

# **CORRECTING AREND LIJPHART'S HYBRID VI : The Case of Guyana**

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## **ABSTRACT**

Writing in Patterns of Democracy (Second Edition, Yale University Press, 2012), Arend Lijphart offered eight forms of government with one parliamentary, one presidential and six possible hybrids. According to him : “Types IV and VI are problematic because a legislative vote of no confidence in the popularly elected executive would be seen as defiance of the popular will and of democratic legitimacy.” (p.109).

Lijphart goes further to say that : “ The only democratically acceptable form of these two types would be one in which a legislative vote of no confidence in the executive would be matched by the executive’s right to dissolve the legislature, and where either action would trigger new elections of both legislature and executive.” (p.109).

Lijphart used the same dictum to describe this phenomenon in the First Edition of Patterns of Democracy (Yale University Press, 1999) at pp.108-109. While the essential research for the 1999 edition was substantially completed by the middle of 1996 (Preface, x), the additional work that was done for the 2012 edition did not capture one of the more significant constitutional and political changes to take place in the Caribbean region in the case of Guyana.

Lijphart maintained his use of the Caribbean island of Barbados as a significant example of majoritarian democracy in both editions. However, the example of Guyana would have significantly altered his Hybrid VI and would have made a far-reaching contribution to his theoretical expressions cited above by providing an actual example.

In 1980, Guyana amended its constitution to facilitate the creation of an executive presidency elected directly by the population to replace its quasi-ceremonial presidency that had been nominated before. By Act No. 17 of 2000, provision was made for the executive president to become subject to the will of the parliament on a motion of no confidence in an amendment to section 106 of their constitution as follows : “The Cabinet including the President shall resign if the Government is defeated by the vote of a majority of all the elected members of the National Assembly on a vote of confidence.”

This 2000 amendment altered the character of the Guyanese presidency by introducing the parliamentary technique of a vote of no confidence in the legislature as a means of removing a popularly elected president.

This amendment created a presidency that can now be inserted into Lijphart’s Hybrid VI seeing that it was not done in the 2012 edition of Patterns of Democracy. The fact that the President of Guyana chose to dissolve the legislature and thereby simultaneously dissolve the presidency in 2015 in order to avoid a motion of no confidence brought against him in 2014 only serves to confirm the validity of this example for Hybrid VI in Lijphart’s scheme.

However, on 21<sup>st</sup> December, 2018, the Government of Guyana was defeated on a motion of no confidence in the National Assembly thereby triggering section 106 of the Constitution. Two examples in the space of four years makes this an important variant to be added to Lijphart’s Hybrid VI and requires deeper analysis into the consequences of creating hybrid presidential-parliamentary systems which this paper will probe.

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### **Introduction**

The fall of the Guyana Government after the final vote on a motion of no confidence on Friday 21<sup>st</sup> December, 2018 came as a shock to many across the Caribbean region, not to mention Guyana itself. In analysing this situation, one has to appreciate that Guyana has a fundamentally different political system when compared to the rest of the Commonwealth Caribbean. The others all have parliamentary systems, while Guyana has a hybrid presidential-parliamentary system.

There are 65 seats in the National Assembly and each party puts forward a list of 66 names on nomination day. Sixty-five of those names are for the National Assembly and a sixty-sixth name is the presidential candidate of the party.

Of the 65 seats, 25 are divided among ten regions and the remaining 40 are allocated to the National Top Up List.

All seats are allocated on the basis of the Hare method of proportional representation (25 inside of each of the regions where votes are cast and 40 collated into a national total for a further allocation).

Those same ballot totals are then collated on a first past-the-post basis for the election of the President based on how many votes each list got individually. The presidential candidate who is designated on the list that gets the largest single number of votes cast is declared elected President.

In Guyana, the President can be removed from office by parliamentarians in a no confidence vote in the Government even though he was elected directly by the people. The President does not sit in the National Assembly, but the Prime Minister (who is the First Vice President) is the Leader of Government Business in the National Assembly.

