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种族主义、种族歧视、仇外心理和所有形式的歧视

当代形式的种族主义、种族歧视、仇外心理和
相关的不容忍现象问题特别报告员
杜杜·迪依恩提交的报告

增 编

访问圭亚那与特立尼达和多巴哥 *

* 这次访问报告的概要以所有正式语文分发。列在本文件附件中的报告本身仅以原来的语文和英文载录。附录仅以英文印发。

概 要

特别报告员于 2003 年 7 月 14 日至 25 日对圭亚那与特立尼达和多巴哥进行了一次区域访问。这次访问的主要目标是促请联合国注意圭亚那情况的紧急性、种族间的关系，特别是印度裔圭亚那人和非裔圭亚那人族群之间的严重紧张情况。这种情况在 2001 年 3 月和 2002 年 7 月之间的议会选举和总统选举期间引起了政治暴力。在这个局势下并从比较的角度和考虑到历史遗产的类似性——奴隶制和殖民制——以及圭亚那和特立尼达的社会人口的组成的类似性，特别报告员认为也应前往特立尼达和多巴哥。

特别报告员也对其访问采取一个双重战略，他制订这个战略是为了加强其任务的效率。这个战略参考了《德班宣言和行动纲领》的精神和内容并为了持久和深入地解决种族主义问题，不单旨在加强和促进对种族主义、种族歧视、仇外心理和相关的不容忍现象的法律和政治解决办法，而且也旨在更好地了解延续种族主义和歧视文化和心理的深入原因、基础、过程和机制、文化和心理意识形态。特别报告员因此制订了一个方式，通过这种方式，在多种族的社会里，在打击种族歧视之同时必须建立一个长期的真正的多元社会不单尊重不同族群的特殊性，而且也关心怎样促进它们之间的相互作用和它们的团结。

特别报告员在圭亚那观察到非裔、印度裔和美洲印第安裔的圭亚那人之间的两极化这个深切的事实。这种两极化的最极端表现是政党主要根据种族成分构成，在政府的结构方面，特别是在公共部门、军队和警察方面也是如此，对经济、社会和文化发生了重大和长远的影响。这种两极化所引起的各种人类、心理、关系和文化障碍不单破坏了《共处》的所有方面和方式，而且加重了经济和社会的发展不足，造成对整个人口的不利，虽然这个国家拥有巨大的自然、人力和知识资源。

然而，特别报告员也观察到这种两极化在所有族群之间并且在所有阶层中产生的不是族群之间的仇恨而是恐惧和猜疑，并且潜伏在社会生活的所有行为方面。他也在会见和接见期间衡量了社会各阶层中存在的归属感。圭亚那社会因此基本上拥有深厚的民族意识和人类价值观，足以帮助它超越种族两极化和集体地建立一个真正的多元性，通过这种多元性可产生一个动态和创造性的平衡，不单能承认、尊重、保护和促进文化和精神上的特殊性，也能通过各族群之间的相互沟通，促进普遍的价值观。

但是这种演变的必要条件最终在于国家所有领导人的政治意愿。令人惊愕的是，圭亚那的历史是各种各样意识形态的所有政治领导人将种族因素政治手段化的故事。族群集中区的身份，作为最后的权力手段，替代了圭亚那建国者 **Cheddi Jagan** 和 **Forbes Burnham** 初期的进步和团结的意识形态。

这种意识形态的中断以及后来的政治做法导致了种族两极化的严重情况。虽然他们对解放和创立圭亚那这个国家，甚至对整个加勒比海地区来说，作出无可否认的历史贡献，但他们的失败在于未能长期地奠定一个团结、平等和民主国家的基础。

这种种族意识的手段化受到了冷战的沉重意识形态以及帝国主义和区域性战略的滋养和扶助，完全成为一种掠夺性的政治文化，它的最终目的仅仅是征服和保存权力。政治和社会暴力以及其种族内涵，在这种情况下就构成了社会不安全以及感情和心理不安的主要因素。负责法律、公安的主要机构及警察和军队的种族两极化是导致所有族群都深受其害的不安全环境的重要因素。圭亚那人民不论是那一个族群的日常生活、社会安定、感情平衡和经济发展都受到深远的影响；他们深切感到他们是以他们的名义采取的政治手段的标志受害者人。

因此，特别报告员在他的访问期间观察到圭亚那社会的各个阶层由于遭受到种族两极化的个别和集体后果而在精神上感情上和政治上出现极端疲劳感觉。此外，特别报告员又看到转机的希望，他的访问恰好碰上了一个新的政治气候的出现，足以推翻旧的破坏性动态。的确，圭亚那当局，特别是共和国总统及包括主要反对党领袖在内的各个反对党领导人都告诉特别报告员他们意图与过去断绝，进行协商一致的政治改革以便为政府和反对党之间的民主合作建立基础，将圭亚那人民的生存、福利和《共处》置于政治做法的主要地位。**Jagdeo** 总统和反对党领袖 **Corbin** 先生于 2003 年 5 月 6 日联合签署的一份公告在这方面严肃地体现了在最高一级为了保障圭亚那民主的运作，和平和发展而作出的必要政治承诺。

在特立尼达和多巴哥方面，特别报告员认为，虽然该国像圭亚那一样也继承了同样的多种族人民以及一个由于族群对立和种族歧视而分裂的社会，但它的种族两极化的程度较轻。在他访问特立尼达和多巴哥之后，特别报告员想强调的是，在种族、文化和宗教交错重叠所引起的种族间紧张关系和建立同族群聚居区的情况下，宗教间的对话发挥了重要作用。的确，该国的主要宗教和精神传统的领导人一早就意识到种族两极化的危险，通过他们个人的交往和相互参与礼拜仪式和通过就有关该国的重要社会问题发表联合声明，推动种族间的往来和它们精神使命的接近。这些宗教负责人在

实践“宗教”的最初意义——结合而不是分离——时，显示了一个优秀的《共处》榜样。结果是，虽然圭亚那和特立尼达和多巴哥在历史上、人口上和在某些政治方面是这么类似，但后者在个人和宗教实践的相互影响方面却拥有一个多元文化的动力。不同政党的政治阶级因此都负有一项基本责任：将社会上这个多元文化的动力体现在民主、社会和经济政策上。特立尼达和多巴哥似乎已向这个方向迈出了一个政治程序。该国总理告诉特别报告员他最近采取的主动行动：设立了若干关于种族间关系的委员会及一个种族研究中心。特别报告员认为在目前这个阶段，特立尼达政府似乎已开始了一个体制改革过程以消除妨碍社会进展的种族因素。由总理本人担任种族关系委员会的主席显示了最高阶层认识到政治承诺对于长久地和深入地缓和不同族群之间关系的重要性。然而他想知道在这个过程方面进行了多大程度的协商。

Annex

**REPORT SUBMITTED BY MR. DOUDOU DIÈNE, SPECIAL RAPPORTEUR
ON CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION,
XENOPHOBIA AND RELATED INTOLERANCE, ON HIS MISSION TO
GUYANA AND TRINIDAD AND TOBAGO (14-25 JULY 2003)**

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Introduction

1. In discharging his mandate pursuant to resolution 2002/39 of 23 April 2002, and by agreement with the Governments concerned, the Special Rapporteur carried out a regional mission to Guyana and Trinidad and Tobago from 14 to 25 July 2003. One of the aims of the mission, against a background of growing awareness at the United Nations of the urgency of the situation in Guyana, was to look into the state of race relations there, as illustrated in part by the serious tension between the Indo- and Afro-Guyanese communities which sparked political violence during the parliamentary and presidential elections between March 2001 and July 2002. The Special Rapporteur felt it would be useful for purposes of comparison, given the similar historical heritage - slavery and colonialism - and demographic composition of Guyana and Trinidad and Tobago, to use the occasion to visit Trinidad and Tobago also.

2. The Special Rapporteur approached this mission following the dual strategy he has devised to increase the efficacy of his mandate. This strategy, inspired by the spirit and letter of the Durban Declaration and Programme of Action, and geared towards finding lasting, in-depth solutions to racism, seeks not only to broaden and reinforce the legal and political responses to racism, racial discrimination, xenophobia and related intolerance, but also to promote greater understanding of the underlying causes, the bases, processes and mechanisms - whether ideological, cultural or psychological - whereby the culture and mindset of racism and discrimination perpetuate themselves. The Special Rapporteur is thus developing an approach that should enable de facto multi-ethnic societies to link action to combat racial discrimination with the long-term goal of constructing a genuinely pluralist society that shows respect for the various communities' specific characteristics, while also trying to promote interaction and unity among them.

