

Belize City



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.

Second Meeting of the Joint Select Committee appointed to examine, consider and report on the White Paper - Proposed Terms of a Constitution for the Independent Belize, held in Belize City on Tuesday, 17th February, 1981

VERBATIM - 9:00 a.m.

Chairman: The Committee is authorised by resolution passed in the House and Senate of the National Assembly and directed this Committee to canvass the opinions of the Belizean people before presenting its final report to the National Assembly.

Hon CLB Rogers: The meeting of the Joint Select Committee of the House of Representatives and Senate will now commence. The Committee is authorised by resolutions passed in the House and Senate of the National Assembly which directed this Committee to canvass the opinion of the Belizean People before presenting its final report to the National Assembly. This Committee will now be in session. If a person is willing to comment on the White Paper, they must confine themselves to the White Paper. It is now in order that any citizen or representative of organizations in Belize may now appear before the Committee to comment on the White Paper. Is there anyone who would like to come before the Committee to comment on the White Paper? Come a bit nearer to the table and state your name, clearly.

A Castillo: My name is Armando Castillo.

Rogers: Mr Armando Castillo, the first person appearing before the Committee this morning. Mr Castillo, where do you live?

Castillo: I live at 137 Corner Nex and Amara Avenue.

Rogers: Mr Armando Castillo of Corner Nex and Amara Avenue, and do you represent any organization Mr Castillo?

Castillo: No. I do not represent any organization.

Rogers: You represent as a citizen.

Castillo: As a citizen.

Rogers: What would like to tell the Committee on the White Paper?

Castillo: I would like to bring

Rogers: You better sit down.

Castillo: I would like to bring forth that when reading the White Paper on the Proposed Term of the Constitution for the Independent Belize, there are no mention of linguistic rights.

Rogers: Linguistic Rights! Am I quoting you correct?

Castillo: Yes, Sir, and I would like to point this oversight to the Committee. A linguistic right is an inalienable right and should be inserted in our constitution so as to protect the various culture, language and rights that make up Belize. Especially to protect the native Indians from encroachment of their land and language.

Rogers: Did I get you correctly? Land and language?

Castillo: Yes. Truly, we don't want

Rogers: Will this be under the same heading of linguistic rights?
Castillo: It would be under lands?
Rogers: Lands for the
Castillo: Linguistic rights
Rogers: Just a moment.
Castillo: Because as we know that the constitution have no amendment so that our native Indians can be put on reservation. There is no law in there that can stop the present people from putting the Indians on reservation in our constitution. I would like it to be amended and to propose wisely
Rogers: Yes, Mr Castillo, Is there anything else you would like to tell the Committee?
Castillo: Well, a land linguistic right as we know that there are four languages that made up Belize: one is the Spanish language, one is the English language also I would like to be inservity because the constitution to the Spanish language has an equal right as the English Language and to be made into a an official language as the English language.
Rogers: Yes. Anything else, Mr Castillo?
Castillo: Those are the few points plus I have something else on the qualifications on membership and non-qualifications on membership of the National Assembly.
Rogers: Qualifications on membership of the National Assembly.
Castillo: Yes. I came under the heading of dis-qualification. I feel that a person should be disqualified from election as a member of the House of Representative or appointment to the Senate if the court, if he contravene the act of etiquette. I'm talking about morality act committed in public places or at that contravene to the spiritual welfare of the country.
Rogers: That he should be disqualified.
Castillo: Yes. Or any other morality act that are contravine to the spiritual welfare of the country.
Rogers: Yes, Mr Castillo, is that
Castillo: Those are the three points that I have at the present moment.
Rogers: Do any member of the Committee wish to question Mr Armando Castillo?
Hon F J Marin: Yes, Mr Chairman, I make reference to the statement he made on encroachment to their land.
Rogers: Yes.
Marin: Okay, exactly what do you mean by this?
Castillo: Well, I meant that I do not want to see the native Indians put on reservation for the breed of refugees or immigrants of the country.
Marin: at the reservation.
Castillo: I do not support the reservation. I would like them to keep their culture and language to be intact.
Marin: You note that the present system the way it is, ... do not ... to the development for all the reservation concept.
Castillo: Yes.

- Marin: And you replied that the result to the country, the Toledo District in particular, is the only district that has such an arrangement. There are mixed tilling advantages and you will find that the older heads still.....
- Castillo: What I'm saying is that the land that are with them shouldn't be given to any other people, since we need them too. The land that are them like in Toledo on their behalf was with distribution to be distributed only to their, their mm....set.
- Marin: Will point the formation, Mr Chairman. That exists as a right.
- Castillo: Well, I haven't seen it in the White Paper that is why I brought it up.
- Marin: You haven't seen it in the
- Castillo: In the White Paper, because I believe that it should be inside our constitution.
- Rogers: White Paper provides a title to land, to every citizen regardless who they are. The concept of reservation does not apply to Belize. When we say reservation here, it is not like the United States reservation with the aliens nor the South Africans reservation with the Africans. It is, it's protection and that what the Minister explained to you, is that if they want it, the older ones want to keep on a camp or reservation and the younger ones want title to the land so that they can use it as collateral with the banks. In other words, they would not have any limits to their privileges as other citizens have. Why should that affect the Indians to be able to come titled to the land and the Indians does not have the right to a title to land so that constantly everybody should have the right to property. That's the Indian's case.
- Castillo: I agree with the White Paper.
- Rogers: Well, Mr Castillo, we have listened to you and we have taken notes of your submissions to the committee and if there are any other comments
- Castillo: Yes, I would like to say that any land which is presently in the hands of nationals are to be alienated?
I wouldn't say that. I'm not saying that anyone
Yes, I'm saying the present part of lands of ours ...
- Rogers: Are there any questions? If there is none, then this committee thank you for appearing before it. Yes, is there any person or persons wishing to come before the committee and comment on the White Paper? Can you kindly give your name, sir.
- Nicholas Pollard Sr: Nicholas Pollard Sr. representing the Save Belize Movement.
- Hon CLB Rogers: Representing the SAVE Belize Movement.
- Pollard: The Save Belize Movement.
- Rogers: And your address?
- Pollard: No. 3 Central American Boulevard
- Rogers: Mr Pollard you may sit.
- Pollard: Thank you.
- Rogers: Well, Mr Pollard, what would you like to tell us with regard to the White Paper?

Pollard: To start with the White Paper itself, Sir, the opening statement of Constitution of Belize, etc.

Rogers: The Preamble.

Pollard: The Preamble shall commence with the preamble which should state that the people of Belize have, I would like to add "that the Government and people of Belize".
On page 2 subsection (e).

Rogers: Subsection (e). Yes?

Pollard: Third line, beginning with "which eliminate". I would like to add the words "which eliminate political, economic and social privilege".

Rogers:"which eliminate economic"; "political" before "economic"?

Pollard: Before "economic".
It should now read - "which eliminate political, economic and social privilege" instead of just "economic and social privilege".
On page 4.

Rogers: Page 4

Pollard: Subsection (c) "Protection of the Law".

Rogers: Yes.

Pollard: Beginning at the seventh line "impartial court observing the laws of natural justice". I would like to add the words, wherever it fits best, "the common law of Britain and Commonwealth".

Rogers: So that would be Commonwealth Law.

Pollard: That all the natural justice and Common Laws - the Common Law has just only come to thought - of Great Britain, Northern Ireland and the Commonwealth.

Rogers: That's the.....

Pollard: The Common Law of Great Britain.
I think the correct phraseology is Great Britain, Northern Ireland and other Commonwealth.

Rogers: But is the Common Law of that.....

Pollard: Yes?

Rogers: Constituents.

Pollard: Which applies, applies equally to Belize, of course, at the present time. Subsection (f) on the same page.

Rogers: "Protection against arbitrary search or entry".

Pollard: I note that title of this subsection is "protection against arbitrary search or entry", but there is nothing like that described in the body of the paragraph.

Rogers: I think it's a misnomer.

Pollard: That is the thought, that the mm, what is described in the body of the paragraph, there is no mention of arbitrary search or entry in the body of the paragraph.

Rogers: Yes. I see your point.

Pollard: And with regards to the beginning of the third line, morality or health,

Rogers: Same page?

Pollard: Same page, sir. Same sub-section.

Rogers: Same which was sub-section (f)

Pollard: Page 4, sub-section (f), line three of the paragraph morality or health.

Rogers: Yes.

Pollard: I made it known here, sir, a question mark as to what it means. I've got to clear what it implies, morality or health. Since moralities differ according to peoples, religions and spiritual concepts. What might be moral for the christian might not be moral for the Muslims or for the so that when you get the light of the area of morality. It's hard to fix a constitution which will treat suit the morals of any denominations or religious groupings.

Rogers: Yes.

Pollard: I just put a question on it.

Rogers: On what?

Pollard: On morality.

Rogers: And this is law is relating to that?

Pollard: Yes.

Rogers: That includes the law made in the interest of defence, public safety come under morality or health?

Pollard: Yes. Morality being a work which can be

Rogers: Well, it is the law.

Pollard: Yes.

Rogers: It's made for, that it is saying you will be subject to arrest.

Pollard: Yes. Now, with regard to (g) on the same paper, the very bottom, which states that this would include freedom to move freely throughout Belize, to live in any part of Belize, and to leave Belize, and to return to Belize, sir, should be included.

Rogers: And to return to Belize. And to return to Belize.

Pollard: And continued on the same ...

Rogers: To Belize you can return. Yes?

Pollard: Continuing on the same sub-section, continued on page 5 immunity against expulsion from Belize, this should not include undesirable aliens.

Rogers: Immunity against expulsion should not include undesirable aliens, who are subject to the same constitutions while living in this country. Therefore, they would be expulsion.

Rogers: So, they should not be...

Pollard: They should not be. Right.

- Rogers: I think, If I may venture into that, that this law is talking about citizens, to protect the rights of citizens and that no one should be able to expel a citizen from his own country. I don't know if you agree with that, sir.
- Pollard: I think that the intention, quite clear, but it's not stated. The word 'citizen' I think does not appear in the entire section. And in any event
- Rogers: But I take your word for it. I think you are being dutiful and you've contributed that one another one you gave us, I think was very helpful. Go ahead.
- Pollard: Thank you, sir, Continuing that (i) on the same page (h) (i), Protection of freedom of Expression, line 4, I think it was the intention to say 'Mass media' instead of mass medium.
- Rogers: Mass media, plural.
- Pollard: Yes. And continuing on the same line, 'except as is necessary' may I read the whole sentence, this include the right to communicate ideas, freedom of the press and mass medium of communication except as is necessary for defence, etc., to my mind, sir, the way it's put there the intention is clear but the way it's put is rather vague. I think it can be better put, 'As is necessary' it doesn't say to be necessary. I ask the question 'What is necessary?' It doesn't say there, that it is ambiguous thing, vague at least.
- Rogers: Stylistics difference.
- Pollard: Yes.
- Rogers: for instance....
- Pollard: It's a question, actually of putting a subject to that 'What is necessary' because it speaks of right to communicate ideas and then it comes ...as is necessary, But it doesn't say what is necessary.
- Rogers: Why do you say so?
- Pollard: Because if they, the subject begins with the rights to communicate cannot be the subject that the same, that phrase 'as is necessary'. That has to be clarified. Going down to (j) the same page.
- Rogers: (j)
- Pollard: Protection of Freedom of Assembly and so on, or to prohibit any association restricting the admission of members based on race or colour, or creed, may I ask that question, race, colour, or creed.
- Rogers: Which word?
- Pollard: The very last word. Race, colour or creed?
- Rogers: Or creed, at the end of (j).
- Pollard: Yes. On page 6, Sir, sub-section (n) Protection from deprivation of property. No property or any interest therein should read 'no property nor any interest' not or.
- Rogers: Yes?
- Pollard: I think it's intended that both should be negative .
- Rogers: Yes, Mr Pollard.
- Pollard: Going on to page 7, Sir,
- Rogers: Page 7.

Pollard: I would like to see added, sir, on section 6, sub-section (c) Public Emergencies

Rogers: Sub-section (c)

Pollard: There is in force

Rogers: That would be section 7?

Pollard: Yes, sir. Section 7, sub-section (c) there is in force a resolution of the legislature declaring that democratic institutions in Belize are threatened by subversion. I would like to add there, sir, such subversion to be proved in a court of law.

Rogers: Such subversion to be proved in a court of law.

Pollard: Yes, and not, well you don't have to put this in law, simply explain and made it to be left resolution of a legislature or otherwise, since a legislature is not a proper place to determine guilt for innocence of the person guilty of a subversion.

Rogers: Well, we are talking about an emergency.

Pollard: Yes.

Rogers: and is to provide for quick action. We may not be able to go through it, it can come but after because of the time we are twiddling our hands, things are happening and saying by then, the Governor General have such rights to declare emergency when Belize is engaged in war, when terrorism force a proposition for the Government General or there is in force a resolution of the legislature declaring that democratic institutions in Belize are threatened. This is another face of the case so one, we will take note, we certainly will take note of what you say and see if it can be practised.

Pollard: May I make just two points in support of what I quote, Sir, There is a very international human cry today about the abuse of this power of the Governments in power falling in subversive. That is very much abused, especially in Latin America. Very much abused. People are arrested and kept in jail without trial for in very indefinite periods under such terms and it is the sort of thing that outstanding members of your Government themselves have been taking up from countries like Nicaragua, where that was practised very much so. Nicaragua, and the Latin American confederation of Christian Workers, to which I used to belong, fought to belong, fought against this type of thing for many, many years but it's abused. I saw when the Dictator, like in Paraguay and right now in Bolivia and places like that. First one. The second observation in support is that I believe there are, there is an existence in many countries of the world including, strangely enough to say, Middle East countries. The provisions of such people should be brought to trial as soon as possible, and not just kept in jail indefinitely.

Rogers: I think that here we have a difference of interpretation. It is not individuals, in fact this is dealing with the state of emergency, strictly.

Pollard: Yes.

Rogers: And it is saying that it exists when the legislature declared that democratic institutions in Belize are threatened by subversion. Suppose, in our particular case, a neighbouring country have faced life so difficult now, that and I'm not talking about the political democratic institutions but other institutions in the country, that would be collapsing because of subversion. There is a need to declare a state of emergency because things have gone to that not not to do so much with the individual as to do with outside sources active on the move.

Pollard: Yes, I understand that very much, sir, but

Rogers: But we take the point that you say, which is that such subversion should be prove in a court of law.

Pollard: As soon as possible. As soon as possible.

Rogers: As soon as possible.

Pollard: My reminder sir, is that during World War II, here in Belize, we had people like mm Dema Kemp and a few other people imprisoned, arbitrarily, for suspicion of dealing with the enemy and that could be repeated.

Rogers: I don't know the.....

Pollard: And there were citizens

Rogers: I'm not that old, but there are, but I will say that it is better for us to win such a war.

Pollard: Yes.

Rogers: That to have ourselves opened.

Pollard: Yes.

Rogers: Leave ourselves right opened. They, the task before us then, is to look at what we are anticipating.

Pollard: Yes.

