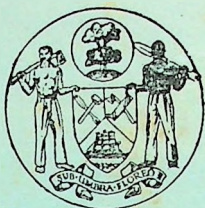


Bar Assn



BELIZE

REPORT

from the

JOINT SELECT COMMITTEE

together with the proceedings of the Committee, evidences and appendices before the Joint Select Committee on "The White Paper — Proposed Terms of a Constitution for the Independent Belize".

Appointed by Order of the House of Representatives dated the 29 January 1981 and of the Senate dated 3 February 1981.

Appendix A-1

THE BAR ASSOCIATION OF BELIZE

P.O. Box 675
Belize City,
Belize,
Central America

18 February, 1981.

The Clerk of the
National Assembly,
Belmopan,
BELIZE.

Dear Mr. Monsanto,

The Bar Association is in receipt of your letter inviting the Association to consider the White Paper on the proposed terms for inclusion in an Independence Constitution for Belize.

I am to inform you that the Bar Association is even now studying the White Paper with a view to putting forward its recommendations. The Association would, however, like to record its disappointment as to the short time given for study of the White Paper before the Joint Select Committee commenced its meetings.

On a further note, the Association request that Government esures that a DRAFT CONSTITUTION, as opposed to a White Paper only, be made available well in advance of the crucial date, for distribution to members of the public, in good time to enable thorough study.

Best regards,
Yours sincerely,

SGD. G. Brown
Secretary.

c.c. Hon. George Price, Premier,
Hon. V.H. Courtenay) Joint Chairman
Hon. C.L.B. Rogers) Joint Select Committee.

THE BELIZE

CHAMBER OF COMMERCE

for
Commerce, Industry, Agriculture
and the Trades

Telephone 3148 43 Handyside St.
P.O. Box 291 Belize City

B E L I Z E

21st February, 1981

Mr. A.F. Monsanto
Clerk to the National Assembly
Belmopan
Belize

Dear Sir,

I write to acknowledge and thank the Select Committee for their invitation conveyed in your circular letter dated February 3rd, 1981, to make representation regarding the constitution for an independent Belize.

In response to this invitation the Chamber has perused the White Paper in Executive session and has taken the further step of convening a special general meeting to elicit the views and suggestions from a broad cross section of businessmen and the community.

As a result of this exercise the Chamber is of the conviction that the time allotted for making representations is inadequate, bearing in mind the seriousness of the step which is contemplated. The Chamber is seeking a six month extension as a more reasonable time table for consultation and response appropriate to the formulation of the basic law of an independent Belize.

Respectfully,

SGD. NURI MUHAMMAD
Executive Secretary

" A BETTER COMMUNITY THROUGH BETTER BUSINESS "

25th February 1981.

The Clerk
House of Representatives
Independence Hill
BELMOPAN.

Dear Sir,

I am directed by the Guild of Graduates to request that you bring to the attention of the members of the House of Representatives the following memorandum adopted by the Guild:

Bearing in mind that a clear understanding of the Government's proposals for the Belize Independence Constitution by the Citizens of Belize is desired the Guild of Graduates is of the view that the time given for study consultation and discussion of the White Paper is insufficient.

The Guild of Graduates would welcome a response to this statement.

Yours faithfully,

SGD. ZOILA ELLIS
Secretary.

c.c. Joint Select Committee
The Belize Times
The Reporter Press
The Amandala Press
The Beacon Newspaper.

General Manager
Catholic Public Schools
P.O. Box 220 Tel. 2040
Belize City, Belize C.A.

24th February, 1981.

The Chairman,
Joint Select Committee,
On the Constitution for an Independent Belize.

Dear Sir:

I am herewith making representation on behalf of the Roman Catholic Management of Primary Schools and on behalf of all Local Managers of Catholic Public Primary Schools that a clause be included in the Constitution of Belize that will provide for the continuance of the present principle of Church/State Partnership in education.

Yours truly,

SGD. V. Pelayo (Mrs.)
General Manager,
Catholic Public Schools.

c.c. Hon. G.C. Price, Premier

PHILIP ZUNIGA LL.B (LOND.)

Barrister-At-Law

Tel. (02) Solicitor of the Supreme Court of
3715 Belize

48 Regent St.
P.O. Box 251
Belize City
Belize, C.A.

Cables: Attorney-Belize

20th February, 1981.

The Chairman,
Joint Select Committee,
On the Constitution for an Independent Belize.

Dear Sir,

I act on behalf of the Parish of the St. Joseph Catholic Church of Cinderella Town in Belize City.

Concerned and interested members of the St. Joseph Parish met on Thursday the 19th day of February, 1981, and as a result of that meeting I have been delegated to recommend to you the following:

Firstly, that the Constitution include a Clause entrenching, and requiring policies of State that maintain the principle of Church-State Partnership that now exists in education; and

Secondly, that a draft of the Constitution be made available well in advance of the crucial date for distribution to the public in good time to enable thorough study thereof.

Yours faithfully,

SGD. Philip Zuniga

PZ/bkm.

PUBLIC OFFICERS SERVICE OF BELIZE

(INCORPORATED 1922)

Headquarters: 29 Albert Street, Belize City, C.A.

Internationally affiliated with A.T.I., P.S.I., C.P.S.A. and E.H.T.U.C.

January 26, 1981

Mr. Robert Leslie
Permanent Secretary
Independence Secretariat
Belmopan;

Dear Mr. Leslie,

RE: REGISTRATION OF THE BELIZE
INDEPENDENCE CONSTITUTION

I attach for Government's consideration the recommendation of the Public Service Union of Belize. It is hoped that Government will accept these recommendations for inclusion in Belize's Independence Constitution.

You are also hereby informed that the Public Officers Union of Belize has registered its change of name to that of "THE PUBLIC SERVICE UNION OF BELIZE" on Friday 23rd January, 1981 with the Registrar of Trade Unions.

I would therefore be grateful that wherever the Public Officers Union appears on the attached paper it should now read "PUBLIC SERVICE UNION".

Yours sincerely,

Mr. Tillet
President
Public Service Union

Our recommendations are made on the assumption that Belize upon the attainment of Independence will have one of the following structures:-

- (i) A Governor-General as Head of State and a Prime Minister as Head of Government; or
- (ii) A President as Head of State and a Prime Minister as Head of Government.

We are also assuming that Belize will remain a member of the Commonwealth. We say this because the fact is that membership affords us the opportunity for an exchange of experience which can assist us in charting our own course. The Commonwealth is largely composed of Developing Countries and membership presents an opportunity for concerted action in influencing the policies of developed countries in a direction more beneficial to the developing countries.

We recommend that the Governor General/President should play his principal role in the appointment of persons to important offices of State; acting in his own discretion after consultation with the Prime Minister, the Leader of the Opposition and such other persons and organisations as he thinks fit he should be empowered to appoint the following:-

- (i) The Chief Justice
- (ii) The Chairman of the Service Commission
- (iii) The Ombudsman (if any)
- (iv) The Auditor General
- (v) The Director of Public Prosecution

The other members of the Judicial and Legal Service Commission, the other members of the other Service Commission should all be appointed by the Governor General/President after consultation with the Prime Minister, the Leader of Opposition and the appropriate representative bodies instead of being appointed in accordance with the advice of the Prime Minister alone. The Prime Minister should quite properly have influence but not the final say. Diffusion of power seems to us desirable as a matter of principle.

We recommend that the Prime Minister be given more influence over the appointment of Government's representatives abroad. They should be appointed by the Governor General/President acting in accordance with the advice of the Prime Minister. We make this recommendation bearing in mind the fact that Ambassadors, High Commissioners and other principal representatives abroad hold office for the purpose of advising the Government generally on matters of foreign policy and implementing policies which have been decided upon. They also represent and act for Government. They must therefore be persons in whom the Government have a high confidence and this we feel can best be ensured by placing the power of

Recommendation of the Committee P.S.U.
on Belize Independence Constitution

Before setting out our recommendations we must take note of the Society for which this constitution is being prepared. To compare Belize political situation with that of say, British is a must at this time; for certain things stand out and we ought not to close our eyes to them.

We know that in Britain as in some other countries, the Prime Minister the Leader of Government, always has to be sensitive to the fact that in his/her country there exist a vigorous press, powerful interest group and an alert public opinion. Freedom to criticise is an institutionalised part of their political process. There are things which Chief Executives know they cannot get away with and failure to recognise these limits would lead to disaster. The political culture is highly bureaucratic. Few people bother to seek information about or attempt to influence the outcome of public policy in a systematic and organized way. The public still very largely believe that policy making is a matter for "the people".

We feel that patronage is a significant factor behind the reasons for this political passivity. As we expand our commercial and financial areas, public utility etc. the abundance of opportunity for political patronage is evident. The chairman and members of the Statutory Board and Corporation and the Government representatives on these boards are all directly appointed by the Political Head of Government and his Cabinet.

We realize that the use of patronage to win over or silence critics is undoubtedly universal. But in a small society such as ours it can be terribly effective but can be counter productive. Most people are unwilling to oppose persons in positions of authority openly or to criticise policies publicly. A reluctance to offend results. As a result inefficiency and incompetence, hypocrisy and corruption, errors and deficiencies of policy if they occur remain unexposed. These attitudes must be changed if an independent Belize is to become efficient and mature. We believe that effective government is possible only if there is greater participation by the people in the process of government. We would like to see some of the secrecy removed from the decision making process. Important decisions on serious issues ought not to be taken without the public being aware that these issues are even being discussed. It is our view that in a small community such as this rigid confrontation by opposing parties on all issues cannot be for the benefit of the society. Areas of compromise must be sought and expanded. Some of the procedure we are proposing are geared towards this goal.

appointment as recommended earlier.

Appointment of Judges

As stated earlier the Chief Justice should be appointed by the Governor General/President acting in his own discretion after consultation with the Prime Minister, the Leader of the Opposition and such other persons as he may think fit. We see this method of appointment as keeping the office from the direct patronage of any purely political office-holder.

A Judicial and Legal Service Commission should be responsible for the appointment of Judges of the Supreme Court and Court of Appeal. The composition of the Judicial and Legal Commission should be...

The Chief Justice as chairman
The Chairman of the Public Service Commission
The President of the Bar Association

The provision as to security of tenure in our present Constitution ought to be retained. Article 39 with the necessary modifications and adaptations is recommended for retention.

The J.L.S.C. ought to be entrusted with the power of appointment of all officers filling a post for which legal qualification is required. In this way one Commission would be better able to utilize the personnel available.

Ombudsman

We recommend the introduction of this institution but our view is that legal qualification need not be requisite for filling this post. We say this because to our minds expertise in administrative matters is even more important and that legal advice can always be sought. The Ombudsman should, of course, be a person of known independence, persuasive ability and proven integrity and whose reputation would lend prestige to the office. He ought to be appointed by the Governor General/President after consultation with the Prime Minister, the Leader of the Opposition and such other person as the Governor General/President thinks fit.

He should enjoy security of tenure as in the case of judges and be appointed for a specific period e.g. five years but be eligible for re-appointment. We recommend that the creation of the office, the method of his appointment, the terms of his tenure of office, provisions for his removal and the general scope of his powers should be set out in the constitution.

The Public Service Commission

We recommend that the Public Service Commission should consist of five or seven members appointed as follows:-

- (1) The Chairman - Appointed by the Governor General/President after consultation with the Prime Minister, the Leader of the Opposition and such other persons. The Governor General/President thinks fit;
- (2) Two Members Appointed by Governor General/President on advice of the Leader of the Opposition;
- (3) One Member Appointed by Governor General/President on advice of the Leader of the Opposition;
- (4) One Member Appointed by Governor General/President and the advice of the appropriate representative body (presently the Belize Public Service Union).

Alternatively the composition could be as follows:

- (1) Chairman Appointed by Governor General/President after consultation with the Prime Minister the Leader of Opposition and the appropriate representative body.
- (2) Three Members on the advice of the Prime Minister
- (3) Two Members on the advice of the appropriate representative body.
- (4) One Member on the advice of the Leader of the Opposition.

In the event that Belize Independence Constitution provides for an Executive Head of State then the composition suggested is as follows:-

- (1) Chairman appointed by the Chief Executive
- (2) Four Other Members appointed by the Chief Executive after consultation with the Leader of the Opposition, the Appropriate Representative Body and any other persons as the Chief Executive thinks fit.

We recommend further that a Service Commission Appeal Board should be established.

This Public Service Appeal Board would provide an opportunity for Public Officers to appeal decisions of any of the Service Commission imposing a penalty as a result of disciplinary proceedings brought against them; e.g. financial surcharge, dismissal etc.

The Chairman should be a judge of the Supreme Court who would be appointed by the Governor-General/President after consultation with the Chief Justice. There should be two other members appointed by the Governor-General/President acting in his own discretion after consulting such person as he may think fit; however, we recommend that one of these should be a retired public officer.

Public Officers should have the right of appearing before any of the Service Commission and the Appeal Board and to be represented either by a fellow public officer or counsel in case of a serious allegation. We would like to see provisions made in the Constitution for Regulations to be made setting out the procedures to be followed by the various Service Commissions and the Appeal Board wherein the rules of natural justice are entrenched.

POLICE SERVICE COMMISSION

We recommend the establishment of a Police Service Commission which should include a Chairman and two other members. The Chairman ought to be appointed by the Governor-General/President after consultation with the Prime Minister and the Leader of the Opposition and the appropriate representative body. One member appointed after consultation with the Commissioner of Police and one member appointed after consultation with the appropriate representative body. All Police Officers ought to be dealt with by this commission.

PENSIONS

We recommend that provisions similar to those contained in Article 53 and 54 of the British Honduras (Belize) Constitution, Ordinance No. 33/1963, should be embodied in Belize's Independence Constitution with the necessary modifications and adaptations. The Bahamas Independence Constitution 1973, Articles 122 and 123 are considered appropriate for emulation.

PUBLIC SERVICE (ESTABLISHMENT) LAW

We recommend strongly that a Public Service (Establishment) Ordinance ought to be brought into Law to coincide with our Independence date. This Ordinance would set out the rights and obligations, among other things of Public Officers and may be called in aid for the settlement of disputes when they arise. We see appointment at pleasure as anachronistic. Many of the Colonial Regulations, General Orders etc. could then form part of the Subsidiary Legislation emanating from that Ordinance.

SECRETARY TO THE PUBLIC SERVICE COMMISSION
JUDICIAL AND LEGAL SERVICE COMMISSION AND
THE POLICE SERVICE COMMISSION

We recommend that a person other than the Chief Personnel Officer ought to function as Secretary to the three commissions. The Chief Personnel Officer (Permanent Secretary) Establishment being secretary to any commission offends the rule of Natural Justice as in most cases his very job puts him in the position of accuser and adviser. There should be a full time secretary to the three commissions and he should be of the rank of Permanent Secretary.

AUDITOR GENERAL & DIRECTOR OF PUBLIC PROSECUTIONS

The tenure of office of persons appointed to these posts ought to be made secure and Article 52 of the Belize Constitution Ordinance 33/1963 with the necessary modifications and adaptations ought to be included in the Constitution.

PERMANENT SECRETARY

All appointments to the Public Service are to be made by the Governor-General/President acting in accordance with the advice of the relevant Service Commission. However, appointments to the office of Permanent Secretary or Head of Department are to be made by the Governor-General/President acting on the recommendation of the Public Service Commission after the Commission has consulted with the Prime Minister. Appointments to the office of permanent Secretary on transfer from another such office ought to be made by the Governor-General/President acting on the advice of the Prime Minister. We include the office of Financial Secretary, Under-Secretary Finance, Head of Planning Unit and Secretary to the Cabinet in the term Permanent Secretary.

Power to appoint, promote, transfer, remove Ambassadors, High Commissioners other principal representatives ought to vest in the Governor-General/President acting in accordance with the advice of the Prime Minister.

CONCLUSION

We would like to point out that the importance of the public service in the effective management of Belize cannot be overstated. Much of the information required for the formulation of policy has to be collected and organised by public officers for presentation to political decision makers and the method of presentation can influence the decision. When policy is once decided upon, its implementation depends largely on the skill and dedication of the public officers. Public Officers are very much part of Government.