I. MISSION TO GUYANA

3. In Guyana, the Special Rapporteur met the country's most senior officials, including the President of the Republic, Mr. Bharrat Jagdeo, and several of his ministers. He also met representatives of the opposition, including Mr. Robert Corbin, the head of the People's National Congress/Reform (PNC/R), the main opposition party, and leaders of the new party of indigenous Guyanese people, the Guyana Action Party. The Special Rapporteur wished to deepen his understanding of Guyanese society by meeting representatives from civil society, religious communities, intellectual circles and the media. His meetings took place in and around the capital, Georgetown, and in the interior of the country, including in the town of Lethem in the south, on the border with Brazil, where the fact that most of the population are Amerindians gave him a better grasp of Guyana's ethnic and socio-political diversity, from a different perspective than the Afro-/Indo-Guyanese divide. The visit to Guyana took place in a setting of democratic dialogue: the leaders of the governing party, the People's Progressive Party/Civic (PPP/C) and the main opposition party, the PNC/R, had signed a joint communiqué on 6 May 2003, agreeing to work together to find solutions in the interests of the Guyanese people as a whole, on the basis of constructive engagement favouring Guyana's long-term social, economic and political development. The majority of the individuals, institutions and groups the Special Rapporteur saw, whether in Government or in opposition or civil society, welcomed his visit and were of the opinion that it was particularly well timed to give further impetus to the process of political dialogue, which is a basic prerequisite for any long-term solution to ethnic polarization.

4. The Special Rapporteur wishes to thank the Guyanese Government for its cooperation and hospitality, which helped his mission to go smoothly. He also wishes to express his gratitude to the representatives of the international community, in particular the Resident Representative of the United Nations Development Programme (UNDP), for their kind assistance. Lastly, he would like to thank those representatives of civil society who were kind enough to give him their time and provide him with information.

A. General overview

5. Guyana has an estimated population of 765,000¹ and an area of 214,970 square kilometres. Indo-Guyanese (49 per cent) and Afro-Guyanese (35 per cent) make up the majority of the population, for historical reasons which will be explained later. The Amerindians, the land's original inhabitants, make up a mere 7 per cent of the population, followed by mixed-race (7 per cent), Chinese (0.2 per cent) and some descendants of Portuguese and other Europeans such as Dutch and British (estimated at around 2.1 per cent). The Government officially emphasizes the multicultural nature of the country - hence the slogan "Guyana, land of six peoples". It should be noted that, because of political and economic problems, a relatively large proportion of the adult population (1-2 per cent) emigrates every year.

1. Legal and institutional framework

6. According to the 1980 Constitution (chaps. I and II), the Co-operative Republic of Guyana is a democratic, multiparty State based on a system of proportional representation. The President is chosen from the party that obtains a majority of votes and is elected for five years by indirect universal suffrage. The Constitution (chap. III) guarantees Guyanese citizens the fundamental rights and freedoms recognized in the Universal Declaration of Human Rights, namely the right to life, liberty, the freedom of conscience and opinion, freedom of movement, equality and non-discrimination. Under article 149 (1):

“(a) No law shall make any provision that is discriminatory either of itself or in its effect;

(b) No person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority”.

7. Guyana is also a party to the main international human rights instruments, including: the International Covenant on Civil and Political Rights and its Optional Protocol; the International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of the Child. It is not, however, up to date with its reports to the majority of the treaty-monitoring bodies, including the Committee on the Elimination of Racial Discrimination, which has been waiting for a report since 1978.²

8. The Prevention of Discrimination Act 1997 (Act No. 26 of 13 October 1997) prohibits racial discrimination in training, recruitment and employment, and in the provision of goods and

services. It also guarantees equal pay for men and women. In December 2000, with a view to preventing racial discrimination and combating incitement to racial hatred, Parliament adopted Act No. 17, which prohibits all individuals and political parties from publishing opinions or engaging in acts intended, or likely, to incite racial hatred or provoke racial violence.

2. Political context

9. In March 2001, the People's Progressive Party (PPP), a predominantly Indo-Guyanese party that has held power since 1992, again won the parliamentary and legislative elections, with the support of allies from the civic movement. Mr. Bharrat Jagdeo, the leader of PPP, was elected President and Samuel Hinds, of the civic movement, Prime Minister. Bharrat Jagdeo had, in 1999, succeeded President Janet Jagan, the widow of the founder of the PPP, Cheddi Jagan, who had been forced to resign for health reasons. The opposition contested the elections, however, accusing the PPP of electoral fraud. The country's political and social life was disrupted, resulting in a number of outbreaks of serious violence. The riots of 3 July 2002 were in part a result of this protest action: when some 100 demonstrators attacked the Presidential complex, the police reacted, killing two people and arresting 17 other demonstrators, one of whom is still in prison accused of high treason.

3. Economic situation

10. With natural resources such as bauxite, diamonds, gold and timber, and great agricultural potential (rice and sugar cane), Guyana could be a wealthy nation, but the economy has been in recession since the 1980s and the country's development is in thrall both to the political and social situation and to the structural constraints associated with the global economy (i.e., the shift from a State-run to a free-market economy). Thus, despite the Government's efforts in the social sphere, which have enabled Guyana to move up from 103rd to 92nd place on the human development index, the country is classed as a highly-indebted poor country, with 35 per cent of the population living in absolute poverty and 19 per cent in critical poverty.³ Women and children are the main victims of poverty and the infant mortality rate is put at 72 per thousand. Poverty affects the interior of the country in particular, and some rural areas along the coast, but there are also pockets of poverty in the towns, including Georgetown.

11. Any understanding of Guyana's political, economic and social situation in the present must take account of the country's past.

B. A history marked by inter-ethnic tension and conflict

12. Colonization, first by the Dutch (1580-1803) and then by the British (1803-1966), has left Guyanese society deeply scarred by racial stereotyping and ethnic division, the clearest example of the latter being the division between the descendants of Africans and the descendants of Indians. In many ways, the popular expressions now used for members of these groups - "buck man" for Amerindians, "black man" for Afro-Guyanese and "coolie man" for Indo-Guyanese - convey the stigmas and prejudices of the country's past.

13. The farming systems introduced during the colonial period were accompanied by oppression and discrimination against the original inhabitants of the country, the Amerindians, the forced transfer and exploitation of populations of African origin through the slave system,

and the implanting of various populations, in particular of Indian origin, by the recruitment of indentured labourers. Racial discrimination, an ideological pillar of slavery and colonialism, was applied against Amerindians as well as against Africans and Indians, and went hand-in-hand with a strategy of division and mutual antagonization. Following the abolition of slavery by Great Britain in 1838, the Africans (estimated at 82,000) refused to accept the pittance offered by their former masters and left the plantations in large numbers, establishing villages along the coast where they cultivated small plantations. The shortage of labour forced the British planters to bring in indentured workers, including Chinese, Portuguese and, in particular, Indians.

14. In defence of their economic interests, the Africans were unremittingly opposed to the import of labour. In their view, such immigration, which was supported by the colonial Government, was one of the causes of reduced employment opportunities, lower pay and a rise in the cost of living due to the taxes levied to subsidize it. They argued that there was enough work for them in the sugar plantations and that the higher wages they demanded could be paid if the import of labour were not such a drain on the colony's resources. Because the Indian indentured labourers accepted the low pay offered by the planters, they were seen as strike-breakers and immediately aroused the Africans' hostility.

15. The colonial plantation system was thus a factor in the diversification of the population of Guyana. But, based as it was on a strategy of dividing the various groups, it also gave rise to lasting animosities that hampered the construction of an integrated society. What is more, as the coastal areas of Guyana are below sea level, the land is prone to frequent flooding by the sea, and when, in the late nineteenth century, the former indentured labourers began planting rice in the flood zones, the colonial authorities provided them with technical and financial support. The Africans were also excluded from retail trade by a deliberate colonial policy of favouring a Portuguese monopoly on that sector.