Rogers: So how we can meet that need with as much freedom as possible, all that preserving freedom.... to collective freedom of the state, not talking about the people of Belize nor ever protect them from everything.

Pollard: Yes, Sir, I understand the intention, but like everything else, this kind of thing can be abused.

Rogers: Your intention ;;

Pollard: May I like to add, also to the same sub-section as that such declaration, such resolutions, should be passed by a vote of three quarters of the legislature.

Rogers: Are you suggesting that such resolution

Pollard: Should be approved by a vote of no less than three quarters of the House.

Rogers: No less than three quarters of the legislature.

Pollard: Continuing to section 8, and sub-section (b) with the same paragraph, beginning at action or the threat of action, a verb has been left out. That there exist action or the threat of action. There is no verb. That there exists....

Rogers: Yes.

Pollard: Action or the threat of action. Yes, and continuing to the three lines after that where it says 'or a substantial portion thereof, of supplies or services essential to life, again I add the word exists. It's incomplete.

Rogers: that there exists...

Pollard: that that doesn't qualify it because there is a new thought there. It says that there exists action or the threat of action by any person of such nature or on so extensive a scale as to endanger the public safety or deprives the community, or a substantial or, sorry, for services or a substantial portion thereof, of supplies or services essential to life, exists. The first one is action, or set of actions, qualifying exists. The other one is substantial portion thereof.

Rogers: Yes, exists and at the end to that, exists.

Pollard: Exists. At No. 9 section 9. The legislature may by resolution make a declaration not exceeding six months. I am first of all, I ask the question, a declaration about what? That should be stated. Makes a declaration about what?

Rogers: About mm or referred back to 7(c). Yes.

Pollard: Yes. It is, that's the intention, it's obvious, the intentions are there but, it's not quite set out and I would like to see set put in better, after the word declaration so that it reads 'the legislature may by resolution make a declaration to be in effect for a period not exceeding ...

Rogers: To be in effect between declaration ...

Pollard: Yes, for a period. To be in effect for a period not exceeding

Rogers: effect for ... yes.

Pollard: which would complete the thought, and not leave us dangling. Page 8 Sir, Protection of Existing Laws. I got the impression, sir, that this is just guidelines for a constitution. It is not really a constitution. So, in that sense, I interpret the opening words of No. 10, Provision must be made to protect the laws existing. Actually, it's not set out but provision indicates that a date will have to be looked at when there are made

Rogers: So that it can assist the people who will be writing the constitution.

Pollard: Yes. So that, I take it for granted point of constitution is draft and finally it will come back to the people.

Rogers: The constitution itself, has to be negotiated in London.

Pollard: Yes.

Rogers: Of this report, what you are testifying today, will go to the House.

Pollard: Yes.

Rogers: And it will form the basis to negotiate the constitutions of

Pollard: Yes.

Rogers: Of course, the constitution will come back.

Pollard: Yes, and I'm glad that the people will have a chance of to see it again.

Rogers: It will come back, but for mistakes, I can't give you any assurance whether it is in this representative democracy that will

Pollard: From the day. And with regards to No. 13, sir, at the last sentence beginning at 'A person who marries a Belizean citizen shall be entitled to Belizean citizenship by registration'. A question. Does this registration envisage paying a fee or shall it be automatic upon registration? Will that be paying a fee or automatic? Pardon?

Rogers: My idea of that is there should be administrative fee. A small fee.

Pollard: A small, fee.

Rogers: Yes. As a value compared to what we pay for naturalisation.

Pollard: Yes. I understand that at the present time for a person born outside of Belize, even though born of British parents, have to pay two hundred dollars to be registered. This is excessive, terribly excessive.

Rogers: Only those who came to Belize say that

Pollard: Page 9, No. 16, the Governor General. There shall be a Governor-General of Belize who shall be a citizen of Belize appointed after consultation with the Prime Minister by the Queen, I am requesting, sir, substituting for Prime Minister, after consultation with the Belize Advisory Council.

Rogers: Belize Advisory Council.

Pollard: And I think it ...

Rogers: after consultation.

Pollard: Yes, and I think that my suggestion might be obvious to reason for it and I'll just explain very quickly that since the Governor-General will act as a sort of check and balance on the Prime Minister, I mean it should be, in the event of any kind of gross emergency. A Prime Minister for example, being kicked out of office by his own party or as it happened in, where was it? New Zealand or Australia, somewhere.

Rogers: Australia.

Pollard: Australia, two years ago, the Governor-General must be a strong man. Not just a robot. He must be a strong man. He must be able to be independent in such a situation as has happened in Australia and I don't think it is being fair on, to any man, to the Prime Minister to have him nominated on the advice of the Prime Minister.

Rogers: Consultation.

Pollard: Yes, on consultation. I should suggest consultation with the Belize Advisory Council and at the very end of that paragraph...

Rogers: Your concept about the matter of check balance of the Prime Minister's position....

Pollard: Yes

Rogers: It should be a strong man.

Pollard: Yes

Rogers: Check balance I understand should be a strong man and so on.

Pollard: Yes.

Rogers: But what check should he be if the constant adoption of a doctrine situation, as I understand it, the Governor General is the Queen's representative.

Pollard: Yes.

- Rogers: We have other constitutional ... that will be written in, but as to whether it is a check and balance that goes over into the executive.
- Pollard: Yes.
- Rogers: Since then, this will assist from one system to the next then and he is not an elected person. So he can't check and balance against an elected person. He represents the Queen and all the functions.
- Pollard: Yes. Well, I just quoted the exact words the
- Rogers: Make that comment a little bit clearer.
- Pollard: I just mentioned the Australia example that might be borne in mind and at the very end of the ...
- Rogers: because that deal with resolutions.
- Pollard: Yes.
- Rogers: that when a Minister, that is the function in the constitution, proceed.
- Pollard: At the end of that paragraph, Sir, I would like to add the word again after consultation.
- Rogers: At the end ...
- Pollard: Where it says,
- Rogers: 16
- Pollard: Yes. Whenever this Office becomes vacant or the holder is unable to perform his functions, that is the Governor-General, due to absence or otherwise the Queen may appoint some person to perform his functions', it doesn't say 'How'. After consultation with the Belize Advisory Council.
- Rogers: With the proposal they didn't get.
- Pollard: Yes.
- Rogers: Consultation with the Belize Advisory Board. So you support the provisions for Belize to be independent.
- Pollard: Certainly. Page 10, I again put a question on Page 10 that, of section 21, The Attorney General shall be the principal legal adviser to the Government of Belize', but if that will state whether he shall be a member of the House of Representatives or whether he could be a Senator as well? I'd like that clarified. He should be a member of the House of Representatives and it is stated in the preceding paragraph for the paragraph for the Minister of Finance. It states very specifically, the Minister of Finance shall be a member of the House of Representatives.
- Rogers: Yes.
- Pollard: I would like to state also for the Attorney General
- Rogers: Noted.
- Pollard: And in connection with the appearance independence, intention to make the Attorney General independent, which is basically a very good idea, I bring to mind the case of the Watergate proceedings where it was desired that the American people, that they were going to prosecute. Nixon had to be an independent person and that could arise. So that the independence of the Attorney General is very desirable. However, I would like to submit in connection with this paragraph, and it also appears in the Reporter for Sunday of the week passed which I think bears very cogently on this section and I think

Rogers: You submitted that your,

Pollard: As my own views.

Rogers: Your own views on the White Paper.

Pollard: Yes, sir.

Rogers: Has it anything to do with that?

Pollard: Yes, sir.

Rogers: Part of the whole article?

Pollard: The whole article in general, but specifically on the Attorney General. I think it's column 2, about two thirds of the way down, it reads that subject to the Attorney General.

Rogers: What page is that?

Pollard: Page 2 of the Reporter?

Rogers: The date...

Pollard: The date is Sunday, February 15. Column 2, about two thirds of the way down. Kindly read it aloud, sir.

Rogers: The 2nd paragraph that Mr Pollard is making reference to is from, a report from the Reporter dated Sunday February 15, 1961 in Editorial and I think this is the paragraph he is referring to: Paragraph 21 states that in the exercise of his functions the Attorney General shall not be subject to the direction or control of any person or authority. This needs to be looked at since not even the Attorney General can break the law in pursuance of the law. In effect, the end cannot be made to justify the means. The Attorney General must be subject to the law of the land and to the Constitution which is the country's supreme Authority. Now, what are you submitting?

Pollard: That some paragraph, in particular paragraph 21...

Rogers: That paragraph says nothing more than what it says. It should be looked at.

Pollard: Yes.

Rogers: And I read it again so that I can show you. Paragraph 21 states that in the exercise of his functions the Attorney General shall not be subject to the direction or control of any person or authority. This needs to be looked at since not even the Attorney General can break the law in pursuance of the law.

Pollard: I'll leave it at that, sir, simply to be looked at, but I do want an explanation. I have reasons to believe that this Editorial was written in consultation with very good

Rogers: As the legal.....

Pollard: Legal minds.

Rogers: Do you have reasons to believe it. Your very emphasis is good, very good. We take your point seriously, that your submission is based on that and it should be looked at.

Pollard: May I add a thought to the question. I think the other members

Rogers: I feel that the Editorial, only if you are going to enter it yourself.

Pollard: That's what I'm doing sir. It becomes my own doings.

Rogers: Mr Pollard you can continue.

Pollard: Page 11, Sir, No. 25. The office of every Minister shall become vacant etc. which, if his appointment is revoked by the Governor-General on the advice of the Prime Minister if for any reason, the phrase that adds other than, a dissolution of the National Assembly. It is rather vague in my mind. I wonder why it was put in because it is automatic that when the National Assembly is dissolved, every Minister loses his job. I don't see the need for that phrase. What it does

Rogers: 'If for any reason other than a dissolution of the National Assembly he ceases to be a member ... I think you have to read it. Stop at 'Prime Minister' and reread it.

Pollard: Yes, I see that.

Rogers: 'If for any reason other than a dissolution of the National Assembly he ceases', I think it's the point you made a while ago about his losing the control of his party.

Pollard: Yes:

Rogers: That's one possibility.

Pollard: What I'm saying here, Sir, is if that for any reason, which is quite clear, it proceeds to make an exception of the other reasons which is inconceivable to me. It makes an exception of that other reason other than. But, we know that the words 'other than' is except. In other words this is not to be included as such a reason and that reason is the most potent of the reasons that the National Assembly has been dissolved. I don't think that exception should be made. At least that's the way I read it.

Rogers: 25 provides the greater seats, ... the Minister should become vacant upon the appointment or reappointment ... with the officer, Prime Minister, if his appointment is revoked by the Governor-General on the advice of the Prime Minister, as one case, 'if for any other reason other than a dissolution of the National Assembly he ceases to be a member of the House of which he was a member when he was appointed Minister.

Pollard: That phrase makes an exception of the dissolution of the House and I think, at least that's the way I read it, 'other than'.

Rogers: I think we can assure you, Mr Pollard, that the point there which this paragraph described, is a Minister vacating his office as a Minister in a number of circumstances. As you say there's the obvious case where if the house dissolved and there is a new election doubtless that is one. So there are other cases as well. One of which is, for instance, if a Minister loses his particular seat, he ceases to be a member for some reason, maybe he commits a crime or some other reason that disqualifies him from membership of the House. If that is so, his responsibility as a Minister in his office also and this is, the attempter, is merely to make a crime that apart from the dissolution of the House, there are also ways in which a Minister may lose his office. I don't think that this mysterious attempt to

Pollard: I think you're misunderstanding me, Sir, with due respect. I understand what you said perfectly. It's very clear what is intentional

Pollard: of the paragraph. What I say, is very simply that the phrase is not needed at all.

Rogers: I see.

Pollard: That's what I'm saying. It's unnecessary and it makes an exception.

Rogers: Okay, continue for Pollard.

Pollard: 26 Sir, Whenever the Prime Minister is unable to perform, and so on, it goes on 'this power shall be exercised by Governor', substitution for the Prime Minister, substitution the Prime Minister, it states 'this power shall be exercised by the Governor-General on the advice of the Prime Minister, I should back up a bit there, and say the Governor-General may authorise any other Minister to perform the functions of the Prime Minister. To my mind, Sir, this call to the question why then insert a Deputy Prime Minister? It should be automatic that the Deputy Prime Minister become the Prime Minister.

Rogers: but there is provision.

Pollard: There is provision for a Deputy Prime Minister on page

Rogers: Page 10, paragraph 20. A Minister may also be designated Deputy Prime Minister to whom the functions of the Prime Minister may be deputed from time to time by the Prime Minister. If it doesn't choose that form of organisation then here's the list providing for that. The Prime Minister may use that form to organize his government with a Deputy Prime Minister, if not.....

Pollard: What section did you quote that from?

Rogers: 20 Page 10 at the top of the page. The sentence beginning with a Minister may also....

Pollard: I see. It doesn't say in the event that he doesn't exist, he would Go on to page 12, sir, No. 31

Rogers: No 31.

Pollard: Again the phrase comes up 'rather than a dissolution of the Assembly' I make the same observation. That is not necessary. And in fact, it's confusing.

Rogers: The same point?

Pollard: The same point. Going down to section 34 on the bottom of page 12.....

Rogers: 34 at the bottom of page 12.

Pollard: May I call your attention to mis-spelling?

Rogers: Which one?

Pollard: 'The council's other function and duties shall be those conferred or imposed' have only one 's'.

Rogers: Yes, Mr Pollard?

Pollard: Page 13, section 37, Exercise of Governor-General's Powers, 'Where it is required that the Governor-General shall act in accordance with or on the advice of any person or authority, the question of whether he has in any case done so shall not be enquired into by any court.' I disagree with that. I think that should be subject to enquiry by a court. No man should be above the law. Page 14.

Rogers: May I ask for a clarification on that rather than any to the end.

Pollard: Yes.

Rogers: Should we take out to support to or advice it? You see the Governor-General here is provided that where he is acting in accordance with advice from persons or authority. It may include those who advise it. Is that what you're symposium is?

Pollard: Well do we have the principle in English law, but mm persons accessory to the facts, so that he should be included and that would, I think the principle of common law would apply there, need that statement in the constitutions. Page 14

Rogers: A member is pointing out that the principle in common law is the Queen.

Pollard: May I just add a remark here? Sir, I think, I'm not sure about this, the Queen can be impeached by parliament Magna Carta. Impeached, sir. Page 14 sir.

Rogers: Page 14, yes.

Pollard: Qualifications for membership for the National Assembly, No. 43

Rogers: Just a moment Sir.

Pollard: 'A person shall be qualified to be elected a member of the House of Representatives or to be appointed to the Senate if he is a Belizean citizen, eighteen years old or older', may I respectfully submit, sir, that a person should not be appointed if he is eighteen, should be at least 21 years of age.

Rogers: The proposal of Mr Pollard is

Pollard: I can understand the pressure for eighteen year old vote, but I hardly think that my eighteen year old son should be able to vote, unless you get away and put the young ones now and again.

Rogers: He can be a Prime Minister at 21 too? Is that what you're saying?