In the last election in 2015 in Guyana, there was a coalition between A Partnership for National Unity (APNU) and the Alliance for Change (AFC) which meant that they did not contest against each other, but rather were a single list on the ballot. They contested against the People's Progressive Party/Civic (PPP / C) coalition.

The proportional representation split in the National Assembly was 33 APNU/AFC and 32 PPP/C. The first past-the-post split for the presidency resulted in David Granger (the APNU/AFC presidential candidate on their list) having a majority over the PPP/C candidate (Donald Ramotar) (207,201 over 202,656) and David Granger was declared elected as President.

Single party allegiance in a coalition tends to be diluted by the demands of the whip to ensure a majority on all measures before the parliament and nobody is obligated to hold a party line (because there is either another party or other parties in the coalition).

One AFC coalition member, Charrandass Persaud knew to himself that he did not want to seek re-election and did not want to be in the next Parliament (one is not certain

whether the Government Chief Whip knew that because the Government went ahead with the vote).

In Guyana, there are no constituents to be represented in the same way as with geographical single-member constituencies. That is because names are extracted from lists in proportion to the votes cast for the party on whose list names appear as votes are cast and counted across the whole country and not in single-member geographical constituencies.

There has been much discussion about the issue of what happened in Guyana repeating itself in other Commonwealth Caribbean countries. The reality is that the political systems are completely different. It is rare for parliamentarians to exercise “conscience votes” without suffering adverse consequences.

The issue of the independence of parliamentarians from political party pressures of loyalty is rejected by the Commonwealth Latimer House Principles as follows :

*2. Security of members during their parliamentary term is fundamental to parliamentary independence and therefore:*

- (a) the expulsion of members from parliament as a penalty for leaving their parties (floor-crossing) should be viewed as a possible infringement of members independence; anti-defection measures may be necessary in some jurisdictions to deal with corrupt practices;*
- (b) laws allowing for the recall of members during their elected term should be viewed with caution, as a potential threat to the independence of members;*
- (c) the cessation of membership of a political party of itself should not lead to the loss of a member’s seat. <sup>1</sup>*

According to the Latimer House Principles, the ideal is that parliamentarians should not be penalized politically for voting differently on measures in Parliament, however, the reality of their future existence in politics combined with their political ambition usually will keep many MPs in check when the whip is applied.

### Arend Lijphart's Typologies of Government

	Collegial executive	Collegial executive		One-person executive	One-person executive		
	Dependent on legislative confidence	Not dependent on legislative confidence		Dependent on legislative confidence	Not dependent on legislative confidence		
	Parliamentary	Hybrid I		Hybrid II	Hybrid III		
Executive selected by legislature	AUL MAL AUS* MAU BAH NET BAR NZ BEL NOR BOT POR* CAN SPA DEN SWE FIN* TRI GER UK FRA* (1986-88, 1993-95, 1997-2002) ISR (1949-96, 2003-) GRE ICE* IND IRE* ITA JAM JPN LUX	SWI					
	Hybrid IV	Hybrid V		Hybrid VI	Presidential		
Executive selected by voters					ARG CR KOR US URU FRA* (1958-86, 1988-93, 1995-97, 2002-) ISR (1996-2003)		
*Semipresidential systems							

(Patterns of Democracy, Second Edition, Yale University Press, New Haven & London, 2012), p.108

It is apparent from the typologies presented in the above table that there is no country that fits into the typology for Hybrid VI which would be a country that has a One-Person Executive selected by voters and dependent on legislative confidence.

The publication of the First edition of Lijphart's *Patterns of Democracy* was dated in 1999, while the constitutional reforms in Guyana that created the ingredients for Lijphart's Hybrid VI were enacted in 2000.

