

## **POLITICAL PARTY AND CAMPAIGN FINANCING IN GUYANA<sup>1</sup>**

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<sup>1</sup> The opinions expressed in this document do not reflect the official position of the Organization of American States.

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## **TERMS OF REFERENCE**

1. To collect and systematize information referring to the normative framework and practical application of political party and campaign financing regimens in Guyana. For this purpose, consultant should fill out completely the information request matrix (Appendix 1)
2. Write an article on the current situation regarding political financing in the country, in compliance with the guide for preparing the final article.
3. Submit to the general coordinators the various legal texts dealing with political party financing in Guyana.
4. Submit a list of recent national bibliographies on this topic, including specific academic studies and press publications.
5. Provide occasional support to general coordinators on matters relating to supplied information, as needed for research purposes.

## ACRONYMS

Ads	Advertisements
CIDA	Canadian International Development Agency
EU	European Union
GAP-WPA	Guyana Action Party – Working Peoples’ Alliance
GDP	Gross Domestic Product
GECOM	Guyana Elections Commission
GGRE	Guyana General & Regional Elections
GTV	Guyana Television
G\$	Guyana Dollars
IADB	Inter-American Development Bank
IFES	International Foundation for Elections Systems
IFI	International Financial Institutions
NDI	National Democratic Institute
OAS	Organisation of American States
PNC/R	Peoples National Congress/Reform
PPP/C	Peoples Progressive Party/Civic
SARA	St. Augustine Research Associates
TV	Television
US\$	United States Dollars

## EXECUTIVE SUMMARY

In Guyana, political parties raise their financing wholly from private sources as there is no public funding of political parties or their elections campaigns. This policy has seen the incumbent government misuse executive influence by engaging in favoured treatment to a select number of private contractors, who contribute heavily to their elections campaigns, thereby robbing the treasury of value for money on public projects; spawned many engineering failures, exploit the state's machinery to gain campaign advantage and provide opportunities for donors from the 'under world' to wield inordinate influence in government. However, the most glaring abuse is that of the State media - television, daily newspaper and radio, the latter being monopoly controlled by the government.

There is also a great financial disparity in favour of the government, in the quantum of funds ploughed into national elections campaigns compared with the sums spent by opposition political parties. The (PPP/C) as the governing party clearly out spends, by leaps and bounds, the major opposition party, the (PNC/R), which is seen as the next big campaign spender. Small parties become invisible in this milieu. Neither major party has so far shown a willingness to divulge the sums they spent on the last national elections campaign. However, some indication of the amount spent by the PNC/R could perhaps be ascertained from a previous disclosure, that the sum of one million US dollars was raised by one group of expatriate Donors.

In 1990, amendments were made to the Laws of Guyana, Representation of the People Act (Cap: 1:03 Part XIII Titled "Election Expenses" Sections 115 – 127) limiting personal campaign expenses to G\$25,000 per candidate and a maximum sum of G\$50, 000 multiplied by a maximum number of 53 from a total number of 65 candidates for each contesting political party. The Guyana exchange rate in 1990 was G\$45 – US\$1. It is presently G\$198 – US\$1 with per capita GDP of approx. US\$800. Penalties for illegal payments, employment or hiring are specific to Part XIV, Section 133 while Part XIII, Section 121-122 deals with an authorised excuse for failure to submit expenses returns and declarations.

According to Section 120 (1) of the Representation of the People Act (amended in 1990) following elections, political parties' election agents have 35 days in which to submit financial returns to the Chief Elections officer, disclosing on behalf of candidates and their parties, all payments made by the party's election agent, amounts of personal expenses paid by each candidate, all disputed and unpaid claims, all monies, securities, and equivalent of monies received for the management and conduct of the elections, the names of donors and contributors, etc. Since the enactment of these regulations (Act 24 of 1990) they have neither been observed by contesting political parties nor enforced by the Chief Elections Officer. With the Guyana Elections Commission (GECOM), the governing electoral agency being a political body appointed to reflect party representation based on an elections poll proportionality basis, the prevailing undemocratic, lawless and disorderly situation is likely to spawn further social, political and economic instabilities in a society that is heterogeneous in composition and a history of racial insecurities.