Pollard: I don't think that subject is qualified, but he could be.

Rogers: Once he is qualified to be a member of the House.....

Pollard: He might become a

Rogers: But we take your submission.

Pollard: 44, going down to line 7, he is also disqualified from membership of the National Assembly if he is holding or acting in a public office' has been convicted of any offence related to elections', the penalty, here sir, is for disqualification for ten years. I respectfully submit five years instead of ten years.

Rogers: Mr Pollard's proposal is five years for disqualification.

Pollard: I think ten years is an unusual long time to polish a creative mind, merely because he has committed an election offence.

Rogers: You take it as creative?

Pollard: There are creative people, sir, who

Rogers: They are not. Not necessarily

Pollard: Not necessarily, no.

Rogers: Yes, but we take your proposal

Pollard: Five years instead of ten years, disqualification. Under 48 on page 15.

Rogers: Where does it say 10 years, Mr Pollard?

Pollard: Ten years is mmh I got the impression that there was a ten years.....

Rogers: Because it seems that some you're supporting the White Paper.
Is that so?

Pollard: Yes.

Rogers: Could it be that you.... at the present law

Pollard: Yes.

Rogers: At the present law.

Pollard: I have to speak to you about that.

Rogers: But you are suggesting 5 years.

Pollard: Five years.

Rogers: Very well. Can we go on?

Pollard: Yes, Sir. No 48 on page 15. It says, presiding officers, 'The speaker shall be more than thirty years old'. I respectfully submit such speaker and Deputy speaker.

Rogers: Mr Pollard's proposal is 'Speaker and Deputy Speaker'

Pollard: The reason, I think, is obvious. The deputy might have clauses I think in 49 it is not clear that the deputy speaker shall be elected from the House. That should be clarified. The Office of Speaker and Deputy Speaker shall be vacated, if the holder of office ceases to be a citizen of Belize, ceases to be a member of the House, is appointed a Minister or, in the case of a speaker elected from among persons who are not members of the House'. When the House first meets after any dissolution of the National Assembly'. My suggestion is that the Deputy should be clear, that the Deputy is elected from the House. I don't think it's clear. Page 15, the Senate, 53.

Rogers: Fifty three, the Governor-General

Pollard: 'The Governor-General may also, on advice or acting in his discretion; on advice of whom is not stated. I again would beg to suggest and advise of the Belize Advisory Council.

Rogers: Mr Pollard's proposal is that it should be on the advice of the Belize Advisory Board.

Pollard: Yes. I don't think the Senate should be a rubber stamp, Sir. I respectfully say that. I don't mean to impute anything at present

Rogers: Are you saying that the Senate is a rubber stamp?

Pollard: It could become that.

Rogers: Oh, it could become that. So can the House. Yes, Mr Pollard.

Pollard: I have given to the principle of disagreement even of all party members.

Rogers: May I clarify the point you made just now on 53 just to get you clear, because this means the Senate would have been on advice of certain people.

Pollard: Yes.

Rogers: Already, minority leader, majority leader and what this paragraph is saying, it seems to me, that whether advise should also advise, all the new

Pollard: That may be the intention, Sir, but it is not stated. That's the intention.

- Rogers: Yes, but you're now changing that, your proposal. To change it from these who advise to a new group, to the Belize Advisory Council.
- Pollard: This is merely a ...
- Rogers: I only want to know if you had the morning but you changed, you deliberately mean to put in that.
- Pollard: I mean to put in that, because this is a termination of a person which is a serious matter.
- Rogers: No.
- Pollard: It says 'The Governor-General may also, on the advice, or acting in his discretion declare the seat of a Senator vacant.
- Rogers: Yes, yes.
- Pollard: So that's a serious matter.
- Rogers: But, who advised it before the other person?
- Pollard: I understand that, but I say
- Rogers: If you understand it we shall go on.
- Pollard: Yes. I don't think that Senators should be subject to the whims of the jealousy for example, of the party leader. You know
- Rogers: No, that should be number. Everybody is there as a person and he has his conscience to deal with, and if he doesn't agree with his party, then he can leave his party. That happens every day, politically.
- Pollard: Yes.
- Rogers: And that doesn't mean that he is a rubber stamp because he agrees with his party. We want to ferment with him and say if you don't agree with, you always agree with your party, you're a rubber stamp. The party system would collapse.
- Pollard: Yes.
- Rogers: Not one of our democratic institutions.
- Pollard: Except that in British Parliament there are motions on which party members may disagree and it is stated before the vote is taken, this shall be party matter. We must vote....
- Rogers: We have it here with questions like the death penalty. Everybody is free to vote. It's a question of conscience.
- Pollard: Yes.
- Rogers: It isn't right that.. now with, no witness.
- Pollard: Now with regards to the Now we go on to page 17.
- Rogers: 17
- Pollard: I think the General observation that no quorum have been stated for the senate or the House.
- Rogers: There is no quorum provided. They shall make their own standing orders. Our Assembly may make standing Orders to regulate its procedure.
- Pollard: Is that everything for the Standing Orders?
- Rogers: Yes, correct.
- Pollard: Thank you. On 58 the powers of the National Assembly shall be limited in respect of its ability to alter or amend this constitution as follows: It's a very important matter.
- (a) No amendments shall be made to the Constitution except by a Bill approved by a final vote in the House of Representatives of no

Pollard: less than two thirds of the membership. But there is no reference to the Senate. Final vote in the House of Representative. There is no reference to the Senate, I think that the Senate should be involved in that main proposal.

Hen V H Courtenay: May I ask you one question?

Pollard: You state that an amendment to the Constitution is being proposed ...

Courtenay: The suggestion here then is two thirds majority must have in the House of Representatives.

Pollard: But that is only an assumption, it does not have any reference to the Senate here.

Courtenay: You personally think

Pollard: I am requesting that three quarters. I am making a claim. I think that the principle should be drawn in mind here for Chairmen, that when the Constitution is written for anybody not the present holder of power should be borne in mind but the teacher: therefore at present time it just happens by coincidence that the Government has a two-third majority in the House of Representatives, there is the present sub-
.....mission, so that the principle of justice shall not only be done it must be seen to be done, some thing must go for our constitution and it would appear my people interpret it that this is being written for the present government situation. I am not saying it is so.

Rogers: I wonder why you say so, when all constitutions seems to provide two thirds.

Pollard: Is it two-thirds then?

Courtenay: Most of it.

Rogers: This is entrenched the other one is deeply entrenched.

Pollard: That it is part of the vote to interfere with human rights for example which is just one principle of an entire constitution. How much more important it is to tamper with the constitution if not.

Courtenay: This is part of the constitution.

Pollard: Because what it is saying you are giving the House two-thirds part to tamper with the constitution.

Rogers: Which is now United States constitution for instance, two-thirds majority.

Pollard: Yes, I won't deliver that. 59. I have a note here for 50(b) (c). Any regards to the provision relating to human rights and fundamental freedom, the House of Representatives and the Judiciary, no amendment shall be made to the constitution unless 90 days have elapsed between the presentation of a Bill and its second reading in the House of Representatives and the Bill is approved in the House of Representatives by a final vote of no less than three quarters of membership. I have a note here which I don't need to discuss at this time with you all. I propose to come back at a later date.

Courtenay: It would be more urgent ...

Pollard: But, I have a note here, but I have not gone into it sufficiently of this entire thing to believe. I wouldn't like to argue the point now I would like to believe it entirely.

- Rogers: This is why I question ...through the Governor-General that is seems too democratic to me.
- Pollard: Well, you can put it into practice and it can always be over-ridden. I think you mention sir, a historical precedent when the White Russians Juan Revolution in Russia, the Reds took over after the White's the house, the Reds supported the Revolution and turned it into what you say White Russia might have gone just if they had fallen a democracy. But apparently it wasn't down power in the house and the Reds turn over. Anyhow as it mentions in one of the other parts. Yes, On 16 No. 60. I question this, the phrase "when a Bill is presented to Governor-General for assent, what would be the whole assent, what happens if he just falls the assent, the Constitution I think there should be a provision for where the Governor will make the whole assent.
- Rogers: Isn't that stylistic, he shall say his part what's his offence or that he may go with them.
- Pollard: Yes, but there is no permission for what happens if he holds it, again it comes back in the ...
- Rogers: It's not a law...
- Pollard: But there should be acquisition to authorize that in the whole thing which is the .. this is the equivalent to the veto, I guess and he should be over-ridden.
- Courtenay: Yes.
- Pollard: There should be a provision there for the overriding of that withholding of the true democracy.
- Rogers: The proposal is that there should be provision for over-riding. Page 20 No. 75 The Judiciary, Again I come to the point, The Chief Justice shall be appointed by the Governor-General on the advice of the Prime Minister. I strongly oppose that. On the advice of the Belize Advisory Council.
- Rogers: On the advice of the Belize Advisory Council.
- Pollard: I don't think any Judge should be put choice of a Prime Minister, a Judge should be very, very independent. The U.S. President appoints the Chief Justice but he is subject to Are they subject to confirmation by the Congress?
- Rogers: By the Congress, yes.
- Pollard: The Provision passed on to us is that firstly they try me on advice of my appointment, from there you become anybody, he can run all over the place and be ... I suggest the Belize Advisory Council.
- Pollard: Yes. I note in support of my suggestion at 75 but nobody supported that... No. 79 Court of Appeal Again the same principle the last sentence on the advice of the Belize Advisory Council same thing sir.
- Rogers: Yes.
- Pollard: Same thing again at 83, The Director of Public Prosecutions, same principle, The Belize Advisory Council. 85, Public Service Commission down to the last sentence, the Permanent Secretary,

- Rogers: This is why I question ...through the Governor-General that is seems too democratic to me.
- Pollard: Well, you can put it into practice and it can always be over-ridden. I think you mention sir, a historical precedent when the White Russians Juan Revolution in Russia, the Reds took over after the White's the house, the Reds supported the Revolution and turned it into what you say White Russia might have gone just if they had fallen a democracy. But apparently it wasn't then power in the house and the Reds turn over. Anyhow as it mentions in one of the other parts. Yes, On 16 No. 60. I question this, the phrase "when a Bill is presented to Governor-General for assent, what would be the whole assent, what happens if he just falls the assent, the Constitution I think there should be a provision for where the Governor will make the whole assent.
- Rogers: Isn't that stylistic, he shall say his part what's his offence or that he may go with them.
- Pollard: Yes, but there is no permission for what happens if he holds it, again it comes back in the ...
- Rogers: It's not a law...
- Pollard: But there should be acquisition to authorize that in the whole thing which is the .. this is the equivalent to the veto, I guess and he should be over-ridden.
- Courtenay: Yes.
- Pollard: There should be a provision there for the overruling of that withholding of the true democracy.
- Rogers: The proposal is that there should be provision for over-riding. Page 20 No. 75 The Judiciary, Again I come to the point, The Chief Justice shall be appointed by the Governor-General on the advice of the Prime Minister. I strongly oppose that. On the advice of the Belize Advisory Council.
- Rogers: On the advice of the Belize Advisory Council.
- Pollard: I don't think any Judge should be put choice of a Prime Minister, a Judge should be very, very independent. The U.S. President appoints the Chief Justice but he is subject to Are they subject to confirmation by the Congress?
- Rogers: By the Congress, yes.
- Pollard: The Provision passed on to us is that firstly they try me on advice of my appointment, from there you become anybody, he can run all over the place and be ... I suggest the Belize Advisory Council.
- Pollard: Yes. I note in support of my suggestion at 75 but nobody supported that... No. 79 Court of Appeal Again the same principle the last sentence on the advice of the Belize Advisory Council same thing sir.
- Rogers: Yes.
- Pollard: Same thing again at 83, The Director of Public Prosecutions, same principle, The Belize Advisory Council. 85, Public Service Commission down to the last sentence, the Permanent Secretary,

Pollard: Establishment shall be the Secretary to the Public Service Commission I think a question of choice is worth there, I don't see how Establishment can be its Secretary.

Rogers: It is the Permanent Secretary who will be the Secretary.

Pollard: I'm sorry, maybe it should be that way. Anyone would read that they would not understand it. 86, Again the sentence, Except for ex-officio members, the Chairman and the members of the Public Services Commission shall be appointed by the Governor-General on the advice of the Belize Advisory Council. 89. Same principle again, The Prime Minister appoints for the Belize Advisory Council. Page 24 No. 94 The Consolidated Revenue Funds.

Rogers: Yes.

Pollard: Page 24 No. 94. The Minister responsible etc. its a very minute point - I'm not sure, I don't know, I'll ask the question whether the word expenditure, should it not be outlays.

Rogers: The word is expenditures.

Pollard: Again No. 95 page 25 The second to the last line. The word should be unforeseen. Again No. 97 The Auditor General. He shall be appointed by Governor-General on the advice of the Belize Advisory Council. That is all in regards to the Constitution as it has been laid out so far, but I have an ever all suggestion to make, I suggest this should be added to the White Paper it should be included in terms of the Constitution of the Bishop requiring, this is very important "Acquisition requiring a referendum for Belize to join a federation of other states or to comprise its sovereignty or territorial integrity in any form what-so-ever". And I here envision an agreement on the matter of Guatemala, this is an immediate objective that if any solution comes about is should be rehearsed before or after Independence.

Rogers: I think that in the White Paper it says After Independence.

Pollard: Yes.

Rogers: We have been passing advertisements before the House by Government members any solution regarding such a situation, would have to be...

Pollard: A situation could arise there and affect the sovereignty.

Musa: Not necessarily so.

Pollard: In answer to Mr Musa, not necessarily so, not because it does or necessary affects the territory, you might be intact, totally intact and totally sovereign but you might opt to join a federation of other states.

Rogers: What we are saying is that a Resolution has already been passed by the House saying that if there were a solution that involves anyway territory from Belize...

Rogers:

Musa: Certainly

Pollard: That is all for this morning sir.

Rogers: Let me thank you on behalf of this Committee for your contribution.

Pollard: Thank you very much sir.

Rogers: The next person... Tell us your name?

Frankson: Alexander Frankson, Sir.

Rogers: Alexander Frankson

Frankson: Like the last person this morning who wasn't born here but who is now a citizen.

Rogers: You are appearing as a citizen?

Frankson: Appearing as a citizen, yes.

Rogers: Address?

Frankson: 3 St. Luke Street, Belize City

Rogers: Yes, Mr. Frankson

Frankson: One or two general observations I should like to make, but first of all I think I generally agree with the provisions of the draft constitution. I think they are excellently done and if the they should provide this country with a Constitutional framework as we would all like to see. There are just one or two small points, comments I should like to make. First of all in the

One of the main concern the people all over the world now, is with the environment, it's not an issue that has appeared in the Constitution's either, because it has never been a matter of concern that it is today and perhaps our country can make some new grounds here, perhaps it might be the first constitution anywhere that makes such a provision but I am suggesting that Page 2 The Constitution should comment with Section (c) require policies of state which protect and safeguard the unity, freedom, sovereignty and territorial integrity (6) I suggest the addition of a benediction phrase of required qualities of state which protect the environment.