We would like to see an independent service commissions to which is entrusted the power to appoint, transfer, promote and discipline persons in the public service. Public Officers ought to be insulated against direct political influence and so be free to serve any political administration with equal dedication.

DEMOCRATIC INDEPENDENT UNION

7 Church Street Belize City B.H.

P.O. Box 695

affiliated to the international metal
Workers Federation - headquarters in
Geneva Switzerland

16th January, 1981

The Honourable G.C. Price
Premier of Belize
Office of the Premier,
Belmopan
Cayo District
Belize.

Dear Mr. Premier,

Proposals from the Democratic Independent Union to
the Committee for an Independence Constitution to be con-
sidered for inclusion in the said Constitution

The Executive of the Democratic Independent Union, after
seriously considering what not to expect from your government after
the achievement of Independence, have decided to submit the following
proposals to be considered and included in the Constitution for an
independent Belize:

1. That Her Majesty the Queen of England (or His Majesty the King and their posterity) should be the Titular Head of an independent Belize, as is the position in Canada.
2. That all Judges and Magistrates must be appointed by The Queen (after due consultation with other senior members of the Bar of Belize) from nationals of Belize or other Caribbean countries, or England, and that they should be independent of all politicians whereby they can perform their duties without fear or favour.
3. That the office of Premier should be held for a period of two terms of four years only, and that the government should be of the people, for the people, and by the people, so as to protect Belizeans from tyranny and the effects of the exercise of absolute power by any individual.
4. That a Bill of Rights to safeguard the rights of the citizens of this country be included in the Constitution.

5. That Trade Union rights in general shall not be interfered with directly or indirectly by the politicians, and that the government must establish an Industrial Disputes Court, staffed by independent judges, for settling any unduly protracted trade dispute which cannot be settled by the Labour Department or by other means.

6. That there should be no oppressive legislation against our people, such as, for example, Ordinance No. 14 of 1967 entitled "Control of Public Meetings and Public Processions Ordinance, 1967" which states that any 'meeting' i.e. 'any gathering of five or more persons convened or held for any purpose which includes any political purpose . . . ' is illegal without first obtaining permission from the Commissioner of Police; and Section 19.-(1) (a) and (b) of the proposed Criminal Code which reads -

"19.-(1) Every person who -

(a) directly or indirectly, instigates, commands, counsels, procures, solicits or in any manner purposely aids, facilitates, encourages or promotes the commission of any crime, whether by his act, presence or otherwise, or

(b) does any act for the purpose of aiding, facilitating, encouraging or promoting the commission of a crime by any other person, whether known or unknown, certain or uncertain,

shall be guilty of abetting that crime and of abetting the other person in respect of that crime."

Taken together, these laws severely inhibit the rights of Belizeans to freedom of speech in discussing any issue, and the right to associate freely, and they contravene Articles 19 to 21 of the Declaration of Human Rights.

7. That Communism should be made illegal in any part of Belize since that system of government suppresses human rights and is abhorrent to the people of Belize.

8. That freedom of speech and the right to protest or demonstrate against bad and rapacious government should be included, and that by the voice of the people such a government must reign.

9. That Belize should not surrender any portion of its territory before or after independence.

10. That the free movement of Belizeans within Belize and in out of Belize to any foreign and friendly country should not be impeded in any way.
11. That churches and other social organisations should be allowed to function unmolested.
12. That education should be made compulsory and no children should be seen on the streets during school hours.
13. That more than one political party should be allowed to function.
14. That all the International Labour Conventions be ratified by the Government before independence and be included in the Constitution, so that after independence the government will be bound by them, as is the present case whereby the British Government has ratified the Conventions for Belize.
15. That the people's only radio station be made accessible to all political parties and all organisations without censoring what they wish to say to the public, so that the people should have the right to hear both sides and to decide for themselves, as they are perfectly able to do with 95 per cent literacy in our country.
16. That there should be an election before independence, and thereafter an election every four years in order to avoid one-party rule.
17. That there should be a referendum on the Constitution for an independent Belize, and that the Constitution should provide for referendum on any other vital issues that could affect the lives of Belizeans in the future.
18. That there should be a five-day working week established throughout this country.
19. Police brutality should be absolutely discouraged, and safeguards to this effect should be written into the Constitution.
20. The rights of our citizens to work without being politically victimised for not supporting the party in government should be enshrined in the Constitution.
21. That Belize should endeavour to be friendly with all democratic countries to enhance its trade and develop its tourist industry, on the pattern of the tourist industry of Barbados.

22. That government should allow, and do all in its power to foster, private industries.
23. That Guatemala should be allowed to pass her goods through Belize by way of an international highway built by the U. S. Government before independence, and be made to pay rates similar to those paid by Mexico, and also pay a toll for the use of such highway.
24. That the principle that all men are created equal in dignity and in rights should be recognized by the Constitution.

For the benefit of the Belizean people, who are kept in the dark, I should draw your government's attention to the Declaration of Human Rights, under which peoples and nations alike are accorded the same basic rights, and under which we are aware that your government has demanded independence for Belize.

Declaration of Human Rights which was adopted on 10th December, 1948, by the General Assembly of the United Nations.

This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or opinion, national or racial origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political or jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing, or under any limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude, slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

"Article 6. Everyone has the right to recognition everywhere as a person before the law.

"Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

"Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the Constitution or by law.

"Article 9. No one shall be subject to arbitrary arrest, detention or exile.

"Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent tribunal, in the determination of his rights and obligations and of any criminal charge against him.

"Article 11. Everyone charged with a penal offence has the right to be presumed innocent until found guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence for any act or omission which did not constitute a penal offence under national or international law at the time when it was committed.

"Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to protection of the law against such interference or attacks.

"Article 13. Everyone has the right to freedom of movement and residence within the borders of such state.

(2) Everyone has the right to leave any country including his own, and to return to his country.

"Article 14. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecution genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

"Article 15. Everyone has the right to nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

"Article 16. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the state.

"Article 17. Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

"Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or in private, to manifest his religion or belief in teaching, practice, worship and observance.

"Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or in private, to manifest his religion or belief in teaching, practice, worship and observance.

"Article 20. Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

"Article 21. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to the public service in his country.

(3) The will of the people shall be the basis of authority of government; this will shall be expressed in periodic and genuine election which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

"Article 22. Everyone as a member of society has the right to social security and is entitled to realisation, through national effort and international cooperation and in accordance with the organisation and resources of each state, of the economic, social and cultural rights indispensable for his dignity and free development of his personality.

Article 23. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure; including reasonable limitation of working hours and periodic holidays with pay.

Article 25. Everyone has the right to a standard of living adequate for the health and the well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to strengthening of respect of human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. Everyone has the right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to protection of the moral and material interest resulting from any scientific, literary or artistic production of which he is the author.

"Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

"Article 29. Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no way be exercised contrary to the purpose and principles of the United Nations.

"Article 30. Nothing in this Declaration may be interpreted as implying for a state, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein."

Mr. Premier, your government should have no problem in implementing these and other relevant proposals that will ensure and safeguard the freedom of the Belizean people, since your government has used the United Nations as your forum to internationalise your burning obsession for independence. Any refusal would leave you and your government open to charges of double dealing where the application of the Declaration of Human Rights to the people of Belize is concerned.

Respectfully yours,

Sgd. Cyril G. Davis
President

cc. Director General, International Labour Organisation, Geneva
Mr. Kurt Waldheim, Secretary General of the United Nations
The Rt. Hon. Lord Carrington, Secretary of State for Foreign
and Commonwealth Affairs, England
His Excellency the Governor, Belize
Mr. Herman Robhan, General Secretary, International Metalworkers
Federation
Mr. Frank Valcott, General Secretary, Barbados Workers Union
The Honourable G. Seaga, Premier of Jamaica
The Hon. Dr. T. Aranda, Member of the House of Representatives, Belize
The Hon. G. Thompson, Member of the House of Representatives, Belize

St. John's College

SCX 548 Belize City, Belize C.A.

February 21, 1981

Mr. A.F. Monsanto
Clerk to the National Assembly
Belmopan

Dear Mr. Monsanto:

Thank you very much for sending us the copy of the White Paper and for the invitation to make representation about our ideas on this important step in Belizean history.

We would like first to commend the National Assembly on the wide consultation that is taking place on the White Paper. It is a good way to seek the opinions of all of the people of Belize.

We had a community meeting to discuss the White Paper and the response of the SCC Jesuits was very positive. We very much like the Preamble and the treatment of Human Rights and fundamental freedoms. We believe that it is a very positive step to have such built-in protections and one which should help to achieve a greater sense of national unity.

There were a few particulars that we would like to comment on in response to your invitation:

1. We think that the section on citizenship should be made clearer to take in cases of citizenship by registration; wither (sic) registration that has already occurred or registration that will occur after our independence.
2. We think that there is a contradiction between numbers 19 and 36. #19 says that the Governor General shall appoint as PM the leader of the majority party; while #36 says that he shall use his own deliberate judgement in the appointment of the PM.
3. We do not understand the last sentence of #21 which states that the AG shall not be subject to the direction or control of any person or authority."
4. We believe that there should be a time limit on national emergencies realizing of course that a situation has improved.
5. We believe that the Judiciary should be appointed by the Governor General after deliberation with the Prime Minister and not on the advice of the Prime Minister.
6. We very much like the Code of Conduct in # 100 but would also like to see a way to enforce it. We realize that a constitution may not be the proper place for such a mechanism but perhaps it could be placed in the by-laws of the National Assembly.
7. We agree with the basic critique in AMANDAIA on freedom of the press and the possibility for non-government owned radio and TV.

Again, thank you very much for consulting us on this important step in Belizean history and our commendation to the National Assembly for the efforts to make the White Paper known to the entire country.

With prayers that this process will help to bring all of the people of Belize closer together as independence approaches,

Sincerely,

SGD. Richard Buhler, S.J.,
on behalf of the St. John's College Jesuits

THE BELIZE LIBRARY ASSOCIATION

Central Library,
Bliss Institute,
P.O. Box 287,
Belize City,

24th February 1981.

Mr. A.F. Monsanto,
Clerk of National Assembly,
Belmopan.

Dear Mr. Monsanto,

The Council of the Belize Library Association met to discuss the matter of presenting its views on the White Paper to the Joint Select Committee selected to hear the views of Belizeans on the said White Paper.

The Council agreed to and has instructed me to write you informing you that because of the following reasons the Belize Library Association is unable to make representation in any form on the very important matter.

- (1) Although your circular is dated 3rd February, it did not reach the President of the Association until Thursday 19th February 1981.
- (2) The Council of the Association is made up of seven members and at present has only one copy of the White Paper. The one that came attached to your circular.

We feel therefore, that since it would take each member sometime to read thoroughly this White Paper and also more time to meet to discuss this document, the Belize Library Association, for it to present any concrete ideas to the Joint Select Committee, would need more time to deliberate on this important matter.

We would also need at least six more copies of the White Paper in order that each council member would be able to digest and understand it thoroughly before passing his or her views.

The Library Association knows that it has taken several meetings by at least one organization just to discuss the matter before the final decision could have been made as to what to put forward to the Joint Committee.

Therefore, if it is possible that more time could be allotted to discuss the matter of the White Paper and if we could get more copies of the document, the Belize Library Association would be able to make proper representation either in writing or in person before the Committee.

We await your answer on this matter.

With every good wish.

Yours sincerely,

SGD. (R. T. HULSE)
Secretary.

RESOLUTION PASSED BY THE PEOPLE'S UNITED PARTY SPECIAL
CONVENTION ON GOVERNMENT'S WHITE PAPER HELD IN THE
BEIMOPAN SHOWGROUNDS ON SUNDAY, 15 FEBRUARY 1981

The People's United Party Convention,

Having considered Government's White Paper on the proposed
terms of a Constitution for the Independent Belize,

Noting that the said White Paper accepts the supremacy of
God and the brotherhood of all Belizeans; seeks to preserve
and protect our human rights and fundamental freedoms in a
free, democratic and independent Belize; and strives to
broaden social justice, equality of opportunity and respect
for the rule of law; also noting the general wish for the
inclusion of the Belizean prayer, flag and anthem in the
Independence Constitution;

Firmly believing that now more than ever we must struggle to
ensure that 1981 is the year of our safe and secure
independence with all our territory; that our independence
will be a driving force for more development and prosperity;
and that we can rely upon the high sense of responsibility
of the British government and people to provide an adequate
defence guarantee to make Belize safe and secure;

Extending once again the hand of friendship to the Guatemalan
people and requesting their government to respect our right
to self-determination and territorial integrity:

RESOLVES

- (1) that the Special Convention of the People's United
Party gives sure support to government's White
Paper as a sound and authentic basis for the
new constitution for the independent Belize and
- (2) to express its confidence that the Joint Select
Committee of the National Assembly will faithfully
canvass and reflect the will of the Independence
Constitution of Belize.

Submitted by Secretary General, People's United Party.

SGD. Mark A. Cuellar

BELIZE CHRISTIAN COUNCIL
P.O. Box 508 - Belize City
Belize, C.A.

Recd.
25/2/81

25th February, 1981

The Clerk
National Assembly
Belmopan

Dear Sir,

WHITE PAPER

We attach hereto a copy of our letter mailed yesterday - 24th February, and are asking for your kind consideration pending receipt of the original.

With thanks,

Sincerely yours,

SGD. J.H. Jeffries
EXECUTIVE SECRETARY.

Belize National Teachers' Union

President: Carlos O. Castillo
Secretary: Miguel Wong
Admin. Sec.: -

Phone: 2857
P.O. Box 382
Belize City
Belize

February 23, 1981

The Chairman
Joint Select Committee
National Assembly
Belmopan
Cayo District
Belize
Central America

Dear Sir:

The Belize National Teachers' Union has studied Government's White Paper on the proposals for the Constitution for the Independent Belize.

Having studied the White Paper, the executive of the Belize National Teachers' Union has directed me to make the following observations and comments.

The BNTU accepts the preamble which states that the people of Belize affirm that the Nation of Belize shall be founded upon principles which acknowledge the supremacy of God, faith in human rights and fundamental freedoms; respect the principles of social justice; believe that the will of the people shall form the basis of government in a democratic society; recognize that men and institutions (sic) remain free only when freedom is founded upon respect for moral and spiritual values and upon the rule of law; require policies of state which protect and safeguard the unity, freedom, sovereignty, and territorial integrity of Belize.

The BNTU would like to make the following changes on pages and sections indicated below:

- page 4 - d - the words "including prostitution" should be inserted after "Slavery and the slave trade in all their forms"
- page 4 - f - the word morality needs to be defined - Who will decide what morality is?
- page 5 - i - the word mass medium suggest only one and so the BNTU wants the word to be mass MEDIA, to include all and not only one.
- page 5 - j - the words "creed or sex" to be added at the end of section j.
- page 9 - The Cabinet

The BNTU feels that the Cabinet should not consist of more than 50% of the Members of the House of Representatives.

page 12 - Section 33

The last sentence should be changed to read as follows:

In the performance of its functions a quorum shall comprise 50% of the members which make up the Belize Advisory Council.

pages 13 & 15 - Section 41

The Elections and Boundaries Commission should be made up of people from both political parties so as not to show bias for either party and thereby ruling out the accusations being made of fraud and mistrust in the Commission.

page 26 - Section 100

In all fairness to the people mentioned in this section, there is need to define sections e and f more fully. Section e calls for only allowing one's integrity to be called into question and it would mean not doing one's duty. It should state that these must be proved rather than only allowing one's integrity to be called into question.

The BNTU would also like the Belizean prayer, flag and anthem to be included in the Independence Constitution.

Moreover, besides the above, the BNTU would like the state of an Independent Belize to be identified or associated with other symbols. For example, the Maple Leaf is Canada's identification, the Eagle is the United States, and the Bear is the USSR's. Perhaps the Mahogany tree or the Flamboyant tree or some national symbol be included in the constitution by which Belize could similarly be identified. Also, the monetary unit of Belize should be included, e.g. Mexico - peso, Honduras - lempira, Guatemala - quetzal, Belize - dollar?