## **1. INTRODUCTION**

### **1.1 GENERAL**

The land mass of the Co-operative Republic of Guyana is 83,000 square miles. The country is located on the northern coast of South America and is the only English speaking country on the continent. It is bounded on the north by the Atlantic Ocean, on the east by Suriname, on the south and south-west by Brazil and on the west and north-west by Venezuela. The population is decreasing and estimated to be approximately 750,000 presently and is made up predominantly of descendents of indentured East Indian labourers and descendants of African slaves as the largest and the second largest race groups, respectively, while indigenous Amerindians make up the third group. The current exchange rate is two hundred Guyana dollars to one United States of America dollar.

### **1.2 RELEVANT BODY OF LAWS**

In Guyana the laws relevant to the financing of political party campaigns are contained in Cap 1:03 Laws of Guyana, Representation of the People Act Part XIII titled 'Election Expenses', Clauses 115. (1) – 121. (2). The issue of the financing of political parties and their campaign financing is fleetingly addressed around the time of national elections by small political parties subject to the gross disadvantages the system spawns. Perhaps, because Guyana has had a history of rigged elections prior to 1992 following the grant of independence from Britain in 1966 and serious political strife thereafter, this issue has not received much attention by the general society. The focus has been generally on procedures to ensure free and fair elections, rather than on their relevance to the heterogeneous nature of the society; or to democratizing, legitimatizing and introducing transparency and accountability measures in the elections process.

### **1.3 IMPACT OF POLITICAL ENVIRONMENT ON APPLICATION OF LAWS**

Over the period of three successive elections since 1990 when laws pertaining to elections expenses were revised (Act 24 of 1990) and made more realistic, parties' financial expenses have grown by leaps and bounds, as has unsubstantiated rumours that corruption pervades the issue of campaign funds. The 'zero sum' solution that the 'winner take all' electoral system offers the population, has served to distract Guyanese from this issue. The Chief Elections Officer in this scenario has never been known to execute his statutory duties regarding political parties' adherence to financial limits, submitting returns on expenses incurred in campaigns, or making disclosures of sources of funding as required in Sections 116. (2), 118. (1) & 120. (1) (Representation of the People Act Part XIII).

### **1.4 DISINCENTIVE TO ENFORCE LAWS**

Empirical evidence suggests that the limits contained in the revised 1990 elections expense laws are thought to be 'out of sync' with current economic realities. At the time the law was revised, the Guyana dollar was valued officially at \$G45:00 to \$US1:00. At present, it

has been significantly devalued, trading at \$G198:00 to \$US1:00, thereby making the elections expenses limits unrealistic; yet no consideration has been given to realistically raising the limits in justification of this argument.

The Guyana Elections Commission (GECOM), the policy body overseeing the entire electoral process, is a politically elected body that has taken no steps to ensure enforcement of elections expenses laws as the prevailing environment is one of distrust and gaining advantage over primary political opponents. Neither has the Chief Elections Officer who, as a public official, has the responsibility for executing the laws.

## **2. NATURE OF FINANCING FOR POLITICAL PARTIES**

There is no public financing of political parties, elected parliamentary members or political parties' electoral campaigns; either at the local government level or at mayoral elections; or for regional, community and village council elections. All political parties' working capital and campaign funds are raised privately. Private contributions to political parties' campaigns usually take the form of monetary and other donations such as vehicles, computers, printing of manifestoes and flyers, meals for campaign staff, etc. that vary in quantum depending on the projected electoral fortunes of the party. Donations in kind are likely to cover such expenses as travelling by air, river, land and paying wages of campaign workers. Campaign contributors emanate from large and small local and transnational companies and the Guyanese Diaspora that would vary their financial contributions to political parties accordingly, with the incumbent garnering the largest sums followed by the major opposition political party.

### **2.1 EFFECTS OF FINANCING SYSTEM**

#### **Absence of Fairness**

Incumbent governments in Guyana have an unfair advantage over opponents as, customarily there are no restraints on the governing political party utilising State resources and machinery, as well as the print and electronic media under their control, for campaign purposes; especially since there have been evidence of blatant 'conflict of interest' situations and 'paramountcy' of the governing party, that has caused the blurring of the lines between party and state, causing:-

- Inequitable distribution of private financial resources to competing political parties as various interests groups seek to position themselves to benefit from government favours after the results of elections.
- Misuse of food donations (given to government by IFIs & other aid donors) to starving disadvantaged hinterland Amerindian communities in particular by incumbents.
- Scheduling the commissioning of projects in such a manner as to permit 'official occasions' to be used as an excuse to showcase incumbents' successes while in office.