Rogers: For the protection of the environment.

Frankson: For the protection of the environment. The next point I should like to propose is in regard to the Executive, the Cabinet, it is here stated that The Cabinet shall Section 10 The Cabinet shall be collectively responsible to the National Assembly, now the principle of collective responsibility has existed up in no other section, if it is trying in the Constitution certain implications arise out of it. One of these implications is that the Cabinet should not constitute a majority of the House, not in the matter where England doesn't arise because if it has to be a very large Cabinet that would have more than a half of the 630 members of the House of Commons, but here the situation could very well arise where the main Cabinet constituted more than a half of the membership of the House and if members of the Cabinet of collectively responsible it means whenever an issue comes before the House they must go together and automatically therefore they would control the House unless there were a minority there so the provision I am suggesting is that in regard to the Cabinet is that its membership should not constitute a majority of the membership of the House. Otherwise leave the House as you say, as you said in the last discussion becomes a mere over staff, since what ever comes down from Cabinet will be automatically supported

Frankson: ...in the House. ...numbers be increased in the National Assembly...

Rogers: There is a provision in this paper for an increase of the ...

Frankson: Right I saw that, Yes well even then, it occurred to me that maybe this was one of the advantages of having a bigger House, but until then this provision might well be used, but even when you have 29 members you could conceivably have a Cabinet of 15, 16 it could be more than that, a half of the House collectively responsible and therefore bound to vote together and therefore nominating the House and not subject to it.

Rogers: At the same time you would like to change the

Frankson: Oh, I do, I agree with the principle of collective responsibility but I think certain implications arise out of it. Next point, Section 32, Permanent Secretaries, the Office of Permanent Secretary shall be a public office, I agree hardly, that we want draft Constitution for those we didn't regard to the Civil Service and the Permanent Secretaries in that their appointment should be not come under the curfew of the Public Service Commission but should be right to the Prime Minister. The suggestion I am going to make now is not necessary, a Constitutional one but a general observation that while Permanent Secretaries should be appointed by the Prime Minister, the Prime Minister should be free to select them from outside of the Civil Service, under our system of Government it is very difficult for Government to task the abilities in the general public. In any means of defence that Government can reach out draw all those villages that have not come through that room, and get all of it fixed up.....

There are brilliant people outside who could be brought in to assist the Government and become good Permanent Secretaries or anyone of those outside could work with the Civil Service together and therefore

.....

The Belize Advisory Council, it seems to me that the Council here, or those are what we would call British Council, the only comment I would like to make Sir, is that the title, I wonder if you could consider calling it the Belize Council of State. The authorities should be exercised by the peoples elected representative not by any ... Advisory Council and I therefore disagree with what I heard said before so I disagree with the suggestion that Governor-General under our system of Government to have a , the Queen should not be so easily since its a parliament, she has highly executive and put it under the other executives system by the peoples representatives, thirdly If I may continue the same place on the question of money views, money views can only arise in elective representative meeting because they are far more important from the kinds of Bills from the House, and have very wide implications and therefore should be a responsibility of the peoples elected representative and that could only arise within in the first place the House and not in the Senate, no taxation, nor representation are expected of their principle must come within the House, or in the House not in the

Frankson: Senate. The House of Representatives, is one that I would like to suggest in terms of other Commonwealth Constitutions or so a member crosses the floor of the of the House should have his seat declared vacant. Every membership who meets in the House and a member of the Government, changes his position, crosses the floor and joins the opposition he may be his action, bring down the whole Government I don't think he should be free to do this without people passing judgment on his action and I think that he does and his seat be vacated and should be provided for in the Representation of the People Ordinance. That was the only suggestion I would like to make.

Rogers: Any questions from the members of the Committee?

Frankson: I would like to ask a question. I don't know if there will be Independence or not, I wonder whether there will be a trend in determining the type of the Revolution, perhaps a creation of Belize looking about at the present circumstances, I wonder if you have of it. Well, I didn't see anything else, it didn't excite my upcoming problem, I accept that I thought that the number of people representing might be very small in certain areas. And that it may make a top heavy provision in terms of the size of the country, but then if that would be possible then I rejected that with the population so widespread there are territorial democratic and that therefore maybe we will be numbered out of proportion.

Rogers: You are aware, Mr Frankson that some Constitutions limit to the office of the census, and the periods of which census is the new indignation takes place according to that, this White Paper is provided for registered far. Do you have any comments on this?

Frankson: What section are we dealing with there?

Rogers: We are dealing with No. 41 at the bottom, "Thereafter the number of elected members of the House of Representatives shall be determined by the Elections and Boundaries Commission constituted under so ... on so on, so on, dividing the country from time to time, into constituencies in a manner which will ensure that each elected member shall represent a constituency comprising no less than 2,000 registered voters and no more than 3,000 until the number of elected members of the House of Representatives reaches twenty-nine. The Electoral Commission could not go beyond that, if the need arises we will have to test that by resolution. The next alternative of what should be the Census, the result of the Census taking into account that the increase in population and the Electoral and Government account You never exercise your mind on that.

Frankson: No, I did not, I did not, I didn't see anything wrong with this ... what is provided here

ROGERS: in fact I think it is very..... This does not provide for the Census to increase which is to go beyond it's plans.

FRANKSON: I don't see anything wrong with that, as I say I'm an act of representation of democracy, the Senate is a nominational one, the House, where the people are elected is the House of Representatives. I don't think numerical balance.

ROGERS: I don't think it's necessary.

FRANKSON: Yes, I don't think it's necessary, it's necessary that there should be numerical balance would be too obvious. All it means in a sense, is that I know Council of Elders and any size, there could be a small size in terms of attendance, and so on. I don't think it should represent, it should be moving back the number of people in the House of Representatives.

ROGERS: Sir, we have to move the Bills of that desk. Well we present the Bill to Mr Frankson to let the record show that this committee extends his thanks to Mr Frankson for his clear statement before we.

FRANKSON: Thank you very much.

---oOo---

ROGERS: In the meantime we will collect a list of names so that this will have again two people. Will you look after that Mr Tech? What's your name?

RAMIREZ: Oscar F Ramirez.

ROGERS: Address?

RAMIREZ: 25 Xut Avenue.

ROGERS: Yes Mr Ramirez, don't be afraid to comment on the White Paper.

RAMIREZ: I'm afraid for what I have to say.....

ROGERS: Whom are you representing?

RAMIREZ: Myself Sir.

ROGERS: Don't be afraid then.

RAMIREZ: I'm afraid for what I have to say, since the Constitution will effect each and everyone in this country. I still feel that it could be more meaningful if a commission was set up by members of the House, Representatives from the Bar Association and the Chamber of Commerce. I think such a quorum would have been able to gather more broad spectrum of the community. So some of the that I would like to bring out this morning about the White Paper or paragraph 18. I sincerely feel that the Governor-General who will be serving on the pleasure of the Queen, should be appointed after consultation with the Prime Minister and also the Leader of Opposition. I want to say that Belizeans would like to see a permanent Governor-General, many will recall in early history of Jamaica..... a person that would not change whenever Government changes, many will recall in early history of Jamaica, Sir Clifford Campbell functioned under both parties of Jamaica. If a Governor-General be appointed after consultation with the Prime Minister and the Leader of Opposition then that Governor-General should begin to function under any party that governs the Government. Another point I would like to raise, is that the Cabinet at 18, the White Paper does not refer to what should be the size of the Cabinet. However under our present performance, it would be a very good idea if the size of the Cabinet would

be embodied in the Constitution and I would suggest that Cabinet should never be one. The Cabinet should never be more than one-third of the membership of the House and at no time should it be more than two from the Senate.

ROGERS: Any reasons?

RAMIREZ: The reason here is that at the present moment we have a Cabinet that is two-thirds of the House and this is a matter of democracy because rather than the House controlling the Cabinet, the Cabinet controls the House. This should be avoided in the new Constitution.

ROGERS: We have your proposal.

RAMIREZ: Paragraph 28, I believe paragraph 28 should be struck out. Capable Ministers and capable Permanent Secretaries and capable staff should be able to run the Ministry without Deputy Minister.

ROGERS: We propose that there is no definite.....

RAMIREZ: No, just the word Permanent Secretaries, and qualified Ministers should be able to run the department. Paragraph 33, the Belize Advisory Council. This will be advise that will be for a period of ten years and here again it will have a lot of important things to do. I consider this as the Council be appointed as follows 2/3 on the advice of the Prime Minister and 1/3 on the advice of the Leader of the Opposition. Paragraph 41. Again the composition of the House should be enshrined in the Constitution and not with the Election and Boundaries Commission. Each House member should be able to represent about 10,000 people in the future. Population census's would be taken by Electoral Divisions. Based on the final census, figures, the division boundaries would be adjusted to reflect an even definition of citizens. The current system would operate until the population of the country exceeds One Hundred and Eighty Thousand. In other words, we would use the present system, but after the country has reached over a Hundred and Eighty Thousand then we can look for additional members for the House, or increase the House membership. At this page, the Paper says about a minimum of 2,000 and a maximum of 3,000 but that's too much of a major figure. If we realize that the United States has about Two Hundred and Forty Million people and the House has Four Hundred and Thirty Five members, Jamaica has about Two Million people and just about Fifty-Seven House members, we can see that representation just for about Two or Three Thousand people is too much of a meagre figure eventually leading to.....

ROGERS: Are you by any change may be able to give up living up by the Coast Island..... small population.

RAMIREZ: Well, I know from the West Indies, but as I said 19 and 21%.

ROGERS: All the proposals have been set down here.

RAMIREZ: Paragraph 43, I don't think that 18 year old's should be running for office and I would recommend that 18 be changed to 25.

Paragraph 51, Five should be appointed on the advice of the Prime Minister and Three on the advice of the Leader of the Opposition. I don't think the Governor-General should appoint Senators on its own discretion.

ROGERS: This is with the Belize Advisory Council, you are saying that that should be left to the leaders of the Party,

RAMIREZ: Paragraph 58. Paragraph 58 should be deleted. I think a Constitution should be only amended by a referendum.

ROGERS: That's not delete + hen, + hat is substitute.

RAMIREZ: Needless to say that today, quite a few countries their leaders have made themselves President for life and this wasn't negotiated in the House. And 58 should also be deleted, the House should give the final authority and not the Cabinet. The Cabinet should always be accompanied to the House and not vice-versa. Paragraph 59, the White Paper speaks about at least one sitting per annum. I think this is pretty inadequate and should read at least nine sittings. I got the impression that there is only 1 session.

ROGERS: There is only one relative session in all these days.

RAMIREZ: Really? O.K. I'll take back what I said earlier.

ROGERS: We'll proceed.

RAMIREZ: Paragraph 75, and this is also a part of 76 and 79. I would suggest that a Chief Justice, Judge of the Court should be appointed on the advice of the Belize Advisory Council on the Public Service Commission. That applies for 83.

ROGERS: Yes Mr Ramirez.

RAMIREZ: The Auditor General should also be appointed on the advice of the Public Service Commission and not on the advice of the Premier. That's all.

---oOo---

ROGERS: Any questions members of the committee to Mr Ramirez? There is no questions the committee can make for you. I have on this paper the next person, Mr Rudolph Stevens. We know your name Mr Rudolph Stevens. Address?

STEVENS: 75-78 Partridge Street, Belize City. I am appearing for Marshall of the People's United Party.

ROGERS: Yes Mr Stevens.

STEVENS: On the 15th of February at a Convention, we the Marshalls have supported the White Paper with a, not a resolution, but with a Statement. You want me to read it? One thing I would like to add on to it is our Belizean Flag, National Anthem, a pledge in School, a National Prayer. Apart from that we do support it and recommend it very much.

ROGERS: The Select Committee that considers the White Paper for proposal on Constitution for an Independent Belize with the Belize Government with difficult circumstances the Self-Government Constitution. This Constitution was not meant to last for 17 years. What should have been done is the economic and social development of Belize using the Manifesto of that Government. It is time for erasing the dark nights of an inadequate Constitution to a better day.

STEVENS: No power in the world if you want to be free, to preserve Belize with it's Independent, Independence is good but, this White Paper is a modern document because it is right to gain any association or Credit Union of their to join Woman and Man Marshall of Belize City recommend to the White Paper. We believe that whenever conference calls for Independence, there will be no turning back. Independence is coming this year and that will be one with Belize

its possession and all its plans. And our Independence..... also I would like to add to the White Paper : (1) Our Belizean Flag; (2) National Anthem; (3) A Pledge; (4) Our National Prayer. We would like to see our Belizean Flag lying in all the Schools, which is Junior Secondary School, Sixth Forms, Colleges, Primary, Kindergarden, Private. We want the children and teachers and other citizens to respect our flag. Whenever the National Anthem is being played, everyone should stand up and stand to attention. Devotions in school, the children should pledge these words: I pledge.....

The Motion in the schools, the children should pledge in these words:

'I pledge allegiance to my country and to uplift the dignity of my country and to respect those in authority. The Marshall whole-heartedly support the same. These steps were taken at a meeting at our temporary office on Queen Street: A vote of confidence. At this meeting we decided to make a statement and hand it to the Select Committee on the White Paper. We are asking branches of the People's United Party to support the White Paper for a proposed constitution for Independent Belize. Finally, let us also remember that by ourselves we are small and helpless, but in community and in unity we are strong. In a community of nations such as the Caribbean Community we grow stronger. We are strongest when we walk the paths of righteous and when our confidence in the fear of God and our hope integrity of our ways. Signed by Rudolph Stevens, Lue Martin, Lorenzo Acosta and a number of others here George Neal etc. etc.

ROGERS: This will be entered in the record as submitted by Mr Rudolph Stevens on behalf of the Men's Marshall. The Committee wish to thank Mr Stevens.

---oOo---

ROGERS: Your name is Mr Ismael Goldson?

GOLDSON: Yes Sir.

ROGERS: Your address?

GOLDSON: 3899 St Martin de Porres.

ROGERS: And you appear?

GOLDSON: On behalf of the Executive Officer of the Collat Division, People's United Party?

ROGERS: Yes Mr Goldson?

GOLDSON: We, the Committee, have decided along with financial Members to support Government's White Paper strongly with a few amendments which I will submit to the Chairman.

ROGERS: Mr Goldson, on behalf of the Collat Division of the People's United Party, submitted to the special convention of the People's United Party held in Belmopan, this was February 15, 1981, to be submitted to the Joint Select Committee to be included in the proposed terms of a Constitution for an Independent Belize :

1. Any Belizean voluntarily enlisting into the Arm Forces of any foreign country, other than countries belonging to the Third World Nations, automatically loses his or her citizenship as a Belizean.
2. A standard size Belizean Flag should always be publicly and properly displayed at all public gathering or meeting; and also in all courts of

law and schools, whether they be Kindergarten, Private, Primary, Junior Secondary, Vocational or Secondary throughout the country. Anyone or any organization failing to comply commits a crime against the State which act would be punishable.

3. That on the playing or singing of our Belizean National Anthem, all able bodied person should automatically stand to attention, and remain quiet until the completion of the said anthem. Anyone failing to comply commits a crime against the State which act would be punishable.