Lastly, Belize, in a way, has enjoyed a unique form of partnership in Education - the Church-State partnership. This is an old tradition and has worked well. The BNTU would like the inclusion of this partnership in the Constitution of the Independent Belize. This inclusion will ensure that the Church and State will continue their fine work in educating the Belizeans to take their rightful places in an independent Belize. It will also wipe away all fears that the government is Communist or that the government will take over all schools and the Church will have no place in the education of the Belizean citizens.

It is BNTU's hope that the Joint Select Committee of the National Assembly will carry out a true canvassing of the people's recommendations and will so reflect the will of the people in the final draft of the Independent Constitution of Belize.

Yours sincerely,

SGD. Miguel Wong
Secretary.

BELIZE CHRISTIAN COUNCIL

P. O. Box 508 - Belize City

Belize C.A.

Received
26/2/81

24th February, 1981

The Clerk
National Assembly
Belmopan

Dear Sir:

WHITE PAPER

At the Annual General Meeting of the Belize Christian Council held on 23rd February, the Assembly requested that submissions be made for (1) month's extension of time as from the 25th inst. in order to give further consideration to the important Document referred to in the subject matter.

With thanks for your kind consideration,

Sincerely yours,

SGD. J.H. Jeffries
Executive Secretary

JHJ/ds

No. 7 Gibnut Street
Belize City, Belize
Central America

The Joint Select Committee
To consider the Draft Constitution

Gentlemen,

On behalf of my wife, Ewadne, my two daughters, June and Ruth Gillett and myself, I wish to express our heartfelt thanks, appreciation and admiration to Government for the White Paper on the proposed Constitution for an Independent 'Belize'. We have carefully read this most important document from the beginning to the end. We have also taken into consideration the amendments made at the Convention held at Belmopan on the 15th February, 1981. We are hereby giving our unconditional support to every detail of it.

Sincerely,

Sgd. VALLAN GILLETT
Ex. Asst. Supt. of Police

APPENDIX A-15

Mullins River Village
Stann Creek District

19th February, 1981

The Select Committee
Proposed Term of a Constitution for
An Independent Belize
Dangriga, Stann Creek District.

Dear Sir,

Please be advised that we the majority Villagers of the Village of Mullins River have read the Government White Paper on the proposed terms of a Constitution for an Independent Belize and to state categorically that we support fully the terms recommended to be embodied in our Belize Constitution. We have however, observed that the symbols of Independence which are: Our Belizean National Prayer, our Belizean National Anthem and our Belizean Flag have all been overlooked and therefore request that these be enshrined in our New Belize Constitution.

Thanks.

I remain,
Sincerely yours,

Sgd. PATHAN BELISLE

On behalf of the Village Council
and people of Mullins River Village

Placencia
Stann Creek District
28th February, 1981

The Select Committee
White Paper
Proposed Constitution for an
Independent Belize
National Assembly
Belmopan
Cayo District.

Dear Sirs,

We the members of the People's United Party Branch of the Village of Placencia wish to state that we the members here give support to the Government White Paper for our New Proposed Constitution for an Independent Belize. We have noted, however, that our symbols of Independence were overlooked in the proposals and therefore take this opportunity to request that these symbols be enshrined in the said Constitution, namely: Our Belizean Flag, our Belizean Anthem and our Belizean Prayer. Thanking in advance for your cooperation.

I remain

Sgd. LISTON LESLIE
Chairman - P.U.P. Branch
Placencia

Sgd. LEOPOLD CABRAL
LOUIS LESLIE
Party Members

We need this new law.
for Independent Belize
dis year. Santa Clara

Tomate Tea No. 216
Tower Hill Sugar Factory
Orange Walk Town
Belize, C.A.

February 24, 1981

In my high opinion, my Government of Belize is waisting a good resource of Belize on Prostitute. (sic) The White Paper is written in our Belizean favour. But our Government can get more money if they look keenly on Prostitution in Belize. You all know that lots of good money went from here every week to Mexico and Salvador and Honduras and Guatemala from those girls come over here to husle. (sic) While that some of that money can stay right over here in Belize if our Government know how to use its head like the other country (sic) that legalize this trade.

Let there be licence for thos who want to enter that trade and pay good money for it and anyone found without a licence and doing this trade, take them to courth (sic) and fine them good money to pay. And beside they must visit the doctor 2 time (sic) a week. With a doctor fee and one find with out a doctor certificate of health, also take her to courth and find her also. (sic)

You know that we will get independence this year, who no want or not. We da fu ya and we need all the money we need to rule of Belize, every cent that stay here da fu we and dont let this girls get away with murder by geting this money home here and sent it home to their home land. Let get some of this money back from them. In Guatemala Government get his cut of money from them. In Honduras Government also get its share. Also in Mexico. Only here the Government dont know what he is loseing. (sic)

The oldest trade pay a lot of money. in the Bible said pick up the stone and stone her, if you dont do as she does. also in the Bible the man and his daughter-in-law. The man I am pregnant for is the owner of this Staff and Ring. The House that Christ love to stay is Mary Mandaline. No husband but rich woman of her prostitutions. The oldest trade in the world and lots of money behind it. What we cannot fight. We can trade it for money. (sic).

Think about it and pass it into law.

and the Government will stop the club owner from taking from Government what belong to Government and that is money. also what money those Prostitute made here in Belize they must not send all to their family abroad. We Belizean Government need that money also for Better Belize and Better Government. (sic)

BISHOP'S HOUSE
ROMAN CATHOLIC DIOCESE OF BELIZE
Box 616, Belize City
BELIZE, CENTRAL AMERICA

February 25th, 1981

Mr. A.F. Monsanto
Clerk of the National Assembly
Belmopan
Cayo District
Belize

Dear Sir:

I write on behalf of the Roman Catholic Church in Belize in answer to your letter of February 3rd, 1981. I would be grateful if you would present our comments on the White Paper to the Joint Select Committee.

- 1) We commend the Government of Belize for its proposed Preamble to the Constitution and its stand on Human Rights and Fundamental Freedom.
- 2) Care should be taken that basic Human Rights are protected even when there is question of National Security. "Any apparent conflict between the needs of security and those of the fundamental rights of citizens must be resolved according to the basic principle - always maintained by the church - that the social organization exists only to preserve man and protect his dignity." (John Paul II speaking in the Phillipines, Cf. TIME Magazine, March 2, 1981, Page 2).
- 3) We believe that the unique Belizean Church/State Partnership in Education, should be preserved and protected. Possibly the best way to do this is by making provision for it in the Constitution.

We believe that the majority of our people appreciate the system and would go along with our suggestion.

The present system gives the parents at least a limited opportunity of making a choice of schools in exercising their duty and right to educate their own children. The duties and rights of parents in this matter are primary and should not be superseded by those of the State with the argument that "he who pays the piper calls the tune".

The money which Government uses for education is public money, the people's money. This money is given to the Government to be administered for the benefit of the people with due respect for their rights and wishes.

- 4) We commend the Government for its wide consultation on the White Paper among our people, and we trust that our people will be given opportunity and ample time to study and comment on the Draft of the New Constitution.

Sincerely yours,

sgd. R. L. HODAPP, S.J., D.D.
Bishop of Belize

cc: Hon. George C. Price, Premier

25th February, 1981

The Clerk,
National Assembly,
Independence Hill,
BELMOPAN.

Dear Sir,

PROPOSED CONSTITUTION OF AN INDEPENDENT

BELIZE

I take this opportunity to express full support for Government's White Paper on the Proposed Terms of a Constitution for the Independent Belize". It is beyond doubt an excellent document, well written and shows hours of thought and deliberation - its writers should be commended.

There are however, a few points on which I would like to comment:

- (1) Paragraph (68) I believe that it is definitely necessary for any amendment to the constitution of Belize to be effected only by a referendum. There should also be provisions for amendments to be initiated by the public.
- (2) Paragraph (91) I don't believe that the Belize Advisory Council should be empowered at anytime to revoke or decide upon any decision of the Governor General of Belize.

May I further humbly submit and respectfully request that the Belizean National Flag, the Belizean National Anthem and the Belizean National Prayer be enshrined in the constitution.

Yours faithfully,

Sgd. E. H. COURTENAY

The Toledo South Electoral
Division, Punta Gorda Town
c/o St. Peter Claver College

25th February, 1981

The Chairman
Joint Select Committee
c/o The Independence Secretariat of Belize
Belmopan, Belize, Central America.

Dear Messrs.,

We the members, supporters and sympathizers of the People's United Party of this constituency hereby declare that; we are in full agreement with terms and proposals laid down by the 'White Paper' and we specifically do so because:

- i. The White Paper, whatever its contents, gives every Belizean citizen the opportunity and right to scrutinize, analyse and accept or reject the terms theretofore,
- ii. The terms of the paper are based on sound particulars of Common, Constitutional and Criminal such as are internationally acceptable, and hence form a sober basis on which Belizeans' actions can/may be guided.
- iii. The terms of the paper suggest that there will be full endorsement by the judiciary, executive and parliament to protect individual citizens as free men along the lines of equality, justice, individuality BUT that at the same time that the individual is subject to legal interrogation/court hearings/conviction in weight as the case deems right,
- iv. The terms of the paper does not leave anyone over and above the law, so that even the Governor-General (and hence the lowest level of the social scale) will be subject to the law, hence complete justice will be exercised up and down, and across all strata of society.
- v. The paper is suggesting that Belize be a complete or distinct entity as a nation-state in the Americas, and this we agree with, because Belizeans have aspired for centuries to be free from the yoke of Colonialism. We realize but we do not regard the Guatemalan claim to Belize, and it is for this very reason that we so readily want Belize to go into full, sovereign independence.

We whole-heartedly support the White Paper and support for Belize's move towards Independence.

Very faithfully,

Sgd. PHILIP D. EDWARDS

THE MONETARY AUTHORITY OF BELIZE

P.O. Box 852
Belize City

The Clerk of the
National Assembly
BELMOPAN

Dear Sir,

The White Paper
on the proposed terms
for a Constitution for the Independent Belize

May I offer the following comments?

HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Clarification appears to be called for regarding application to aliens. For example, will aliens be able to claim immunity against expulsion from Belize? (para 4g)

CITIZENSHIP

In my view a person born in Belize should not lose Belizeans citizenship except by voluntary renunciation. Para. 14 suggests otherwise.

THE PUBLIC SERVICE - APPOINTMENTS

It should be possible to devise a formula for appointment of senior officers which would not appear as arbitrary as that proposed in para. 89. One suggestion for consideration might be that the Governor General act on the recommendation of the Prime Minister after consultation with the Public Service Commission.

Yours faithfully,

SGD. H. E. C. CAIN
Managing Director

SAN JOSE PALMAR
ORANGE WALK TOWN
BELIZE.

FEBRUARY 24, 1981.

CLERK OF THE NATIONAL ASSEMBLY
BELMOPAN

DEAR SIR:

The people of Palmar through the Village Council puts forward some of its views on the white paper. Much cannot be said because time is needed to really be able to read and understand everything contained in the White Paper but there are a few points which we understand and they concern the Village of Palmar.

On page 5 letter J, it would be of great interest to not only the Village of Palmar but to all villages that something about Village Councils be mentioned. The reason for the above mentioned is that Villages here in Orange Walk have always/electing their Village Councils yet many Village Councils have been /been ignored, rejected and even substituted by another Village Council set up by the authority of a Minister. This we believe is unfair since this is against the human rights of the Villagers who freely and democratically chose their own Village Councils.

On page 6 (N), concerning the protection from deprivation of property, the Village oh Palmar does not accept that good protection is offered. Here again a person can take your land and refuse to pay on the terms that he has a right to the land or if he is influential that he needs the land for something else. This leaves the owner of the land to first try to prove that his right has been abused and then to see what form of compensation he can get. The Best thing would be that anyone who wants to occupy a piece of land belonging to someone else must prove that he has a right before he occupies the land. In otherwords, no land should be taken away from any person unless a court has determined that it is just and has decided what form of compensation should be given.

Palmar is faced with the problem in which a very influential man is practically robbing the Village of its land and not even Government seems to want to do anything about this. We would surely not want this to happen to other Villages but we know that it is also happening. The Council hopes that this part of the Constitution, in particularly, will be fixed so as to prevent any person to use his powers to grab land.

There are two points which interest us most. Our knowledge is limited and so we prefer others with more education to speak on the rest. As the Councillors of the Village of Palmar, our duty is to first be concerned about the affairs of Palmar, and this we believe we have done. Faith is strong in that you will consider our comments and do something that will benefit the Villagers.

With much hope

Sgd. LUIS J. CONTRERAS
Chairman, San Jose Palmar Village Council

Sgd. HEOMICIO TZUL
Secretary, Jan Jose Palmar Village Council

24th February, 1981

VIEWS AND COMMENTS ON GOVERNMENT'S
WHITE PAPER FOR AN INDEPENDENT BELIZE

As a citizen of Belize, I am making my recommendations concerning the White Paper.

1. Belizeans should be given more time to study this paper, as up (sic) the present moment quite a few Belizeans have not been able to see a copy of this paper.
2. Dealing with the flag, anthem and prayer. How is it these are not mentioned in the paper? Here, I think the Belizean people should be given a chance to choose their own flag, anthem and prayer as this will be for the Belizean people.
3. That the Guatemala dispute be settled before independence is considered.
4. If all appointments will be made on the advice of the Prime Minister, why then should the Leader of the Opposition be appointed by the Governor General only and not by the People's Ordinance?
5. Why wasn't the Opposition included in the preparation of the White Paper? Why then should they be expected to sit on the joint committee to canvass the country to obtain the views of the Belizeans concerning the "White Paper"? Is this democracy?
6. Last but not least. I feel that a referendum should be held before independence.

Sgd. LIND. MORGAN

Double Head Cabbage

25.3.81

Hon. Fred Hunter
Minister of Works
BELIZE CITY

Dear Sir,

I have inform you this letter to let you know that I have given out the white papers to the villagers and finally I get to know these views all the strong P.U.P. are in agreement with the white paper and we are looking forward for our independence we pray that God will give our Hon. Premier and his Cabinet Ministers health and strength to continue the good works and to lead us to a safe and secure independence. (sic).

Yours truly,

Sgd. R. BAPTIST
Chairman, D.H.C.V.C.

THE BELIZE
CHAMBER OF COMMERCE
FOR
COMMERCE, INDUSTRY, AGRICULTURE
and the Trades

Telephone 3148 43 Handyside St.
F.O. Box 291 Belize City

B E L I Z E

2nd March, 1981

Mr. A.F. Monsanto
Clerk to the National Assembly
Belmopan
Belize

Dear Sir,

In keeping with the request made by Government's Select Committee to the Chamber of Commerce for opinions in regards to the White Paper of proposed terms of a Constitution for the independent Belize, the Chamber hereby submits its critique of the document. It is important to point out that this submission is made under duress since the Chamber is of the conviction that the timetable allotted for persual of the matter is insufficient.

This interim critique contains the initial feelings of the Chamber on the White Paper. It is fully realized by the Chamber that the legal know-how necessary to make a professional and qualified submission is lacking. Because of this fact the Chamber has sought (sic) the services of more competent and qualified individuals in preparing a more detailed examination which will be submitted at a later time.

Respectfully,

SGD. NURI MUHAMMAD
Executive Secretary.

" A BETTER COMMUNITY THROUGH BETTER BUSINESS "

February 1981

Chamber of Commerce Select Committee on
Proposals for an Independence Constitution

Sir:

1. We were appointed a sub-committee on Friday, February 20th, 1981, to examine the Government White Paper on an Independence Constitution, to seek information, comment and advice on the content which is desirable in such a document and to bring together opinions, criticisms, and suggestions fulfilling the mandate given by the meeting of the business community convened on Wednesday, February 18th, 1981.
2. Three meetings were held, Mr. G. Young attending the final session on Monday, February 23rd. In addition, points of legal practice and draftmanship precedents in constitution-making and development of international law were researched by the sub-committee.
3. The following is the result of our deliberations.