### **2.2 THREATS TO PRIVATE CAMPAIGN FINANCING**



Since 1992 anecdotal and empirical experiences suggest that illicit funds from the 'underworld' including narcotic trafficking, have invaded both elections campaign financing and the 'corridors of power'. During this period, every national elections held in Guyana have been followed by political strife leading to riots, racial attacks on Government supporters by supporters of the main opposing parties, disruption of business, arson, etc. These have had a deleterious effect on the country's social, political and economic circumstances that have caused large numbers of Guyanese to flee their country, been a deterrent to foreign and local investment, and generally thought to have brought about a marked increase in violent crimes.

### **2.3 QUANTIFICATION OF FINANCING**

The costs associated with the financing of political parties and electoral activities, in general have increased exponentially over the last decade, which, in the context of Guyana's per capita GDP (approx. US\$800), cannot be explained. Attempts to get the major political parties to reveal their campaign costs for this exercise have been futile, but information unwittingly provided suggests that the amounts are in the vicinity of one to two million US dollars with the incumbent having a considerable edge. Small parliamentary parties like GAP-WPA were given sums of US\$10,000 and US\$500 from transnational firms registered in the USA for the last National and Regional elections held in March 2001.

### **2.4 THE IMPORTANCE OF THE ISSUE IN GUYANA**

The issue of the present financing of elections campaign system is one of insignificant public concern. The public and the media would usually give the issue cursory examination around election time. However, it would be true to say that the result of excessive expenditure, which results from the apparent massive amount of funds available for campaign purposes, are given greater public attention rather than the source or quantum of the funds. These evolve mainly around the advent of the electronic media and costs associated with campaign advertisements and large rallies, where thousands are entertained by popular singers, big bands, dancers, food and alcoholic and non alcoholic beverages. A practice that has been adopted only by the two large political forces in the country, the governing political party (the People's Progressive Party Civic, (PPP/C)) and the major opposition party (the People's National Congress Reform (PNC/R)). In the circumstances where the two major political antagonists are the primary beneficiaries of electoral largesse emanating from local and external sources, the issue of campaign financing has been given little or no attention, but is one obviously of much importance for the small parties.

## **3. ACCESS TO THE MEDIA**

### **3.1 APPLICATION OF LAWS ON ACCESS TO THE MEDIA**

There are no laws governing media access for political parties contesting national elections in Guyana. For the 2001 national elections, a voluntary and independent Media Code of Conduct was signed by individual media persons in the print and electronic media for the reporting and coverage of those elections.

### 3. 1. 1 EFFECTIVENESS OF NON-LEGAL MECHANISMS FOR ACCESS TO THE MEDIA

#### Voluntary Code of Conduct Adopted for Reporting & Coverage of 2001 Elections

The objective was to favourably influence peaceful, fair and well regulated national elections and to avoid ethnic tension and political discord that followed the results of the two previous elections. (See ‘A Media Code of Conduct’ – for reporting & coverage of Elections in Guyana in 2001.) Also established simultaneously was an independent media monitoring & refereeing panel which gave periodic reports on the performance of the code. This monitoring exercise was conducted by Jamaican, Dwight Whyllie and Barbadian, Harry Mayers. Convenor of the Media Code of Conduct Roundtable sessions was Guyanese, Hugh Cholmondeley. The GECOM also commissioned a media monitoring exercise based on the voluntary Media Code for internal purposes and Mr. Gocool Boodoo, Chief Election Officer, only made the report available on condition that I ‘treat it with the confidentiality which it deserves’. (See 24<sup>th</sup> July, 2003 GECOM letter addressed to me and copied to the GECOM Chairman presently on vacation.) The report is titled, **Media Monitoring Unit - An Analysis of the Media in the Guyana General and Regional Elections 2001.**

### 3. 1. 2. APPLICATION AND ASSESSMENT OF THE VOLUNTARY MEDIA CODE

The 113 page GECOM report gives detailed data on the pre and post elections coverage given to contesting parties in the form of graphs, accompanied by analyses, on the many violations either of the media code or the ethics of professional journalism that particularly caught their attention in the State and private print media, namely, the Guyana Chronicle and the Stabroeknews, respectively. The report on the former could be found on pages 12-29 and on pages 30-45 for the latter. They will show distinct favouritism for the incumbent, accompanied by troubling violations. A comparative analysis of the two dailies mentioned above is also available on pages 46 & 47 of the GECOM report.