16. Colonial economic and demographic policy, in combination with the mistrust arising from cultural differences, thus sowed suspicion and hostility between the various ethnic groups - between Indians and Africans, Indians and Chinese, Chinese and Europeans, Africans and Europeans, etc. In effect, the British colonial system had created a social hierarchy between the groups, with each group's social standing determined by its contribution to the plantation economy. The British, at the top of the ladder, were the plantation owners, the lawyers, the managers and overseers, the senior officials, bankers and clergy. Then came the Portuguese, who controlled trade; the Indians and Chinese, the majority of them indentured plantation workers and later small farmers and shopkeepers; and lastly the Africans, initially small farmers or farm workers, urban unskilled workers, teachers and lower-ranking police officers and administrators. The Amerindians, having lost their role as trackers of runaway slaves when slavery ended, were for the most part pushed to the margins of the colonial system and forced back into the jungle.⁴ The large numbers of Africans recruited into the forces of law and order were used when necessary to enforce the British system of division, control and dominance, notably in putting down uprisings by Indo-Guyanese farm workers demanding pay rises.

17. This brief outline of Guyana's colonial history may throw some light on the profound influences that have helped fashion the mindsets and relations between the races. By the end of the colonial era, Guyana was thus a de facto multiracial and multi-ethnic country, but one split right down ethnic lines in political, social and economic terms. None of its political leaders have

managed, during their various terms in office, to devise a political programme or policy that might encourage interaction between the communities or promote a vision of the nation transcending the racial divides and highlighting shared values and aspirations.

1. Political dynamic of ethnic polarization

18. Some historians, among them Kean Gibson, see Guyana's political and social life as marked by three cycles of racial oppression: first, the European oppression from 1580 to 1966, then the Afro-Guyanese oppression from 1966 to 1992; and since 1992 it has been the Indo-Guyanese who have held sway over Guyanese society. It is certainly true that Afro-Guyanese and Indo-Guyanese politicians have played on the fears of the communities as a means of attaining their electoral and hegemonic ends.

19. As independence approached, the Afro-Guyanese, who, as a matter of survival and adaptation, had embraced Christianity and obtained a European education, were recruited in large numbers into the civil service, business and the fledgling industrial sector. The Indo-Guyanese, who, having held onto their religious traditions, were excluded from the predominantly Christian British education system for a time, managed to improve their standard of living through rice farming and trade. The Afro-Guyanese were in the majority in the urban centres and the Indo-Guyanese in the rural areas. Thus the country's two main racial groups, with their legacy of resentment, mistrust, prejudice and fear of subjection, settled into a cyclical struggle to win and remain in power as the ultimate means of survival and self-preservation.

20. United at least in their nationalism against the colonial occupation, the leaders of the two groups did in fact make certain attempts at political rapprochement in the pursuit of a shared vision of the country's interests. Indeed, the PPP, founded in 1950, was originally a multiracial party led by Dr. Cheddi Jagan, of Indian descent, his wife, Janet Jagan, from the United States - the daughter of Ethel and Julius Rosenberg - and Linden Forbes Burnham, of African descent. The PPP won the first parliamentary elections with 18 out of the 24 seats. By an internal arrangement, Burnham became the leader of the party while Jagan became leader of Parliament. Disagreements between Jagan and Burnham arising out of their power struggle split the PPP and led to Burnham's creation of the PNC in 1955. Both parties adopted racial rhetoric in order to sway the sympathies of their main voter base in the communities. The PPP took up the Hindi rallying cry "*apan jhaat*" ("Vote for your own"), the Afro-Guyanese responded with a similar call for racial solidarity and the PNC, evoking the fear of Indo-Guyanese hegemony, called for a racial vote. Both pre-independence elections, in 1957 and 1961, were won by the PPP, which had a solid Indian electoral base, and Cheddi Jagan became Prime Minister of Guyana's autonomous Government. But the colonial Power continued to influence the independence process, which it wanted to mould to its own interests. The period between 1962 and 1964 was marked by a series of political and social upheavals and racial violence, with strikes, riots, guerrilla action and political purges. A strike called by the Guyana Agricultural Workers Union (GAWU) led to confrontations between Indo-Guyanese and Afro-Guyanese and the deaths of 14 people from both communities. The situation deteriorated seriously in 1963, almost sliding into civil war, following a general strike called by the unions and political parties opposed to the PPP in protest at Cheddi Jagan's budget proposal to Parliament. The Trades Union Congress (TUC), controlled by the Afro-Guyanese PNC, and United Force, the Portuguese party led by

Peter d'Aguiar, were the main instigators of the strike, which brought about the downfall of Cheddi Jagan. It is thought that at least 700 people (out of a population of 700,000) were killed in 1964 during these political and social upheavals. The racial polarization still so characteristic of political and social life in Guyana dates back to that period.

21. Some historians attribute the lasting split between Afro-Guyanese and Indo-Guyanese to external factors linked to the cold war. They suggest that, before granting independence to Guyana, the British colonial Power, fearing - in the light of Fidel Castro's triumph and the adoption of communism in Cuba - that the Marxist-oriented PPP and Cheddi Jagan would allow communism to make further inroads in the Americas, replaced the first-past-the-post electoral system, under which the PPP would have won with the support of Indo-Guyanese voters, by a proportional representation system. The electoral reform enabled Burnham and the PNC to form an alliance with the Portuguese party, United Force, and take power in the 1964 elections even though the PPP obtained a majority of votes. Burnham and the PNC remained in control - authoritarian control, according to some analysts - from 1964 to 1992, enabling the Afro-Guyanese to become dominant in the civil service, the army and the police force. PNC sympathizers obtained financial favours, notably under the company nationalization programme launched in 1970.

2. Impact of racial polarization on economic and social life

22. Where political relationships are determined by racial divides, racial polarization expresses itself in, and filters perception of, action by the State authorities, personal interaction, the discourse and experience of the members of the various communities, and the geographical distribution of members of those communities. The ethnic distribution of power within the hierarchy and the allocation of national resources to the various regions of the country are equally instructive when analysing the politico-racial situation. Generally speaking, when the PPP is in power, the measures it takes to distribute goods and services are perceived and experienced by Afro-Guyanese as attempts to marginalize them; while, when the PNC was in power, the Indo-Guyanese ascribed its initiatives to nepotism and exclusion.

23. Travelling east along the Atlantic coast towards Suriname, calling at some of the towns and villages between Georgetown and New Amsterdam, the Special Rapporteur noted a clear lack of any integration or interaction between the communities. Racial polarization was especially striking between Buxton, a village of Afro-Guyanese that strongly asserts its Afro-Guyanese identity, and the Indo-Guyanese Lusignan. Similarly, an examination of the ethnic map of Guyana's 10 regions reveals that the majority of Afro-Guyanese live in regions 4 (Georgetown), 7 and 10, while the Indo-Guyanese are in a majority in regions 2, 3, 5 and 6. This ethno-demographic distribution across the country and within towns is partly explained by historical factors relating chiefly to the economy and to the 1962-1964 racial confrontations.

24. It is generally recognized that the Indo-Guyanese dominate trade, services and rice production and sales. The Afro-Guyanese are in a majority in the civil service, the army, the police and State corporations, as well as in craft work in gold and other precious metals.

25. It is the intricate relationship between demography and the ethnic and political divide that gives rise to Guyana's basic democratic dilemma: democracy in Guyana cannot be a matter of mere electoral arithmetic but, if all the communities are to play an effective part in running the

country, must take account of the historical and sociological factors that make up the specifically Guyanese political and social context. In other words, in a country marked by politically antagonistic and conflictual multi-ethnicity, democracy cannot be reduced to a majority system under which power is automatically vested in the dominant racial group.

C. Measures taken by the Government

26. The Government has informed the Special Rapporteur that, in accordance with the Constitution, it has opted for non-discriminatory economic and social development and taken steps to combat racial discrimination. In its view, there is no institutional racism, though it may be that individuals adopt racist attitudes that influence them in their actions. Article 149 of the Constitution prohibits racial discrimination and legislation against racial discrimination (Constitution Amendment Bill No. 9 of 2003) is soon to be promulgated.⁵ On 26 September 2003, the Racial Hostility Amendment Act 2002 was reinforced with stiffer penalties for anyone convicted of incitement to racial hatred.