THE PROPOSED PREAMBLE

4. We thought that as a statement of principle, this covers the essential area of concern where basic freedoms of the individual, inviolability of the home and person and the values to be promoted in an independent Belize are concerned. In the interest of neatness and a more active, more positive formulation a number of possible substitutions and deletions are advanced.
5. These are indicated on the stencilled sheet at appendix 'A'. Page 2, Introduction to the Constitution.
6. The economy of words here has probably led to an understatement of intent which could have the most serious security, defence and economic consequences for the new state.

While it is not practical to state that Belize, on the appointed day, will assume a territorial definition different from that which presently exists, the White Paper, as a statement of intent, might have taken cognisance of the consensus in the recently concluded U.N. Conference on the Law of the Sea and the entitlement which emerged as the consensus in relation to the territorial sea and economic zone.

We feel that Belize, in view of Guatemala's past diplomatic manoeuvres, history of incursions and pretensions on possible Belizean oilfields in the contiguous maritime area, should declare its intention of succeeding to the maximum entitlement to be provided for under the consensus of the Law of the Sea Conference.

'Declared' in the first line could be deleted.

On Page 3: We suggest deletion of declared in the first line.

HUMAN RIGHTS, etc.

3. We recommend deletion of 'a declaration' and substitution of 'instituted a code' in first line.
 - (c) We suggest to state - "Protection of his private and family life, the privacy of his home and recognition, etc.
 - (d) Suggested redraft: "The ownership and enjoyment of private property.
 - (e) We recommend addition of an additional item - the 'right to practice and to enhance his cultural heritage, including his language and other manifestations.'

4. We recommend substitution of 'guaranteed' for 'prescribed' in line 2.

- (a) The sub-committee understands there were far reaching changes in the Criminal Code at the last amendment which have an important bearing on application of this section. In the absence of an opportunity to investigate this matter, we suggest reference to the Bar Association or other competent legal authority.
- (c) We urge inclusion of a prohibition against the taking of confessions by the Police in private and non-admissibility of such confessions in any court of law.

There should also be reference to the position of an Ombudsman here.

Additional, an accused should be informed of the nature and cause of accusations formulated against him, presented with the evidence adduced against him, have the right to call witnesses in his defence, and have the right to secure the assistance of defence counsel. His rights of appeal should be repeated in this context.

- (e) At line 3, it is suggested that competent advice be sought on the terminology "by an order" - whether a person may be ordered to do forced labour in times of normalcy before sentence. We suggest deletion of the words beginning "nor labour required etc."
- (f) There would appear to be internal conflict in what is recorded here, e.g. between the sub-title and first line. The second sentence is vague and general enough to constitute substantial withdrawal of the proffered guarantees, which, in effect, would be qualified out of existence.

One member expressing reservation, we suggest the following in substitution for the second sentence.

- "Every person shall have the right to be secure in their persons, homes and personal effects against arbitrary searches and seizures, arrest or detention. No warrant shall be issued except on sworn testimony before a magistrate or Judge of the Supreme Court particularly describing the probable cause for execution of a warrant, the place to be searched and the person(s) or things to be seized.
- (g) There should be exclusion of defence zones, installations or vulnerable strategic points. Rights against expulsion, where aliens or visitors are concerned, we expect, will be qualified appropriately.
- (h) The right to affiliate oneself politically and to carry out political activity not in conflict with the laws of natural justice could be more explicitly stated.
- (i) After 'except' in line (4) we suggest deletion of the words which follow and substitution of the following: "in the case of public emergency as defined at 6 of page 7 as amended.

There appears to be need for express prohibition, in time of normalcy, of intervention of a person's mail and or resort to wire-tapping.

- (j) In line (1) we suggest substitution of 'guaranteed' for 'recognized' and deletion of 'morality' in the second sentence.

We submit that restriction of members of the Public Services outside of public emergencies (6 on page 7) would be in conflict with the sub-title.

The following formulation is also recommended:

The National Assembly shall pass no law prohibiting the right of the people peaceably to assemble and petition government for redress of their grievances.

One member dissents and suggests asking for an interpretation.

- (k) It is suggested that the words after 'except' on line (6) be deleted and the words "in conditions of a public emergency as specified in section 6, 7 and 8 as amended.
- (m) The sub-committee commends the authors of the White Paper for the clarity and strength of sections (m) and (n).
- 5. We recommend that Human Rights and Basic Freedoms be collated in the form of a Code or other appropriate form, capable of enforcement on application to be a court of original jurisdiction or appeal.
- 7. Page 7. We would like to see section (c) amended to include, after the word 'of' in line one, the words "two thirds of the members present and voting".
- 10. Suggest substitution of 'shall' for 'must' in the first line.
- 12. (b) Suggest 'legally' be inserted in front of the word 'resident' in first line.

We recommend inclusion under 'Citizenship' of a clause in the following terms: "Any person who has previously been naturalized as a citizen of the U.K. and Colonies in Belize shall be entitled to citizenship and persons previously registered in Belize as Commonwealth citizen prior to independence and continuously resident in Belize, shall be entitled to be registered as a citizen.

- 15. We are not clear whether it is or will be within the competence of an independent Belize to confer the status of Commonwealth citizen, except within the context of municipal law.
- 16. Page 9. We suggest insertion of the words 'and any other person or persons whom she may consider necessary' after Prime Minister in line 3.

THE EXECUTIVE - CABINET

After 'Governor-General' at line 7 we suggest the addition of the words 'providing that the number of Ministers and Deputy Ministers bound by the doctrine of collective responsibility, taken together shall not be such as would constitute a voting majority in the House of Representatives.

- 21. The wordings here would appear, in their natural and ordinary meaning, to provide that the Attorney General will be above the law and control of other persons as the person 'responsible for the administration of legal affairs' and 'legal proceedings for or against the state' are concerned. If this is indeed the case, we would have to object to any person wielding this kind of power, as a palpable threat to the society and, indeed, the state itself.

The committee feels the need to obtain legal advice on this point.

- 23. We need to know what transitory steps will follow revocation of the Prime Minister's appointment or dissolution of the National Assembly.
- 27. Appointment of Temporary Ministers in this case should be on the advice of the Prime Minister.
- 30. We have no indication of what happens if there is no Leader of the Opposition and no representation of parties other than the majority party in the House of Representatives.
- 31. The same question as at 30.

33. BELIZE ADVISORY COUNCIL

We suggest insertion of 'Leader of the Opposition, President of the Bar Association and any other person he may think fit' after 'Prime Minister'.
Line 4.

34. We suggest 'Leader of the Opposition and President of the Bar Association' for insertion after 'Prime Minister'. Line 2.
35. We recommend inclusion of 'within his discretion or' after the word 'act' on line 5.
41. It will be necessary to refer to the ordinance establishing the Elections and Boundaries Commission to gauge the importance of the power which is conferred to determine the number of elected members of the House of Representatives.
48. This formulation would appear to argue against the validity of the vote for eighteen years olds. Age, by itself, is no criteria or guarantee of maturity. We therefore suggest deletion of the words from 'shall' to 'and' of the first line.
52. 'a person', line 4, should be substituted with the words 'such persons'.
58. (b) We applaud this section.
65. This section, in its entirety, should be deleted. This is the majority view. One member supports its inclusion.
70. We suggest substitution of 'six' for 'twelve' in line 6. In view of the threat of invasion by Guatemala hovering over the country we suggest the following: 'It shall be legal, in the event of war, occupation by enemy forces of the whole or part of the national territory, or for reasons of security, for the National Assembly to meet in any place, including a place beyond the borders of Belize.
75. We recommend, after 'Prime Minister' at line 4, insertion of the words 'the Leader of the Opposition and the Judicial and Legal Services Commission.'
77. We see three steps as being essential to making the independence and security of appointment of judge real and convincing, viz:
 - (a) Recommendation by the Bar Association
 - (b) Reference to the Belize Advisory Council
 - (c) Assent by Her Majesty the Queen, in Council.
79. Inclusion of 'and Leader of the Opposition' after 'Prime Minister' is suggested.
80. The formula recommended at 77 should apply here also.
83. We were unable to agree on a recommendation but suggest the Bar Association be consulted on this section.
84. The suggestion is that 'Belize Advisory Council' be deleted and the words 'Judicial and Legal Services Commission' be inserted.
85. After the word 'two' on line 4, we suggest inclusion of the words 'persons qualified in the legal profession'.
86. We would like to see 'Leader of the Opposition' inserted after 'Minister' on line 4. The next sentence would therefore be withdrawn. After National Assembly, line 11, we suggest addition of 'and municipal bodies'.
88. Beginning at line 6 the words 'the head of Department of Government' should be deleted. The opinion was strongly expressed that, politicization of posts in the public service, although such a practice would appear to be in line with constitutional practice in many of the new, third world states, also carries with it the corollary - at least where the theory of alternative government is allowed, that political appointees enjoy the fortune of the particular administration by which they are favoured. That is, they go rationale, having said this, for politicizing the office of Head of Department, whose incumbent, increasingly should be a technocrat, and encouraged to function as such.

89. After 'Prime Minister', line 3, we suggest 'and Leader of the Opposition', one member dissenting.
92. It should be expressly stated, particularly in view of the formulation at 4(j) - Text of White Paper - that the Constitution guarantees the right of public officers, as workers, to band themselves into a representative organization for the purpose of making representations and participating in negotiations on matters relating to their Terms and Conditions of employment and for improvement of the organization, efficiency and administration of the Public Service.

One member asked that his dissent be recorded.

97. We feel the need to examine the provisions of Ordinance #33 of 1963, with special reference to Article 60 (2) before commenting further on this section. Time did not permit.
98. We see the need, in this context, to carry forward and entrench the present arrangement under which the Public Accounts Committee, with bi-partisan participation, acts as watch-dog over public funds.
100. After 'Governor General', on line one, we suggest addition of the following: the Speaker, Ambassadors, High Commissioners and other principal representatives of Belize accredited to international organizations.

Going beyond the White Paper we see the need for additional provisions to accomplish the following:

- (a) Limit the period in office of the Prime Minister, after the coming into force of the constitution, to a maximum of two terms.
- (b) Declaring that Belize, on independence, will seek full Commonwealth membership.
- (c) Specifying the procedures, and the competent authority for declaring a state of war or hostilities, as well as for treaty-making.

It is important, because of the context in which these consultations are taking place, for the Chamber and any organizations with which it may join its efforts, to state in clear, categorical terms, its belief in and attachment to, the independence of Belize under arrangements which guarantee its defence, territorial integrity and continued existence as a separate, independent state.

THE CONSTITUTION OF BELIZE shall commence with a preamble which shall state that the people of Belize:

- (a) affirm that the Nation of Belize shall be founded upon principles which reflect the supremacy of God, faith in human rights and a commitment to fundamental freedoms, the position of the family in a society of free men and free institutions, the dignity of the human person and the equal and inalienable rights with which all members of the human family are endowed by their Creator;
- (b) actualize the principles of social justice and therefore require that the operation of the economic system will result in the material resources of the community being so distributed as to subserve the common good, that there should be adequate means of livelihood for all, that labour shall not be exploited or forced by economic necessity or coercion of any kind to operate in human conditions but that there shall be opportunity for advancement on the basis of merit, ability and integrity;
- (c) declare that the will of the people shall form the basis of government in a democratic society in which the Government is freely elected by universal adult suffrage and in which all persons may, to the extent of this token, be inspired to develop and maintain respect for lawfully constituted authority;

- (d) recognise that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;
- (e) require policies of state which protect and safeguard the unity, freedom, sovereignty and territorial integrity of Belize; which eliminate economic and social preference and disparity among citizens or residents of Belize whether by reason of race, colour, creed or sex; which protect the rights of the individual to life, liberty and the pursuit of happiness; which preserve the right of the individual to ownership of private property as well as the right to operate private businesses; which prohibit exploitation of man by man or by the state; which ensure a just system of social security and welfare; which promote international peace, security, cooperation among nations, establishment of a just and equitable international economic and social order with respect for international law and treaty obligations and prescribes warmongering by propaganda or by acts of hostility directed against other people or states;
- (f) desire that their society shall reflect and enjoy the above mentioned principles, beliefs, needs and commitments and that their Constitution shall therefore enshrine and provide for the achievement of the same (sic) in Belize.

Placencia Village
Stann Creek District

February 18, 1981

The Select Committee
White Paper
Proposed Terms of a Constitution
for an Independent Belize
Dangriga
Stann Creek District

Dear Sirs,

Please be advised that quite a number of villagers of Placencia have read the Government White Paper on the Proposed Terms of a Constitution for an Independent Belize and we state, in no uncertain terms that we support fully the terms suggested for our Belize Constitution.

However, we have observed that the symbols of independence, i.e. the Belizean Prayer, the Belizean National Anthem and the Belizean Flag have been over-looked or left out.

We therefore, request that these be included in our new Belize Constitution.

Thank you.

Sincerely yours,

Sgd. MRS. DORIS LESLIE, M.B.E. J.P.

P.S. We have also observe that a 'Defence' for the country have been left out, we would also request that this be included.

Sincerely yours,

Sgd. Sonia Leslie
Charles Leslie, Vice Chairman
Village Council

Adele Garbutt
Maud Faux
Leopold Cabral
Stelo Cabral

TO: The Select Committee of the National Assembly

The Village Council of Roaring Creek hereby give support to the Government White Paper for an Independent Belize.

We however would like to have included the Belizean Flag and Anthem.

2. That the official language be English
3. That the boundaries should be included.
4. That no foreigner be allowed to get involved in our politics and in other organizations such as Trade Unions, Village Councils and other Statutory Organizations.

SGD. (ELSTON CALVEZ)
Chairman - Roaring Creek
Village Council

ANTI-COMMUNIST SOCIETY
P.O. BOX 1153
BELIZE CITY, BELIZE

March 2, 1981

The Clerk
National Assembly
BELMOPAN, BELIZE

Dear Sir:

PROPOSALS TO 'WHITE PAPER'

After lengthy discussions on the "White Paper" for a proposed Constitution for an independent Belize, we are pleased to enclose herewith details of recommendations we wish to be considered for inclusion in above-mentioned final document.

In the best interest of Belize, we request also that all recommendations submitted to the Select Committee, together with the final draft of the Constitution be given nation-wide publicity.

Faithfully yours,
For & On Behalf of
ANTI-COMMUNIST SOCIETY

Sgd. SANTIAGO PERDOMO
Chairman

FROM:- THE ANTI-COMMUNIST SOCIETY, BELIZE CITY
TO:- SELECT COMMITTEE - RE "WHITE PAPER" ON THE
PROPOSED TERMS OF A CONSTITUTION FOR THE
INDEPENDENT BELIZE

We are pleased to detail below amendments and recommendations on above mentioned "White Paper".

PARAGRAPH 3(b) HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The proposals as enunciated under the Human Rights and Fundamental Freedoms Section of the WHITE PAPER, particularly at paragraph 3(b) make adequate provisions for the exercise of the objectives spelt out in Rule 2 of the Anti-Communist Society.

The Society recommends the inclusion in the constitution of a provision immediately after the word religion, in paragraph 4(h) 3rd line, to the effect that "no religion or doctrine political or religious shall be enforced by any law."

PARAGRAPH 4(n) PROTECTION FROM DEPRIVATION OF PROPERTY

The Society recommends the deletion of Paragraph 4(n) on WHITE PAPER, and to substitute following: "No property or any interest therein shall be compulsorily taken from any person except for a Public purpose declared by a Minister being a public purpose which is specifically set out in the law under which such law shall prescribe the principles and the manner in which compensation is to be determined, and shall secure to a claimant access to the Court to recover or establish such rights or interest in the property, to determine the amount of compensation and to enforce his rights thereto and to ensure that such compensation is adequate and is promptly paid."

(b) PROTECTION OF FREE ENTERPRISES

This protection is dealt with in paragraph 4(L) of the WHITE PAPER. However, the Society feels strongly it could be reinforced by the inclusion of the words "Just and reasonable" immediately before the word "Laws" in the third line of said paragraph This provision would confer on the citizen a right to challenge any law on the basis that it is not just and reasonable.

