

The following letter was published in the *Stabroek News* on the 30th May 2001 under the caption "**The employment of foreigners to revise the Laws of Guyana is contemptuous**" and in the *Guyana Chronicle* on the 4th June 2001 under the caption "**Competent law revision body needed**".

28th May 2001.

Dear Editor,

Stabroek News of 23/5/01 reported that a contract for the production of the updated Laws of Guyana was announced on May 13 and the printing should be completed by the end of July.

While doing research for my Masters in Barbados, it came to my attention that a Canadian and a foreign West Indian were appointed to revise and computerise the Laws of Guyana from the comfort of Barbados and Dominica. This project cost more than 120 million dollars. Working from abroad and with no supervision, it was not surprising that the job took much longer than anticipated. In fact one of the foreigners left even before the project was completed.

It appears from *Stabroek News* that an American firm New Global Consultants will print 300 – ten volume sets of the updated laws, supply 300 compact disks (CDs) and establish a web site on which the laws will be posted, all at a cost of nearly 42 million dollars. I have already seen letters on the subject so I will not comment now on whether a proper and fair selection process was used in awarding the contract! However there must be reservations as efforts to ascertain the *bona fides* of this firm have been singularly unsuccessful. However, I trust that this costly exercise will be able to withstand scrutiny.

Stabroek News had erroneously stated that the contract was awarded to Foley, Hoag and Eliot. This is a law firm in which Paul Reichler an American lawyer who received a national award from the Government of Guyana is a partner. Instead it appears that this American law firm is in receipt of a contract to provide "consultancy services for the improvement of the legal framework for the system for property rights".

According to *Order No. 43 of 1997*, the laws would be revised up to 30th June 1998. A later *Order No. 3 of 1998* stated that the laws would be revised to the 31st December 1997, ie, to an earlier date. It was therefore incumbent on those in charge of the legal system to ensure that the updated laws were printed in 1998 and not three years later. Having abdicated their responsibilities and having regard to Madam Justice Singh's ruling in the *Esther Perreira* elections case, it is a meticulous waste of money to do it now without incorporating all the Principal Acts of Parliament and subsidiary legislation published since 1998 inclusive of the constitutional amendments.

The 160 million plus figure above does not include moneys spent in 1994 to recruit a lawyer in private practice to update and computerise the commercial laws which were incorporated in the law revision that started in 1996.

Further, it seems rather odd that a revised edition of the written law will fit in 10 volumes when the 1977 edition consisted of 14 volumes.

Commenting on what law revision entails, Mr. Harris who revised the present 1973 edition of the laws said that "apart from mere adaptation, a substantial degree of amendment of the laws is inevitable in any developing country ... which has undergone constitutional change since its last revision."

In addition to substantial changes which are necessary due to constitutional amendment, law revision also includes consolidation which involves the rewriting of laws, the substitution of modern for antiquated language and the harmonising of inconsistent enactments. Therefore, the expenditure of no amount of money can be justified unless the more than 20 Acts relating to children were combined into a coherent whole as far as possible. Also, the laws relating to the use of land since many of these laws are conflicting, duplicitous and lack clarity as stated in a 1996 report.

The employment of foreigners to revise the Laws of Guyana and to do it from other countries displays utter contempt for Guyanese. It gives the impression that no Guyanese was qualified to update our own laws. It certainly would have been less costly, more expedient and more rewarding to revise the laws of Guyana in Guyana by Guyanese qualified to do so.

Priority should be given to acquiring not only a permanent, efficient and competent law revision body but also to appointing and retaining properly qualified in house persons to draft laws and to represent the State in Court matters. The practice of recruiting lawyers in private practice to do work that should be done by State lawyers is an onerous burden on taxpayers and ought to be discontinued. In addition, the payment of adequate salaries to all staff, rather than the payment of secret sums to select individuals will go a long way towards improving the legal system.

As a member of the legal profession, I write this letter in the national interest.

Yours faithfully,

Jamela A. Ali

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