27. The process of constitutional and institutional reform that has emerged from the dialogue between the Government and the opposition is a further step towards overcoming racial polarization. There is a shared desire to tackle problems and deal with them thoroughly. The President believes that, if Guyana has not reached the stage of open conflict, it is because of the good sense of its people and their awareness that they are all one nation. He has suggested that he and the leader of the opposition should react strongly to every occurrence of racial discrimination.

28. An Ethnic Relations Commission was established under Act No. 16 of 29 December 2000 (Ethnic Relations Commission Tribunal Act 2000), with powers to investigate complaints of racial discrimination. At the time of the Special Rapporteur's visit, the Commission had not yet started work, since there was no agreement between the opposition and the Government over the appointment of its members.

29. The Government is aware that legislation and institutions alone are not enough to maintain social cohesion. Efforts are also to be made to promote personal relationships that transcend racial barriers, for although individuals interact while at work, outside this sphere, in their social and family lives, they tend to be more inward-looking. One proposal is to devise new town planning policies that will encourage the communities to mix; there are also a number of opportunities for communities to come together socially - such as the Indian festival of light, or Diwali, in May, and Mashramani, or Carnival, in February - which should be taken up.

30. In the administrative sphere, a government office has been set up specifically to follow up allegations of racial discrimination in employment. The Government has also given its wholehearted support to a decision by one of the four civil service unions to establish its own race relations body.

31. The Government disputes the allegations of racial discrimination against Afro-Guyanese and other groups. It points out that, despite the fact that the PPP has been in power for more than 10 years, the majority of public sector employees are Afro-Guyanese. By way of

illustration, 94 per cent of the army is Afro-Guyanese, and the statistics on the main administrative departments show that there are no disparities between the races.⁶ The Government has recently taken steps to improve the Amerindians' standard of living. A Ministry of Amerindian Affairs has been established, with a budget of US\$ 2 million.

32. The Government does not consider it can be accused of nepotism, since Parliament has oversight of its activities through the parliamentary sectoral committees (on natural resources, services, foreign affairs and social services), appointment to which requires a two-thirds majority vote in Parliament. It is true, however, that some of these committees have been paralysed by long-drawn-out wrangles precisely over appointments, which only reinforce the impression of nepotism among the general public.

D. Action by the United Nations

33. The agencies represented in the United Nations country team have put together a multifaceted programme that aims to strengthen national cohesion, security and governance. The social cohesion component will include a long-term strategy to analyse the root causes of the Guyanese crisis and to support political dialogue between the parties involved, but also to help build up a civic and political culture that takes account of the race factor in a positive way in the quest for consensual solutions. In this way the United Nations will ensure the strengthening of democratic institutions. The initiatives will be coordinated by the UNDP office in Georgetown. The Office of the United Nations High Commissioner for Human Rights also intends to appoint a human rights officer to provide support in the implementation of the national cohesion programmes.

E. Action by civil society

34. Social Partners, a non-partisan, multiracial lobby group consisting of leaders of the Guyana Bar Association (GBA), the Private Sector Commission (PSC) and the Guyana Trades Union Congress (GTUC), played a discreet but watchful part in the debate on the main problems of Guyanese society in 2002, and in the proposals put forward. The group has consistently called on politicians and parties to focus primarily on issues of economic and social development and thereby transcend racial polarization. It has drawn the main political parties into compromise and encouraged them to make room for civil society in the political debate and economic policy-making. It acts as an informal conduit for intimate dialogue between the various protagonists.

35. Meetings with young members of various associations - Rights of Children (ROC), the Lethem Young Achievers' Club, Guyana Youth Development Association and the United Nations Association - gave cause for considerable hope of positive developments in the situation in Guyana. These youth groups, some formal, some informal, and generally multi-ethnic in membership, are making efforts to break through racial barriers by taking concrete action to encourage "living together", and by reflecting on the various problems of Guyanese society and putting forward proposals. ROC, for example, launched a friendship campaign in 2000, which involved, among other things, distributing posters, T-shirts and stickers calling on the Guyanese to take the "Race-Free Zone Pledge", proclaiming their environment free of racial prejudice, attitudes and actions. It also conducted a survey of young people, published in July 2003, just before the Special Rapporteur's arrival, that showed that 97 per cent

had friends of other races and 60 per cent stated they had done something personally to improve racial harmony. Further, 61 per cent of young people believed that politicians and political parties have a major responsibility to improve race relations, and 42 per cent believed the same applied to the education system. The Lethem Young Achievers' Club, in the south, on the border with Brazil, a group consisting mainly of mestizos, face up to slurs on their identity with confidence, humour and a desire to excel beyond prejudice.

36. The Guyana Human Rights Association (GHRA) is another key body in the defence of human rights. It is well known for its monitoring of action by the Government and the political parties and for its human rights education for the general public. Its publications, such as the report on police violence between 1980 and 2001, carry considerable weight.

37. The Carter Center, which is funded by the United States Agency for International Development (USAID), supports projects aimed at improving governance and the administration of justice, and at developing alternative conflict-resolution mechanisms, in particular mediation between individuals and communities. It also supports the constitutional reform process and to that end encourages dialogue between the parties. The University of Guyana in Georgetown has also set up a conflict-resolution programme with the support of the Carter Center and international donors. The United Nations Association of Guyana has informed the Special Rapporteur that, with the support of the Canadian International Development Agency, it has been running a community programme on peaceful conflict resolution for young people and adults since 2000. The programme has been made available to schools, NGOs and political parties, and the United Nations Association of Guyana would ultimately like to establish community peace councils in various localities, that would intervene promptly in cases of potential conflict.

F. Analysis and evaluation of ethnic polarization

38. The Special Rapporteur noted the harsh reality of ethnic polarization among Guyanese of African, Hindu and Amerindian descent.

39. This polarization, which is most starkly reflected in the basically ethnic composition of the political parties, is reproduced in the structure of State mechanisms, particularly in the public sector, the army and the police, and has had deep and lasting economic, social and cultural consequences.

40. The various barriers - human, psychological, social and cultural - thrown up as a result of this polarization have not merely distorted all aspects and forms of "living together", but have also perpetuated and reinforced a state of economic and social underdevelopment, to the detriment of the entire society, in a country that possesses extraordinary natural, human and intellectual resources. The Special Rapporteur noted that, despite everything, this polarization, in all communities and at all levels of society, has resulted not in feelings of hatred between communities but rather in a culture of fear and mistrust which pervades all social activity. During his meetings and interviews, he also noted the existence of a sense of belonging at all levels of society. Therefore, at the basic level of the people's deepest feelings, Guyanese society does nurture the human values necessary for overcoming ethnic polarization and collectively building genuine pluralism, through which a dynamic, creative balance could enable cultural and spiritual differences to be recognized, respected, protected and promoted and universal values arising out of cross-fertilization among communities to be cultivated. But the prerequisite for

such a development, in the last analysis, lies in the political will of all of Guyana's leaders. The story of Guyana is, to a deeply disturbing degree, the story of political exploitation of the race factor by every political leader from every point on the ideological spectrum. The ghetto mentality has replaced the initially progressive, unitary ideology of the Guyanese nation's founding fathers, Cheddi Jagan and Forbes Burnham, as the ultimate instrument of power, and it is this departure and the political practices to which it has given rise that are at the origin of the vicious cycle of ethnic polarization. Notwithstanding their undeniable historical contribution to the liberation and construction of the Guyanese nation - and indeed of the Caribbean as a whole - the founding fathers failed to the extent that they were unable, in the long run, to lay the foundations of a united, egalitarian and democratic nation. The exploitation of ethnicity, nurtured and at times favoured by the leaden ideologies of the cold war and by imperialist and regional strategies, has literally grown into a predatory political culture whose ultimate goal is simply the conquest and retention of power. In this context, political and social violence, with its ethnic associations, has been a major factor in social, as well as emotional and mental, insecurity. The ethnic polarization of the main institutions of law and order - the police and the army - contributes in no small measure to the worsening climate of insecurity that hangs so heavily over every community. The Guyanese of all communities, whose everyday security, social stability, emotional balance and economic development have been thoroughly sapped, are keenly aware that they are now in the position of emblematic victims of the political practices carried out in their name. In the course of his meetings, then, the Special Rapporteur has found that every level of Guyanese society is permeated by a profound moral, emotional and political fatigue, arising out of the individual and collective impact of ethnic polarization. The strong impulse to emigrate among a section of the population is symptomatic of this fatigue. At the same time, however, the Special Rapporteur notes with much hope that his visit exactly coincided with the establishment of a new political climate that is likely to make a sharp break with this destructive cycle. The Guyanese authorities - notably the President and opposition leaders, including the leader of the main opposition party - have told him of their political will to break with this legacy by introducing consensual political reforms and lay the foundations for democratic cooperation between Government and opposition and thus, at long last, make the Guyanese people's survival, well-being and coexistence the focus of political activity. What seems to be a significant first step in the realization of this political will was the establishment of multiparty constitutional parliamentary commissions to look for democratic, sustainable solutions to the main problems of Guyanese society. The problems to be addressed by these commissions relate to the political issues and the aspects of social life of the greatest sensitivity and importance to the people of Guyana and have a direct bearing on the question of discrimination and racism: ethnic relations, human rights, gender equality, indigenous peoples, children's rights, public safety and constitutional reform. The basic innovation in this process is the dialectic between democratic action and the eradication of ethnic polarization. A joint communiqué signed by President Jagdeo and opposition leader Mr. Corbin, on 6 May 2003 is, in this context, a solemn reflection of the necessary political commitment at the highest political levels to ensure democracy, peace and development in Guyana.