Also the words 'or calling' should be inserted immediately after the word business in the line 2 of paragraph 4(L).

PARAGRAPH 4(f) Delete paragraph 4(f) and substitute the following two paragraphs numbered 4(f) (1) and 4(f) (2).

- (1) No person shall be subject to any search nor shall any land or building be searched or entered except for reasonable cause allowed by Law, and upon the production of a search warrant.
- (2) No one shall be subject to arrest or detention except for reasonable cause allowed by law and there shall be freedom from torture and all forms of oppression and inhuman punishment while under arrest or detention, and any person must be told at the time of arrest or detention upon what charge he is arrested or detained and be entitled to communicate with an Attorney immediately thereafter. Habeas Corpus shall be available for the release of all persons detained.

PARAGRAPH 4(g) In paragraph 4(g) the words "and to re-enter into Belize" at the end of the 3rd line on page 4, after the words "and to leave Belize."

PARAGRAPH 14 Paragraph 14 in the WHITE PAPER should be deleted and replaced with the two new paragraphs numbered 14(a) and (b) to the following effect:

14(a) No person who is a Belizean Citizen by birth shall lose his citizenship.

14(b) Any person who acquires Belizean citizenship other than by birth shall forfeit such citizenship by any subsequent voluntary act (other than marriage) by which he acquires a citizenship other than Belizean.

PARAGRAPH 21 Line 7 of paragraph 21 states "In the exercise of his functions the Attorney General shall not be subject to the direction or control of any person or authority."

The Society deems it desirable that this provision be deleted and that it be substituted with the following new provision:

"In the exercise of his functions the Attorney General shall be accountable to the Cabinet."

PARAGRAPH 41
and 42

THE LEGISLATURE

It is the opinion of the Society that the provision as contained in paragraph 41 of the White Paper should be deleted and replaced with the following new provision:

"Thereafter the number of elected members of the House of Representatives shall be such as the National Assembly shall from time to time enact."

This would make paragraph 42 unnecessary and that therefore ought to be deleted also.

PARAGRAPH 43 In the second line word "appointed" to be substituted for word "elected".

PARAGRAPH 44 In the second line word "appointment" to be substituted for the word "election".

PARAGRAPH 50 THE SENATE

This paragraph could be rephrased to read as follows:

"There shall be eight elected members of the Senate, to be elected at the same time and in the same manner as the other members of the National Assembly."

PARAGRAPH 50 - In view of our recommendations under paragraph 50 above, paragraph 51, 52, and 53 should be deleted.

PARAGRAPH 58 Sub-section (a) third line, should read "The House of Representatives and the Senate of not less than two-thirds of the membership; and

Sub-section (b) end of sixth line should read "in the House of Representatives and the Senate."

This paragraph could be greatly improved also by the addition of the following sub-paragraph (c):

"After the Bill has been passed by the House of Representatives and the Senate, it must be approved by a referendum by not less than two-thirds of all the votes validly cast in that referendum."

PARAGRAPH 74 THE JUDICIARY

Paragraph 74 could be rephrased to read "There shall be a Supreme Court of Judicature for Belize which shall consist of a High Court of Justice and a Court of appeal. The High Court shall have unlimited original Jurisdiction to hear and determine any civil or criminal proceedings under any law.

All other reference to the Courts shall be made in light of this suggested amendment.

PARAGRAPH 75 After the words "Prime Minister" at the end of the 4th line, the words "after consultation with the leader of the Opposition" ought to be added.

The office of Chief Justice is an important one and his acceptability by both parties is most desirable.

PARAGRAPH 77 This provision should be deleted and replaced by the tried and proven condition that is: "A Judge of the High Court shall hold office during good behaviour."

PARAGRAPH 79 At the end of said paragraph, to add "Judicial and legal services commission".

PARAGRAPH 80 This shall be dealt with in the same manner as recommended for Judges of the High Court in paragraph 77.

PARAGRAPH 83 DIRECTOR OF PUBLIC PROSECUTIONS

Add the words "after consultation with Leader of the Opposition" immediately after the word Minister in line 4.

This is a very important post conferring wide powers on the holder with equally wide immunities and should not be subject to any political influence.

PARAGRAPH 84 This paragraph should be deleted and replaced with a provision to the following effect: The removal of "The Director of Public Prosecution from office shall be by the Governor-General on the advice of the judicial and legal services commission."

PARAGRAPH 85 THE PUBLIC SERVICE COMMISSION
86 and 87

Regarding paragraph 85, 86 and 87, it would be desirable that separate commissions be established, one to deal with legal matters and judicial appointments i.e. "a legal services commission." one to deal with Military and Police matters, i.e. "The Armed Forces and Police Service Commissions" and thirdly, a public officers commissions, i.e. "the Public Service Commissions."

The appointees to these various commissions should be persons knowledgeable in the matters to be dealt with by those commissions.

PARAGRAPH 90 PENSIONS

The last sentence should be amended to read "The discretion relating to pensions formally vested in the Governor shall vest in the Governor-General acting on the advice of the relevant commissions.

PARAGRAPH 98 THE AUDITOR GENERAL

Amend paragraph 98 by providing that the Auditor General may be removed by the Governor-General acting on the advice of the Public Services Commission.

The WHITE PAPER makes no reference to the Common Law of England and the Conventions of the Constitution.

It is the recommendation of the Society that the Common Law of England should continue to be the Common Law of Belize and that the relevant Conventions of the U.K. Constitution be the conventions of the Belizean Constitution. Examples of some relevant Constitutional Conventions are to be found in the list hereto attached. The Conventions of the Constitutions are fundamental to the operation of a Constitution based on the Monarchical System of Government, under which the WHITE PAPER is based.

The following are some of the relevant Constitutional Conventions of the U.K. Constitution which are to be adopted by Belize:

1. The Sovereign is the source of executive power and the law. The Sovereign is represented in Belize by the Governor-General. The Governor-General is appointed by the Sovereign on the advice of the Prime Minister. The Governor-General has the power to appoint and dismiss Ministers and Judges. The Governor-General may also exercise the power of pardon.

2. The Prime Minister is the head of the Government. He is appointed by the Governor-General on the advice of the majority of the Members of the House of Representatives. The Prime Minister is responsible to the House of Representatives for the Government's actions. He may be removed from office by a vote of no confidence in the House.

3. Ministers are appointed by the Governor-General on the advice of the Prime Minister. They are responsible to the House of Representatives for their actions. Ministers may be removed from office by a vote of no confidence in the House.

4. The House of Representatives is the supreme legislative authority in Belize. It consists of the Governor-General and Members of the House. The House has the power to pass laws, to approve the Government's budget, and to oversee the Government's actions. The House may also elect a Speaker and a Deputy Speaker.

5. The House of Representatives may be dissolved by the Governor-General on the advice of the Prime Minister. A general election must be held within a certain period of time after the dissolution.

6. The House of Representatives may also elect a Committee of Privileges to investigate alleged breaches of the House's privileges.

7. The House of Representatives may also elect a Committee of Enquiry to investigate alleged breaches of the law.

8. The House of Representatives may also elect a Committee of Estimates to examine the Government's expenditure.

9. The House of Representatives may also elect a Committee of Accounts to examine the Government's accounts.

10. The House of Representatives may also elect a Committee of Public Accounts to examine the Government's public accounts.

11. The House of Representatives may also elect a Committee of Public Works to examine the Government's public works.

12. The House of Representatives may also elect a Committee of Public Health to examine the Government's public health.

13. The House of Representatives may also elect a Committee of Public Education to examine the Government's public education.

14. The House of Representatives may also elect a Committee of Public Transport to examine the Government's public transport.

15. The House of Representatives may also elect a Committee of Public Housing to examine the Government's public housing.

16. The House of Representatives may also elect a Committee of Public Safety to examine the Government's public safety.

17. The House of Representatives may also elect a Committee of Public Order to examine the Government's public order.

18. The House of Representatives may also elect a Committee of Public Morality to examine the Government's public morality.

19. The House of Representatives may also elect a Committee of Public Virtue to examine the Government's public virtue.

20. The House of Representatives may also elect a Committee of Public Honor to examine the Government's public honor.

CLASSIFICATION AND ILLUSTRATION OF CONSTITUTIONAL CONVENTIONS

CONVENTIONS RELATING TO THE EXERCISE OF THE ROYAL PROROGATIVE AND THE WORKING OF THE CABINET SYSTEM

The sovereign could legally declare war or make peace; dissolve Parliament at any time, and need not summon another for three years; she could refuse her assent to measures passed by both Houses of Parliament; she could at any time dismiss her Ministers and appoint others, and so on.

The Queen must invite the most influential leader of the party or group commanding a majority of the House of Commons to form a Ministry. The person so called on is the "Prime Minister".

The Queen must appoint as her other Ministers such persons as the Prime Minister advises her to appoint.

The body of Ministers so appointed become the "Government", and an inner ring of them is called the "Cabinet".

The Queen is bound to exercise her legal powers in accordance with the advice tendered to her by the Cabinet through the Prime Minister. She has the right to be kept informed and to express her views on the questions at issue, but not to override ministerial advice. This advice is expected to be unanimous.

The Queen must assent to every Bill passed by the Houses of Parliament, or passed by the House of Commons only in accordance with the Parliament Acts.

Parliament must be summoned to meet at least once each year. The observance of this convention is secured by the practice (probably itself also a convention) of limiting to one year at a time the statutory authority covering the raising and spending of part of the revenue and the maintenance.

The government is entitled to continue in office only so long as it enjoys the confidence of a majority of the House of Commons. The Prime Minister is bound to tender the resignation of himself and his colleagues, or to advise the Sovereign to dissolve Parliament, if his Government is defeated on the floor of the House on a major issue.

The Ministers are collectively responsible to Parliament for the general conduct of the affairs of the country. This collective responsibility requires that on a major question Ministers should be of one mind and voice. If any Minister does not agree with the policy of the majority in the Cabinet, he must resign or (if the matter is a minor one) at least keep quiet about it.

Ministers are also individually responsible to Parliament for the administration of their departments. A Minister must be prepared to answer questions in the House concerning matters for which he is administratively responsible, and if a vote of censure is passed against him he must resign his office.

Ministers are expected to disembarass themselves of any company directorships or shareholdings that would be likely, or might appear, to conflict with their official duties.

A government should not advise the Crown to declare war, make peace or conclude a treaty unless there is ample ground for supposing that the majority of the Commons approve of the policy.

CONVENTIONS REGULATING THE RELATIONS BETWEEN THE LORDS AND COMMONS, AND PROCEEDINGS IN PARLIAMENT

Proposals involving the expenditure of public money may only be introduced on behalf of the Crown by a Minister in the House of Commons. Standing Orders provide that a financial resolution shall only be proposed by a Minister on behalf of the Crown.

The business of the House of Commons is arranged informally "behind the Speaker's Chair" between the Prime Minister or Leader of the House and the Leader of the Opposition.

The majority in Parliament must not stifle minorities. It is a duty of the Speaker to protect minorities in debate, and so far as possible he calls on speakers from alternate parties.

The political parties are represented in parliamentary committees in proportion to the number of their adherents in the House.

We may say that there is a convention that the House of Parliament will not entertain, or pass, a private Bill without providing for adequate notice to be given to persons affected and allowing them an opportunity to state objections.

CONVENTIONS REGULATING THE RELATIONS BETWEEN THE UNITED KINGDOM AND OTHER MEMBERS OF THE COMMONWEALTH

A number of conventions have grown up, or have been formulated, regulating the relations between the United Kingdom and the independent members of the Commonwealth, providing methods of co-operation and communication among the members of the Commonwealth and concerning negotiations between them and foreign countries.

The Parliament of the United Kingdom may not legislate for a former dependent territory that is now an independent member of the Commonwealth except at its request and with its consent.

The Queen in appointing the Governor-General of an independent Commonwealth country acts on advice of the Prime Minister of that country.

The Governor-General is the representative of the Queen, not of the British Government, and acts on the advice of the government of the Commonwealth country concerned.

The Governments of the United Kingdom and the independent members of the Commonwealth keep each other informed with regard to the negotiation of treaties and the conduct of foreign affairs and none of them can commit the others to active participation without their consent.

FROM: THE TOLEDO NORTH CONSTITUENCY
 THE TOLEDO SOUTH CONSTITUENCY
 TO: THE JOINT SELECT COMMITTEE,
 PUNTA GORDA TOWN
 BELIZE,
 CENTRAL AMERICA.

HAVING studied Government's White Paper, the Proposed Terms of a Constitution for the INDEPENDENT BELIZE, and

RECOGNIZING that the present and previous Government of Belize have been consistent in the preservation of the principles of basic human rights in a democratic society.

WE BELIZEANS of Toledo North, give our unending support to this White Paper which promotes social justice and which secures the fundamental principles of freedom.

WE therefore recommend that the three important symbols,

1. The Belizean National Flag
2. The Belizean National Anthem
3. The Belizean National Prayer

be embodied as part of the White Paper, the Proposed Terms of a Constitution for the INDEPENDENT BELIZE.

Yolanda Williams	Monkey River Town
Juan Williams, Sr.	" " "
Juan Williams, Jr.	" " "
Lloyd Williams	" " "
Dariel Carbutt	" " "
Eloy Cuevas	" " "
L. Gordon	" " "
Kathlene Carbutt	" " "
Eunice Gordon	" " "
Victor Cuevas, Sr.	" " "
Vida Cuevas	" " "
Laliman R. Lagar	" " "
Rupert Burgess	" " "
Frazine Burgess	" " "
Rosa Molina	" " "
Harrison Logom	" " "
Victoria Cuevas	" " "
Francene Burgess	" " "
Ema Jane Gordon	" " "
Alice Gordon	" " "
Banjamin Cuevas	" " "
Rozine Carbutt	" " "
Elvera Logan	" " "
Kezerine Gordon	" " "
Josephine Flowers	" " "
Arthur Flowers	" " "
Violet Carbutt	" " "
Flascido Cho	San Antonio Crique Jute
Eluteria Castellanos	" " " "
Cayetano Cho	San Antonio Village
Francisco Cho	" " "
Inocente Cho	" " "
Maximiliano Cho	" " "
Anselmo Cho	" " "
Demetio Bol	" " "
Dionisio Bol	" " "