4. All foreigners entering Belize, whether by land, sea or air, should be permitted to enter with a valid passport of their country of origin and not with just a Birth Paper or Driving Permit.

5. That the pledge mentioned below, should be taught to all students of school age, and should be recited by heart daily, with his or her right hand raised waist-high, immediately after the morning devotion.

PLEDGE: "I pledge allegiance to my flag, and to my country Belize, here in Central America, and that with my help, it may remain one nation with Freedom, Justice and equality for all. So help me God".

Signed by a number of people.

V R

COURTENAY: Are there any question of Mr Goldson? You have a list of names here Mr Goldson. How were this long list of names secured?

GOLDSON: Well, the Executive Committee had arranged a meeting at Free Gardeners Hall in which the White Paper was discussed by the Honourable Attorney General to the people and with their agreement, after the White Paper was discussed by the Attorney General and Minister of State they decided to circulate a list wherein they asked the people to sign it in support of the White Paper.

ROGERS: Mr Goldson, I have a question. It is in order to understand you thoroughly. In the White Paper there is provision that a citizen belongs to the army of any other country that this should disqualify him? Let me be sure. The point that I want to make clear from you, your proposal, the proposal of the Collect Division is that other than a Third World Nation, in other words, he can belong to any other armed forces. I just want to make that clear. Is that what you really mean by that?

GOLDSON: That's right, the Third World Countries that supported Belize at the United Nations and we have decided to embody them.

ROGERS: There were a number of countries that supported Belize. The very country you might be thinking of could become a Third World country tomorrow as far as that is concerned, and I don't think that's what they want. You are saying that Belize, that they belong to Belize for example.

COURTENAY: It remains for me to thank all the members of the Collect Division for your clear statement. I think the proposals is better. You better say what you want to say, just for an example.

ROGERS: Well it's not in here in the records and that is sufficient.

---oOo---

COURTENAY: The next person on the agenda is Mr Bill Lindo. Mr Lindo we have your name already, would you give us your address?

LINDO: No 4 North Front Street, Belize City, Belize.

COURTENAY: And would you state in which behalf you appear?

LINDO: Citizen Bill Lindo of Belize. Well two things to the chair. It's a resolution and we studied and examined Government's White Paper, the proposed terms of a Constitution for the Independent Belize, and, recognizing the need through social justice for a progressive document, one which will have to satisfy the needs of every Belizean man, woman and child, regardless of political beliefs and, recognizing also, that the present and past Governments of Belize have been consistent in preserving the principles of Christian Democracy and guaranteeing now the preservation of fundamental freedoms and Human Rights, regardless of race, place of origin, political opinions, colour, creed or sex, and on behalf of the people of the Pickett Division, be it resolved that the White Paper, the proposed terms of a Constitution for the Independent Belize be adopted at this historic occasion.

COURTENAY: There are a number of proposed amendments by Mr Lindo. It's a statement.

LINDO: To begin with my proposals are for the purpose of enlarging the freedoms granted to the individual. We in Belize are now in the unique position to do something our ancestors were unable to do. We now have the opportunity to make Belize a model Democracy for the world to envy - to find true freedom, to formulate a Constitution of Freedom. It is a wise move that the People's United Party is having a special convention to debate the "Proposed terms of a Constitution", for a constitution is not the act of a Government, but of a people constituting a Government, or as John Adams said, a constitution is a standard, a pillar, and a bond when it is understood, approved and beloved. But without this intelligence and attachment, it might as well be a kite or balloon, flying in the air". In other words, a constitution is a living thing not just words on paper. The people, all of them, must accept it, must cherish it, and that the people not Government is sovereign. For political freedom, generally speaking, means the right "to be a participator in Government", or it means nothing. As far as the "White Paper" is concerned, especially from pages 4 to 6 - the freedoms, there are limits to freedoms. Take (f) on page 4 for instance. It says no one shall be subject to arbitrary arrest or detention, but goes on to limit this by saying that a law can be made in the interest of defence, public safety, order, morality or health. In other words you are not protected against arbitrary arrest or detention but must rely on the Government consisting of "good" men to make just laws and then rely on "good" men to enforce them. Let us never forget that freedom is absolute, i.e. either you are free or you are not free. To say you are free to assemble peacefully as in (f) on page (5) and in the same paragraph limit it by saying that in the interest of defence, public safety, morality or health a law may be made to prohibit you from assembling peacefully. The worst case is the wish of Government to limit freedom of information and expression as in (i) on page 5. This paragraph gives everyone the right to express himself freely, to communicate ideas, freedom of the press and mass medium, but it takes it away by

giving Government the right to make a law for defence, public safety, public order, morality or health and for regulating telephones, telegraphs, posts, wireless broadcasts and television. Democracy assumes that we are all men of reason, intelligence and that we make decisions based on the information we received. Now how can a true democracy function if the only source of information we have is from the press, especially the kind of press we have in Belize which supports political parties and therefore give only the views they wish you to know. There is one radio station which is owned and controlled by Government. Therefore, it follows that views will only be Government's views. Democracy cannot truly function in such a climate. All of us have the right to read and hear what we desire even if it is foolishness for most of us. Under #7 (c) the legislature shall have the right to declare a public emergency and suspend all human rights and freedom if it feels that democratic institutions in Belize are threatened by subversion. This gives too much power to the legislature. For instance, you may have a small group of say 20 men or women who is seeking to overthrow the Government by acts of violence. Now what is to stop the legislature from declaring a state of emergency against 20 people when its real purpose is to rule by force and not answer to the people for its actions. By giving the Government (under the freedom) so much power as the "White Paper" does is to ask for trouble at a later date. For now we know that as long as George Price is in charge there won't be any abuse of these vast powers, but what about after George Price, we don't know who will be in charge then and if he or she will be a "good man". No. The best Government is no Government. But because human nature being what it is, we do need Government, but "Mild Government" or limited Government because power tends to corrupt men. Under a mild or limited Government, freedom will flourish in Belize and with our abundant land resources, agricultural production can provide the basis of our happiness which will ensure that the freedoms we have now founded will last not just for our life-time but also for future generations. I would also like to see section 94 amended to include a provision to require a balanced budget each fiscal year except in an emergency such as war. This is to ensure that Government does not create inflation which is a danger to all of us. There is a misleading sentence in section 98, concerning the dismissal of the Auditor General. It is my wish that we take this once in a life-time opportunity and do something noble for mankind by creating a constitution of freedom that have been missed by many previous revolutions, from the French to the Nicaraguan. They all started out to find freedom and got sidetrack by trying to solve the problem of happiness. We here in Belize have like the Americans of 1776 have been given an opportunity to constitute freedom on the Central American mainland and need not be diverted by the problem of happiness - poverty, because the U.S. Government have done much to get rid of that age old problem here in Belize.

COURTENAY: And this is from Mr Lindo. Any questions of Mr Lindo?

S. MUSA: I wanted to ask Mr Lindo this question: The person who is let's say, privileged as Security Officer to a Minister of Government

should be free to communicate that information to members of the public?

LINDO: But you see the law is very vague and if the law would be more specific then you would have no objections to it.

MUSA: But if the constitution should be a practical constitution to spell out in detail everything.....

LINDO: Not everything but.....

MUSA: Would you like to see people have the right to publish comics for children with a lot of nude pictures?

LINDO: That's pornography. That's morality. It's not for me to judge people's morality.

MUSA: What I am saying is that in the constitution.....

LINDO: Things like that yes, but I am afraid that it might be used for other matters.

ROGERS: by slander because other people have freedom too, you know there is a good example of how liberty and freedom, it's not absolute. If we are in a boat and you are sitting down or standing up over a spot you don't have to have freedom to drill a hole in that boat. Because if you sit down over a spot you say you own that spot where you sit down. And if you bore that hole in there that means that all of us are going down. The analogy is that the collective freedom would be more important in the end.

LINDO: Well, you see what I say is that we are all human beings and power comes from the people, without one group getting together you don't have no power. And once a group get together and give you the power you become representative of the people who give you the power and after a while, we are human beings and we like the glory and that's what makes it interesting, human life power tend to corrupt so no Government is the best if you don't have no Government you will have anarchy, you will have anarchy which is worse than that. That even worse because that becomes an absolute. That worse than limited Government, but by limited Government I mean not too much regulations to regulate.....

ROGERS: You could use 'mild' Government.

LINDO: Yes, well 'mild' Government, the American revolutionary thing.....

ROGERS: You see Mr Lindo, whenever people speak of no Government they mean that you have a federal Government where you pass the power to the State Government in a different set up where a country is bigger and that's why I understand the people.....

LINDO: Yes, yes that.....

ROGERS: We don't want a federal Government because the state Government which is also elected by that particular state and so the question is never what an absolute is. I mean you have to organize society, if not we get like the animals and to organize society it's to find out the will of the people and in a representative democracy those representatives have delegated powers for that period of time, after that you hold them to account and say let's us see if you did a good job. You did a bad job you can't be back there again, or if you have things in chaos, you have lack of confidence before the period end you finish

anyhow. That is the whole basis of which the Democratic base on. You must have Government, you must have projects, even your idea of balancing the budget that's because you will ask your representatives to do this, they will determine budget. You either have one system or not and this is the system we have. You have a question?

F. MAXIN: I just want to find out from Mr Lindo that this White Paper is under the monarchical system and the form of Government is unitary state as against a federal state so it is not consistent to quote those terms.

LINDO: No, I only put that in the interest of freedom because I want more freedom

(interruption)

ROGERS: Order, Order.

COURTMAY: Particularly about the reservation, there is a statement of broad freedom, arbitrary freedom and then there is a sanction, a check if you may call it that if a law violates the constitution the have been should be expressed and does not fall under one of these exceptions. So in other words the only limitations that can be made up of any freedom are those that are specifically put here. Now in other words the situation which you contemplate that we take one of the exceptions and we use it for nefarious purposes. That situation could be checked by any citizen who goes before the Supreme Court and says: now this freedom has been violated by a piece of law in a way which was not contemplated by the constitution. Now that is the check that the White Paper provides right? and the question that I want to put to you - don't you feel safe if the courts are to remain impartial?

LINDO: Well, yes.

ROGERS: Thank you, Mr Lindo.

---oGo---

ROGERS: Mr Doyle Prince, we know your name. Could you give us your address.

PRINCE: No 7 Water Lane.

ROGERS: Could you tell this Committee if you are representing a group?

PRINCE: Representing the Albert Division, People's United Party as Chairman. We make a submission under article 11 'citizenship'.

ROGERS: Mr Doyle Prince submitted this. This was through the Secretary and I will then read over and this is your submission: On behalf of the Albert Division of the People's United Party, the following observations on Article 11 under Citizenship contained in the White Paper are put forward for consideration at the special convention. "Of the new features set out in the White Paper we have some concern that rights of citizenship - a precious thing to us - shall not rashly be given to persons who are not borne Belizeans. Registration must be regarded as a privilege and we doubt whether for example, an illegal alien or an alien convicted of serious crimes should be registered as a citizen merely because he has been resident continuously in Belize five years immediately before independence day. Those five years may well have been spent in jail. We also doubt that a person who has been registered and who then abuses

the privilege of citizenship by conduct offensive to our way of life should be permitted to remain a citizen of Belize. In the United States of America, a naturalized citizen loses his nationality if he is convicted of serious crimes. We have in mind the drug peddlers, traffickers of smut, pornography, prostitution, gun runners, foreign agents and saboteurs as well as people convicted of murder, treason and other serious crimes. That kind we most certainly do not want and they should have no vote - no voice and no privilege in the new Belize. We hope that these concerns will be considered by the Joint Committee.

ROGERS: We thank you for your submission Mr Prince. Anything else?

PRINCE: Yes, in addition to that it is stated here a person who is married to a Belizean citizen can automatically become a Belizean citizen. What is the position if that person's character is so terrible, they are a liability to the community. Wouldn't that person lose his citizenship even though he is married to a Belizean?

COURTENAY: I think you are making a proposal there Mr Prince and I wonder whether that would be adequate for that purpose as well because a person who gets his nationality by being the spouse of another person will have to register, right? So that your proposition is also that a person have good behaviour or else runs the risk of losing his nationality, or getting it or losing it.

ROGERS: I feel that that would be covered as well because this contemplates registration. We understand your proposal and if there are no more questions then I have to thank you for your clear presentation. The next name is Mr Fred Moody. One moment Mr Prince, a member wish that you be recalled.

HUNTER: This is for the records.

MUSA: We would like to know what you think about the White Paper.

PRINCE: We undoubtedly support the White Paper.

ROGERS: Thank you Mr Prince.

---oOo---

ROGERS: Mr Moody, could you please come forward? Mr Moody, we have your name, could we please have your address?

MOODY: No 113 Cemetery Road.

ROGERS: And you appear before the Committee as a citizen?

MOODY: as a citizen.human imperfections and for that the paper has been turned open for the citizens to give their opinion. There is one point though which I would suggest and which I think should be included in the constitution and that is language. I think it should be included that English is the official language of Belize and continues to be the official language of Belize. The reason for that is because of our geographic location we are considered to be in Latin America where Spanish is the overwhelming and over-riding language of the people, and it might be said again that since we are divorcing ourselves from Britain we are only using English because we were once dominated by the Crown. And if you look at the census statistics you will see where the Latin population is growing faster than what you call the English and Creole speaking population. And it might reach the time when certain parents

might want to say, well don't teach my children English in school, I want them to talk Spanish. But if it is written in the constitution that English is the official language then there could be no doubt. We can see what is happening today in Canada where the French citizenry want to treat themselves as separate, as French. They don't want to speak English, they don't want to even talk it in school. A similar incident took place in Panama some time ago where, because of American influence and West Indian influence, English was becoming the nominal factor and pressure has had to be used whereby it was declared that Spanish is the official language of Panama. These are my humble submissions.

ROGERS: Thank you for your contributions Mr Moody. Any questions?

HUNTER: I want to bring to the attention of Mr Moody that just this morning it was suggested that Spanish should be the official language, or that it should be one of the official languages.

MOODY: I believe that Spanish should be taught in school. I believe that it should be part of the curriculum, but to have two languages would present a lot of problems. It's getting to be expensive. It's happening in the United States today. Because the United States Government is trying to satisfy the Puerto Rican population instead of insisting that since they have come to live in the United States, they should mark time. In other words, Mohammed should try to get to the mountain instead of trying to get the mountain to come to him. I do feel that Spanish should be a part of the curriculum at every school and every child born in Belize should know to speak both English and Spanish.

HUNTER: Mr Moody complimented the White Paper. Can we take it that you support it?

MOODY: In my humble way of doing things I never compliment anything I don't support.

---oOo---

ROGERS: We have another witness to appear, Mr Delvith Retreadge Sr.

RETRADGE: My address is No 3177 Supal Street, Belize City.

ROGERS: You are here as?

RETRADGE: I am here before this Committee on behalf of me and my family. I support the proposed constitution for the Independent Belize issued by the Government of Belize.

ROGERS: Mr Retreadge supports the White Paper.