According to Section 5 of Act No. 17 of 2000 enacted by the Parliament of Guyana, the following additions were made to section 106 of the Constitution that pertain to the Cabinet :

- 5. Article 106 of the Constitution is hereby altered by the insertion immediately after paragraph (5) of the following paragraphs -*
- (6) The Cabinet including the President shall resign if the Government is defeated by the vote of a majority of all the elected members of the National Assembly on a vote of confidence.*
- (7) Notwithstanding its defeat, the Government shall remain in office and shall hold an election within three months, or such longer period as the National Assembly shall by resolution supported by not less than two-thirds of the votes of all the elected members of the National Assembly determine, and shall resign after. the President takes the oath of office following the election. <sup>2</sup>*

This amendment is highly significant, because its effect was to revive the parliamentary notion of confidence for the Cabinet which had been removed in the Guyanese constitution that had been introduced in 1980. <sup>3</sup> What had been introduced as part of the post-independence constitutional reform in 1980 that shelved the parliamentary system had been revived in 2000 with the introduction of a motion of no confidence as a means of removing the Cabinet from office.

And because the Cabinet included the President, the effect of the Cabinet being required to resign meant that the President would also be directly affected.

This particular reform created the conditions for the Guyanese President to fit into Hybrid VI in Lijphart's configuration above. However, in the Second edition of his book, Lijphart did not include Guyana as a selection to fit into the slot for Hybrid VI, although it would fit very comfortably there.

The other part of section 106 that existed from 1980 read as follows :

- 106. (1) There shall be a Cabinet for Guyana, which shall consist of the President, the Prime Minister, the Vice-Presidents, and such other Ministers as may be appointed to it by the President.*
- (2) The Cabinet shall aid and advise the President in the general direction and control of the Government of Guyana and shall be collectively responsible therefor to Parliament.*
- (3) Cabinet Meetings shall be presided over by –*
- (a) the President;*
  - (b) in the absence of the President, the Prime Minister; or*
  - (c) in the absence of the President and the Prime Minister, such Minister as the President may designate.*
- (4) The Cabinet may act notwithstanding any vacancy in its membership or the absence of any member thereof.*
- (5) At the invitation of the President or of any person presiding at a meeting of the Cabinet, a Minister who is not a member of the Cabinet may attend that meeting and participate fully in the proceedings as if he were a member. <sup>4</sup>*

The impact of the 2000 amendment on the overall tenor of the original section 106 was dramatic to the extent that it re-introduced the concept of parliamentary confidence into the doctrine of collective responsibility of the Cabinet that had been excised in 1980.

The hybrid that was created in 2000 was such that the President was not a member of the National Assembly in the way in which a Prime Minister would be a Member of Parliament, yet the doctrine of collective responsibility of the Cabinet to Parliament was cited in the 1980 constitution. However, it would not have had the same meaning insofar as that doctrine had the confidence rule, the confidentiality rule and the unanimity rule attached to it in traditional parliamentary systems.

The confidence rule was revived in 2000 in Guyana which made the doctrine of collective responsibility largely complete even though the President is not a member of the National Assembly.

In Lijphart's Second Edition of Patterns of Democracy this is what he had to say about Hybrid VI :

There are no empirical examples of hybrid types II, IV, and VI – which is not surprising because the logic of legislative confidence militates against them.....types IV and VI are problematic because a legislative vote of no confidence in a popularly elected executive would be seen as defiance of the popular will and of democratic legitimacy. The only democratically acceptable form of these two types would be one in which a legislative vote of no confidence in the executive would be matched by the executive's right to dissolve the legislature, and where either action would trigger new elections of both legislature and executive...<sup>5</sup>

While Lijphart did not cite Guyana as a recent example of Hybrid VI as a consequence of the 2000 constitutional amendment, he recognised the key ingredients that would make such a hybrid viable. There is no doubt that the 2000 amendment made provision for the holding of elections as a consequence of a successful motion of no confidence according to subsection (7) (see Fn. 2 above).