G. Recommendations

41. **The Special Rapporteur recommends the following measures:**

- **A vital precondition for the eradication of ethnic polarization is political will and a firm commitment on the part of all political leaders. The ultimate test of this**

political will now lies in good faith, strict ethics and the political determination, in words and deeds, to ensure that the reforms agreed in the communiqué signed by the President and the leader of the opposition on 6 May 2003, and in the follow-up agreement of 18 June 2003, are implemented. In that spirit, as a means of sustaining the momentum of political dialogue, the launching without delay of a formal dialogue on the question of inclusive governance, as envisaged in the communiqué, would be a particularly significant step in the process of constructive engagement, and a strong statement of political determination to put an end to both ethnic and political polarization. As things stand in Guyana, the concept of inclusive governance has the potential to transform Guyanese society and help it move forward, partly through the establishment of a new political and ethical culture in which the emphasis is on the well-being of the Guyanese people and on living together, rather than on the traditional goal of winning and staying in power; and partly through its psychological appeal to the popular imagination;

- The concept of “inclusiveness” - and indeed the whole democratic process - if it is to have relevance and contribute to ethnic depolarization, must clearly and fully embody Guyanese society’s ethnic, cultural and political pluralism. Thus dialogue and consensus, if they are to be democratically meaningful, must embrace the leadership of the Amerindian community as a full participant. The fact that this sector of society was not involved in the initial drafting of the 6 May communiqué is a further sign of the discrimination and neglect from which it has traditionally suffered. Its participation is particularly appropriate not only because it will put an end to the Afro/Indo-Guyanese face-off - a key element in ethnic polarization - but also because the Amerindian community’s appearance on the political stage, in the shape of the Guyana Action Party, establishes a new political order that could well depolarize political life and pave the way for genuine democratic pluralism. Parliament, too, should take a key role in the inter-ethnic political debate, one that should go beyond dialogue between the President and the leader of the opposition;
- A radical, visible and determined depolarization of both the leadership and the membership of the political parties;
- Urgent implementation of the 6 May communiqué and the follow-up agreement of 18 June 2003, through the following measures:

Political and democratic oversight of implementation through regular, visible and minuted consultations between all the political leaders of all communities, on the phases, processes, methods and mechanisms for implementation of the 6 May communiqué and the follow-up agreement;

The establishment, appointment of members to, and start-up of a mechanism for monitoring and oversight of the issues and measures agreed in the communiqué;

The effective functioning of all the parliamentary committees, and allocation of the required financial, logistical and human resources, staff training and orientation and provision of sufficient support in terms of documentation and research to ensure the requisite political independence;

- **Greater prominence should be given to the committees' activities in the State and private media, through the minutes of their meetings, and in regular press conferences given by their chairs, i.e., using information to educate and to promote civic oversight and transparency in the democratic process of ethnic depolarization;**
- **Urgent attention should be paid to ethnic depolarization and pluralism in the security and defence services, the army and the police, in view of the enormous symbolic implications of their activities for social, political and ethnic insecurity and how they are perceived;**
- **Inasmuch as ethnic polarization is the clearest sign of democratic dysfunction, it is crucial that its eradication should be closely coordinated, and indeed should become the linchpin in reinforcement of the democratic process. In that spirit, and given the centrality and pervasiveness of ethnic polarization in every sphere of society, it will be necessary to devise, in a democratic manner, a national programme of action to eradicate ethnic polarization and combat racism and all forms of discrimination;**
- **To that end, a national commission should be established to implement the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Such a mandate could be explicitly and formally given to the Ethnic Relations Commission established during the 2001 constitutional reform. The Commission's work should revolve around two main objectives: preparation of a white paper or report on the state of inter-ethnic and intercommunity relations; and preparation of a programme for the dismantling and eradication of ethnic polarization and all forms of discrimination, and for promoting relations and interaction between the communities. Such a programme should include a detailed timetable for implementation and encompass the economic, social and cultural aspects of Guyanese society. A mandate of this kind could obviate the need for a truth and reconciliation commission, which is another possibility. There are two main justifications for this recommendation: (a) the urgent need for collective therapy, through an exercise of collective memory on an issue obscured by glossings-over of history and by psychological repression and deep trauma; and (b) the need for a holistic vision and a global approach;**
- **A dual strategy to combat racism and racial and ethnic discrimination needs to be adopted for the long term: (a) a legal strategy centring on a critical and exploratory evaluation of domestic legislation and legal practice, an inventory of international and regional instruments against racism and discrimination and their application, and implementation of the Durban Programme of Action;**

(b) an intellectual and ethical strategy targeting the fundamental cultural, ethical and mental roots of the culture and mindset of discrimination, through the promotion of a cultural pluralism that is based on the contrasting notions of unity and diversity, i.e., one that, while respecting characteristic identities, cultures and spiritual traditions, also strives for unity by promoting interaction and cross-fertilization between the various communities;

- **Linking the fight against racism and racial discrimination closely to the long-term construction of a multicultural, egalitarian and democratic society. The gradual eradication of ethnic polarization, through the work of the various commissions established as part of the 2001 constitutional reform, and the launch of a national anti-racism programme based on the Durban Programme of Action, are essential first steps towards the ultimate elimination of the expressions, manifestations and consequences of racism and discrimination in the social, economic and security spheres. But it is the rebuilding of a democratic, egalitarian and interactive multicultural order that should be the ultimate goal of societies such as Guyana's, with a multi-ethnic heritage rent by the slave and colonial system and exploited by political powers on the basis of racist and ethnocentric ideology;**
- **If the fight against racism is not itself to create in Guyana a multicultural order where communities simply live side by side - on an equal footing, to be sure, and without formal discrimination, but still trapped in their ghetto mentalities, meeting but not really getting to know one another - it is necessary, indeed vital, at the same time to promote forms of living together that will encourage and prize interaction and cross-fertilization between those communities. In other words, to build up a truly interactive, dynamic and united multicultural order, efforts to combat racism must go hand-in-hand with the promotion both of interaction between the communities and of intercultural dialogue aimed at enhancing mutual understanding;**
- **Bold measures must therefore be taken as a matter of urgency, aimed not only at deepening the understanding of each community's history, culture and spirituality, but, at the same time, at turning the spotlight on interaction, that is to say collective, united progress through history towards a plural Guyanese identity. One essential step should be a thorough revision of the key vectors of national identity, namely education - in particular accounts of the history of Guyana - and communication - and especially the content and functions of the media. A constitutional commission on intercultural dialogue with those terms of reference is particularly to be recommended. Intercultural dialogue should encompass interreligious dialogue, since ethnic polarization creates and fosters hermetic religious identities. Religious and spiritual leaders should be collectively involved in this process, in accordance with the principle of State neutrality in matters of religion. The intercultural dialogue should include events of a strongly symbolic nature involving the collective presentation, on a structured and regular basis, of different cultural, spiritual and artistic traditions - for example, a national festival of Guyanese cultures and traditions.**

An event of this kind, which affirms both specific identities and the sense of belonging to one nation, can give powerful impetus to long-term efforts to repair the fabric of Guyanese culture;

- **In the spirit of the Durban Declaration and Programme of Action, Guyana should play a fuller part in regional movements against racism and towards multilateralization and the building of plural identities, particularly in the Caribbean, where there are similarities not only in historical legacies of discrimination and ethnic and racial divisions, but also in demographic and community profiles. The way in which efforts to eradicate ethnic polarization are now being linked with the development of the democratic process, and the parallel reconstruction of a plural identity, could be of great relevance throughout the region. By incorporating the University of Guyana into the University of the West Indies, a regional intellectual effort could be brought to bear on these important issues, to the benefit of all the countries involved.**

II. MISSION TO TRINIDAD AND TOBAGO

42. In Trinidad and Tobago the Special Rapporteur met the Prime Minister, Mr. Patrick Manning, and other political leaders, and representatives of civil society and the various religious denominations. He would like to thank the Government of Trinidad and Tobago for its cooperation and hospitality, which helped his mission to go smoothly. He also wishes to thank those representatives of civil society who were kind enough to give him their time and provide him with information. A full list of the people he interviewed in Guyana and Trinidad and Tobago is annexed to the present report.