GECOM analyses of other newspapers, the tabloid-like paper ‘Kaieteur News’ and the main political antagonists and party organ newspapers of the governing political party the PPP/C, the ‘Mirror’, and the main opposition political party the PNC/R’s ‘New Nation’ could be found on pages 48 – 52 of the GECOM report.

### 3. 1. 3 CONFLICTS OF INTERESTS – THE NEED FOR CHANGE

The Independent (Jamaican and Barbadian) Media Monitoring & Refereeing Panel stated in their report in para. 5 on page 11 of 13 that, *“The belief, and the long practice by successive governments of the PNC/R and the PPP/C, that the state media are the voices of the ruling party, are at variance with our position. We hold the view, based upon our own experiences, and long-established practice in plural democratic societies, that the state-owned media are the voices of ALL THE PEOPLE and not just the voices of the ruling party and its supporters. In a society such as Guyana, with its deep racial divisions, the state media must play the vital role of bridging these divisions and promoting harmony, understanding and dialogue in the common interest.”* The other blatant conflict of interest situation was that of the CNS Channel 6

television station, owned and operated by C. N. Sharma who was a Presidential candidate for the 'Justice for All' party contesting the elections. Mr. Sharma utilized his television station to give himself continuous positive publicity, while negatively featuring and engaging in character assignation of candidates from other political parties. This 'wild west' situation contributed, in a major way, to the de-stabilisation of the social, political and economic climate in Guyana following elections. The vitriol and negativity that pervade elections in Guyana have been reported in a recent NDI funded study to be the major deterrent to women being willing to contest elections in Guyana.

### **3. 1. 4. SELF REGULATORY MECHANISMS FOR ACCESS TO THE MEDIA**

In the absence of regulations, media access is based solely on the arbitrary reporting and coverage by the government's print and electronic media, the government's monopoly controlled only radio station in the country and the private print and electronic media. All other access and use of the media for political party notices of public meetings, advertisements, etc., must be paid for by parties at prevailing rates set by the particular newspaper or television station. However, the voluntary Media Code of Conduct extracted a promise from media practitioners in section 2. (iv) to ***'Present and clarify, as far as possible, the goals and established values of the constituent groups, organisations and parties contesting the elections and of the society in general'*** and established other standards pertaining to self-regulation, reporting of official GECOM releases and clean campaigns in Sections II & III with the latter dedicated to such matters as: -

- Free space and time for political parties AFTER Nomination Day.
- Equal access to paid political advertising.
- News reports and current affairs programmes.
- Political activities of media functionaries and the likelihood of charges of bias.
- Errors of fact.
- Coverage on the day of polling, and
- Agreement for the monitoring of their performance.

### **3. 1. 5 ABSENCE OF REGULATION AND PERFORMANCE STANDARDS DECRIED BY MONITORING UNITS**

There were in excess of 40-odd media owners and practitioners who attended, and participated in, the two Roundtable Sessions leading up to the voluntary Code of Conduct agreement during the last elections in 2001. The process was sponsored by GECOM and the Canadian International Development Agency (CIDA). There are no regulations governing standards and performance of the electronic and other media and no electoral code of conduct for political parties. Some private television stations voluntarily offered free time to contesting parties for discussion programmes, to allow opportunity to the contestants to state their policies.

