

NEW CONSTITUTION USHERS IN CREEPING DICTATORSHIP IN GUYANA

by Cheddi Jagan

The Government of Prime Minister Forbes Burnham has steam-rollered through the National Assembly a so-called socialist Constitution for Guyana which is due for proclamation on a date to be fixed by President Arthur Chung. Legislation repealing the existing 1966 Independence Constitution and enacting a new Constitution has already received the assent of the President.

During the two-day parliamentary debate on the Constitution of the Cooperative Republic of Guyana Bill on February 13-14, 1980, the People's Progressive Party (PPP) attacked the document as the handiwork of political confidence tricksters. The draft of the new Constitution, we noted, was bogus and abounds with ideological confusion and political absurdities.

Leading off the debate for the Opposition I reminded Parliament of what I had said in early 1978 when I spoke on the Constitution Amendment Bill, which paved the way for a Referendum: that all the ruse about the necessity for a new Constitution was firstly only a ruse to postpone the general elections which fell due in October of that year; secondly, it was a means to confer more authoritarian powers on the ruling party; and thirdly, a device not to confer but to take away rights enjoyed by the Guyanese people. And that is precisely what happened.

After holding a rigged referendum, which was boycotted by between 85 and 90 per cent of the electorate, the People's National Congress (PNC) regime in July 1978 postponed fresh elections for fifteen months, and proceeded to set up a Constituent Assembly to consider proposals for a draft new Constitution. This body which was boycotted by the PPP wasted nearly a year from July 1978 to June 1979 before getting down to its work, no doubt providing the excuse of lack of time for the government to postpone the elections for an additional twelve months in October 1979.

The new Constitution was to come into being after "full, free and open discussion, debate and participation". The reality was, however, that despite the ballyhoo about 139 submissions from 97 individuals and 42 organisations during the 44 sessions of the farcical Constituent Assembly, the Draft Constitution was virtually the same as presented by the PNC, which had been in preparation since December 1974.

The leadership of the Guyana Trades Union Congress (TUC), in defiance of popular feelings, participated in the Constituent Assembly as a member of the Advisory Panel. The Constituent Assembly completely ignored the TUC Memorandum and oral evidence submitted to that body. This snub was noted by the disillusioned TUC leaders in the labour movement's newspaper Voice of Labour. Under the bold front page headline: "TUC DISAPPOINTED", the duped labour leaders declared: "Not an ~~iota~~ in connection with proposals in the Memorandum which has been considered vital by the TUC found a place in the Draft Constitution".

In actual fact, the new Constitution is worse than the ^{previous} existing one. Certain fundamental rights in the 1966 Constitution are now hedged with reservations. In the past, the PNC violated the letter and spirit of the Constitution by bureaucratic-administrative and police-military methods. In the new Constitution it is seeking to give these same methods constitutional and legal validity.

Under freedom of association, Guyanese could form and belong to political parties, trade unions, and other organisations. In future, political parties must

respect the "principles of national sovereignty and of democracy". In Guyana's context this is ominous as the PNC regime has been claiming that opposition parties are "irresponsible" and "counter-revolutionary". This could open the way for the proscription of revolutionary parties.

Attorney General Mohamed Shahabuddeen in his normal legal sophistry argued that there was nothing dictatorial about the clause since it had been copied almost verbatim from the 1958 French Constitution. What the Attorney General did not say was that in the 1958 Constitution the French bourgeoisie had reposed absolute power in General De Gaulle during a peculiar situation when Algeria was waging a war of national liberation against imperialist France. During that period communists and revolutionaries were persecuted, and the leader of the Algerian revolution, Ben Bella, was virtually hijacked in mid-air and imprisoned for seven years in France. What political naivety that the PNC should have patterned aspects of its "socialist Constitution" after one which had permitted a virtual dictatorship in France!