A. General overview

43. The Republic of Trinidad and Tobago, as its name indicates, is made up of two geographical entities, the island of Trinidad (4,820 square kilometres) and the island of Tobago (303 square kilometres). It is a multiracial country with a population of 1,281,825, the majority of whom are of Indian (40.3 per cent) or African (39.6 per cent) descent. The other ethnic groups contributing to the country's ethnic and cultural diversity are those of mixed race (18.4 per cent), Whites (0.6 per cent), Chinese (0.4 per cent) and Syrian/Lebanese (0.1 per cent).⁷ In the spiritual and religious sphere, the Orisha religion, of African origin, Christianity, Hinduism and Islam are all practised and respected. Censuses neglect to mention the existence of descendants of the Amerindian Caribs, but the Special Rapporteur met representatives of their community, who stated that they numbered about 500.

44. Trinidad and Tobago is a medium-income country, 54th on the human development index in 2003 and with a life expectancy estimated at 71, a literacy rate of 98 per cent and an annual per capita income of US\$ 9,100. The 1990s oil boom that brought wealth to the country did not eliminate poverty and unemployment, and the World Bank estimates that some 21 per cent of the population is poor, although it is difficult to ascertain the poverty rate by ethnic group.

45. Trinidad and Tobago is a party to the main international human rights instruments, namely the International Covenant on Civil and Political Rights and its Optional Protocol; the

International Covenant on Economic, Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of the Child. A human rights department was established in 1998 within the Ministry of Justice, to coordinate the preparation of periodic reports to the various treaty-monitoring bodies, thereby enabling the country to catch up with its backlog of reports.

46. In the political sphere, Trinidad and Tobago became independent from the United Kingdom in 1962 and has maintained the multiparty democratic system introduced for the first free elections in 1956. The People's National Movement (PNM) of Dr. Eric Williams, a multiracial nationalist party with the slogan "No Mother Africa, No Mother India, No Mother Who", rallied all the groups victimized by the colonial system to win the first elections. It held on to political power until 1986, when it was replaced by a coalition led by the National Alliance for Reconstruction (NAR). Its spirit of inclusiveness notwithstanding, PNM was perceived as a tool of Black nationalism that had allowed an "Afro-Saxon" elite to run the country. PNM regained power in 1991, but lost it again in 1995 to a coalition of NAR and the United National Congress (UNC), which was predominantly Indo-Trinidadian but did not exclude other ethnic groups. For the first time in its history, Trinidad and Tobago had an Indo-Trinidadian Prime Minister, Basdeo Panday, until 2001, when he was replaced by Patrick Manning, the leader of PNM. The near-parity between Afro-Trinidadians and Indo-Trinidadians at election time can inflame racial tensions between PNM and UNC supporters, as happened at the last elections. However, the large mixed-race population is a factor that complicates politics in Trinidad and Tobago. Furthermore, the two main groups are not completely homogeneous or discrete but are affected by religious, class and colour divisions and a variety of other influences, including Western culture, that are not always conducive to an automatic "racial vote". Indo-Trinidadians may be Hindu, Muslim or Christian, for example. Religion is not a determining factor for Afro-Trinidadians, but colour and social class affect the cohesiveness of the group. NAR, for example, has a strong base in Tobago, whose inhabitants lay claim to a certain "African" authenticity by contrast with the more cosmopolitan Trinidad. Tobagoans tend to vote in accordance with the island leader's instructions and the island's special interests. In addition, the mingling of races is an ongoing process that continues to transform society in Trinidad and Tobago. Racial animosity may break out in the heat of political campaigns, but does not take on such alarming proportions as in Guyana.

B. The issue of race relations

47. It is worth recalling that, in its concluding observations on Trinidad and Tobago's periodic reports,⁸ the Committee on the Elimination of Racial Discrimination did not accept the Government's assertion that there was no racial discrimination in Trinidad and Tobago. The Special Rapporteur found the issue of race relations in Trinidad and Tobago to be quite complex. The periodic exploitation of race in political campaigns is offset by the people's strong desire to live together, as reflected in the mingling of the races and the religious and spiritual ecumenism of the various faiths. The democratic pendulum, which allows the various political parties access to power, and the fact that political coalitions can be formed which transcend racial barriers, help temper the racial acrimony displayed by certain extremist fringes of the population.

48. It is generally accepted that economic power is in the hands of the Indo-Trinidadians, while the Afro-Trinidadians are dominant in the administration and politics; however, in some sectors, such as the police and the oil industry, there is parity between the two groups. The Special Rapporteur heard allegations of discrimination in schools. Indian schools apparently tend to restrict enrolments by Afro-Trinidadians and to ban hairstyles considered to reflect a particular ethnicity (afros, dreadlocks, braids). Despite the widespread racial mingling, it seems that mixed Indian-African couples are subjected to enormous pressure from their families, particularly the Indian families.

49. When asked about incidents of racial discrimination, both the Ombudsman and the Police Complaints Authority, which is the body responsible for investigating complaints against the police, stated that they had received no complaints in that regard.

50. Indo-Trinidadians interviewed assert that Afro-Trinidadians dominate culturally, to such an extent that Trinidad and Tobago is perceived by outsiders as an exclusively Afro-Caribbean country. Several people noted, however, that all Trinidadians identify with calypso music, which Indo- and Afro-Trinidadian singers alike have enriched with their compositions, enabling it to be appreciated by all.

51. Although, like Guyana, Trinidad and Tobago has inherited a similar multi-ethnic population and a society divided by conflict among communities and racial discrimination, it is facing less ethnic polarization. Following his visit to Trinidad and Tobago, the Special Rapporteur would particularly like to draw the Commission's attention to the crucial role of interreligious dialogue in situations where ethnic tension and ghetto mentalities spring from the intermingling of race, culture and religion. Indeed, the main religious and traditional spiritual leaders of this country recognized very early on the perils of ethnic polarization and fought back by publicizing their own exchanges and the similarity of their spiritual messages, by meeting personally, attending each other's religious ceremonies and making joint statements on the major social questions affecting the country. What these religious leaders have done, in effect, is to provide a remarkable object lesson in living together by practising "religion" in the original sense of the word - binding together, not tearing apart. Consequently, despite historical, demographic and, in certain respects, political similarities between Guyana and Trinidad and Tobago, the latter enjoys a particular multicultural vitality in individual contacts and religious practices. The political class, regardless of party, bears the basic responsibility for putting this multicultural potential to use for democratic, social and economic ends, and political moves in this direction seem to have begun: the Prime Minister informed the Special Rapporteur of his recent initiative calling for the establishment of several committees on interracial relations among other topics, and an ethnic studies centre. The Special Rapporteur considers at this stage that the Government of Trinidad and Tobago seems to have set in motion a process that is likely to lead to institutional reform, thereby reducing the importance of the ethnic factor in society. The fact that the Prime Minister himself chairs the Ethnic Relations Commission is an acknowledgement that political commitment at the highest level is crucial to a sincere and lasting reconciliation between the various communities. That said, and pending further information, the degree of political consensus in this process is still in question.