The powers of prorogation and of dissolution of the National Assembly were conveyed to the President in the 1980 constitution as follows :

70. (1) *The President may at any time by proclamation prorogue Parliament.*
- (2) *The President may at any time by proclamation dissolve Parliament.*
- (3) *Parliament, unless sooner dissolved, shall continue for five years from the date when the Assembly first meets after any dissolution and shall then stand dissolved.*<sup>6</sup>

The pre-existing constitutional arrangements before 2000 catered for presidential prorogation and dissolution of Parliament at any time. What had been missing was the motion of no confidence and the concomitant general election that would follow from a successful motion of no confidence.

This latter reform would come in 2000 and would tilt the Guyanese hybrid towards the parliamentary side of the equation and away from the executive presidential side by giving the National Assembly a power that it did not previously have in relation to the President thereby creating a situation of mutual dismissability.

However, Lijphart missed the developments in Guyana even though there is clear evidence in the second edition of his book that he considered constitutional developments in Guyana (p. 212). If he had picked up this innovation in Guyana he would have made a significant contribution to his hybrid typologies and would have altered his narrative on page 109.

## The 2011 General Elections in Guyana

In 2011, the inevitable happened in Guyana when the PPP/C won the presidency by virtue of the first past-the-post system, but were only able to control 32 of the 65 seats in the National Assembly by virtue of the allocations of the Hare method of proportional representation. The opposition was divided between A Partnership for National Unity (APNU) and the Alliance for Change (AFC).

The 2011 election results and the seat allocations were as follows :

APNU	- 139,678 (26 seats)
AFC	- 35,333 (7 seats)
PPP/Civic	- 166,340 (32 seats)
The United Force	- 885 (0 seats)

This created a situation whereby there was divided government for the first time in Guyana under its hybrid presidential-parliamentary system. Donald Ramotar was sworn in as President by virtue of him being the presidential candidate on the PPP/C list and the PPP/C earning the largest single number of votes cast on the first past-the-post system.

The Parliament was controlled by a combination of the APNU and the AFC and they were able to elect a Speaker and Deputy Speaker by combining their votes to the exclusion of the PPP/C in the National Assembly.

However, the bigger challenge to come would lie in the threat that the Ramotar administration would face in the National Assembly should the APNU and the AFC ever decide to come together to force a motion of no confidence under the revised provisions of the Guyanese constitution that had been introduced in 2000.

On 15<sup>th</sup> August, 2014, a motion of no confidence in the Government of Guyana was published on the Order Paper of the National Assembly standing in the name of Mr. Moses Nagamootoo, M.P. The motion was given a date of 10<sup>th</sup> November, 2014 for debate in the National Assembly.

On 10<sup>th</sup> November, 2014, President Donald Ramotar exercised his constitutional powers to prorogue Parliament thereby rendering the motion of no confidence spent. However, Parliament could not remain prorogued forever and on 24<sup>th</sup> February, 2015 President Ramotar dissolved Parliament with effect from 28<sup>th</sup> February, 2015. General elections were to be held in Guyana on 11<sup>th</sup> May, 2015.

This situation demonstrated that the hybrid that had been created in 2000 could produce divided government because of the different applications of the first past-the-post and proportional representation systems. Voters in Guyana only cast one ballot which includes a list of 25 persons who are divided among the ten regions and then there is the National Top Up list of 40 persons. On the same list is a sixty-sixth name who is designated as the presidential candidate of that party.

The votes in the regions are tallied so as to allocate seats within each region on the basis of proportional representation of the Hare method. The same votes are also tallied nationally in order to allocate seats for the National Top Up allocation. The same votes are used to determine the presidency on the basis of the first past-the-post system.

Unlike in other democracies where multiple office holders are being elected with more than one vote being cast for each office holder, there is no division of ballot papers in Guyana. One ballot fits all and there are multiple allocations of the same ballots to determine outcomes on the basis of party symbols.