Julio Bol	San Antonio Village	Simon Bul	San Antonio Village
Marciana Coc	" " "	Eufemio Bul	" " "
Leonarda Sho	" " "	Maxima Sho	" " "
Francisca Pau	" " "	Telesforo Bol	" " "
Candida Bol	" " "	Alberto Coc	Santa Cruz Village
Pedro Chiac	" " "	Pablo Cal	Crique Lagasta S.A.
Teresita Oh	" " "	Felicia Villanueva	Pueblo Viejo
Remijio Cho	" " "	Arsenia Shal	" " "
Hilaria Veue	" " "	Elena Cal	" " "
Victoriano Cho	" " "	Francisca Ical	" " "
Victoria Bol	" " "	Nicolas Cowo	" " "
Lucio Cho	" " "	Teresa Cal	Santa Elena Village
Apolinario Chun	" " "	Martill Ical	" " "
Virgilia Oh	Crique Jute Village	Adriano Ical	" " "
Andres Oh	" " "	Stanley Parham	Mafredi Village
Ambrosia Bol	" " "	Mariana Salam	" " "
Heronimo Villafranko	Mafredi Village	Frank Williams	" " "
Lockerescia Bulva	" " "	Fred Williams	" " "
Adriano Villafranko	" " "	Sydney Jackson	" " "
Sandra Villafranko	" " "	Kent Parham	9 miles P.G. Road
Onelia Villafranko	" " "	Herbert Parham	Forest Home Village
Lindford Savala	" " "	Harry Ranclan	Elridge Village
Samuel Mortes	" " "	C. Williams	Forest Home Village
Alfonso Villafranko	" " "	Gilbert Selgado	Big Falls Village
V. Palma	" " "	Maitland Ranguy	Forest Home Village
Manuel Coc	San Antonio Village	Phillip Jacobs	Mafredi Village
Damacio Chun	" " "	Virginia Jacobs	Mafredi Village
Eladio Pot	San Pedro Colombia	Errol Jacobs	P.G. Agric. Station
Juan Coc	" " "	Cyrrill Avila	P.G. Town
Simeon Chiac	San Antonio Village	Adam A. Lino	P.G. Town
Juan Chiac	" " "	Hubert Mangar	P.G. Town
Martin Cucul	Aguacate Village	Cristina Vallafranco	Mafredi Village
Juan Iko	Laguna	Manuel Requena	" " "
Santos Coc	Laguna	Moses Parham	" " "
Juan Cal	Aguacate Village	Sevi Parham	" " "
M. Ranguy	Santa Cruz	James Parham	" " "
Pio Coc	San Antonio Village	Consuelo Jacob	" " "
Inez Coc	" " "	Melonia Parham	" " "
Demeterio Cowo	" " "	Roy Williams	" " "
Teodora Tzac	" " "	Florentina Chun	San Antonio Village
Simeon Pau	" " "	Damiano Bol	" " "
Anselmo Cho	" " "	Mariano Bol	" " "
Louisa Bollo Cho	" " "	Cresencia Salam	" " "
Clara Bol	" " "	Clotildo Bol	Crique Jute Village
Agueda Bol	" " "	Emilio Cho	San Antonio Village
Eluterio Coc	" " "	Julian Bol	" " "
Gonzalo Choe	Pueblo Viejo Village	Thomas Tzoc	Crique Jute Village
Miguel Choc	" " "	Genaro Coc	San Antonio Village
Sebastian Choc	" " "	Candido Cho	Crique Jute Village
Faustino Tush	" " "	Rufino Bul	San Antonio Village
Jerome Coc	" " "	Julia Bol	" " "
Macario Garcia	Santa Elena Village	Genaro Cab	" " "
Concepciona Assi	Pueblo Viejo Village	Margarito Chun	" " "
Mariano Cal	" " "	Juan Chiac	Crique Jute Village
Thomas Salam II	" " "	Gregorio Cho	" " "
Diego Villanueva	" " "	Arzenio Cho	" " "
Euldana Chan	" " "	Patricio Alcalha	" " "
Guillermo Choc	" " "	Enrique Pop	" " "
Merchildo Coc	" " "	Edilberto Assi	San Antonio Village
Marcela Bol	" " "	Patricio Chiac	" " "
Margarita Cal	" " "	Ulpini3no Teul	Crique Jute Village
Celestina Choc	" " "	Juan Sho	" " "
Juanita Choc	" " "	Alberto Cho	" " "
		Jose Pop	" " "
		Marciano Pop	" " "

25th February, 1981

The Clerk
National Assembly
Belmopan

Dear Sir,

Re: White Paper on the proposed terms of a
Constitution for the Independent Belize

After careful study of the proposed terms of a Constitution for the Independent Belize, I would like to comment on the following:-

1. Protection from forced labour (p. 4)

This stated right may be misinterpreted as follows: Students who are assigned duties after school hours may regard these as "forced or compulsory labour". Unless schools are allowed a degree of flexibility to take reasonable disciplinary measures, discipline in schools may be seriously undermined. Likewise minors who, as part of their normal upbringing, are assigned home/yard duties may also seek the "protection" of this part of the Constitution. From a strictly legal point of view parental discipline may be seriously curtailed.

2. Protection of freedom of expression (p. 5)

The proposed Constitution seems to be stating in no equivocal terms that there will be regulation of "telephony, telegraphy, posts, wireless broadcasts or television". The matter of "regulation" can be easily abused to the extent where it may practically CONTROL these media of communication.

3. Cabinet (p. 9)

If the Cabinet is "collectively responsible to the National Assembly" and by regulation ministers are required to support the policies of Cabinet, where Cabinet members have a majority over non-Cabinet members in the National Assembly, it would be difficult to demand "responsibility" from the Cabinet. The number of Cabinet members should therefore be limited to a number where the majority would be non-Cabinet members. Only then will the Cabinet be "responsible" to the National Assembly.

4. The Senate (p. 16)

As an appointed body I do not think the Senate can be an effective body which would scrutinize bills the way an elected body would.

If it would be possible to make office to this body elective where candidates campaign on non-partisan lines the effectiveness of the body would be greatly enhanced.

/The preamble ...

The preamble of the proposed Constitution is good and very commendable. As a transitional constitution from colony to independence I think it is wise to be cautious, adopting those elements of the constitution which have been found to work well.

Sincerely,

Sgd. Angel M. Cal
History Teacher
Belmopan Comprehensive School
Belmopan

THE BAR ASSOCIATION OF BELIZE

P.O. Box 675
Belize City
Belize
C.A.

2nd March 1981.

The Clerk to the National Assembly,
BEIMOPAN.

Dear Sir,

I am directed to forward herewith the collected views of the members of the Bar Association of Belize upon the Government's White Paper of its proposed terms of a Constitution for an Independent Belize.

2. I am to inform you that the Association is ready to appear by representative before the Joint Select Committee (if thought necessary) whenever invited.

3. I am to inform you, further, that the limited time at disposal for consideration of the White Paper and submit views has been found to be far too short.

Yours faithfully,

SGD. G. Brown
Secretary.

THE BAR ASSOCIATION OF BELIZE

MEMORANDUM of representations upon the Government's White Paper on its Proposed Terms of a Constitution for the Independent Belize.

The White Paper came out on the very day the Association held its first General Meeting for 1981, namely, Friday the 30th January, 1981.

2. The notice to members of that meeting (sent out on the 15th January) included on the agenda, "the participation of the Bar in the formulation of a Constitution for an Independent Belize", placed thereon because of the fact that mention of an Independence Constitution (the instrument) was at the time very much "in the wind".

3. Accordingly, the matter arose for discussion on the night of the meeting but had to be postponed.

4. At the adjourned meeting on the 6th February, first discussion was on an informal basis, out of which arose the following three-point resolution passed without dissent:

"BE IT RESOLVED that:

- (i) members discuss the White Paper immediately, to be continued at early subsequent meetings;
- (ii) such immediate questions as might arise in the minds of members, stemming from discussion of the White Paper, be submitted to Government seeking answers thereto without delay; furthermore, inquiry be made of Government as to what is to be the framework of Government's plan for consulting the people;
- (iii) a prompt request be made to Government that a draft Constitution (as opposed to a White Paper only) be made available well in advance of the crucial date, for distribution to members of the public (thus to members of the Bar) in good time to enable thorough study".

5. (iii) has been implemented. As regards (ii) no such immediate questions arose and the appointment of the Joint Select Committee provided the answer to the inquiry as to the plan for consultation.

6. As regards (i), a suggestion to go through the White Paper paragraph by paragraph was adopted, preceded, however, by general comment in the course of which individual members voiced their first reaction on particular items of deeper concern which struck home as they "quick read" the White Paper. The range of discussion covered:

- (i) the Governor-General;
- (ii) amendment of the Constitution;
- (iii) the Belize Advisory Council.
- (iv) human rights and fundamental freedoms;
- (v) citizenship (with particular reference to paragraph 12(b));
- (vi) the Leader of the Opposition;

- (vii) The Attorney General and the Director of Public Prosecutions.
- (viii) the inadequate safeguards of the Judiciary.

7. Thereafter, meetings were held on February 10, 11, 12, 17, 21, 22 and 23. By then all matters which arose during the paragraph-by-paragraph review had been considered. A small working-committee was appointed at the meeting of the 21st to prepare this submission and that committee met on the 25th. Members met in final session yesterday morning (Sunday the 1st March) and accordingly, the White Paper with suggested amendments thereto is attached as Appendix A.

8. Meetings were reasonably well attended and every weekday following a meeting the minutes thereof were cyclostyled and a copy sent to each member of the Association.

9. Modification (deletion altogether in some instances) is proposed to the preamble, paragraphs 3, 4, 5, 7, 9, 12, 13, 14, 18, 23, 33, 34, 41, 42, 48, 58, 74, 75, 76, 77, 79, 80, 84 and 100. Proposed as new paragraphs are 2A, the Proviso to paragraph 4, paragraphs 30A, 33A, 33B, 33C, 34A and 80A.

10. Appendix A speaks for itself.

11. Further reflections which came out of members' deliberations during the course of the several meetings were as follows.

(1) Territorial Limits.

In paragraph 1 of the White Paper, "Belize shall be declared a sovereign democratic state of Central America in the Caribbean Region comprising all the territory of Belize as it is now known and defined". This does not appear to take account of any future extension to our territorial limits by sea according to any decision that might be taken hereafter as to the Law of the Sea and it is considered that consideration should be given to the adoption of the corresponding provision in the Guyana Constitution which commends itself and reads as follows:

- "1. (1) Guyana shall be a sovereign democratic State.
- (2) The territory of Guyana shall comprise all the areas that, immediately beforewere comprised in the former Colony of British Guyana together with such other areas as may be declared by Act of Parliament to form part of the territory of Guyana".

(2) Administrative decisions and orders.

It is proposed that the right of the citizen of access to the Court should not be denied or abridged and any law to the contrary should be null and void.

(3) Immunity from Expulsion.

(Paragraph 4(g) of the White Paper).

It is not clear to whom reference is being made in the phrase:

".....immunity against expulsion (sic) from Belize".

(4) Public Emergency.

(Paragraph 7(c) of the White Paper).

Decision was taken to suggest deletion altogether but it was noted that the Barbados Constitution has the same provision, stipulating, however, a vote of not less than two-thirds of all members of each House.

(5) Citizenship.

(Paragraph 12(b) of the White Paper).

Although a compromise is suggested by increasing the period of residence from "five" to "seven" years, it was observed that none of the following Constitutions, namely, Barbados, Jamaica, Guyana and Trinidad and Tobago, has anything faintly resembling this provision.

(6) The Governor-General

(Paragraph 16 and 17 of the White Paper).

- (i) Two matters which ought, it is submitted, be provided for is the oaths to be taken and the custody and use of the Public Seal.
- (ii) In regard to the exercise of the Governor-General's functions, it appears, that paragraphs 17 and 35 of the White Paper are very similar. Perhaps one of the paragraphs (more likely 17) is redundant.

(7) The Executive.

(Paragraphs 18 of the White Paper).

No provision appears to have been made as to the executive authority as opposed to the principal instrument of policy (the Cabinet). If Belize is to become an Independent nation within the Commonwealth under the monarchical system, inevitably, there should be an express article vesting the executive authority in Her Majesty functioning through the Governor-General who is in this context, Her Majesty's representative and not the representative of the Belize Government. The Cabinet as correctly proposed in paragraph 18, is, as mentioned principal instrument of policy.

(8) The Attorney General (paragraph 21) and the Director of Public Prosecutions (paragraph 83).

In discussion, members, expressed themselves to have understood paragraph 21 to be doing no more than clarifying and entrenching the existing procedure whereby criminal proceedings are conducted in the name of the Crown. Members did not understand the paragraph to be conferring upon the Attorney General the direction and control of criminal proceedings. Furthermore, the last sentence in the paragraph regarding insulation from control of direction would only be appropriate, it is submitted, where the Attorney General is a career officer as opposed to a politician. Where the Attorney General is a politician then it is only the Director of Public Prosecutions, it is submitted, who should be so protected.

(6) For the sake of the avoidance of doubt, it be made clear that the Director of Public Prosecutions, albeit a Head of a Government Department be governed only by paragraphs 83, 83A and 84.

(7) The transfer of Permanent Secretaries and Heads of Government Departments be vested in the Governor General acting on the advice of the Prime Minister.

(8) The words "and any other designated by the Commission" (which occur at the end of paragraph 88) be left out altogether."

12. Then there are the conventional usages of Parliament in England (the so-called "constitution Conventions") in existence since 1688 or thereabouts which have for the most part settled Constitutional principles in England (subject to the modifications rendered necessary by time and circumstances or by actual changes in existing executive or legislative institutions). By virtue of the fact that our system of Government is largely (if not altogether) based on the English system, it follows, it is submitted, that our Legislature and the Executive ought to be bound by these usages, not merely for the sake of adoption per se, but by dint of necessity if the system is to continue to function satisfactorily: Indeed, members observe that some of these corrections have been drafted into the White Paper, for example, paragraphs 18, 19, 20, 23, 24, 35, 64, 68, 69 and 100 (a). The ideal, it is submitted, is to entrench them all in the proposed Constitution and also to meet the eventuality of change or of oversight or omission, by the "blanket" provision at paragraph 2A. A list of twenty of the most relevant appear as Appendix B. (These were taken from Hood-Phillips's "Constitutional and Administrative Law", 5th edition (1973), pages 85 to 91). The first ten are the ones which are covered by express provision in the White Paper. The others have not been mentioned.

13. Members repeatedly, in the course of their meetings, expressed regret that the time allowed for the canvassing of opinions has been so lamentably short. In this connection members were mindful of the fact that it took fifty-five delegates from twelve of the thirteen United States of America some four months to hammer out the first text of the U.S. Constitution, a mere seven Articles. Among the delegates were men with wide experience in Government and business. Another vaunted example to which frequent reference was made is the instance of Trinidad and Tobago which moved from a monarchical to a republican form of Constitution but only after a Commission of Inquiry, set up in 1970 under the Chairmanship of the late Sir Hugh Wooding and the vice-chairmanship of the Honourable Mr. Telford Georges, (taking four years to make its report) had made a thorough and

(9) The Legislature

(Paragraphs 38 et seq. of the White Paper).

It is submitted that what should be established is the Legislature, comprising Her Majesty and the National Assembly (or alternatively stated, Her Majesty, a House or (sic) Representatives and a Senate). There has never been the suggestion, as far as members are aware, that, despite acknowledge anxiety to shake off the shackles of colonialism, it be the intention to oust the doctrine of the separation of powers however eroded it might have become with the passage of time and the modern complexity of Government. In a monarchichal Constitution, the Queen as titular Head of the Commonwealth, must be, and is a necessary party to the legislative machinery;

(10) The Public Service

(Paragraphs 85 to 89 the White Paper).

Members passed the following resolutions as regards the paragraphs mentioned and ask that they be considered for adoption as the basis for a complete revision of the White Paper proposals:

"RESOLVED that it be proposed that -

- (1) There be a Judicial and Legal Services Commission separate and apart from the Public Services Commission and that the complement be primarily (if not completely) persons qualified to practise law and who have a substantial number of years standing.
- (2) There be a separate Military Services Commission and that due consideration be given to having a sufficiently strong representation of military personnel thereon.
- (3) The Judicial and Legal Services Commission be the body to advise on the appointments of Law Officers of the Government and any other Officer who is required to be qualified in law or to perform judicial or legal services.
- (4) The persons to be excluded from the authority of the Public Services Commission be:
 - (i) the Chief Professional Adviser to be a department of Government;
 - (ii) the Commandant of the Belize Defence Force;
 - (iii) the Commissioner of Police;
 - (iv) Ambassador;
 - (v) High Commissioner or other principal representatives of Belize accredited to any international organisation.
- (5) For the sake of clarity, the Secretary of the Cabinet, Permanent Secretaries and Heads of Government Departments be included in the list of officers within the authority of the Public Service Commission.

and perceptive study of the Constitutional problems of that Caribbean Island.

14. As regards our own Government's White Paper there are still areas of concern which need to be given further study. Such are, for example, the human rights and fundamental freedoms; the exceptions which tends to erode those rights and freedoms so drastically; the electoral law (and the Boundaries and Elections Commission); the immunity of Judges from control; the proportion of Cabinet Ministers to the number of elected members in the House of Representatives; the effectiveness or otherwise of the Senate; the perpetuation of the system of Appeals to the Privy Council in England; the composition of the Belize Advisory Council; the right of the citizen of access to the court.

15. As regards the human rights and fundamental freedoms, one of the first recommendations of the Gooding Commission on the Trinidad Constitution is the adoption of the pattern of the European Convention on Human Rights, suggesting also that special provisions should be included to have effect during periods of public emergency.