RETRADGE: And also the Committee.

ROGERS: You select the Joint Select Committee. We have orders from the House. This Committee is acting under the authority of the National Assembly, constitutionally appointed to hear comments on the White Paper. So we wish to thank you for the expression of support so clear. Are there any other citizen who wish to comment on the White Paper? We thank all those who attended the sitting here today. Thank you very much.

---oOo---

COURTENAY: The Joint Select Committee of the National Assembly is called to order. I wish to say two things. First of all to repeat the fact that the authority of the Joint Select Committee emerges from the resolutions passed by the National Assembly, and the scope of its authority is limited

to hearing views on the White Paper. This Committee has no powers to deal with matters other than the constitutional proposals. By this I do not mean that if somebody wants to propose an addition that he may not do so. What I do mean is that we will not discuss other subjects. Secondly, I wish to bring to the attention of any members of the press who might be present what the laws of the National Assembly of Belize are. This is a meeting of a Committee of the National Assembly and the law says that no person shall publish any matter that takes place in any Committee of the National Assembly before that Committee has had the opportunity to report to the National Assembly. Anybody who violates that might find themselves in contempt of the National Assembly and may have to face that situation. I just explained the rules for the benefit of any member of the press who is not aware of it. And now we are open to hear the submissions of any person or persons or organizations who wish to come before us this afternoon. Nobody wants to come forward. Is there any person or persons who wish to make submissions? Well, since there are no such persons we are adjourning the sitting of this committee, Belize City for today. We will meet once again in Belize City on Saturday morning at 9:00.

---oOo---

Fifth Meeting of the Joint Select Committee appointed to examine, consider and report on the White Paper - Proposed Terms of a Constitution for the Independent Belize, held in Belize City on Saturday, 21 February 1981.

VERBATIM - 9.00 a.m.

Chairman

The Committee is authorised by resolution passed in the House and Senate of the National Assembly and directed this Committee to canvass the opinions of the Belizean people before presenting its final report to the National Assembly. I wish to call to order the meeting of the Joint Select Committee of the National Assembly. I would wish once again to repeat the fact that this, these proceedings of the National Assembly, and as such the rules, the Standing Orders of the National Assembly apply to all proceedings. This means two things of significance firstly, that our terms of reference, our authority is limited to the resolution which was passed by the National Assembly and that resolution asked us to consider and to report on the White Paper tabled by the Government of Belize. We cannot go outside those parameters, so that submissions which relate to other matters are none of our concern. That's the first part so that I would like to invite those who wish to make submission, to limit their submissions to the White Paper as much as possible, or to any amendments or additions to it. Secondly, the rules of the House would like that the proceedings of a Committee of either of the House should remain, should not be published until the Committee has had an opportunity to report to the House. I think we understand the reason for it, the House appoints a Committee to report to it and it doesn't want bits and pieces of the proceedings of that Committee published until the House has had a chance to receive its report, thereafter you are totally free to publish anything. I have a list of persons wishing to come before us, and I call the first, Mr. Reginald Brooks.

HON. V.H. Courtenay:

Good morning, Mr. Brooks.

Mr. R. Brooks:

Morning.

Hon. V.H. Courtenay:

Where do you live, Mr. Brooks,

Mr. R. Brooks:

22 Dickson Street.

Hon. V.H. Courtenay:

And you appear as a private citizen or are you representing someone else?

Mr. R. Brooks:

Private citizen.

The White Paper preamble, I support the preamble in its entirety. Page 2 and 3 fully support it. Page 4 also, Page 5 also, Page 6 is O.K. and 7. Also Page 8. Page 9 paragraph 16, the third line that reads, by the Queen as her representative, I suggest that it be amended by the Queen of England. I am going to give you the reason because there are some people suggesting that this Constitution is not going to be within the Commonwealth and I said alright well I think it is going to be, well, I went through the White Paper I am not so certain that there is not another Queen somewhere else, in the world, and so I said the Queen of England will be appropriate in this particular case to make things straight. That's one observation.

Hon. V.H. Courtenay:

Thank you.

Mr. R. Brooks:

Page 9 paragraph 18. In relation to the Cabinet

Hon. V.H. Courtenay:

On the question of Commonwealth, I just talk to, for your information, I will draw your attention to paragraph 15 where we are trying to prove to people that intention is to remain within the Commonwealth.

Mr. R. Brooks:

I saw that.

Hon. V.H. Courtenay:

You say that, Citizens of the Commonwealth.

Mr. R. Brooks:

That committee was not really

Hon. V.H. Courtenay:

I understand I understand, but I was just

Mr. R. Brooks:

Paragraph 18 "The Cabinet shall be the principal instrument of policy with general direction and control of the Government of Belize and shall be collectively responsible to the National Assembly for all things done by or under the authority of any Minister in the execution of his office. It shall consist of the Prime Minister and such number of Ministers as may be appointed by the Governor-

General." The point I wish to bring to the attention of this Committee is that it says "and such number of Ministers" and I have an amendment to that providing that such number not exceed the number of back benchers belonging to the ruling party in the House.

Hon. V.H. Courtenay:

Please, Sir, we wish you to comment on that.

Mr. R. Brooks:

The reason for having in the House of Representatives not more Ministers than back benchers in the same party is that the Ministers would be able to listen or be influenced by a majority of back benchers in the same party. At the same time, we would give the Government a balance to run their affairs without any fear from the opposition or anyone. Now if the Government needs additional Ministers to run the country to govern the country which must be done, if it is necessary. Then I have suggestion that those Ministers should be drawn from the Senate and for that reason when it comes to the question of Legislature, you will be hearing what I have to propose in relation to the Senate. Now we go to Page No. 23. All the others are supported.

Hon. V. H. Courtenay:

Thank you. May I read it for you, Sir?

Mr. R. Brooks:

Yes Sir.

Hon. V.H. Courtenay:

If the House of Representatives passes a Motion declaring that it has no confidence in the Prime Minister, the Prime Minister shall either resign

Mr. R. Brooks:

Stop right there. Our present Constitution has something to effect as resign in three years, but if this particular Paper say we will have Independence although the resignation of a Prime Minister would be imperative once the motion is passed I think there should be some time allotted or fixed when to complete or finish or wind up in business. For that reason I would suggest, I am not fixing anything, but I would suggest that a time limit be fixed so that well, we must have sufficient time to wind up in business and if just in three days, I believe is not enough for that.

Hon. V.H. Courtenay:

I see.

Mr. R. Brooks:

Page 10 supported otherwise. Page 11 supported also. Page 12, I support it also. Page 13 paragraph 37.

The Legislature. House of Representatives

The House of Representatives shall consist of 35 seats as follows: Corozal, Orange Walk, Stann Creek and Toledo Districts, three seats each. Belize Rural North and South two seats each; Belize City Division, Freetown, Fort George, Albert and Collet Divisions three seats each. The Senate shall consist of 16 members, the Prime Minister shall name 9 Senators, the Leader of the Opposition shall name 4 Senators if there is more than one Opposition party in the House, the Opposition Party shall name two Senators each etc. In other words if you have three Opposition parties, then the division of those parties may be left to the Governor-General to decide how they shall be divided.

Hon. V.H. Courtenay:

But they'll have four seats.

Mr. R. Brooks:

They'll have four seats.

Hon. V.H. Courtenay:

Three members left.

Mr. R. Brooks:

Yes, the union of Christian Churches shall name two Senators and the Governor-General shall name one Senator. The 16 Senators however shall be appointed by the Governor-General, now, I want to make one point on the Senators in relation to their status in the Senate, removal from the Senate, was far as removal from the is concerned and if the Senator once appointed to the Senate shall have the same status as an elected member of the House of Representative and can only be removed from the Senate by similar means applicable for members of the House of Representatives. I wish to make a little comment on that part, as speaking from my own experience, we have, let us say, talking in the extreme, the Leader of the Opposition or the Prime Minister can remove a Senator from the House in less than 48 hours, and the Governor can not, or may not, even question the reasons why, under the present Constitution that we have now and although we have not reached face to face with such a problem we cannot tell what the future may bring in relation to the Government, let us say today but twenty years from today maybe up to the Eighteen Thousand.

And if you get, if you have a Senator that has a big stick over his head, he may not be able to resist or stand up to his conviction and he may be yielding to pressure and may do things that he wouldn't do otherwise and I can give you one example in my opinion and I am talking from my experience, it may well be that's why we do not have a whole representative of this same committee sitting here today because no Senator wouldn't dare to venture accepting sitting on the Committee and risking losing his seat in the National Assembly. And so that is the point I wanted to put out. Now, just as how a Senator can be a member of the House once he is elected, if he is even placed as a Minister he could be removed as a Minister but he cannot be removed from the House and that is the point I wish to bring, that when appointed a Senator the Prime Minister and the Leader of the Opposition should make up their minds as to who they can trust and in this particular case the trouble is not generally with the ruling party. The trouble, the ruling party generally, both parties have the big stick but one of the parties generally hold the big stick in his hand, both of them have it, one hold it in their hand all the while, and that's the difference so I am suggesting that when the Senator is appointed, once he is appointed he must be remain by similar means that is through the Law Post Committee on that sort of business.

Hon. V.H. Courtenay:

Let me just understand one thing, you are contemplating however, that he is appointed for one term.

Mr. R. Brooks:

Yes, one term. He'd have to be re-appointed again. Now in relation to the 16 Senators up to the Senate now, if you have in this case 18 members of the House to form the Government in this particular proposition. Well you have 18-17, let us assume that the ruling party would need 14 Ministers to run the country, now this proposition is that the Government should only have, not more than 9 from the House of Representatives, and other five should come from the Senate; now that is to safe-guard against when you have more Ministers than back benchers you have the Ministers generally influence the House and the Government is really not stable, if you have well, it hasn't happened yet because I am seeing things not going too bad, but it can happen, and that is what I am providing.

Hon. V.H. Courtenay:

I think as Parliamentarians, we understand what you
But, your understanding of back benchers include Members
of Representatives.

Mr. R. Brooks:

Yes, Members of Representatives.

No, no. Back benchers I am referring in

I don't know if there is any elementary making for
treason, that isif that is not in the then
I would not introduce what I wanted to point out for you
that in our Constitution that we are preparing we have
to makeThe question of treason, I have point that
the observation of the Constitution should not happen,
by no means can amend it, I am referring directly to
approve. You see we have to see a little distance left,
we have to assume and have something to the effect
Now to aggravate the Constitution as happened in some
countries that who takes place in the Commander of Arm
Forces consider it and plan, and we are coming into a
situation where we cannot believe that the same thinking
of mind may not be in that direction and before the
seeds are sown provision should be made to safeguard
against such thing. I don't know if it will be done in
acting Legislation or by Constitutional means but you
are the wizards in this thing and you must decide. But
as just to point it out so that you can have in mind what
is in mind.

The next thing is the question of subversion of our country.
I'm only commenting, I am not discussing it and for many
of you subversion of our country by our listening agencies
our local CAE let us call it Belmopan Intelligence
Services and so on. That is to defend ourwe have
people from abroad coming in residents in here we may not
know who they are, we might be sympathetic to some of them
but then you are not being sympathetic to them and you
don't know. Well, we must have some listening device to
ascertain when anything might be going wrong. That is
to our internal defence.

Hon. F.J. Marin:

Strong Intelligence.

Hon. V.H. Courtenay:

Citizen, I understand that point very well, the purpose
of preventing a complete observation of the Constitution.
I was just wondering whether you have any thoughts on
treason, now treason is not included

Mr. R. Brooks:

That is why I mention

Hon. V.H. Courtenay:

But we will now put that in our Criminal Code, because treason will be a crime.

But this part of treason if you have it in the Constitution it is binding on any Government that gets in there. It is a must. It demands it.

And you are thinking of use of military force.

Mr. R. Brooks:

The use of military force, yes.

And one final point in relation to election, now it is accepted that the majority of people voting in an election decide the winner in any particular constituency, I would suggest that the methods we have at present while we have practice that method for several years, now that we are going into Independence we must make sure that we truly represent the majority of the people in each particular case. Particularly with the National Assembly, and it is not something that might not be known but I have been giving it a thought and suddenly I realize that it is important that it be done. And that is in the event that you have an election and you have say 300 people on the Voters roll and you have 100 people turning out to vote, you have four votes spoilt and you have three candidates, one candidate get 25, the other candidate get 26, and the other candidate get 44, now what I am suggesting is that the winner in this case would be the one that has 44 as is here now. But he would not represent the 96 outed voters, because you have too much spoilt vote it wouldn't represent the 96 voters, the majority of the 96 that came out to vote, so I suggest that they'll give the Chief Electoral Officer and Boundaries Commission or the Returning Officer fix at the earliest possible time for a second balance, between the two candidates the winner and the one that got the most and the runner up and then the winner there would become the will of the people. And it could happen that instead of 96 turning out, the whole 300 might turn out. It just could happen but what I am saying it would determine that each candidate is indeed the representative of the majority of voters that turn up. And so those are my proposals and submission on my little Constitution and sorry I couldn't do anything more.

Hon. V.H. Courtenay:

Just one second, please. My colleague here would like to ask you a question.

Hon. S. Musa:

The question I would like to ask is how many formal resolutions on the divisions of the seats, I notice you said that in Belize City especially, Mesopotamia and Pickstock would be two seats each, Freetown, Fort George Albert and Collet would be three seats each. The present Fort George about 1400 I think, Albert has about almost 6000 so Fort George will be 700 voter for seat and that would be 2600

Mr. R. Brooks:

Yes, I saw that before I put it down. Now the question of Division would be as the White Paper has it in the hands of the Election and Boundaries Commission. But the question of population that is what we are interested in.

The voters.

Well it is based on the assumption that every, not just today but every person born in Belize and on Independence Day is a voter. In other words its the whole country's population other than just the Division this is based on. And as I say if we just regulate it but now I wouldn't recommend that but the Constitution is not something that you could change as you have a mind.

And whatever you put there now, is something that we hold, and I have checked it very carefully and I haven't seen it will upset the status quo and I have already gone into that.

Hon. V.H. Courtenay:

In other words you are using the assumption that the Boundaries and Elections Committee will be changing.

Mr. R. Brooks:

Before you ask any question I want to put this clear in mind, it doesn't have to change, you don't fix your eye on the population that exists changing later on as the original part of the White Paper suggested in this particular thing that can be done gradually, but for now let us say in Pickstock for example you say you divide Pickstock from Pickstock Street, from Barrack Road to North Front Street, this is only an assumption and whatever remain on this side is one, and whatever remain on this side the other, and that is where it ends otherwise you are not putting yourself to go to this kind

of business for right now. Because the Election and Boundaries Commission has the power to change it as time goes by.

Hon. V.H. Courtenay:

In other words where that formula is prescribed that the Election and Boundaries Commission should be ready to work. You are recommending as a part of your submission.

Mr. R. Brooks:

That's right.

There is no other question from my colleague, we want to thank you very much for taking your time out to come before us and being so clear in your presentation.

Thank you so much, and I must congratulate the Committee for their particular preparation.