After the 2011 general election, both the APNU and the AFC realised that they needed to form an accord in time for the next general election that would come due after the

2011 edition. That is precisely what happened when both parties signed the Cummingsburg Accord on 14<sup>th</sup> February, 2015. According to the Joint Press statement issued by the APNU and AFC, the following constituted the essence of the accord :

*This accord is in respect of their participation in the May 11, 2015 General and Regional Elections In the interest Guyana and responding to the overwhelming encouragements of both parties membership, supporters and the general public at large; the parties have agreed to the following.*

*Both parties will contest the elections on a single list of candidates;*

*APNU will nominate the Presidential candidate and AFC will nominate the Prime Ministerial candidate.*

*The AFC is assured of 12 seats in the National Assembly (Parliament)*

*In the construct of a new government the APNU will be allocated one Vice President and AFC two Vice Presidents both of whom will be members of the Cabinet.<sup>7</sup>*

Armed with this accord, both parties contested the 2015 general election with a sense of hope that the split vote of 2011 between them would yield different results, and they were able to accomplish their goal.

### **The 2015 General Elections in Guyana**

The 2015 election results and seat allocations were as follows :

APNU+AFC	- 207,201 (33 seats)
PPP/C	- 202,694 (32 seats)
The United Force	- 1,080 (0 seats)
Independent Party	- 344 (0 seats)
National Independent Party	- 262 (0 seats)
United Republican Party	- 432 (0 seats)

This created a majority government with the same party holding the presidency also controlling the majority in the National Assembly on a coalition basis. That coalition suffered a serious blow on 21<sup>st</sup> December, 2018 when one of its MPs, Charrandass Persaud, voted with the opposition PPP/Civic on a motion of no confidence against the Government.

According to the Constitution of Guyana, as amended in 2000, the Government has to resign if it is defeated on a motion of no confidence and a general election shall be held within three months. The Government will remain in office until a President takes the oath of office after that general election. That did not happen.

On Thursday 3<sup>rd</sup> January, 2019, the Speaker of the National Assembly of Guyana, Dr. Barton Scotland, ruled that he would not reverse his decision on accepting the validity of the vote on the motion of no confidence that was successfully carried against the Government of Guyana on December 21<sup>st</sup> 2018.

According to Speaker Scotland :

*Hon. Members, you will recall that at the 111th Sitting of the National Assembly on 21st December, 2018, a motion of no-confidence was moved in the House on behalf of the Opposition. After a number of hours of debate, the motion was put and carried by a majority of one vote. The motion was carried by a vote of 33 in favour and 32 votes against. One Member of the Government's side, at that time the Hon. Charrandass Persaud, withheld his*

*support from the governing coalition on the list of which he was a Member, and instead voted with the Opposition. After the Speaker had declared the motion carried, he announced to the House that at the next Sitting of the National Assembly, which was scheduled for today 3rd January, 2019, the House will meet to consider the consequences of the vote.....Where, as in these instances before us, there are different even competing views of certain provisions of the Constitution, as well as certain inter-related provisions of the Constitution all of which fall to be examined, the Speaker on this occasion and without more, declines the invitation to act in the reversal. Full, final and complete settlement of these issues by a Court of competent jurisdiction will place beyond doubt any question which may exist and serve to give guidance to the Speaker and to the National Assembly for the future. Hon. Members, in treating with this matter, I have made every effort to present it to you as fully as I did, in the hope that it will assist in your understanding of the matter and enable our fellow citizens to understand the issues. I, thank you.*<sup>8</sup>

In refusing to reverse his decision on accepting the validity of the motion of no confidence of 21<sup>st</sup> December, 2018, Speaker Scotland opened the door to litigation by his ruling in which he spoke about full, final and complete settlement of the issues surrounding the motion of no confidence by a court of competent jurisdiction would put the matter beyond all doubt. And to court the matter went.

One proposition that was put before the courts was that there are 65 seats in the National Assembly which meant that half of that was 32.5 which then had to be raised to the next whole number of 33 and then add one to that to make 34 which meant that the motion had failed. Another proposition was that it was discovered after the vote that Charrandass Persaud was dual Guyanese-Canadian citizen and that his vote should not count.