16. Finally, the Association wishes at the end of this submission to refer again to its written request made to Government earlier that a Graft Constitution (as opposed to a White Paper only) be made available well in advance of the Crucial date, for distribution to the public in good time to enable thorough study and the receipt by Government of as many reasoned viewpoints as possible.

2nd March, 1981

G.E. BROWN
Secretary
The Bar Association of Belize.

The Bar Association -

Amendments to the White Paper

"APPENDIX A"

1. In the Preamble - (a)
Add the words and comma "including the right of every person to be gainfully employed," after the word "freedom" in the third line.
2. Add new Section 2A after Section 2 as follows:-
2A. The fundamental rules of the common law including the rules of natural justice and the Constitutional Conventions of the Parliament of the United Kingdom shall be recognised.
3. Section 3(a) -
(a) Delete the word "and" and semi-colon in the second line;
(b) Add a comma after the word "person" at the end of the first line;
(c) Add the words "trial by jury, in regard to which the number of jurors in capital cases shall be twelve and the principle of unanimity preserved;" after the word "law" at the end of the second line.
4. Section 4(b) -
Add the words "and for the purpose of securing this liberty the executive shall not be allowed more power than is absolutely necessary and must always be subject to the law." after the word "liberty" at the end of the paragraph.
5. Section 4(c) -
Add the following between the words "law" and "Every" in the third and fourth lines - "The State shall be responsible for seeing that all supplies and services necessary for individual well-being are available to all persons. There shall be remedies as of right to all persons against the State. All tribunals (including courts of justice) shall be independent of the executive and for this purpose shall be comprised of persons who can approach the matter before them from a standpoint of independence and all appeals on a point

of law from a tribunal other than a court of justice shall lie to the Supreme Court of Judicature or a Body. The members of which have an independence and security equal to a Judge of the Supreme Court of Judicature."

6. Add new paragraph (f) as follows:-

(f) Protection against arbitrary arrest, search or entry.

No one shall be subjected to arbitrary arrest or detention nor to any search nor shall any land or building be searched or entered except for reasonable cause allowed by law and in accordance with the law. This does not include a law made in the interest of defence, public safety, order, morality or health, nor for the purposes of law enforcement; nor for the evaluation of property taxes on rates; nor by a public authority to carry out works for the public good; nor for the purposes of town or country planning or the utilisation of mineral resources. There shall be freedom from torture and all forms of oppression while under arrest or detention, and every person must be told at the time of arrest or detention upon what charge he or she has been arrested or detained unless the reason for his arrest or detention is obvious. Habeas corpus shall be available for the release of all persons detained.

7. Paragraph (h) -

Add the following between the words "religion" and "This" in the third line - "No religion or doctrine, political or religious, shall be enforced by any law."

8. Paragraph (i) -

(a) Delete the word "medium" in the fourth line and substitute therefor the word "media".

(b) Add the words "the administration or technical operation of" between the words "regulating" and "telephony" in the eighth and ninth lines.

9. Paragraph (k) -

Add the words "any telephone tapping without specific written order of a Judge of the High Court nor to" between the words "to" and "unlawful" in the third and fourth lines.

10. Add new paragraph (n) as follows: -

(n) Protection from deprivation of property. .

No property or any interest therein shall be compulsorily taken from any person except for a public purpose declared by a minister being a public purpose which is specifically set out in the law under which such property or interest therein is being compulsorily taken and such law shall prescribe the principles and the manner in which compensation is to be determined, and shall secure to a claimant access to the Court to recover or establish his right or interest in the property, to determine the amount of compensation and to enforce his right thereto and to ensure that such compensation is promptly paid: .

PROVIDED that where in this article any exception is made by any law, such law shall be just and reasonable in the circumstances.

11. Section 5 -

- (a) Delete the word "citizen" in the first line and substitute therefor the word "person";
- (b) Delete the words "of Judicature" in the second line;
- (c) Delete the word "Supreme" in the second and sixth lines and substitute therefor the word "High";
- (d) Add the following after the word "Council" in the last line:-

The Legislature may make provision with respect to the practice and procedure of any court for the purposes of this article and confer upon that court such powers in addition to those conferred by this article as may appear to be necessary for the purpose of enabling the Supreme Court more effectively to exercise the jurisdiction conferred upon it by this article.

12. Section 7 -
Delete paragraph (c).
13. Delete Section 9.
14. Section 12(b) -
Delete the word "five" and substitute therefor the word "seven" in the second line.
15. Section 13 -
Add the words "children born to illegal aliens or" between the words "or" and "enemy" in the third line.
16. Section 14 -
Add the word "subsequent" between the words "any" and "voluntary" in the third line.
17. Section 18 -
Add the following after the word "Governor-General" in the last line "Not more than one-half less two of the total membership of the House of Representatives shall belong to the Cabinet at any one time."
18. Section 23 -
Add the following after the word "warrants" in the last line "The Speaker shall summon a meeting of the House of Representatives within twelve days after notice of a motion of "no confidence" in the Prime Minister has been received by the Clerk of the National Assembly."
19. Add new Section 30A as follows:-
30A. The Governor-General, if so advised by the Leader of the Opposition shall appoint a person who is a member of the National Assembly to be Deputy Leader of the Opposition who shall act as Leader of the Opposition during any prolonged illness or absence from the country of the Leader of the Opposition."
20. Add new Sections 33, 33A, 33B, 33C as follows:-
"The Council of State
33. There shall be in and for Belize a Council of State which shall be comprised of three categories, namely:
(a) five persons to be appointed by the Governor-General,

from among persons any of whom since the advent of self-government has held and vacated the office of Premier, Deputy Premier, Prime Minister, Deputy Prime Minister, Minister, Leader of the Opposition, Deputy Leader of the Opposition, Speaker of the House of Representatives and President of the Senate and three such persons shall be appointed upon the advice of the Prime Minister and the other two upon the advice of the Leader of the Opposition;

- (b) five persons to be appointed by the Governor-General from among persons any of whom is a Belizean citizen and has formerly held the office of Chief Justice, Judge of the High Court, Judge of the Court of Appeal, Registrar General or who is an attorney-at-law with the status of Senior Counsel and three such persons shall be appointed upon the advice of the Prime Minister and the other two upon the advice of the Leader of the Opposition;
- (c) ten persons to be appointed by the Governor-General, six upon the advice of the Prime Minister and the other four upon the advice of the Leader of the Opposition.

33A. The Governor-General shall be Chairman of the Council and nine members comprising three members from each category shall constitute a quorum for a General Meeting.

33B. The members in category (c) of Article 33 shall vacate office whenever the National Assembly convenes for the first time following a general election.

33C. Vacancies from time to time shall be filled by appointment by the Governor-General on the advice of the Prime Minister or the Leader of the Opposition as appropriate."

Section 34 -

21. Delete all the words after the word "Council" in the fourth line;
22. Add new Section 34A as follows:-

"34A. The Governor-General shall appoint a Committee of five members from the Council one at least to be drawn from each category, to advise him on the exercise of the Royal Prerogative of Mercy. The Governor-General shall be the Chairman of the Committee.

The Council's other functions and duties shall be those conferred or imposed upon it under this constitution or any law."

23. Add new Section 41 as follows:-

"41. Thereafter the number of elected members of the House of Representatives shall consist of 29 members or such greater number as the National Assembly shall from time to time enact."

24. Delete Section 42.

25. Section 43 -

Delete all the words after the word "older" in the third line.

26. Section 43 -

Delete the words "shall be more than thirty years old and" after the word "Speaker" in the first line.

27. Section 58 -

- (a) Delete the word "and" in paragraph (a);
- (b) Delete the fullstop at the end of paragraph (b) and substitute therefor a semicolon and the word "and";
- (c) Add the following paragraph (c) after paragraph (b):-

"(c) after the Bill shall have been passed by the House of Assembly, the Bill has been approved on a referendum, held in accordance with such provision as may be made in that behalf by the Legislature, by not less than two-thirds of all the votes validly cast on that referendum."

28. Add new Section 74 as follows:-

"74. There shall be a Supreme Court of Judicature for Belize which shall consist of a High Court and a Court of Appeal. The High Court shall have unlimited original jurisdiction to hear and determine any civil or criminal proceedings under any law."

29. Section 75 -

- (a) Delete the word "Supreme" in the first line and substitute therefor the word "High";

- (b) Delete the words "of Judicature" in the first line;
- (c) Delete the word "Puisne" in the second line;
- (d) Add the words "after consultation with the Leader of the Opposition" after the word "Minister" in the fourth line;
- (e) Delete the word "Supreme" in the fifth line and substitute therefor the word "High";
- (f) Delete the words "of Judicature" in the fifth line.

30. Section 76 -

- (a) Delete the word "Supreme" in the first line and substitute therefor the word "High";
- (b) Delete the words "of Judicature" in the first line;
- (c) Delete the word "Puisne" in the fifth line;
- (d) Delete the words "and with the concurrence of the Prime Minister" in the seventh line;
- (e) Delete the word "Puisne" in the eighth, ninth and tenth lines;
- (f) Delete the word "Supreme" in the eleventh line and substitute therefor the word "High";
- (g) Delete the words "of Judicature" in the eleventh line;

31. Add new Section 77 as follows:-

"77. A Judge of the High Court shall hold office during good behaviour. Such Judge's removal shall be by impeachment by the House of Representatives after the matter shall have been referred by the Governor-General to a Tribunal consisting of one person as Chairman who holds or has held high judicial office and two other members."

32. Section 79 -

Delete the words "Prime Minister" at the end of the Section and substitute therefor the words "Judicial and Legal Commission".

33. Add new Sections 80 and 80A as follows:-

"80. A Judge of the Court of Appeal shall hold office during good behaviour. Such Judge's removal shall be by impeachment by the House of Representatives after the matter shall have been referred by the Governor-General to a Tribunal

consisting of one person as Chairman who holds or has held high judicial office and two other members."

"80A. A person shall not be qualified to be appointed to hold or act in the office of a Judge unless-

- (a) he is or has been a Judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such Court; or
- (b) he is qualified for admission as an attorney-at-law in Belize and has been so qualified for such period as may be enacted by the National Assembly. The National Assembly may provide for different periods in relation to the offices of the different Judges mentioned in paragraphs 75, 76 and 78."

34. Add new Section 83A as follows:-

"83A. In the exercise of his functions the Director of Public Prosecutions shall not be subject to the direction or control of any person or authority."

35. Section 84 -

Delete the words "Belize Advisory Council" at the end thereof and substitute therefor the words "Judicial and Legal Services Commission".

36. Section 98 -

Delete the words "Belize Advisory Council" appearing at the end thereof and substitute therefor the words "Public Services Commission".

37. Section 100 -

- (a) Add the words "shall each" after the semi-colon in the fifth line;
- (b) Delete the word "themselves" in the fifth line and substitute therefor the word "himself";
- (c) Delete the word "themselves" in paragraph (a) and substitute therefor the word "himself";

- (d) Delete the word "they" in the first line of paragraph (a) and substitute therefor the word "he";
- (e) Delete the word "have" in the second line of paragraph (a) and substitute therefor the word "has";
- (f) Delete the word "their" in paragraph (b) and substitute therefor the word "his";
- (g) Delete the word "their" in paragraph (c) and substitute therefor the word "his";
- (h) Delete the word "their" in paragraph (d) and substitute therefor the word "his";
- (i) Delete the word "their" in paragraph (e) and substitute therefor the word "his";
- (j) Delete the word "or" at the end of paragraph (e);
- (k) Delete the fullstop at the end of paragraph (f) and substitute therefor a semi-colon and the word "or";
- (l) Add paragraph (g) as follows:-

"(g) to identify his own interest or the interest of any Political Party of which he is a member with the primary interest of the State."

CONSTITUTIONAL CONVENTIONS

1. The body of Ministers so appointed become the "government" and an inner ring of them is called the "Cabinet". (White Paper paragraph 18)
 2. The Ministers are collectively responsible to Parliament for the general conduct of the affairs of the country. This collective responsibility requires that on a major question Ministers should be of one mind and voice. If any Minister does not agree with the policy of the majority in the Cabinet, he must resign or (if the matter is a minor one) at least keep quiet about it.
(See White Paper paragraph 18)
 3. The Queen must invite the most influential leader of the party or group commanding a majority of the House of Commons to form a Ministry. The person so called on is the "Prime Minister".
(White Paper paragraph 19)
 4. The Queen must appoint as her other Ministers such persons as the Prime Minister advises her to appoint.
(White Paper paragraph 20)
 5. The government is entitled to continue in office only so long as it enjoys the confidence of a majority of the House of Commons. The Prime Minister is bound to tender the resignation of himself and his colleagues, or to advise the Sovereign to dissolve Parliament, if his government is defeated on the floor of the House on a major issue.
(White Paper paragraphs 23 and 24)
 6. The Queen is bound to exercise her legal powers in accordance with the advice tendered to her by the Cabinet through the Prime Minister. She has the right to be kept informed and to express her views on the questions at issue, but not to override ministerial advice. This advice is expected to be unanimous.
(White Paper paragraph 35)
 7. Proposals involving the expenditure of public money may only be introduced on behalf of the Crown by a Minister in the House of Commons. Standing Orders provide that a financial resolution shall only be proposed by a Minister on behalf of the Crown.
(White Paper paragraph 64)
 8. The Queen must assent to every Bill passed by the Houses of Parliament, or passed by the House of Commons only in accordance with the Parliament Acts. (White Paper paragraph 68)
 9. Parliament must be summoned to meet at least once each year.
(White Paper paragraph 69)
- NOTE: -
- The observance of this convention is secured by the practice (probably itself also a convention) of limiting to one year at a time the statutory authority covering the raising and spending of part of the revenue and the maintenance.
10. Ministers are expected to disembarass themselves of any company directorship or shareholdings that would be likely, or might appear, to conflict with their official duties. (White Paper paragraph 100(a))
 11. Ministers are individually responsible to Parliament for the
/administration

administration of their departments. A Minister must be prepared to answer questions in the House concerning matters for which he is administratively responsible, and if a vote of censure is passed against him he must resign his office.

12. A government should not advise the Crown to declare war, make peace or conclude a treaty unless there is ample ground for supposing that the majority of the Commons approve of the policy.
 13. The business of the House of Commons is arranged informally "behind the Speaker's Chair" between the Prime Minister or Leader of the House and the Leader of the Opposition.
 14. The majority in Parliament must not stifle minorities. It is a duty of the Speaker to protect minorities in debate, and so far as possible he calls on speakers from alternate parties.
 15. The political parties are represented in parliamentary committees in proportion to the number of their adherents in the House.
 16. The House will not entertain, or pass, a private Bill without providing for adequate notice to be given to persons affected and allowing them an opportunity to state objections.
 17. The Parliament of the United Kingdom may not legislate for a former dependent territory that is now an independent member of the Commonwealth except at its request and with its consent.
 18. The Queen in appointing the Governor-General of an independent Commonwealth country acts on the advice of the Prime Minister of that country.
 19. The Governor-General is the representative of the Queen, not of the British Government, and acts on the advice of the government of the Commonwealth country concerned.
 20. The governments of the United Kingdom and the independent members of the Commonwealth keep each other informed with regard to the negotiation of the treaties and the conduct of foreign affairs, and none of them can commit the others to active participation without their consent.
-

Mr. Leonard Lamb
Commerce Bight
Stann Creek Dist.

25th Feb. 1981.

The Clerk of the National Assembly
Belmopan.

Dear Sir,

It gives me great pleasure in writing you on myself (sic) family our opinion of the White Paper. I got none but of what I heard, we think it would be good for our country to go forward for Independence. So we support the White Paper for Independence like wise I would like to say their should be little more strickness in crimes and more protection for we the people, when we got to go out of our home. I hope our country will be free of all claims, and much more secured we can feel at home, As we all know we got to work harder to builds ourself and country, I hope we also will enjoy prosperity of what we will be doing, as our country moves on. Thanks to our government of freeing us May God bless guide him and his followers in all undertakings. We are strong P.U.P. and we the White Paper (sic).

