extent of the powers, protection and immunities of the executive President, which, as we saw above, are vast regardless of who is President and what the concrete circumstances are. When, however, these powers are seen in the concrete circumstances of Guyana, the outlook becomes bleaker and more threatening.

Burnham, himself, claims that he as President no power of consequence which the Prime Minister did not have<sup>42</sup> or argues that his powers are by no means unusual. But the drafting of a new constitution is a deliberate political act of great moment which, if it is to reflect the »historical background, ethos and tradition« of a people and express »its hopes, its plans, to make a reality of its ›nationess« , then the print of departure must be just that: the concrete situation prevailing at the time. What is that in Guyana?

Here we have a case where the President, through his and his party's capacity to rig elections and control the Elections Commission, can and has secured a 2/3 majority in the National Assembly (the PNC has, in fact, 83 % of the seats), where the army pledges loyalty to the PNC, where both the army and National Service are headed, following the dismissals in 1979, by persons personally loyal to the President, in fact his relatives, where the President enjoys unchallenged supremacy within his party and may dispense patronage or punishment more or less as he sees fit, where 80 % of the economy is controlled by the state, thus affording the President and his party tremendous opportunities for patronage and punishment in the society as a whole,<sup>43</sup> where many trade unions, the defenders of workers' interests, are affiliated to the PNC and the TUC as a body is subservient to the PNC, where racial fears and rivalries may still be manipulated to divide and rule over all, black and brown.

Similarly, the content of the formal rights and freedoms – political, social and economic – is determined by the nature of state power and how it reveals itself in political practice. We have already argued above that far from enjoying extended rights and freedoms and socialist democracy, the people of Guyana are engaged in a struggle to regain even the lost »bourgeois« rights which they have traditionally enjoyed. The right to work is written into the Constitution but in 1978, to meet IMF demands that the public service be reduced, hundreds of civil servants were »redeployed« i. e. offered unsuitable alternative employment on the sugar plantations and in 1979, following an official strike, 82 members of the CCWU were dismissed and scab labour hired in their place.

We have also indicated the regularity of violations of the traditional political rights and freedoms: assembly, expression, movement, from arbitrary search and arrest etc. and, of

42 »As a matter of fact, all it really does is that it saves paper, because in the past, when I wanted to appoint a Chancellor, I would write a letter to the President to tell him in nice terms, to advise him, to appoint a Chancellor and he did that . . . The only difference between then and now is that I advise myself and we save at least one piece of paper every time in these hard economic circumstances of Guyana . . .« Burnham at a public meeting, *New Nation*, 101, 30. 12. 80, p. 5.

43 We may recall the lines from Martin Carter's (Guyana's National Poet) poem, »Muzzled«, which run:  
»And would shout it out differently  
if it could be sounded plain;  
but the mouth is always muzzled  
by the food it eats to live.«



course, of the right to vote and the freedom to go to elections and choose a government. Not that the Constitution always has to be formally violated to deny these rights and freedoms any real content. It is always open to the government to limit these rights and freedoms in any way »reasonably required« in the interest of public order and safety. But what is »reasonable« in any instance and what may constitute a potential threat to public order and safety is decided by the hierarchy of the PNC alone.

While, therefore, the formal structure of the much vaunted local democratic organs need not in itself be criticised, the role of these organisations in the concrete circumstances of Guyana must give rise for great concern. They can hardly be organs of »people's power« when »the people« do not decide who their representatives should be. The PNC controls all ten of the RDCs and we may expect similar results when »elections« to the other organs of »local democratic power« take place. Since the, »Local democratic organs shall organise popular co-operation in respect of the political, economic, cultural and social life of their areas and shall co-operate with the social organisations of the working people« (74 (2)), and »An important organisational consideration must be the establishment of the mechanism to effect a close and harmonious working relationship between the Party Organisation and the Local Authority«<sup>44</sup> i. e. between the PNC as party and the PNC as local authority, it is almost impossible to escape the conclusion that the »organs of people's power« are intended primarily to deepen and give organisational strength to the capacity of the PNC to penetrate and control every last nook and cranny of economic, political, social and cultural life in Guyana. How then does the PNC seek to justify its claim that both the provisions of the new Constitution and the political practice in Guyana represent a case of »people's power«, of »socialist democracy«? The point of departure is that the PNC is a marxist-leninist »vanguard« party committed to socialism. As vanguard of the working class, it stands for the objective interests of the masses, and when it acts it acts in the objective interests of the »people«. Forces opposed to the PNC must, of necessity, be opposed to socialism and act against the interests of the people. It is therefore the moral duty of the PNC to destroy all opposition, but since the party is merely a crystalization of the will of the people, when it acts, it is the people who act.