C. Measures taken by the Government

52. The Government stressed that Trinidad and Tobago is a testing-ground for racial harmony and showed the Special Rapporteur the constitutional and legislative provisions that make it possible to combat racism and racial discrimination. Chapter I, section 4, of the Constitution guarantees everyone the fundamental rights and freedoms recognized in the Universal Declaration of Human Rights, without discrimination by reason of race, origin, colour, religion or sex. The passage of Equal Opportunity Act No. 9 in 2000 represented a significant advance in the fight against discrimination in education, employment, the provision of goods and services, and housing. An equal opportunities commission is responsible for implementing the Act. More specific legislation also exists to prevent racial discrimination in the leisure and entertainment field, including access to discotheques and dance halls (Registration of Clubs Act as amended by Act No. 14 of 1997, Theatres and Dance Hall Act as amended by Act No. 15 of 1997).

53. An interesting aspect of Trinidad and Tobago's legislation, in terms of ethnic diversity, is its recognition of the various communities' forms of marriage. Christian, Hindu, Muslim and Orisha marriages are all accorded equal recognition.

54. In recognition of the population's ethnic and religious diversity, Parliament has also proclaimed the various communities' religious festivals as public holidays. The Public Holidays and Festivals Act (chap. 19:05) officially recognizes the following festivals: Diwali for the Hindus; Eid-ul-Fitr for the Muslims; and Good Friday, Easter, Christmas and Corpus Christi for the Christians. Public holidays have also been proclaimed to mark days with historical significance for particular ethnic and racial groups, such as Spiritual Baptist/Shouter Day, Liberation Day and Emancipation Day for the Afro-Trinidadians and Arrival Day for the Indo-Trinidadians. Celebrating festivals and marking holidays in this way is an effective means of eliminating racist attitudes and promoting inter-ethnic understanding, tolerance and social harmony. Pupils in State schools are encouraged to put on shows to mark and celebrate the various holidays and festivals. There are also festivities outside the schools, across the country, which may include the depiction of historical events, artistic and cultural performances, and the sale of typical and traditional dishes and costumes. People from different ethnic groups and races take part, and thus have an opportunity to meet and get to know one another.

55. Readers are referred to Trinidad and Tobago's reports to the Committee on the Elimination of Racial Discrimination for details of the country's legislation (CERD/C/382/Add.1).

56. The Government is taking an increasing interest in the small community of Caribs, and has promised to give them land so that they can re-establish their culture. It has been suggested to the Government that there should be educational curricula covering Carib culture. Efforts will have to be made to rehabilitate the Carib language. The historical sites of Carib culture have been identified and will require Government protection. The Government has also shown itself receptive to a request from the Caribs for the establishment of a commission on Amerindian issues.

D. Action by civil society

57. The various religious faiths and congregations are very active in Trinidad and Tobago, and this helps to maintain national cohesion. Orishas, Anglicans, Baptists, Buddhists and Hindus meet together for ecumenical services in temples, mandirs and mosques. The Special Rapporteur found that there is genuine religious tolerance and respect for different beliefs when he visited an Orisha temple and the great temple of the Hindu god Hanuman, in Port of Spain. He was told that people join various faiths irrespective of their racial origins.

58. The Inter-Religious Organization of Trinidad and Tobago (IRO), which brings together members of the African faiths (Orisha), Christians, Baha'is, Buddhists and Muslims, is an original and effective mechanism for intercommunity dialogue that genuinely helps to preserve social harmony. It was established in 1983, and its services emphasize what the communities have in common rather than what divides them, i.e., the search for justice, truth and peace. In its press releases, it regularly calls on politicians and political parties to exercise moderation.

59. Other civil society organizations, such as Working Women for Social Progress, work for the elimination of racism and the improvement of race relations by speaking out against political manipulation, organizing talks and campaigning intensively on the radio, and handing out leaflets and stickers against racial prejudice. Working Women for Social Progress also monitors and denounces racist comments in the press.

E. Recommendations

60. The Special Rapporteur's conclusions and recommendations contain proposals for political commitment and democratic consensus, proposals for an intercultural strategy and, lastly, some pointers towards a legal and judicial strategy to combat all forms of discrimination:

(a) Political commitment and democratic consensus:

- (i) Linking the fight against all forms of discrimination with reinforcement of the democratic process is essential for the thorough, permanent eradication both of historical legacies and of political exploitation of the ethnic factor;**
- (ii) Accordingly, the process of political and constitutional reform aimed at eradicating all forms and manifestations of ethnic polarization should be based on the principle of political cooperation at the highest level. The Prime Minister and the leader of the opposition should express their political will and commitment in a joint declaration setting out the political, constitutional and legislative measures needed in this regard;**

(b) Proposals for an intercultural strategy:

- (i) The underlying intercultural relationship, in the sense of living together day by day, and the current process of interreligious dialogue, should be taken as a basis and formalized at the political level;**

- (ii) **The aim of efforts to combat discrimination and racism should be to shape, over the long term, a democratic, egalitarian multicultural order. The ultimate objective is to ensure that just doing away with all forms of discrimination does not result in the sort of multicultural society in which different communities, while not discriminating against one another, simply live side by side, enclosed in their ghetto mentalities, without any real interaction or cross-fertilization;**
- (iii) **The principle of unity in diversity should serve as a pivot linking recognition, protection and respect for the specific cultural, ethnic and spiritual features of the various communities, with the promotion of shared, universal and unitary values;**
- (iv) **To that end, it is vital to promote, through education and information, mutual understanding among the various communities, in particular of their history, their spiritual traditions and their ethical and aesthetic values;**
- (v) **The national identity needs to express the cultural, ethnic and spiritual pluralism of Trinidad and Tobago's society, in order to avoid the perception that one community has cultural domination over the other;**
- (c) **Legal and judicial strategies to combat all forms of discrimination:**

 - (i) **It is vital to give shape, purpose and impetus to existing constitutional, legislative and judicial measures, by preparing a national programme to eliminate all forms of discrimination and racism, based on the Durban Programme of Action, through a democratic and intercommunal process, using a holistic approach that embraces both concrete economic and social issues, and culture and communication;**
 - (ii) **Responsibility for preparing such a national programme should be assigned to the Ethnic Relations Committee, established on a balanced democratic and intercommunal basis, with the additional task of implementing the Durban Programme of Action;**
 - (iii) **The current dialogue among religions which is central to the development both of day-to-day communal living and of a national ethic, should be given recognition, support and representativity through the establishment, by Parliament, of a national council for dialogue among religions.**

¹ United Nations Development Programme (UNDP), *Human Development Report 2003*.

² See CERD/C/62/Dec.2. During his mission, the Special Rapporteur learned that the Office of the United Nations High Commissioner for Human Rights had agreed to the Guyanese Government's request, submitted in April 2003, for technical assistance with preparation of this report.

³ UNDP, *Second country cooperation framework for Guyana (2001-2003)*, New York, February 2002, DP/CCCF/GUY/2.

⁴ Kean Gibson, *The Cycle of Racial Oppression in Guyana*, University Press of America, New York, 2003, p. 4.

⁵ Constitutional Amendment Bill No. 9 had been unanimously approved by Parliament in December 2000, but under pressure from religious groups opposed to the inclusion of sexual orientation as one of the grounds for discrimination, the President was forced to delay its promulgation. Following negotiations between the various parties, a separate law on sexual orientation (Constitutional Amendment Bill No. 10 of 2003) will be put before Parliament.

⁶ See appendix I.

⁷ The ethnic and demographic information is taken from the eleventh, twelfth, thirteenth and fourteenth periodic reports of the Republic of Trinidad and Tobago to the Committee on the Elimination of Racial Discrimination, consolidated in a single document (CERD/C/382/Add.1).

⁸ *Official Records of the General Assembly*, Fifty-sixth Session, Supplement No. 18 (A/56/18), para. 348.

Appendix I

**TABLE OF SENIOR ADMINISTRATIVE RANKS BY ETHNICITY
IN THE PUBLIC SERVICE IN GUYANA**

Position	Total No.	No. East Indians	No. Africans	No. Others	% East Indians	% Africans
Ministers	20	14	3	3	64	18
Permanent secretaries	15	9	6	0	58	42
Principal assistant secretary/Assistant secretaries	21	6	15	0	29	71
Accountant (heads)	26	5	21	0	19	81
Senior personnel officers	13	0	13	0	0	100
Deputy permanent secretaries, directors and others	38	11	27	0	29	71

Source: Public Service Ministry Records, 2001-2002

Note: This table shows the senior and administrative ranks for most ministries of the public service. These are human services, security, labour, health, home affairs, public works, agriculture, information, foreign affairs, education and finance. Ministries not included at this stage are housing, legal affairs, culture, and trade. Their inclusion would have sustained the general conclusions herein outlined because of similar demographics.