Hon. V.H. Courtenay:

Mr. S. Krohn:

And where do you live Mr. Krohn.

Mr. S. Krohn:

No. 6-16th Street, Kings Park.

Hon. V.H. Courtenay:

Now, Mr. Krohn, do you have any submissions?

Mr. S. Krohn:

First I'd like to echo a point made by Mr. Frankson last week. In the preamble he pointed out the need for some statement of concern for the environment, I think this is a very good recommendation.

Hon. V.H. Courtenay:

You appear as a Citizen.

Mr. S. Krohn:

Yes, private citizen.

I'm getting to the Constitution Section 4(f)

Protection against arbitrary search or entry

I think there is a dropping from this section it's advice very definition of the word arbitrary that in no case should there be arbitrary search or entries therefore if we want to amend this provision we just retain the first sentence, "No one shall be subjected to arbitrary arrest or detention." Leave it at that.

Next Section (i) Protection of freedom of expression

One Pause where it says, and for preventing disclosures made in confidence, I don't see any real need for

Constitutional action anywhere to prevent disclosures

made in confidence that in many ways part of the power

of pre-press is based on intact exposing disclosure made

in confidence. There are other relevancies but people who

had feel they had heard by having a disclosure, I don't think they need to be tried in the Constitution, it creates a chilling effect upon the incinination.

Hon. V.I. Courtenay:

Mr. Krohn, I would just ask you to raise your voice a little, the traffic is giving us a lot of... to get this done clear.

Mr. S. Krohn:

G... Let's look Section K, where it says

Protection of right to privacy, In the first place I am sure, you know, it sounds like a very good protection to have, I have a feeling that a protection of a right to privacy is in fact an empty right that is really more properly covered for any protection against arbitrary search or entry and various other sections. But if it is going to be in there I suggest there is a drafting problem again similar to the one I mentioned under part (f) No one shall be subject to arbitrary or unlawful interference, when something is unlawful it is infact unlawful and there is no way in which you can allow unlawful things, you can find reason of defence, public safety order or rather for your health. The same we apply to word Arbitrary.

Next, I would go to Section 6 Public Emergencies I believe it is all, that both Section 6 and Section 7 and 8 and Section 9 should all be deleted, but don't think there is any Constitutional need for calling a state for Public Emergency, although there may be cases when Government need certain farmers to deal with plough cane and things like that, I believe that they can be covered by acts of a Legislature that will be well in the Fundamental Rights and Freedom or well within the caveats expressed in the Fundamental Rights and Freedom, I don't think there needs to be a separate allowance for public emergencies in the Constitution itself.

Next, Section 11 Page 8. I think all the causes in dealing with Citizenship need certain loop holes, for example

I don't think it is clearly defined of citizens who have become naturalized under existing law, but it does say people who are born in Belize would become Citizen what about those who have become naturalized.

It says that they must be entitled to be registered and I would like some clarification as to what this means, entitled to be registered, this registration automatic?

Will it be passed by a Board of review and if so what criteria would be used by such a Board?

Hon. V.I. Courtenay:

Basically supporting this you have to be a Citizen in

Government and this would have to spell out in greater detail, everything about Citizenship including registration etc, and the procedures for registration, and I think all that was sought to be drawn in here was to set out the basic procedures of those people who had a right to make an application. But no intention to set it all out because we'll probably make a longer Bill then the whole thing we have here.

Mr. S. Krohn:

It will remain so, the problem that on Independence Day what happens to those citizens who have become previously naturalized?

Hon. V.I. Courtenay:

I'll accept that.

Mr. S. Krohn:

Last point I would like to look at is Section 41 Page 13, Although I can see the reasons for making, choosing this method of electing representatives, I think its going to present some problem, I think we should set a flat number of 29 one time rather than make Independence and know how many people happen to be registered by the registering Officers. I think that would acknowledge then the house would constitute 29 members, that certainly is a good thing for the public to have. I also believe that an effort should be made to utilized the one man, one own principle in other words divide all 29 constituencies to get them as equal, the member as possible. I don't think the basis for that division should be registered voters, I think it should be total population as numerated in the census presumably then if the census is made every ten years I think the election involves these conditions should endeavor to reach all those boundaries once every ten years from time to time, as it is now. Perhaps I think again, I realize that you cannot make it, make the divisions perfectly equal, perhaps I would say, or suggesting that the largest division shall not have more than 1,000 citizens more than the smallest divisions something along those lines but I would strongly suggest that the census be used and have fixed number of seats 29 I think is a good number, depends on the size of House, That's all.

Hon V.I. Courtenay:

May I ask a question right there.

At the rate of which population is growing in the country and looking at the, well of course you gone to population, do you think that there should be a formula for increase of seats without necessary an amendment to the Constitution

you notice that there is a provision here that once you reach 29 that the Legislature by a resolution can give new directions to the Government on that.

Mr. S. Krohn:

I think the important thing in choosing a number is not that you have one representative for every 5,000, 10,000 or of any particular number you just put there for example the Legislatures of the world maybe of England there's one representative, one member of Parliament for every hundred thousands or in the United States it might be three hundred thousand or a million. The important thing is not the number but the fact that there is a large enough number in the Legislature body to conduct their business fairly and with proper expertise. And two that the citizens be equally represented to get away from the system we have now where its telling us all that its 10 times more representative. I think if we had a situation by some vast increase in the country, we got 2 or 3 million people in the country an amendment might be put, raise the number of...

Hon. V.H. Courtenay:

I think an amendment would be adequate.

Mr. S. Krohn:

Page 14, The way it is worded, I just thought of that...

Hon. V.H. Courtenay:

No I think that's, in effect that is saying that there is no two citizenship. I could look at that.

Chairman:

Now, I think the wording here is, by which he acquires, suppose you don't need a residence and your Government allow you to take it do you think you should allow that person to keep it? Because that is a strong feeling maybe that should be allowed.

Mr. S. Krohn:

I would say to make it existent that it shouldn't be allowed, I can see people's objection why because they got this good thing, they would not want to lose it but I think in our affairs it should be. but it shouldn't be allowed. Again there is the question of zealousness with which the Police portion could be carried out and..... right, I think practice could probably take care of that.

Hon. V.H. Courtenay:

The real thing is, that there are acts which I believe would be useful ones like for example joining the armforces.

Hon. C. Rogers:

I have one problem and I'm not sure that I am experience

with that recommendation. I envisage for instance a situation where you have cholera, and therefore restrictions are based on movements of persons for health reasons, which would be a violation of the human rights of freedom of movements.

Mr. S. Krohn:

I don't think so, this doesn't talk about freedom of movement, it talks about the rights to live..

Hon. C. Rogers:

It talks about movement and the right to live.

Mr. S. Krohn:

Well; yes that's true, I see your objection, I would renege that situation by placing the caveat under a freedom of movement rather than make a statement, Yes its just a question of draftmanship or...

I was just pointing out that the other countries that for example let me take the United States Constitution, no where in the Constitution we talk about state of emergency. Yet Governors of States and Presidents of the United States declare from time to time states of emergency even Mayors in large cities have known to declare curfews for the Public's safety and these have not been held to violate Constitutional protections and I think that the same spirit could apply, for example you have curfew situation in Dominica where state of emergency has in fact been called. You have a situation in Salvador where the state of emergency has been called, I envision more abuses of those rights where that state of emergency is called then when it's carried out understood to be common sense exceptions. I don't even necessarily see the need to put those Caveats under the rights of freedom rather than to be understood and be defined by the courts. But in fact since the most of the places, England or other part of true democracies they have in fact defined that we need to struggle, I don't follow all of that feeling that they need to be spelled out, or perhaps to assist the Judges who may not be the Leaders.

Hon. V.I. Courtenay:

In anyway this is a limitation because you do have varying attitude of courts, the United States court considers the of Fundamental Freedom or what.....

Mr. S. Krohn:

Certainly, but I take it the Commonwealth provision is not going to be amended as not there.

Hon. V. I. Courtenay:

No, that is applied to our country by the Supreme Court of Judiciary Ordinance. Even today, that has not interfered with our problem.

Mr. S. Krohn:

That would be then a further safeguarding of the rights and a further guide to the Magistrates and the Judges.

Hon. V. I. Courtenay:

Certainly, we thank you very much Mr. Krohn for coming forward.

I wish to draw to the attention of my colleagues that I have received a submission from Mr. A Johnson. He resides in the Freetown Division, Belize City and I would like these submission which are on it, and I hope we can have copies. Next on my list is Councillor Daniel Vincent Meighan.

Mr. D. Meighan:

Good morning Sir, General members of the Joint Select Committee, Madam.

Hon. V. I. Courtenay:

You are Councillor of the Belize City Council is that right. Do you appear on behalf of the Belize City Council.

Mr. D. Meighan:

On behalf of the Fort George Executive.

Hon. V. I. Courtenay:

May we hear your proposals then.

Mr. D. Meighan:

We support the White Paper, we believe that it provides a strong basis for our New Constitution in the Independent Belize. We propose a few additions, our National Symbols should be enshrined, the National Anthem, The Belizean Flag, Coat of Arms as well as the National Prayer.

Two, the preamble should include (a) A Pledge to cherish and promote the different culture traditions within Belize. (b) A Pledge the people and Government should work to achieve that no Belizeans be left without adequate food, clothing, shelter, education and health care. That no Belizean who is able to work be denied opportunity to have a job with which to satisfy his individual needs as well as to contribute to the good of his society.

That no Belizean be denied access to study cultural and sports.

That no disable person be left without subsistence. Going to (c) the recognition that parents have a duty to provide nourishment for their children and to contribute actively to their education and integral development as useful citizens. (d)

The recognition in terms that it is the children duty to help and respect their parents. 3. Defence and National Security, we would like a statement in the Constitution that it is the sacred duty of the Government and people of Belize, to protect and defend the independence of Belize, the sovereignty and territorial integrity of Belize. Our Constitution should state the defence of Belize is the greatest honour and the supreme duty of every Belizean citizen. And the National Assembly is in power to pass laws, to regulate Military Service including the power to introduce mandatory National Service or Conscription. This is to say we should have the whole Constitution, the law to set up a draft board where one can be drafted and become of age, we must serve, come quick to serve in the arm forces of Belize. 4. Citizenship, (a) Not only by acquiring citizenship of another country but also those who without the approval of Government serve in the arm forces of another nation, or who by any act shows loyalty of any country to the betterment of Belize. We enforce it, Citizenship. (b) The National Assembly may determine senses and conduct unbecoming that may lead to the loss of Citizenship by naturalized citizens. The person who is not a citizen of Belize may be appointed as a Judge of the Supreme Court for internal affairs and should cease to hold office at declaration of doctor. 6. The Constitution should clearly state that we are free to decide on which treaties we want to ratify and which one we want to reject. (7) We recommend that the office of the Ombudsman should be established by the Constitution, he should be an officer of the National Assembly, his main function should be to investigate complains of Citizens or matters brought to his attention by a member of Parliament in respect of abuse or injustice or alleged discourtesy against any public body or public officer. (8) Composition of the House; The House should at all times have an uneven number except for these suggestions we consider the White Paper a good framework for our future independent Belize. Particular, we strongly support the principles of Cabinet Government Parliament Democracy and the independence of the Judiciary and the safeguard of our Human Rights which are provided for in the White Paper. Gentlemen, I thank you on behalf of the Executive of the Port George to allow me to present our submission to this Committee. Thank you.

Mon. V.I. Courtenay:

Anybody has any questions?

Thank you very much and we wish that you'd be safe and

report to work as Executive and we appreciate your representation. Thank you very much.

Next, Mr. Armando Castillo. Just one minute, Mr. Castillo. Members of the Committee I wish to report that the Freetown Division of the People's United Party has made a submission in writing, I wish to read the letter and will ask that should be copied so that we can all have copies, right. And I believe you have appeared before us before Mr. Castillo. Isn't that correct Sir, and will be giving a further submission.

Mr. A. Castillo:

Further submission. Not as the same principle as before though.

Hon. V.I. Courtenay:

What is your address, Please?

Mr. A. Castillo:

137 Cor. of Mex and Maara Avenue.

Hon. V.I. Courtenay:

Yes, Mr. Castillo.

Mr. A. Castillo:

First of all I would like to bring to your attention to Page 1 item (a) the last line, I do not know if this is a grammatical error but it says, dignity of the human person and the equal and inalienable rights with which all members of the human family are endowed by their Creator.

I would like the word "the Creator". In this Constitution there are more than one creator.

Hon. V.I. Courtenay:

It's our creator that has created all of them, but anyway, your submission is that it should remain brief.

Mr. A. Castillo:

Yes, Page 11 item 30, I shall just read a part of it, what I would like to be deleted and made a submission "He shall be the member of the House of Representatives, who in the judgement of the Governor-General, is best able to command the support of a majority of those members who do not support the Government," I would like that paragraph to be deleted and my argument on that is because the Governor-General represents the Queen, it does not necessarily meant to the dissent of the opposing team of the people of Belize, he will pick the Leader of the Opposition Leader in the interest of the Queen and not the Belizean People.

Hon. V.H. Courtenay:

The principles are simple, we are sitting around here and we elect Mr. Monsanto as our Leader the Governor-General pass through here and tell us no. And if he calls the Senator, the Senator would say no until he passes Mr. Monsanto right?

Mr. A. Castillo:

Well, I don't know, I am only assuming that... so as a protection because...

Chairman:

Let me ask you another question, suppose there are four members of the Opposition elected two want that particular person and the other two want somebody else, who decides which should it be?

Mr. A. Castillo:

Well, if there is no compromise made, I would go to the Belize Advisory Council.

Hon. V.H. Courtenay:

Alright, we take your point, thank you very much, is there any other you would wish to comment.

Mr. A. Castillo:

No 33 The Belize Advisory Council, Council which shall consist of a minimum of six members, and I would like a maximum of 5. With two appointed by the Opposition Leader, and on the advice of the Opposition Leader.

Chairman:

The exception is, the conservation is that the Advisory Council, Leader of the Opposition, and you are asking me now to let me..... Advisory Council.

Mr. A. Castillo:

Well, I realize that but what I wanted to do is to have full support of the Council because I do not want us to be completely automatic.

Hon. V.H. Courtenay:

Any other point Mr. Castillo?

Mr. A. Castillo:

Yes Sir, Page 14 No. 44, "A person shall be disqualified from election but it goes on to say, has been convicted of any offence relating to elections, I would like that to be deleted, related to elections, to me...

Chairman:

Any offence?

Any offence, including a traffic offence.