On the basis of the analysis offered above, however, the reality resembles more an authoritarian, repressive state in which power is concentrated in the hands of an oligarchy with the »maximum leader« of the party at the top. The concept of the »paramountcy of the party« allows it, either to subordinate institutions like trade unions to the dictates of the party, or allows the party to take many forms, as state, legislator, executive and employer. The party, in its manifestation as the state, controls work, the mass media, the schools, the university, the police, army, national service and people's militia, the courts and culture. And finally, the system is repressive in the sense that, quite apart from the intimidation, physical violence, torture and assassination, the masses are denied the

44 Oscar Clarke, Minister for Regional Development, in an address at a training seminar for members of the National Council of Local Democratic Organs, Kuru Kuru Co-operative College, 2nd. Feb., 1981. *New Nation*, 112, 15. 2. 81, p. 7.



right to think, to decide or to initiate an action. This right rests exclusively with the party-state.

If there is to be »people's power« in Guyana, if the »organs of people's power« are to be organs of the people, if the »local democratic organs« are to be expressions of democracy, then the cornerstone of one method of change must be the long and often demanded »free and fair« elections. We may recall the comment of Shridat Ramphal, Commonwealth Secretary-General:

»The therapy of free elections has no equal. I know of no better prescription for ensuring the health of the body politic, the denial of violence of its surest foothold, and the return of societies and their regions to vigour and confidence than an unquestioning and unquestioned commitment to the democratic process in word and deed.«<sup>45</sup>

The consequences of the alternative method are frightening to contemplate.

45 In a speech in Jamaica, 5th July, 1980; quoted in **Caribbean Contact**, August, 1980. It is ironic that Ramphal was Attorney General and Minister of Foreign Affairs in Burnham's Government in Guyana at the time of the 1973 electoral fraud there.

## **Guyana's new Constitution and the elections of 1980: A case of people's power?**

by *Rajendra Chandisingh*

The purpose of the essay is to examine Guyana's new Constitution with the object of assessing whether the claims of the PNC government can be justified that it is a socialist constitution necessary for the government's much vaunted socialist revolution and that it offers real power to the broad masses for participating effectively in the important decision-making processes in Guyana's political and economic life. A detailed analysis of the provisions of the Constitution shows, however, that while the basic principles and the fundamental political, social and economic rights may be praiseworthy, the powers, immunities and protection of the executive President are so all-embracing that they cannot accord with any reasonable assumptions one may make about socialist democracy and »people's power«. In addition, the »organs of local democratic power«, should they fall into the wrong hands, offer an effective mechanism for the execution of efficient and total control of the whole population.

In the context of the concrete political situation in Guyana, however, the Constitution takes on a more sinister look. Evidence is given of the PNC's denial of civil rights and of its repressive methods of rule. The elections based on the Constitution which the PNC won with a massive majority was only the latest in a series of rigged elections going back to 1968. The inescapable impression is that the Constitution has little to do with socialism and socialist democracy and a great deal to do with providing constitutional legality for what had already de facto existed, viz. a harsh, undemocratic regime intent on maintaining power.

## **State and Agricultural Sector in West-Malaysia**

by *Volker Kasch*

The second phase of the Malaysian development strategy started with the concept of the New Economic Policy, which is characterized by a significant change of state functions. Public policy is now carried out by a capitalistic oriented state class. While she is trying to create her own economic base by expanding the public sector in industry her agricultural policy pursuing the aim of »eradication of poverty« is essentially directed towards securing political legitimacy amongst the Malayan peasantry, i. e. the agricultural policy serves at the same time an economical and political function.

Because of on the one hand existing economical and political interests and on the other hand comparative cost advantages as well as the existence of an enormous land potential the agricultural export sector formed the »leading sector« within the Malaysian develop-