East Indians are in large numbers in the upper echelons of the ministries where they comprise 70 per cent of Ministers. At the level of permanent secretary, both East Indians and Africans are strongly represented. However, Africans control all other senior administrative and executive positions, such as, deputy permanent secretaries, principal assistant secretaries, assistant secretaries, accountant heads, and senior personnel officers. Africans, therefore, certainly are not marginalized in the upper levels of the hierarchy in the public service. There is, in effect, an emergent ethnic mix in the hierarchy of control. See Prem Misir, "Social marginalization and ethnicity, a preliminary study", The Government Information Agency (GINA), Georgetown, 2002.

Appendix II

SELECTED LIST OF PERSONS WHOM THE SPECIAL RAPPORTEUR MET

MISSION AU GUYANA

Government

H. E. Mr. Bharrat Jagdeo, President of the Republic of Guyana

Mr. Samuel Hinds, Prime Minister

Mr. Roger Luncheon, Head of the Presidential Secretariat

Mr. Rudy Insanally, Minister for Foreign Affairs

Ms. Bibi Shadick, Minister of Human Services and Social Security

Mr. Henry Jeffery, Minister of Education

Mr. Leslie Ramsammy, Minister of Health

Ms. Jennifer Westford, Minister of the Public Service

Ms. Carolyn Rodrigues, Minister of Amerindian Affairs

Mr. Ronald Gajraj, Minister of Home Affairs

Mr. Ralph Ramkarran, Speaker of the National Assembly

Mr. Reepu Daman Persaud, Parliamentary Secretary

Mr. Clyde Roopchand, Chief Planning Officer, State Planning Secretariat

Mr. Floyd McDonald, Commissioner of Police

Prem Misir, Government Information Agency

National institutions for the protection of human rights and strengthening of democracy

Mr. Steve Surujbally, President of the Electoral Commission

Bishop Juan Edghill, Chairman, Ethnic Relations Commission

Mr. Carl Singh, Chief Justice

Ms. Desiree Bernard, Chancellor of the Judiciary

Mr. Cicil Kennard, Chairman, Police Complaints Authority

Mr. Sharky Mohammed, Ombudsman

International Community

Mr. Jan Sorensen, UNDP Resident Representative and United Nations Resident Coordinator

Mr. Fritz Lherisson, Special Representative of UNICEF

Ms. Betty McCutchan, Chargé d'affaires, Embassy of the United States of America

Mr. Steve Crossman, Deputy High Commissioner, British High Commission, Georgetown

Mr. Murray Kam, Canadian High Commission/Canadian International Development Agency

Ms. Dahmattie Sohai, USAID

Mr. Marco Carlo Nicola, Deputy Representative, Inter-American Development Bank

Ms. Melanie Reiner, Mr. Brian Lewis, The Carter Center

Political parties

Mr. Robert Corbin, President, Mr. Derick Bernard (member of Parliament), Mr. Lance Carberry, Mr. Spriya Singh, Ms. Clarissa Riehl (member of Parliament), Ms. Volda Lawrence (member of Parliament), Ms. Geneviève Allen (member of Parliament), Ms. Audrey Norton, Ms. Faith Harding, Ms. Yvonne Fox, members, People's National Congress/Reform

Ms. Janet Jagan, former Head of State, Mr. Donald Ramotar, General Secretary, Mr. Cyril Belgrave, member of the Central Committee, People's Progressive Party

Ms. Sheila Holder (member of Parliament), Ms. Shirley Melville (member of Parliament), Mr. Ali Majeed, member, Mr. Clive Thomas, member, Guyana Action Party-Working People's Alliance

Ms. Ravindra Dev, Leader, Mr. Roy Singh, Organizing Secretary, Rise Organise and Rebuild Guyana Movement

Civil society

Justice Donald Trottman, Chairman United Nations Association of Guyana

Mr. Patrick Yard, President, Mr. Ram Mangru, Second Vice-President, Mr. Surendra Persaud, General Secretary, Guyana Public Service Union

Mr. Carvil Duncan, President, Mr. Norris Witter, Vice-President, Mr. Lincoln Lewis, General Secretary, Trade Union Congress

Mr. Komal Chand, President, Mr. Seepaul Narine, General Secretary, Guyana Agricultural and General Workers' Union

Ms. Sandra Bant, Vice-President, Ms. Elvy Everton Edwards, Executive Member, Guyana Association of Women Lawyers

Ms. Emily Dodson, Secretary, Ms. Sheila Clapman, Executive Member, Guyana Bar Association

Mr. Hugh Cholmondeley, former senior United Nations official

Mr. Miles Fitzpatrick, attorney-at-law and civil society activist

Mr. Ian McDonald, CEO, Caribbean Sugar Corporation and writer

Mr. David de Caires, publisher, Starbroek News

Major General (ret'd) Joseph Singh, former Chief of Staff, Guyana Defence Force and Director, Conservation International (Guyana)

Mr. Ronald McGarrell, national leader, Family Federation for World Peace and Unification

Mr. Wazir Baksh Bax, Guyana Islamic Trust

Mr. Omattie Seaorth, Every Child-Guyana

Ms. Dorothy Fraser, Ms. Jennifer Dewar, Mr. Lonce Tyrell, NGO. Forum

Mr. Merle Mendonca, Guyana Human Rights Association

Mr. Colin Klautky, Guyanese Organization of Indigenous Peoples

Mr. Mark Kirton, Dean, Faculty of Social Sciences, University of Guyana

Mr. Bal Parsaud, Executive Director, Private Sector Commission

Mr. Edward Boyer, President, Georgetown Chamber of Commerce and Industry

Mr. Fritzroy Fletcher, Guyana Manufacturing Association

Ms. Violet Jean-Baptiste, Mr. Tacuma Ogunsoye, Mr. Maxi Fox, African Cultural and Development Association

Mr. Lennox King, Ms. Olorisa Mwaza Aku, Ms. Ayodele Olutunde, All African Guyanese Council

Mr. Asaki Adaezo Omo Obatala, African Heritage Foundation

Ms. Karen de Souza, Red Thread Women's Group

Ms. Yvonne Bourne Anakilah, Vice Chair, National Congress of Women

Ms. Diane Blyden, Board member, Young Women's Christian Association

MISSION TO TRINIDAD AND TOBAGO

Government

Mr. Patrick Manning, Prime Minister of Trinidad and Tobago

Mr. Patrick Edwards, Permanent Secretary, Ministry for Foreign Affairs

Mrs. Hazel Manning, Minister of Education

Mrs Glenda Morean, Attorney-General

Mr. Stanford Callender, Minister of State in the Office of the Prime Minister with responsibility for Tobago

Ms. Sandra Marchack, Chief Personnel Officer

National institutions for the protection of human rights and strengthening of democracy

Justice James Davis, Chairman, Police Complaint Authority

Justice George Edoo, Ombudsman

International Community

Mr. Neil Pierre, UNDP Deputy Resident Representative

Mr. Gerald Lucas, Health System Adviser, PAHO/WHO

Ms. Marton Alleyne, Assistant Representative, FAO

Ms. Vashty Maharaj, Information Officer, United Nations Information Centre

Ms. Joy Bathwaite, Communication and Coordination Support Officer, UNDP

Civil society

Mr. Noble Khan, President, Inter-Religious Organisation of Trinidad and Tobago

Rev. Cyril Paul, Presbyterian Church

Ms. Jacqueline Burgess, Secretary, Ms. Jacqueline Huggins, Programme Officer,
Women Working for Social Progress,

Mr. Khafra Kambon, President, Ms. Asha Kambon, Executive Member, Mr. Lasana Kwesi,
Executive Member, Emancipation Support Committee

Mr. Samuel Phills, Chairman, National Council of Orisha Elders of Trinidad and Tobago

Mr Sat Maharaj, Secretary-General, Sanatan Dharma Maha Saba

Mr. Ricardo Bharath, Coordinator, Santa Rosa Carib Community