With 33 not being regarded by the litigants as the next whole number to satisfy the numerical requirements of a majority of all the 65 MPs voting, one had to understand that the APNU/AFC administration would naturally want to explore all options in order to stay in power.

Three court matters were bundled for hearing and they were ultimately decided by the Caribbean Court of Justice, Guyana's final court of appeal on 18<sup>th</sup> June, 2019<sup>9</sup> with consequential orders being made on 12<sup>th</sup> July, 2019.<sup>10</sup>

According to the judgment delivered on 18<sup>th</sup> June, 2019 the issue of the size of the majority was settled as follows :

*[27] The Guyana Assembly comprises an odd number of persons (i.e. 65). When all the members of the Assembly are present and vote (as was the case here), all that is necessary is to follow the wording of the Constitution and determine whether the motion has garnered "a majority of all the elected members." Such a majority is clearly at least 33 votes. On the 21 December 2018 we would venture to suggest that every member of the Assembly knew this. The Clerk certainly knew it. And so too did the Speaker who announced that the motion had passed. Since the Assembly comprises an odd number, there is no need to imply into the Constitution any formula for defining a majority as being "half plus one". Indeed, as an American judge noted, the '50% plus one rule' leads to illogical results when it is applied to odd numbers. So, for example, it is trite that when a Court of Appeal sits as a panel of three, a majority decision is 2:1. The Chief Justice was therefore right when she adjudged that a majority from among 65 members is a minimum of 33.*<sup>11</sup>

As regards the issue of whether or not Mr. Charrandass Persaud was eligible to cast his vote with the Opposition against the Government, the judgment settled that issue as follows :

*[41] Under the existing rules prescribed by parliament, therefore, it matters not that the election date has long passed and the information about the member's disqualification did not surface until after the time limits set out by parliament. Nor can a claimant approach the court by a method other than the prescribed election petition. The National Assembly (Validity of Elections) Act provides a complete code for challenging the validity of an election on the ground that a person is not qualified to be elected. The Act provides a 28-day period from the election within which the Respondents could challenge Mr Persaud's election. This time having expired, the court lacked jurisdiction to disqualify Mr Persaud.* <sup>12</sup>

Another issue that was litigated was whether or not Mr. Persaud was precluded from voting in the manner he did in light of the anti-defection provisions of the Constitution contained in section 156(3) of the Constitution.

Those provisions read as follows :

*A member of the Assembly elected on a List shall cease to be a member of the Assembly, if—*  
*(a) he or she declares in writing to the Speaker or the Representative of the List from which his or her name was extracted that he or she will not support the List from which his or her name was extracted;*

*(b) he or she declares in writing to the speaker or the Representative of the List from which his or her name was extracted, his or her support of another list;*

*(c) the Representative of the List from which his or her name was extracted indicates in writing to the Speaker that after meaningful consultation with the Party or the Parties that make up the List that the Party or Parties have lost confidence in that member and the Representative of the List issues a written notice of recall to that member and forwards a copy of that notice to the Speaker.* <sup>13</sup>

The court ruled on this issue of the application of the anti-defection clause and its applicability to Mr. Persaud's vote in the following way :

*[50] We do not interpret the Constitution in this manner. The Constitution makes no distinction between a member's participation and vote on a motion of confidence and on any other motion. Carried to its logical extension, these submissions would mean, among other things, that there is no need for political parties in parliament to employ a parliamentary whip at all, and that proposing a vote on parliamentary motions is meaningless because in each case the result is a foregone conclusion.*

*[51] Fealty to one's party cannot override sworn allegiance to the Constitution and to the people of Guyana. Members of parliament, should they so decide, and as long as they are willing to pay the political price, are not to be denied the freedom to vote according to the dictates of their conscience even in a proportional representation system.....* <sup>14</sup>

Having established the validity of the vote on the no confidence motion, the uncertainties that surrounded it were removed and the need for verification of Lijphart's Hybrid VI was confirmed.