Freedom of expression will in future be constitutionally curtailed. The new Constitution stipulates that a law can be made to make provision for ensuring "fairness and balance" in the dissemination of information to the public. This is obviously a prescription for banning publications which attack the ruling party or government. In other words, what was done administratively before, such as the delay or refusal to grant import licences to buy printing equipment, supplies and newsprint, will in future be done by law. The legislation will not be used against reactionary foreign newspaper scoundrels but against those who want to rally the people against fraud and minority rule.

Under the new Constitution, laws can be made to provide for compulsory contributions, by workers to trade unions, even if they are not members. We are in favour of unionisation, but in the context of a lack of trade union democracy and patent fraud in union elections, this practice will be highly offensive. The PNC is notorious for rigging union elections, withholding recognition for militant trade unions and sanctioning dismissals of workers who did not support government-backed unions (the TUC is still "negotiating" with the Minister of Labour on behalf of the workers dismissed during a legitimate strike in July-August 1979).

Because the Ombudsman came in conflict with the regime when he had been asked to investigate two Ministers of the government on corruption charges, he was obstructed in every possible way. He was not given adequate office accommodation and staff. Since he was pushed out of the job over a year ago, no one has since been appointed. Even when appointed, the Ombudsman's jurisdiction under the new Constitution will be reduced; and through various devices, he will become a mere decoration to maintain the facade of democracy.

Parliamentary democracy has been eroded. The chief executive, to be styled President, will have more powers than the existing Prime Minister. (After the proclamation of the new Constitution, Burnham himself will assume the Presidency "as if he had been elected thereto", pending fresh elections due not later than January 25, 1981).

The President will assume more powers than the colonial governors, who were responsible to the British government; he will be responsible to no one, and in many instances, will act in his own deliberate judgement. Now, laws are made by the Cabinet and the Parliament; in future the President can veto any bill passed in Parliament by a majority. This means an increase in personal power and the emasculation of the Parliament.

The President of Guyana will be more powerful than the US President. The latter can be impeached for wrong-doing by the Congress. Under the new Constitution, if the Guyana President is faced with impeachment, he need not resign as President Nixon was forced to do; he can dissolve the Parliament. And no court action can be taken against the President for any civil or criminal acts!

The 1966 Constitution conferred on the people certain rights. For instance, in normal times elections could not be postponed without the consent of the people through a referendum. That and other rights have been taken away. While the referendum provision is retained in the new Constitution, it does not pertain to the most important questions affecting the rights of the people.

The 1980 Constitution refers to the right to work, leisure, free medicine, etc. But this is merely a declaration of principles. There is no provision which guarantees those rights; they are not enforceable in any court of law.

As an argument for a new Constitution, the PNC had stated that socialist countries like the Soviet Union changed their constitutions from time to time. That is true. But the change was made to bring the Constitution in line with socio-economic and socio-political developments. For instance, only after unemployment was abolished in 1930 in the Soviet Union was the right to work inserted in the 1936 Constitution. Further, only when the restrictions which had been imposed on the right of suffrage of former exploitative elements had been lifted that all Soviets of Working People's Deputies came to be elected through universal, direct and equal suffrage by a secret ballot. The 1977 Constitution was a further extension of the social base of the Soviet State and the completion of the development of the dictatorship of the proletariat into all-people's state power.

For the first time, the designation "Co-operative Republic of Guyana" will be inserted in the Constitution. This is an absurdity. There are capitalist Republics and socialist Republics. "Co-operative Republic" is just another PNC slogan elevated to titular importance by a regime whose record is the antithesis of cooperativism.

Ten years ago when the utopian "co-operative socialism" concept was first mooted by the PNC, I had remarked in the Parliament that it was a fraud; that it would never make the "small man into a real man" (a slogan used by the PNC regime). I had then lifted up Frederick Engels' book "Socialism: Utopian and Scientific", pointed it to Burnham and said: "Time was when we both read it, but today for opportunistic reasons, you choose to forget its contents." Now, its contents are further being distorted and prostituted.

