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INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

POLITICAL AND CONSTITUTIONAL INFORMATION ON
CARIBBEAN AND WESTERN ATLANTIC TERRITORIES
UNDER UNITED KINGDOM ADMINISTRATION

Note by the Secretary-General

BRITISH GUIANA

In accordance with the statement of the Secretary of State for Foreign Affairs of the United Kingdom of Great Britain and Northern Ireland on 27 September 1961, the Government of the United Kingdom has transmitted to the Secretary-General the following political and constitutional information on the Territory of British Guiana.

This information which was received on 27 February 1963, is herewith submitted to the General Assembly at its eighteenth session.^{1/}

^{1/} In accordance with General Assembly resolution 1700 (XVI) of 19 December 1961, this information is also submitted to the Committee on Information from Non-Self-Governing Territories.

BRITISH GUIANA

POPULATION

1. The estimated population of British Guiana at 31 December 1961 was 590,050. The division into racial groups is as follows:

East Indians	289,790
African descent	192,660
Mixed	68,420
Amerindians	23,600
Chinese	3,520
Europeans	<u>12,060</u>
Total	590,050

PRINCIPAL ACTIVITIES AND OCCUPATIONS OF THE COMMUNITIES

2. All occupations are open to all races. Broadly speaking, however, the majority of the East Indians (Guianese of Indian origin) are engaged in agriculture, the Amerindians are almost exclusively engaged in subsistence agriculture, while most of the other communities are town dwellers engaged in commerce or industry.

POLITICAL STATUS

3. The present Constitution of British Guiana is based on the recommendations of a Constitutional Conference which took place in March 1960, and which was attended by representatives of the major political parties in the Legislature, including Dr. Jagan, the present Premier. At that time, the Territory already had a majority of elected members in the Legislative and Executive Councils; the former had 14 elected members, 6 nominated members and 3 ex officio members, while the latter consisted of the Governor, who presided, five elected members and three ex officio members. The elected members of the Executive Council, like the ex officio members, were each given responsibility over one or more departments of government and thus had a considerable responsibility for supervising the administration of the country, as well as a full share in policy-making.

4. The decision to hold a conference to provide for further constitutional advance, intended to be the preliminary to the grant of complete independence, was taken following unanimous recommendations forwarded to the Secretary of State for the Colonies. These recommendations arose out of an initiative taken by the Governor who had set up a Constitutional Committee consisting of all elected and nominated members of the Legislative Council. The Committee considered what form constitutional advance should take and its report, together with the comments of the public, was then forwarded to the Secretary of State.

5. When the Conference opened, the Secretary of State stressed the need for an orderly and progressive transfer of responsibility and power to British Guiana ministers. The Conference agreed to the introduction in August 1961 of a new Constitution giving full internal self-government; defence and external affairs would remain the responsibility of the United Kingdom Government, but powers would be delegated to British Guiana ministers to enable them to negotiate and conclude trade agreements with other countries. An outline of this Constitution is given below. The Conference also discussed the question of independence and agreed on the following formula for independence:

"Her Majesty's Government accept the principle of independence for British Guiana. On the assumption that constitutional changes are introduced as a result of this Conference, than if at any time not earlier than two years after the first General Election held under the new Constitution or upon it being decided that the West Indies Federation should attain independence, whichever period is the shorter, both Houses of the British Guiana Legislature pass resolutions asking Her Majesty's Government in the United Kingdom to grant independence to British Guiana, Her Majesty's Government will early thereafter call a further Conference to consider when it would be practicable to implement this request, provided that the new situation caused by the decision that the West Indies Federation should attain independence would not be regarded as giving grounds for considering any change in the then operative British Guiana Constitution until it had been in effect for not less than one year."

6. The further conference, which was attended by the leaders of the three parties represented in the legislature, met in London in October 1962 under the chairmanship of the Secretary of State for the Colonies. After exhaustive discussion it was found that the three parties could reach no agreement on the electoral system or on whether elections should be held before independence. The conference was adjourned to allow for further discussion between the parties in British Guiana.