Sincerely yours,

SGD. Leonard Lamb

Emory King
Insurance - Real Estate
9 Regent Street
Belize City

4th March, 1981

Clerk
National Assembly
Belmopan

Dear Sir:

Please be so kind to append the enclosed article on the Constitution to my submissions on the White paper.

You will recall I promised to do this in my submission.

Yours faithfully,

Sgd. Emory King.

Thoughts on a New Constitution
by Emory King

Although it is widely assumed that Belize's new constitution will differ little from the Westminster parliamentary model the case can be made for other forms of government. In the following essay Emory King argues that the best constitution for Belize would embody a republican form of government patterned after the United States of America.

We pride ourselves on a Rule of Law in Belize instead of a Rule of Men - and we want to keep it that way.

Independence is coming in 1981 and with Independence a new constitution - and, we all hope, the last constitution Belize will ever have.

The constitution of an independent country is the highest law of the land. No ordinance, law, regulation, or proclamation can be contrary to or in opposition to the constitution.

Since the constitution is the supreme law then it follows that the law is more important than the people who administer the law or the political parties to which they belong.

The Government machinery set up by a constitution, therefore, must, at least tacitly, recognize that some men are greedy for power and some men are greedy for wealth at the expense of the government, the country, or the people. The machinery must be so geared that honest men and patriots can peacefully use the constitution to rid the government of dangerous men.

Belize is to become a new nation in the world and it is imperative that we begin on the firm foundation of a proper constitution.

To start with, our constitution must be approved by the people of Belize. Unless the people agree to its principles wholeheartedly it will be a useless and perhaps even dangerous document.

To this end the views of the people must be sought - even if many of those views are irrelevant or frivolous. We cannot rush in unseemly haste to London for a Constitutional Conference without the support of the people of Belize for the constitution.

Our leaders should see themselves as 20th Century Thomas Jeffersons, Benjamin Franklins, and George Washingtons, men who are presiding over the birth of a nation. What they do and what we do now will set in motion a train of events for the next 100 years or more.

Before a constitution can be written certain decisions will have to be made. For instance, shall we continue with parliamentary democracy or shall we adopt a republican form of government?

Should there be a two house Legislature or only one house? And if a two house Legislature, should the Senate be elected or appointed.

The choice between parliamentary government or a republic will be a difficult one to make. Both have many advantages and both have worked well for 200 years or more.

to system is any better than the people who operate it, but if a proper constitution is working, any crooked or subversive operators can be removed easily. (Remember Nixon and Watergate. This is a prime example of the U.S. Constitution at work).

On balance I would favour a republic form of government because I prefer the separation of powers and the checks and balances which can be built into a republican constitution.

The concentration of power in a few hands is always dangerous to the liberty and freedom of the majority of people.

Consequently, the great power given by the people to the government must be held in check to protect the people from would-be dictators or tyrants. In a republican form of constitution, such as the United States enjoys, the three branches, Legislative, Judicial and Executive, are separated and their power and authority balanced against each other.

For instance, the President cannot do certain things without the consent of the Congress. The Congress may pass a law but the President may veto it. The Congress can pass the same law again but there must be two thirds of the members in favour in order to pass over the veto.

The Supreme Court can declare a law or an act of the President unconstitutional if a citizen brings a case to the court.

The Congress makes the laws. The President administers the laws and the Supreme Court rules on the validity of the laws.

These powers are jealously guarded by the members of the three branches and the system of checks and balances works to protect the individual's rights.

If Belize accepts the republican form of constitution a President and Vice President would be elected in a nationwide election.

The members of the Legislature would be elected from their constituencies, a system we are familiar with.

The members of the Supreme Court or the Court of Constitutional Review would be appointed for life by the President and those appointments would have to be confirmed by the Legislature.

Members of the President's Cabinet would also have to be confirmed by the Legislature as would be Ambassadors to foreign countries.

The most important part of the Belize Constitution must be the so-called Bill of Rights. These are the sections that guarantee the individual citizen that the rich and powerful government he has helped to create does not become his master instead of his servant.

The Bill of Rights in the U.S.A. has an interesting history.

The founding fathers spent months drafting the Constitution for the United States in 1787. After long and tedious work to create a system of checks and balances and the separation of powers they then submitted the proposed constitution to the people of the 13 states for a vote.

And the people turned it down flat.

/In every

In every state the cry was the same, "We want our Rights guaranteed in the Constitution."

So the men sat down again and wrote the first ten amendments to the Constitution. These ten amendments became known as the Bill of Rights. In plain language the citizens' rights were guaranteed like this:

The congress shall pass no law abridging freedom of speech, the press, peaceful assembly, religion, the right to keep and bear arms, etc., etc., etc.,

And then the citizens voted for the Constitution and the Bill of Rights and it became the Supreme Law of the land on 15th December, 1791.

Dictators don't like this kind of law. Dictators like to make up their own laws to suit themselves. Only in a democracy like Belize can we have such a constitutional guarantee of our individual freedom.

The freedoms provided by the Bill of Rights are taken for granted in Belize because we have enjoyed the British system for such a long time.

No politician in Belize today would dream of trying to curtail freedom of the press, or free speech or religion or any of the citizens' rights. But the new constitution must prohibit all future governments from attempting to deny these rights to the people.

Dictators, whether they are on the political Right or the Left, have one thing in common. They don't want to be criticized.

Freedom of speech and of the press enrages them and they find ways to destroy both freedoms.

They know that the primary function of a free press in a free society is to embarrass the government of the day at every opportunity. Because a government that stands in danger of being embarrassed every day must take special care not to make stupid and costly mistakes or get caught stealing the public money or plotting to subvert their opponents - or the Constitution.

In a democracy the government is created by the people to be their servant and aid them in their right to life, liberty and the pursuit of happiness.

In a dictatorship the people are deemed to be created for the use of the government, to do what they are told and to keep quiet about their fears or objections.

No Constitution in the world can, by itself, protect the future of a nation. That task requires the help of dedicated and honest people. Whatever model of government is chosen for Belize - parliamentary, republican or some combination of both - the Constitution will only be as effective as the spirit with which it is administered. Without competent leadership our constitution will only be a scrap of paper; with it the constitution can become a living document, one which can serve us well for many years to come.

I love Belize now and forever

I support my Government with this constitution for the
independent of Belize with the help of almighty God we
will achieve our goal to independent.

PUP all the way

Proverbs 8 x 1 tell us

Wisdom hath builded her house
The fear of the Lord is the beginning of wisdom

Victory in Jesus

John Stephenson
From Rural Stann Creek Valley
16 3/4 miles

Orange Walk Town
Feb. 23rd 1981.

Commissioners of White Paper.

Sirs, Town Hall O. Walk

I wish to make some amendments of White Paper on proposed constitution of independence (sic) as follows.

- (1) First referendum before independence (sic),
- (2) Human rights to be exercised better and not to be disregarded as how it is actually done.
- (3) The case of foreigners in fairness to we Belizeans it is unfair to us if we allowed them to be national Belizeans particularly if there gansters or (sic) criminals.
- (4) Anglo Guatemal cuestion (sic) to be settle before independence.
- (5) No dictator and communism in our contry (sic) Belize.
- (6) General election before indepedance.

So I closed hoping as a true born Belizean that this amendments be respected as Democracy (sic) stands now and forever as the desire of many of us Belizeans.

Respectfully yours,

SGD. Holasco Severiano Luna

I love Belize now and forever.

I support my Government with this constitution for the
independent of Belize with the help of almighty God we
will achieve our goal to independent

UP all the way

Proverbs 8 x 1 tell us

Wisdom Hath Builded her house
the fear of the Lord is the beginning of wisdom

Victory in Jesus

Mrs. Bell Stephenson
From Rural Stann Creek Valley
16 3/4 miles

1st March, 1981
Scotland Half Moon
Belize District

Dear Sir,

In connection with your letter on 3 February on the propose Constitution, a meeting was held and a majority was agreed on the propose Constitution.

The Scotland Half Moon Village Council and members are prepare to give full support for anything that bring early and safe Independence for us all looking forward for it. Thanks.

I remain,

Sgd. Chairman
Scotland Half Moon
Village Council

THE BELIZE
CHAMBER OF COMMERCE
FOR
COMMERCE, INDUSTRY, AGRICULTURE
and the TRADES

Telephone: 3148 43 Mandyside St.
P. O. Box 291 Belize City

BELIZE

March 5th, 1981

Mr. A.F. Monsanto
Clerk to the National Assembly
Belmopan
Belize

Dear Sir,

In a meeting held on Wednesday, March 4th, 1981, where the Chamber of Commerce hosted a number of religious, social and voluntary organizations in discussing the Government's White Paper, the consensus of opinions expressed was that the Chamber should, on behalf of those present, write to the Government's Joint Select Committee and request six (6) months additional time for studying the document.

The organizations present at this meeting were: The Belize Cultural Arts Company, Public Service Union, National Youth Council, Save Belize Movement, Taxi-Drivers Union, Holy Redeemer Parish, Democratic Independent Union, Belize Committee for Women and Development, Ligeremi Garifuna Group, Salvation Army, The Guild of Graduates and the Chamber of Commerce.

Respectfully,

SGD: NURI MUHAMMAD
Executive Secretary

"A BETTER COMMUNITY THROUGH BETTER BUSINESS"

Isabel Flores
78 saevai St.
Dangriga C.A.

March 4 1981

This is from Isabel Flores Dance Group in dangriga to show that this Group is in the faver of the White Paper with full force we ar for Belize (Sic)

Answer Please
your Trualy

SGD: Isabel Flores

Commissioners of White Paper.

Sirs. Town Hall O.Walk

I wish to make some amendments of White Paper on proposed constitution of independence. as follows (sic)

- 1) First Referendum before independence. (sic)
- 2) Human Rights to be exercised Better and not to disregard it as how it is actually done.
- 3) The case of foreigners in fairness to we Belizeans it is unfair to us to allowed them to be national Belizeans particularly if there gansters or criminals. (sic)
- 4) Anglo Guatemal cuestion to be settle before independence. (sic)
- 5) No dictator and communism in our contry Belize. (sic)
- 6) General electio before independence so I remain hoping as true Born Belizean that this amendments be respected as Democracy stands now and forever as the disire of many of us Belizeans.

Respectfully yours.

SGD: Eustacia Jimenez.

Joint Select Committee
National Assembly
Belmopan

Gentlemen:

I forward suggestions which I consider should be included in the Constitution for the Independent Belize.

1. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

A. Protection of Freedom of conscience

Everyone shall have the right to freedom of thought, conscience and religion. This includes freedom of religion, the right to practice the same, to establish places of worship, religious education upon personal desire, as well as the right to refuse religious education. The state and the school may not in any inculcate religiousness via the church. It is the right of every Belizean to conduct atheistic propaganda.

B. Protection of freedom of assembly and association

Every Belizean shall have the right to freely join any association such as trade unions for the protection of his interests. Every Belizean will have the right to form any association or political party. Terrorism and blackmail is strictly prohibited.

C. (The protection of freedom of expression should read;)

Every Belizean shall have the right to freedom of expression. This includes the right to communicate radical idea, freedom of the press to do the same. Anyone censoring such right will be guilty of violating the constitution of Belize.

2. PUBLIC EMERGENCIES will exist when:

- (a) Belize is engaged in any war
- (b) when any natural disaster strikes Belize such as hurricanes, earthquakes or volcanoes
- (c) if Belize is gripped by famine or an epidemia

3. SUBVERSION

Subversion will be understood as:

- a. Any attempt to sell out any square centimetre of Belizean territory
- b. by subversion of our democratic institutions we will understand crooked dealings by government ministers with both domestic and foreign monopolies, and transnational corporations

4. THE ARMY

1. The Belizean army will defend and protect the citizens of our country
2. No weapons bought by the Belizean government will be used against our people
3. The army will never hold any government position
4. The army will never install itself in power by means of a coup d'etat or otherwise

5. GOVERNMENT MINISTERS

1. No government minister will use his ministerial position for personal enrichment, for enrichment of his family or friends.
2. government ministers will protect state property
3. no government minister will have crooked dealings by receiving money from domestic or foreign monopolies, or transnational corporations
4. government ministers will be at the disposition of anyone carrying out an investigation on his or her conduct and behaviour

6. MUNICIPAL AND GENERAL ELECTIONS

1. All elections for any political party will be financed by the state
2. it is the duty of the state to allocate monies for such elections

THE BELIZEAN STATE WILL NEVER ALLOW ITS TERRITORY FOR THE INSTALLMENT OF FOREIGN MILITARY BASES WHICH WOULD BE A SOURCE OF SUBVERSION AND SABOTAGE AGAINST NATIONAL SOVEREIGNTY.

7. GRANTING OF ASSYLUM TO FOREIGNERS

The Belizean state will grant assylum and protection to the following persons:

1. fighters for peace, love and friendship throughout the world
2. fighters of national liberation movements
3. fighters of democracy, justice and progress
4. fighters for the defense of human rights

8. REFUCFES

The Belizan state will grant refuge to persons fleeing from repression and genocide in their countries. Protection and care will also be provided to refugees.

Gentlemen of the Joint Select Committee, I hope that you will take my suggestions seriously into consideration.

Yours faithfully,

SGD.

WILFREDO NOVELO

No. 5 North St.
Punta Gorda, Belize.

March 2nd. 1981.

The Clerk,
National Assembly,
BELMOPAN, Belize.

Sir,

The TOLEDO PROGRESSIVE PARTY submits the following in regards to the White Paper, draft for a New Constitution for an Independent Belize:-

- 1) The White Paper should be more widely distributed; and more time given for submissions to be made.
- 2) The boundaries of BELIZE should be defined in Article 1 after there has been a peaceful solution to the territorial claim. It is then that the question of boundary definition will be laid to rest; and this should strengthen, and give validity to whatever boundaries are defined in Article-1.

We attach copy of RESOLUTION which was moved, seconded and unanimously approved at the T.P.P. CONVENTION held on March 1st, 1981 in Punta Gorda.

Yours very truly,

SGD. ALEJANDRO VERNON
(Sec. Gral)
TOLEDO PROGRESSIVE PARTY.

THE TOLEDO PROGRESSIVE PARTY

THE WHITE PAPER

WHEREAS the White Paper for a Constitution for an Independent Belize cannot be properly studied by the people of Belize within the three weeks that Government demands submissions from the public for a meaningful compilation of the most important document to govern the lives of all Belizeans,

AND WHEREAS a territorial claim exists, in contradiction to the definition of boundaries of the territory as described in Article-1 of the White Paper,

BE IT RESOLVED that this Convention objects to the improper distribution of the White Paper, and the time allotted for submissions to be made,

AND BE IT FURTHER RESOLVED that this Convention rejects Article-1 because there exists a territorial claim over Belize and the boundaries indicated in Article-1 of the White Paper cannot be exactly defined until the territorial claim is peacefully solved, and the question of boundary definition is laid to rest by a permanent solution that will obligate all parties concerned to recognize and accept such boundaries.

TOLEDO PROGRESSIVE PARTY

PUNTA GORDA, BELIZE. MARCH 1st 1981.

Benque Viejo del Carmen
Town Board Office
March 6th 1981.

Mr. A.F. Monsanto
Clerk, National Assembly
Belmopan

Dear Sir,

I am pleased to inform you that at a meeting of the Benque Viejo del Carmen Town Board held on Friday February 27th, 1981, The White Paper - proposed terms of a Constitution for an Independent Belize was discussed.

As a result the Benque Viejo del Carmen Town Board unanimously agreed with and supported the Proposed Terms as on the White Paper.

Please convey our congratulations to the members of the Honourable House who drafted the proposed terms.

Sincerely,

Sgd. Adan Castellanos
Mayor.

Orange Walk Town
7th March, 1981

Joint Select Committee
National Assembly
Belmopan

Gentlemen,

I forward the following suggestions which should
be included in the Constitution for the independent Belize.

- (1) The national and mineral resources of Belize
is owned exclusively by the Belizean people.
The state will not dispose of it as it likes.
- (2) All power in Belize belongs to the people.
Ministers are subject to the people.

Yours faithfully,

Sgd. Wilfredo Jovel