The new Constitution says that Guyana is a state in transition from capitalism to socialism. This, too, is an absurdity. It is a service to capitalism, as in fact socialism is being denigrated in Guyana. "Transition from capitalism to socialism" implies a "dictatorship of the proletariat" and socialist democracy. What exists in Guyana is a dictatorship of the reactionary petty-bourgeoisie. Actually, even the pre-conditions -- economic, social, cultural, technological, ideological and political to the transition have not been firmly laid.

The whole section dealing with socialism is a ploy and toys with socialist precept and tenets. It is glib and demagogic. While Article 1 assumes that Guyana is a State in transition from capitalism to socialism, Article 13 assumed that socialism has already been attained and by the time Article 34 is reached, Guyana is assumed to have moved by leaps and bounds into communism!

And what is worse, socialist terminology is inserted from Constitutions of countries at a different historical stage of socio-economic and socio-political development from Guyana. The theoretical-ideological confusion inserted in the new Constitution will make us the laughing stock of the intellectual world!

The structure of the National Assembly will be changed. In addition to the 53 elected members, there will be 10 members nominated by 10 regions, and two members nominated by the National Congress of Local Democratic Organs, which will be equivalent to the present PNC-controlled local government umbrella organisation^{*} (GALA). This structure will permit a new type of fraud - the gerrymandering (manipulation) of the boundaries of the regions to allow the PNC to have additional members, like the nominated members in the colonial days. In addition, local government elections will not be supervised by the Elections Commission so that undoubtedly the fraud of 1970 when local government elections were last held in Guyana (they were postponed on four occasions since) will continue.

The provision for an Elections Commission is the same as in the 1966 Constitution. But as is well-known, it is meaningless because the real functions and powers of the Commission have been usurped by the PNC, and the Commission itself, dominated by the PNC, has abdicated its responsibility.

What is worse, the padded voters' lists which were the basis of the electoral frauds in 1968 and 1973 will now become the new electoral lists. These lists are replete with the names of non-existent persons, the dead, the unborn, the under-aged. Even foreign nationals had been used by the PNC for voting in the past through a system which permitted proxy, postal and overseas voting.

Constitutional manipulation and electoral rigging will not solve the grave economic, financial and social problems facing Guyana. The Constitution is not the answer. We have rejected the Constitution totally as a fraud intended to deceive the people that the solution to their problems is constitutional. We rejected it as a vehicle to restrict and deny certain fundamental rights. The answer to our people's problems lies elsewhere. There is no constitutional crisis. What exists is a political, economic, financial and social crisis. And without a political solution, without democracy, without representative government and institutions, there will be no solution to the economic, financial and social crisis.

Concluding my speech, I reminded Burnham that people's leaders are judged not by what they write in Constitutions, but what they do in practice. Revolutionary Maurice Bishop of Grenada, on his assumption to power, reduced ministerial salaries by 30%; Michael Manley of Jamaica reduced the number of his Ministers from 19 to 13 and closed down a few foreign missions as an economy measure. India with a population of over 600 million has 16 Ministers. Here in Guyana, with less than one million people, there are 26 Ministers (PPP government in 1961-64 had only 10) and their salaries are being increased instead of reduced.

Instead of dealing decisively and firmly with the country's problems in the interest of the working people, the government's daily propaganda is to put blame on the people. The slogan "Produce or Perish" is intended psychologically to blame the workers for the crisis situation. The fact is the workers are producing. But what they are producing is filched from them to maintain the top-heavy bureaucratic and governmental elite and to service debt burdens. And because they are producing and

* Guyana Association of Local Authorities

perishing there is low morale. Besides, increased production and higher productivity cannot be achieved under^a corrupt, unrepresentative minority government which is practising racial and political discrimination.

The new Constitution is merely a colossal hoax. The only answer to the people's problems is a political solution based on a National Patriotic Front Government of all progressive and left forces with a democratic, anti-imperialist and socialist-oriented programme.

Copyright © Nadira Jagan-Brancier 2000

Cheddi Jagan Research Centre