7. The concluding paragraph of the Report of the 1962 Conference reads as follows:

"In conclusion, the Secretary of State stressed that, since continued political uncertainty must inevitably prejudice the social and economic progress of the country, the present state of affairs must not be allowed to continue much longer. If after an interval no agreed solution could be found, the British Government might have to consider imposing a settlement on their own authority so as to enable British Guiana to go forward to independence. But, since this would be a most unhappy way of launching the new nation, he urged the three leaders to make a further serious effort to reach agreement amongst themselves and assured them of his readiness to help in any way which they might consider useful." 1/

POLITICAL ORGANIZATION

Constitution

8. The Constitution of August 1961, described above, continues in force.

9. Council of Ministers. The Council consists of a Premier and up to nine other ministers. The Governor is not a member. This Council is collectively responsible to the Legislature of British Guiana for the direction and control of the government of the Territory. The Governor appoints as Premier that member of the Legislative Assembly who is able to command a majority, and appoints the remaining ministers on the Premier's advice. The Council of Ministers holds office until the Premier loses control of the Legislative Assembly and may have their appointments revoked only on the advice of the Premier or if they cease to be members of the Legislature. The Governor assents or refuses his assent to bills in accordance with the advice of ministers. He must, however, reserve for the signification of Her Majesty's pleasure those bills which in his opinion affect defence, external affairs or the Royal Prerogative, or are inconsistent with the Constitution.

The Ministers at present holding office are:

Dr. C. Jagan	Premier and Minister of Development and Planning
Mr. B.H. Benn	Minister of Agriculture, Forests and Lands
Mr. Ram Karan	Minister of Works and Hydraulics
Mr. Claude Christian	Ministry of Home Affairs
Mr. R. Chandisingh	Minister of Labour Health and Housing
Dr. C.R. Jacob, Jr.	Minister of Finance

1/ The full text of the Conference report is contained in A/5315.

Dr. F.H.W. Ramsahoye Attorney-General
Mr. E.M.G. Wilson. Minister of Communications
Mr. H.J.M. Hubbard Minister of Trade and Industry
Mr. C.V. Nunes Minister of Education and Social
Development

All Ministers are Guianese.

10. Legislature. The Legislature is bicameral, consisting of a Senate and a Legislative Assembly. The sessions of the two chambers are co-terminous and their maximum life is four years; dissolution of the Legislative Assembly automatically dissolves the Senate. The Senate has 13 members, all of whom are appointed by the Governor; 8 are appointed in accordance with the Premier's advice, 3 after consultation with leaders of the Opposition parties in the Legislative Assembly, and the remaining 2 by the Governor in his discretion.

11. The Senate reviews legislation passed by the Legislative Assembly and may itself introduce any bill other than a money bill. Money bills, if not passed by the Senate within a month of their being sent to it, may be passed without their assent; the Senate has no power to amend money bills. Other bills, if not passed within six months of being sent to the Senate, may also be passed. The Legislative Assembly may reject amendments proposed by the Senate.

12. The Legislative Assembly consists of thirty-five members elected in thirty-five single-member constituencies by universal adult suffrage. The Assembly may be prorogued at any time by the Governor acting on ministerial advice. The Governor's powers to dissolve the Legislature are the same as the conventions applying to the exercise of the power of dissolution by the Queen in the United Kingdom. The Legislative Assembly may deal with any type of legislation and reviews all bills amended by the Senate.

13. All members of the Legislature are indigenous Guianese except for one nominated member of the Senate.

ELECTORAL SYSTEM

14. The electoral system is based on universal adult suffrage. Members of the Legislative Assembly are elected in single-member constituencies, the candidate polling the largest number of votes winning the seat. Electors must be British

subjects of the age of 21 or more who are either permanently domiciled in British Guiana or have been resident there for two years or more and who, under the local law, are entitled to be registered in a particular electoral district. 15. The last elections were held in August 1961, and yielded the following results:

<u>Party</u>	<u>Number of seats</u>	<u>Percentage of votes cast</u>	<u>Number of votes cast</u>
People's Progressive Party (PPP) (Leader: Dr. Jagan)	20 ^{a/}	42.6	93,075
People's National Congress (PNC) (Leader: Mr. Burnham)	11	41.0	89,501
United Force Party (UFP) (Leader: Mr. d'Aguiar)	4	16.4	35,771

a/ One result was subsequently declared invalid, and one member now sits as an independent. The state of the parties at present is PPP, 18; PNC, 11; UFP, 4; Ind., 1.

JUDICIARY

16. The Constitution provides that there shall be a Supreme Court for British Guiana, whose composition, jurisdiction and powers are laid down in the Supreme Court Ordinance. The Supreme Court consists of a Chief Justice, appointed by the Governor after consultation with the Premier, and up to six puisne judges appointed on the recommendation of the Judicial Service Commission. They are required to have not less than seven years experience of practice as a barrister. The Judicial Service Commission consists of the Chief Justice as chairman, the chairman of the Public Service Commission, the senior puisne judge, and one other member who may be a retired or serving judge. Judges of the Supreme Court hold office until they reach the age of 62, and may only be removed from office through disability to discharge their judicial functions, or for bad behaviour. The question of removal has in such cases to be referred to a tribunal consisting of a chairman and not less than two members, all of whom must hold or have held high judicial office. If the Commission concludes that there is no case against the judge in question its decision is final. Otherwise, if the Commission so requests, its report has to be submitted to the Judicial Committee of the Privy

Council in the United Kingdom, which advises whether or not the judge concerned should be removed from office. The Judicial Committee's decision is final.