## **3. 2. EFFECTIVENESS OF NON-LEGAL MECHANISMS FOR ACCESS TO THE MEDIA**

### **3.2.1 EVIDENCE OF LAWLESSNESS AND DISRESPECT FOR PROFESSIONALISM**

On pages 9 & 10 of 13 of the final report of the Independent Media Monitoring & Refereeing Panel, Guyana Elections 2001, 'A Case of Dangerous Extremes' which described the Georgetown-based television stations are described as being polarized along political lines. Three of the four talk show programmes with an opposition bias aired on Channel 9 came in for special mention since they violated many professional journalistic tenets and several clauses of the Code. All media monitoring agencies sighted the four for myriad excesses. The closing commentary of the report states in the second para. That, ***“the talk show hosts claiming they are informing the public but are in fact giving currency to rumour, dispensing misinformation and even launching vicious and slanderous attacks on high officials, including the Commissioner of Police, a Judge, and the President of the State.”*** The report continues in para.4 that ***“We have witnessed the extremes to which a government will go in using state-controlled media to spread its propaganda and the extreme to which politically biased media will go, aided by talk show hosts, to respond. Something needs to be done urgently about regulating the electronic media to stop the excesses on both sides”***. The European Union (EU) Long Term, Observation Group and the EU Election Observations Mission made similar observation and reported ***“The Chronicle coverage of events and news are biased in favour of the incumbent presidential candidate, the PPP/C Government, and the party’s campaign in coverage (54%). Their opponents received very limited coverage (PNC/R 10%).*** (See page 8 of 13 of the Report.)

### **3.2.2 OTHER EXCESSES WITNESSED IN GOVERNMENT CONTROLLED MEDIA**

The official GECOM monitoring unit recorded detailed reports on all print media, television stations, government controlled print, electronic and radio stations and provided individual assessments of coverage, station by station, newspaper by newspaper, etc during the 2001 national and regional elections. They follow the same pattern favouring the incumbent. In a comparative analysis, the private daily newspaper, the Stabroeknews, generally got better assessments than the government daily Chronicle. In assessing GECOM’s coverage during the post-elections period page 46 para. 1 of the report stated, ***“....., the difference in tone and style of coverage of the Guyana General & Regional Elections (GGRE) was stark. The Guyana Chronicle, the state owned and controlled newspaper, as the various charts show, was generally biased to the Government and against the main opposition PNC/R. In addition, the state owned newspaper favourably advanced the PPP/C. Although the Stabroeknews on the other hand, had allocated the most space to the Government category, there were a number of criticisms and/or negative references.”***

***“The Stabroeknews also facilitated a divergence of viewpoints particularly in the letter segment. As the campaign intensified, the Stabroeknews, increased its letter pages from three to four, and on a few occasions to as many as six pages. Although the Chronicle chose not to go the same route as the Stabroeknews, by not increasing its letter column, they continued to publish letters that mainly praised the government or castigated the main opposition.”*** These blatant transgressions angered sections of the society, as civil society, looked on helplessly warning in vain of signs of similarities that preceded the genocide events that took place in the African State of Rwanda.

*“Another unique feature of the Chronicle’s election coverage was the allotment of space to independent columnist, all of whom were either Government functionaries or pro-PPP/C, and who showered glowing praises on the government and the ruling PPP/C. At the same time some columnist launched scathing attacks on the opposition in general and the PNC/R in particular. This in actuality is a clear violation of the Media Code of Conduct that stated, among other things, that all Media should afford equal access to all contesting parties. What is more disturbing is that, by virtue of ownership, the Guyana Chronicle was precluded from such partisan action.”*

### **3. 3. QUANTIFICATION AND DESCRIPTION OF SPENDING ON THE MEDIA**

In Guyana, all political parties’ expenditure on the media is related to affordability. The last elections held in 2001 saw an upsurge in media coverage despite the fact that a survey conducted by the St. Augustine Research Association (SARA) during August-September 2000 revealed that 35% of the electorate did not think that voting would lead to improvement. See page 4 of the survey.

A quantitative analysis of advertisements appearing in the dailies and television revealed that two weeks prior to the elections the major contesting parties, the PPP/C and the PNC/R and GECOM, chose to inundate the airways with radio coverage, most likely because hinterland communities had no access to the electronic media and only limited access to the print media.

#### **3. 3. 1 MEDIA BLITZ**

As an example, during the radio coverage of the first Cable & Wireless Cricket test match series between the West Indies and South Africa that took place in Guyana 9-13 March 2001, almost all the advertisements, to the annoyance of many listeners were sponsored by the two major parties and the GECOM. Listeners felt that the ads were unbearable because of their frequency.