The consequential orders that were made on 12<sup>th</sup> July, 2019 by the Caribbean Court of Justice also reaffirmed the validity of the need for general elections to be held within the three-month window specified in the Constitution. The court did not seek to specify a date, but provided a window within which elections must be held as follows :

*[5] The judiciary interprets the Constitution. But, as we intimated in our earlier judgment, these particular provisions require no gloss on the part of the Court in order to render them intelligible and workable. Their meaning is clear and it is the responsibility of constitutional actors in Guyana to honour them. Upon the passage of a vote of no confidence, the Article requires the resignation of the Cabinet including the President. The Article goes on to state, among other things, that notwithstanding such resignation, the Government shall remain in office and that an election shall be held “within three months, or such longer period as the National Assembly shall by resolution supported by not less than two-thirds of the votes of all the elected members of the National Assembly determine ...” The Guyana Elections Commission (“GECOM”) has the responsibility to conduct that election and GECOM too must abide by the provisions of the Constitution.*

*[6] Given the passage of the no confidence motion on 21 December 2018, a general election should have been held in Guyana by 21 March 2019 unless a two thirds majority in the National Assembly had resolved to extend that period. The National Assembly is yet to extend the period. The filing of the court proceedings in January challenging the validity of the no confidence vote effectively placed matters on pause, but this Court rendered its decision on 18 June 2019. There is no appeal from that judgment.*

*[7] Article 106 of the Constitution invests in the President and the National Assembly (and implicitly in GECOM), responsibilities that impact on the precise timing of the elections which must be held. It would not therefore be right for the Court, by the issuance of coercive orders or detailed directives, to presume to instruct these bodies on how they must act and thereby pre-empt the performance by them of their constitutional responsibilities. It is not, for example, the role of the Court to establish a date on or by which the elections must be held, or to lay down timelines and deadlines that, in principle, are the preserve of political actors guided by constitutional imperatives. The Court must assume that these bodies and personages will exercise their responsibilities with integrity and in keeping with the unambiguous provisions of the Constitution bearing in mind that the no confidence motion was validly passed as long ago as 21 December 2018.<sup>15</sup>*

The next step in this constitutional tussle will be the holding of the general elections. For the time being, what has been established is that the vacant slot in Arend Lijphart’s typologies for his Hybrid VI needs to be filled by including Guyana. With the legal and constitutional challenges out of the way, the only issue to be analysed will be whether or not the APNU/AFC coalition government of Guyana complies with the consequential orders of the Caribbean Court of Justice and actually does hold general elections within a three-month window from the date of the court ruling on 18<sup>th</sup> June, 2019.

If not, then the opportunity to analyse something else will arise.

## END NOTES

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2. Laws of Guyana, Act No. 17 of 2000, s. 5.
3. Laws of Guyana, Act No. 2 of 1980.
4. Laws of Guyana, Act No. 2 of 1980, s. 106.
5. Arend Lijphart, Patterns of Democracy, Second Edition, (New Haven and London : Yale University Press, 2012), p.109.
6. Laws of Guyana, Act No. 2 of 1980, s. 70.
7. Joint Press Statement from APNU and AFC – “Cummingsburg Accord”, Georgetown, Guyana, 15<sup>th</sup> February, 2015.
8. Parliament of Guyana, Official Report, Proceedings and Debates of the National Assembly, Thursday 3<sup>rd</sup> January, 2019, pp. 4-7.
9. [2019] CCJ 10 (AJ).
10. [2019] CCJ 14 (AJ).
11. [2019] CCJ 10 (AJ), para. 27.
12. [2019] CCJ 10 (AJ), para. 41.
13. Laws of Guyana, Act No. 22 of 2007, s. 2.
14. [2019] CCJ 10 (AJ), paras. 50 and 51.
15. [2019] CCJ 14 (AJ), paras. 5, 6 and 7.

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