17. The right of appeal lies from the Supreme Court to the West Indies Court of Appeal, and from thence to the Judicial Committee of the United Kingdom Privy Council.

18. All judges in British Guiana are Guianese or West Indian.

19. Apart from the Amerindians who are accorded a special position, all communities in British Guiana are equal in the sight of the law.

LOCAL PARTICIPATION IN GOVERNMENT

20. The British Guiana Civil Service is almost entirely locally recruited. All junior posts and about seven out of every eight senior posts are filled by officers of local origin. Overseas officers, who now number about 100, are mainly in the scientific grades where, as yet, insufficient local candidates have been forthcoming. Overseas officers are replaced as and when suitably qualified Guianese become available. As mentioned above, most judges, all ministers, and all members of the Legislative Assembly are Guianese. There is only one non-Guianese in the Senate.

21. The responsibility for the control of police, formerly reserved to the Governor, is now the sole responsibility of a British Guiana minister. The only matters for which local ministers are not executively responsible are defence and external affairs other than trade relations, which have been delegated to the British Guiana elected Government.

BILL OF RIGHTS

22. The Constitution contains a Bill of Rights on the lines of that incorporated in the Constitution of the Federation of Nigeria.

LOCAL GOVERNMENT

23. British Guiana is divided into four counties. The counties are divided into nine administrative districts, which in effect co-ordinate local organs of the central Government and do not form part of the local government structure. The

district commissioners in charge of each district provide advice for the local government authorities. Local government authorities can be grouped into four categories. Nearly 90 per cent of the Territory's population live in the first two of these.

Municipalities of Georgetown and New Amsterdam

24. Georgetown is administered by a Mayor and Town Council. Nine councillors are elected for each of the nine wards of the city, and three are nominated by the Governor on the advice of his ministers. Councillors normally hold office for two years; the Mayor may hold office for two consecutive terms, but not longer. The municipal administration includes a Medical Officer of Health concerned with the hygiene of the City, a City Engineer and a City Treasurer. New Amsterdam has a similar administration, being administered by a Mayor and a Town Council, one councillor being elected for each of the six wards of the city, and three additional councillors being nominated by the Governor on the advice of his ministers. Like Georgetown, the city maintains its own Health Department and operates its own electricity works.

Rural coastal areas

25. The central authority of this system is the Local Government Board, consisting of the Commissioner of Local Government and the Director of Medical Services (who are civil servants), the president of the Village Chairman's Conference, and seven other persons appointed by the Governor on the advice of his ministers. The affairs of village and country districts are under the immediate direction of their own local authorities - the village councils, consisting of elected councillors, and country districts, whose members are appointed by the Local Government Board. It depends on local initiative whether a local authority is classed as a village council or a country district; the only major difference between them lies in their composition. Both exercise the normal local government functions - maintenance of roads and irrigation works, provision of drinking water, sanitation, markets, abattoirs, cemeteries, etc.

26. Outside the statutory machinery for management and consultation, local authorities have formed voluntary associations for discussing their affairs. The first Village Chairman's Conference, which is now named The British Guiana

Association of Local Authorities, took place nearly sixty years ago, and conferences of this kind are now an annual feature providing an opportunity for village representatives to meet and decide on means of improving the administration of the villages generally. Within the six administrative districts in the coastal region, groups of local authorities have been formed which meet quarterly. District Commissioners (who are civil servants) attend and address these meetings, reviewing the main events of the preceding quarter and explaining and discussing the Government's policy.

Inland towns and settlements (of which only Bartica is of any size)

27. These have the same local government organization as the rural coastal areas, though geographically far more scattered and less advanced.

Sparsely populated interior

28. The Department of the Interior is responsible for the administration of the three interior districts which together cover an area of about 70,000 square miles. Some 25,000 of the population (estimated at 30,000) are Amerindians living in small tribal groups. These are being encouraged, trained and guided into taking their place amongst the other racial groups in the Territory. In a number of areas they take advantage of assistance given through self-help schemes, and many such projects have been successfully completed. Such local government as exists in this area is based on the tribe.