The governing party, the PPP/C, showed preference to the state media, the Chronicle, compared with the privately owned Stabroeknews, to disseminate their message in a ratio of (54:34) with the reverse being true for the main opposition party the PNC/R (29:13). Ref. the GECOM media report on the GGRE (See page 109) for additional data on the print media. From the perspective of the Independent Media Monitoring & Refereeing Panel the frequency, length, and placement of campaign advertisement broke every rule of reasonable broadcasting. They gave, as an example of this, the number of ads one typical forty-minute period on the government controlled TV station, GTV divided among contesting parties as follows:

- |  |   |     |
|--|---|-----|
| • PPP/C (governing party) campaign ads | - | 15. |
| • PNC/R (major opposition party)       | - | 05  |
| • GAP-WPA (opposition)                 | - | 01  |

- GECOM (elections commission explaining voting procedure) - 01
- Commercial Product ads - 02
- Absolutely no programming!

All the PPP/C campaign ads exceeded 60 seconds in duration.

Information provided by one popular private television station (VCT Channel 28) gave an estimate of 80 spots as the lowest number aired for the duration of the campaign (approx. 6 weeks) on their station by any of the political parties contesting the last elections. Information from another popular private television station (WRHM) gave the figure of 25 spots per night during prime time on average for the two major political parties for the duration of four weeks prior to the elections, and pointed out that ads during the day time were not aired on his station but on other television channels. He expressed the view that the level of advertising went beyond saturation point and most likely deterred rather than encourage undecided voters.

The GGRE report stated that *“throughout the Nomination-Day to Elections Day period, the Guyanese population was inundated with advertisement from the various political parties and the GECOM from the three mediums, television, radio and newspaper. It should be noted that we were unable to give a quantitative analysis of the advertising disseminating from the electronic media because of the unusually large volume.”* Refer to page 108 of the GGRE report.

**TV Advertisement rates applicable to all private stations for the period are:**

Day time (30 sec. spot)	-	\$G700.00-\$1,000:-
News spots (30 sec. spot)	-	\$G2, 500:-
Prime Time (60 sec. spot)	-	\$G4, 500:-
<b>Govt. TV</b> (60 sec.) (5 a. m – 5:59 p. m)	-	\$G2, 100:-
(30 sec. spot)	-	\$G1, 400:-
(60 sec.) (7 a. m – 8 a. m)	-	\$G3, 000:-
(30 sec.) (Ditto)	-	\$G2, 000:-
(60 sec.) (6 p. m – 7 p. m)	-	\$G5, 000:-
(30 sec.) (Ditto)	-	\$G3, 000:-

According to the GGRE 2001 elections monitoring report, ads in the daily newspapers did not increase significantly during the final two weeks of the elections campaign as might have been expected. The explanation provided was based on the parties’ choice to utilise the electronic media instead (as demonstrated above) because of its apparent potency. *“A quantitative analysis of the advertisement that appeared in the daily newspapers revealed that the numbers of advertisements appearing in the second two weeks of the official political campaign (1-18 March 2001) did not show any significant increase to those appearing in the first two weeks 16-28 February 2001.”*

Production costs for television advertisements vary significantly depending on the advertisement concept, drama, and the expertise required to be employed. Costs quoted were from \$G30,000 - \$G50,000 for a fifteen/thirty second local spot with non dramatic voice over footage. For more sophisticated artistic, dramatic footage, the cost could range

anywhere from \$G100,000 - \$G200,000 per ad. It should be noted, however, that the governing political party commissioned a Trinidadian Advertising Company, Ross Advertising, to prepare their campaign strategy and advertisements, which were externally prepared. Conversations with several television station owners revealed during the 2001 national elections their employment of a strategy of advance 'block bookings' to reserve chunks of prime advertising time in order to monopolise and block competing political parties from accessing prime time for their advertisements.

**Advertisement rates in the two daily newspapers Stabroeknews (Private) & Guyana Chronicle (Government) were:-**

Weekday paper	-	\$G600:- per column inch
Sunday paper	-	\$G1,000:- per column inch
Weekday paper (Full page/Black & White)	-	\$G50,000:-
Weekday paper (colour)	-	\$G75,000:-
Sunday paper (Full page/Black & White)	-	\$G84,000:-
Sunday paper (colour)	-	\$G12,000:-

**Advertisement rates on radio station (government owned & controlled) were:-**

FM Station (10:00 a. m – 5:00 p. m) (15 sec.)	-	\$G575:-
AM Station (10:00 a. m – 5:00 p. m) (15 sec.)	-	\$G560:-
FM Station ( ditto) (30 sec.)	-	\$G995:-
AM Station ( ditto) (30 sec.)	-	\$G1,200:-
FM Station (6 – 10 a. m) (60 sec.)	-	\$G1,400:-
AM Station (ditto) (60 sec.)	-	\$G0,900:-
FM Station (news updates sponsorship)	-	\$G1,200:-
AM Station (News broadcasts)	-	(\$G2,500 - \$G5,000)

**3. 3. 2. BILLBOARDS**

Huge colourful Billboards were an innovation in the 2001 national elections in Guyana that were erected along the most frequently travelled areas in Georgetown, as well as in some of the other 9 regions. They were utilized mainly by the two main political antagonists, the PPP/C and the PNC/R with the former leading in the number of billboards erected. The costs listed below exclude those related to transportation and erection of the billboards. Also cotton T-shirts and other gifts with printed pictures of leaders, slogans, party symbols, etc., were distributed widely, and free of cost, to the electorate by virtually all contesting parties.

**Cost of making Political Party Billboards:-**

5 foot size Billboard (Without laminate)	-	\$G6,000:-
(With laminate)	-	\$G1,000:-
10 foot size (Without laminate)	-	\$G10,000:-
(With laminate)	-	\$G15,000:-
20 foot size (Without laminate)	-	\$G19,000:-
(With laminate)	-	\$G23,000:-

**3. 3. 3. POLITICAL PARTY SURVEYS**

Since 1992, after the close of National Elections polls in Guyana, violence leading to racial strife, community and business disruptions have impacted negatively on the social, economic and political fabric of the Guyanese society. Consequently, in August - September 2000, the Initiative a small NGO commissioned an opinion survey conducted by the St. Augustine Research Association (SARA) to ascertain the political attitudes and party choices in contemporary Guyana. The objective was to inform the political players of the growing insecurities, levels of dissatisfaction and hopelessness pervading the society. It was titled "Hopes and Aspiration". The Government of Guyana ignored the findings of the survey while their party propaganda machinery relegated scorn and contempt for the civil society group that sponsored the survey. As the survey indicated post elections violence erupted and the city of Georgetown witnessed racial attacks, acts of arson targeting the business community, police brutality and increased levels of extra-judicial killings by individual members of the Special Target Squad, arm of the Guyana Police Force.

#### **4. DISCLOSURE AND ACCOUNTABILITY**

##### **4.1. STATUS OF REGULATORY POLICIES AND OTHER INFORMATION MECHANISMS**

Article 120 (1) – (5) of the Representation of the People Act amended in 1990 is the sole legal arrangement in place for disclosure of election expenses incurred by parties during national election. Disclosures of Donors and other sources of funding are required to be submitted by party agents on behalf of a political party to the Chief Elections Officer. These regulations have never been adhered to or enforced, by the authorizing officer, the Chief Elections Officer since being enacted. One possible reason could perhaps be found in the fact that the legal limits on campaign financing are seen as being grossly inadequate for current party needs since the devaluation of Guyana's currency which at the time of enactment of the law in 1990, stood at \$G45:00 to US\$1.00 and the fact that the major participants in elections exceeded the limits by leaps and bounds thereby providing the rationale for their tacit collusion in breaching the law. Also for consideration is the fact that the GECOM, the governing electoral body, is comprised of representatives of the major political players on a proportionality basis.

##### **4.2. AUDIT AND MONITORING OF FINANCIAL REPORTS**

For reasons stipulated, above there appears to have been, by and large, no audits or financial reports available to the public, made for any of the three national elections held since the enactment of the law No. 24 of 1990. Even though the Chief Elections Officer informed me reports were sent to the Parliament, none could be found following my request. WPA did make a submission after the 1992 national elections, but discontinued submissions since no other party obeyed the regulations specific to elections, then or thereafter. One exception should be noted. Following the 1997 electoral riots, CARICOM Heads of Governments intervened and negotiated an agreement between the PPP/C and the PNC/R causing to be conducted an audit of those elections. The PNC/R filed an elections petition challenging the results of those elections utilizing in the trial information contained in that audit. In a High Court ruling, Justice Claudette Singh vitiated the 1997 national elections based on evidence contained in that report.



### **4.3 TIME FOR DISCLOSURE AND PUBLIC ACCESS**

Elections expense returns should be accompanied by a declaration not later than the 35<sup>th</sup> day after the declaration of the results of elections, but few participants are either aware of this requirement, have forgotten about its enactment in 1990, or have good reason to avoid making financial disclosure since they could not stand up to public scrutiny. Since there are no ‘disclosure of information’ laws in Guyana and successive governments have demonstrated tight control over all information within its purview, access by the public to information usually presents great difficulties. This has been so for the last forty years and has served to habituate the public to the hassle and frustration associated with accessing information from the State.

## **5. EFFECTIVE APPLICATION OR ENFORCEMENT OF POLITICAL FINANCING SYSTEMS**

None of the pertinent laws pertaining to the submission of financing returns for political party campaigns, as incorporated in Cap.1:03 section 120 (1) – (5); 126 (1) (c) (ii) of the Laws of Guyana, Representation of the People Act, has been observed by parties participating in national and regional elections, or has the responsible Officer under the supervision of the GECOM agency taken steps to enforce the laws.

### **5.1 NATURE, CAPACITY AND OPERATION OF REGULATORY AGENCY**

The GECOM is the Board overseeing the Chief Elections Officer who is responsible for conducting, monitoring and enforcing National & Regional Elections which are held simultaneously. According to the Laws of Guyana, limits on expenditure are stipulated in the Representation of the People Act Chapter 1:03. Part XIII titled ‘Elections Expenses’ limit in Section 116 (2) a candidate’s personal election expenses to a maximum of twenty-five thousand dollars and section 118 (1)(a) limits a political party’s expenses to fifty thousand dollars multiplied by the number of candidates not exceeding 53 on the list of 65 candidates. [See Laws of Guyana Representation of the People Act Cap. 1:03 Section 118. (1)(b)(i) - (vi)]. Since the laws are generally violated and the management of the GECOM is virtually under the control of the political players, there is no logic to enforcing them or changing the system to make them more transparent and accountable.

### **5.2 STRUCTURE AND APPLICABILITY OF ENFORCEMENT MECHANISMS AND PENALTY SYSTEMS**

Article 121 of the Act stipulates that the Chief Elections Officer should, as soon as possible after the receipt of each election expenses returns and accompanied documents, arrange for a summary of these to be published in the Official Gazette. Notice of the date, time and place of their availability for inspection by the public should also be published. The duration for such inspection is for a period of two years, upon the payment of a fee of \$15:00 for every 150 words or part of 120 words contained in the report. Claimants have 14 days after publication of the elections results to send their claims to candidates and/or party elections agent for outstanding campaign expenses. Strange as it may seem there are no

penalties for not adhering to the regulations rather Section 122 (1) provides for authorised excuse for failure to submit return and declaration.

### **5.3 CULTURE OF COMPLIANCE WITH, AND CONTROL OF PUBLIC MONIES**

There is no evidence of corruption in relation to the general violation of the regulations but rather that the system does not realistically lend itself to being observed because of the structural flaws inherent to a conflict of interest situation. There are no incentives to adhere to the regulations; actually, there are more disincentives to doing so, since such submissions could possibly be used to target and victimize party donors by the state that possesses a monopoly on state power. Such occurrences routinely take place against minority interest groups in the ‘winner takes all’ political system in force in the country.

## **6. LESSONS LEARNED**

Guyana’s political and governance systems are in crisis. The political structures violate democratic principles and entrenches a fixed majority based on racial self interest. Having failed to extend the proportionality principle beyond the Proportional Representation system at the polls, the society has sunk into violent eruptions following three successive elections over the past decade. Opportunities to positively influence changes are rapidly vanishing. It is only after appropriate remedial measures are taken at the level of the flawed political structure, that proper examination and appropriate discussion could ensue to introduce standards of transparency, accountability, disclosure, enforcement, etc. in the area of political party and campaign financing.

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