Mr. A Castillo: -

Chairman:

Parking on the wrong side of the road, and you can't

Mr. A. Castillo: You Can't
Hon. V.L. Courtenay: You really mean that.
Mr. A. Castillo: Well not in that sense but what I mean It's
criminal. I should put it the criminal...
Hon. Courtenay: Crime.
Mr. A. Castillo: Like if he is convicted of stealing or
shop lifting he should not be a Representative of the House. But
the way it is spelt here that if he is convicted of a Crime he
could still be in the House.
Hon. Courtenay: Alright, any other point.
Mr. A. Castillo: Another point is, I'd like to make it to
Page 26 No. 100 Code of Conduct it has here; have a duty to conduct
themselves in such a way as not etc. Like the word have a duty
to be deleted, and put shall conduct themselves. That is all my
submission I have.
Hon. Courtenay: Thank you very very much Mr. Castillo
to come in before us again, your further talks and the clear
submissions. Mr. Norman Simpliss, please? Morning Mr. Simpliss,
you are welcome...
Mr. Simpliss: Morning, thanks a lot. Now before
embarking...
Hon. Courtenay: Before embarking, just for the records
may I have your address please.
Mr. Simpliss: Santa Elena, Cayo District.
Hon. Courtenay: And you represent?
Mr. Simpliss: Myself, my views. Before embarking, what
I consider my views in my what you'd say, my untutored and inexport
eyes I should like to pay a special indulgence to say unhesitating
it that our Government should be complimentary for taking this
particular measure. And I am not enacting otherwise I did not say
that and further more to have given the Belizeans to assist, the
first step I tie in use the White Paper for Government has laid the
keys and they have asked not selfishly but unselfishly all of us to
assist in the further, or the completion of the Belizean Arm.
Hon. Courtenay: Thank you very much.
Mr. Simpliss: Well, any further ado, I thank you for the
privilege to say all my views. No. 1. I think in the Constitution,
firstly it should be written that the Belizean Nation should have
a Coat of Arms. I do not agree with the present motto, Sub Umbra
Floreo, probably that could be taken a thought, other people are
probably more intelligent than I, to say something about it, like
God Bless Belize or Long Belize.
Chairman: Just the word you don't like?

Mr. Simpliss: Yes the word Sub Umbra Floreo

Chairman: Now about the Coat of Arms, what should be depicted.

Mr. Simpliss: They should if again it should be stated if whether what is on the flag. Because the present Coat of Arms that stands on the Court House, that is now the Coat of Arms of the country. I should have made that clear. I am saying that we should have a Belizean Coat of Arms. Then, the Seal of the Belizean. I think it is already accepted that within the Constitution we should get everything that is contained in the... I think it's already accepted, the flag the blue and white flag that's used in the constitution we should get the meaning of the colours and everything it contains. Then we go on to the anthem, I am quite sure we would not like to change the Land of the Gods. Our national Prayer can and to add a little thought in respect of our teaching from that we go to church, we recognise the God and the use of what we call special function we feel Oh God our help in ages past, so I think if we sing Oh God our help in ages past as the national hymn for special occasions. Oh God we are mindful of the fact that on this day, God have been greatly done to have let us safely through with our very much calm and all the rest of it and we are now on the threshold of going on our own. Our White Paper page 2 (1) we have here the last line the boundary that is known defined, right. But I would like to take it a little bit further, that owing to the fact that our Barrier Reef that is known as the Second largest in the world and it is still the Virgin Barrier Reef, it should be protected and beyond this range therefore in the Constitution we should have what we call an economic zone. For territorial waters and beyond in order thereby for the protection of our Marinetime field life and the possibilities of mineral on the surface and below we know too well today that Great Britain is reaping quite a lot from the North Sea, United States is being forn oil by Japan and resettling in Mexico is paying something to that effect, so we don't want to fall into this track and as I say, I know well enough that we have intelligentzia's who will be putting this thing together but if this is the privilege, I think every Belizean should exercise it and I have given this a very thorough thought. I am sure I have left out quite a lot, but these are some of the little things.

Mr. Simpliss:Cont. We have here page 3 of section privilege. It's under this topic which is not mentioned but as I see it that the right to challenge any law, ordinance or anything done under the Constitution as to whether it is within the Constitution or not and this right to..... should be written within the Constitution because it might be on Constitution. Page 3 Section 4, then I think we should take it a little further. Detention, we get the time limit there you are not to be taken 24 hours. Then we go to page 5 - Appeal. There again I think there should be provision acquitted in the Supreme Court and that's final. I think in the Magistrate's Court, if a person is acquitted he is acquitted.

Chairman: Go ahead. So what you are talking about is the right of appeal against acquittal. You think that they...

Mr. Simpliss: Yes that the interest of import that by a person is acquitted fine, final in the lower court you know and I know too well that quite a number of people go through a lot of hassle and all the rest.

Chairman: You think the Police does not have the right of appeal?

Mr. Simpliss: I feel that once the Magistrate says that this is final, that this is the verdict, that should be it. Then we go on to page 7 (a) that Belize is engaged in war. I am quite sure and you will agree that the Constitution should point out the existing circumstances involving this declaration that Belize is engaged in war. In other words, give the point that external aggression as the case may be and what

Mr. Simpliss:

and what not. I mean there can't be a war unless, but I think for clarification, it should be defined. Then, I am not quite sure whether I see the reason under Public Safety and again, that it should be mention, that the establishment and maintenance of an arm force, air, land and sea for the purpose of suppression, internal and external aggression. Then next to that comes the establishment of our Police Force, whether it will be a military, semi-military or strictly a civilian body.

Chairman:

What are you recommending?

Mr. Simpliss:

In other words, it should be stated there as the occasion demands it; we are going into this thing we know experts are going to come in, and well say good we think we should make the Police Force stand as a semi-military organization. Good enough. I think those should be written.

V. H. Courtenay:

You think the establishment of a Force should be created by the Council?

Mr. Simpliss:

Should be. I don't think that an early stage will be able to say, well, mention the strike. We can say not less but to say give the maximum is not so easy. Then, I am slightly puzzled here on page 7 between 8 and 9. This proclamation by His Excellency go on and you give the maximum period one month when the legislature, well they can make resolution, but its not mention if the legislature will take this immediately after the Governor General proclamation false or complete or before.

Chairman:

The concept here, and I'm pleased, I'll just explain it so that you can tell us what you would like. The concept here is that the executive, the Governor-General, and remember that he acts on the advice of the Minister, he can declare a state of emergency, it may not last beyond one month. Now, if the legislature may extend that particular state of emergency and then they decide Yes things are in chaos and we do need the extraordinary powers because that's what we're talking about, and they may extend it further, but the concept is that the executive of it's own, is limited to the introduction of the state of emergency for a period of one month. That's the

basic thing that we have tried to say, and of course, the legislature may mean, let's say the Government declared a, or the Governor-General, declares a state of emergency today, within five or six days the legislature may meet and put an end to that state of emergency. On other words, the concept that we are trying to put into the White Paper, is that people's representative should be the people really who exercise authority. However, since these things happens suddenly, Government may be able to act overnight. That's the concept there now. If you feel that that is a workable one, you adopt it but if you feel that you would like to see something else then....

Mr. Simpliss:

I think it would be a little clearer if probably something else is added on to, well, the Governor-General's power stop there and the people's representatives...

Chairman:

You would like that added?

Mr. Simpliss:

Then we go to page 20, 74 there is no mention of Magistrate's Court. I would like this to be included and such other courts as may be deemed necessary. For code rates and laws be under the constitution. We do know also that we have a Monetary Authority, and I think the existence and the powers of the Monetary Authority should also be included.

Chairman:

I think we will probably put that under the section of finance right?

Mr. Simpliss:

Quite possible, then we have no central bank in Belize. Then 9 I go safe and secure independence. (9th point). It should be stated in our constitution, that no part of Belize under no circumstances should be parted with at any time so as to make less our territory or our territorial waters by any Belize Government. We might die and some other people come in and we want it there to be stated there in no uncertain terms. And finally, as far as I can see the constitution of Belize should provide for the necessary security from the United Kingdom for a specific, or further period with the stated amount of arm forces, or further period if the necessity demands it.

These are my submissions.

Chairman:

Thank you very much, Mr. Simpliss, for taking the trouble to come down. We appreciate the effort you have made and the records will show our appreciation.

Chairman:

Mr. Hector Silva, please, next, Your address, Mr. Silva?

Mr. Silva:

No. 53 Barracks Road, Belize City. I appear on behalf of myself.

Chairman:

We are happy to have you and to hear what you have to say.

Mr. Silva:

I have with me here, I hope it's no longer confidential, a confidential report from 1968, on the proposed constitution for Belize, 1968, with the Governor's signature attached, of course, He's no longer here, so he would not object to this.

Chairman:

That was in 1968, and it was based on the African constitutional example.

Mr. Silva:

I just wanted to find out, or know, if this White Paper is a follow up, a pattern that was presented before or study before.

Chairman:

Well, this one has been a study of that along with about 20 to 30 others, particularly the modern ones. We've looked at the modern ones in the Pacific and we look at the modern ones of the Caribbean, particularly because of size. We have, as you will appreciate problems of a small population, the size of the house and things of this nature.

Mr. Silva:

Before going on to the White Paper, I just wanted to suggest or propose, that the Name 'Belize', the National Flag and the National Anthem, with the coat of arms and seal of the country should be enshrined in this proposal. No, there will be no controversy with Belize, because that was already passed in the National Assembly. Oh, yes the National Prayer and I also include it to make it more beautiful a National bird, a National Tree and a National Flower.

Chairman:

Do you have a bird in name?

Mr. Silva:

Jabaru Stork.

Chairman:

We'll consult the various societies about a possible one.

Mr. Silva:

Likewise, in that previous one, it says that provided that Belize remains a member of the Commonwealth which is the proposal now, is possible for the country to continue to participate in the United Kingdom honours if it so wishes. If it does, no problems arises except that I assume consideration will need to be given to the introduction of a Belizean honour system. In other words, distinguish visitors will be coming here....

Chairman:

Well, the contemplation here is that we should remain under the Commonwealth.

Mr. Silva:

Yes. I think we should have a Belizean honour system. And, I take it likewise, that on Citizenship, the position of citizenship in the Commonwealth, is, as firstly, there is a universal Commonwealth Citizenship of which all citizens have of independent Commonwealth Countries are known as Commonwealth Citizens or British Subjects. I propose that on independence we should have a separate Belize citizenship.

Chairman:

In addition to that, we will have the right to Commonwealth citizenship once you join the Commonwealth.

Mr. Silva:

We should first be Belizeans, second, any other.

Chairman:

If you notice on Citizenship here at 11, 12, 13, and 14, on Belizean Citizenship and then 15 was Commonwealth citizenship.

Mr. Silva:

We go to the White Paper now, page 2, introduction (1) Belize shall be declared a sovereign democratic I will suggest, nation of Central America to avoid any confusion of statehood as in the United States of America, United States of Mexico and so forth. On page 3, Sub section on the rights to life. I don't know if it is advisable to insert in the constitution on law against abortion which is the private right to life.

Chairman: What is your view on that?

Mr. Silva: That, if possible, abortion, or force abortion for that matter, in other words, not an abortion that is caused by medical advice or some other reason, worthwhile, but a force abortion, it says here very broadly that there is a right to life, but how far does this life define, whether the person, is a walking person or a person that is already living but not fully out.

Chairman: You would like a right to life extended to the unborn?

Mr. Silva: Yeh. On page 4, Protection of the law (c) All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. Every person charged with a criminal offence shall be deemed innocent, I was suggesting that every person charged and detained for that matter, be deemed innocent, until proven guilty. In other words, that the person is charged with an offence, but therefore is innocent, up to what point until proven guilty. Because, I give it as an example, some time ago, a gentleman was charged for murder, for murdering a priest, I note that in papers on the streets, this man was accused, harassed, condemned as the murderer of Father Sunthan, so that I think that something should be there that gives that right, or that privilege or that protection to that person charged. Then on protection of freedom of movement. (g), page 4. On the last sentence, 'and immunity against expulsion from Belize'. This shall include freedom to move freely throughout Belize, to live in any part of Belize, and to leave Belize and immunity against expulsion from Belize, I would like to add except in cases of non nationals, contravening the laws of Belize and declare a person a non grata. As it is, you see, it says nobody can be expelled out of Belize. Page 11, 26, 'Whenever the Prime Minister is unable to perform his functions by reason of illness or absence from Belize, the Governor-General may authorise any other Minister to perform the functions of the Prime Minister.' I just add that the Deputy Prime Minister would be the automatically, the appropriate man to act those functions, if there is such a person.

Chairman: As the constitution says, there may be one.

Mr. Silva: Then on page 13, section 37, 'Where it is required that the Governor-General shall act in accordance with or on the advice of any person or authority, the question of whether he has in any case done so shall not be inquired into by any court.' I would like to just know who is to question the

Governor-General if he commits a mistake and he acts on his own mistakes, he can go pooh pooh, and takes a dash. It happen with hope and falability.

Chairman: In this case, he is only there until it suits his pleasure. I am sure Her Majesty would be very displeased if he act outside the advice which he has received.

Mr. Silva: But in the meantime, he would have committed the damage to the country. In other words, shouldn't there be something whereby the Cabinet or the Prime Minister or....

Chairman: I'm sure they would go into action, but anyway, what is your proposal because the concept here, if I may just explain, if that you don't want to drag the Queen into her own courts. The Governor-General is the Queen and you don't want the Queen can do no wrong, is a theory on that, so you don't want to drag the Queen in, but on the otherhand you might want to drag the person in who was the founder of that act. The Minister might be dragged in. He might be accountable for what he has done, the advice he has given to the Governor-General. Or, the person, the individual, might himself go and, if his right is affected, complain, 'My rights have been effected' and once the court finds that a right had been affected, it has absolute powers according to our proposal. So that there are these situations but the basis concept is that you don't drag the Governor-General into court. That's really what this is saying. There are submissions before us, already, where people have said, but we feel... before the court' and perhaps this is how you feel and please feel free to tell us your views.

Mr. Silva: What I mean that, in executing, for example, certain duties that you would be assigned by the Prime Minister, in some cases, by Ministers and others, that question of whether he's in any case, seek this authority, or rather this advice, should be questioned. Page 14, section 41. The size of constituencies, 'that each elected member shall represent a constituency comprising no less than 2,000 registered voters', there could be a possibility that some areas, a depressed area, might be below the 2,000 e.g. P.G. has been in that, I mean, pretty below the 2,000. I mean that they will be deprived of a representative.

Chairman: Let's understand what this recommendation is. The recommendation there is that the line should be so drawn, you know what the number of existing registered voters are, and the lines must be so drawn that they include a minimum of 2,000 voters and no more than 3,000.

Mr. Silva: What is the case, for example, let's say Toledo, people keep moving, that Toledo, they combine both a population of both constituencies does not reach the 4,000.

Chairman: Please understand. You have to erase the

boundaries. The contemplation is you erase all the boundaries and you start from scratch. So that it means that, Toledo, the Toledo District, you are talking about the administrative district, gets 1 1/2 representatives and part of Stann Creek or a part of the Cayo District is included, that's the job of the boundaries committee. That's the concept. The sacredness of district boundaries was the remote, now that's a proposal. Now, we are interested in your views. The proposals that the boundaries and Elections committee would from time to time, depending upon the state of registration would adjust boundaries or keep adjusting boundaries, if there is a big movement of population or there is a housing scheme or something of the sort, they would adjust so that it would stay between 2,000 and 3,000 until the membership reaches 29. When the membership reaches 29, the House of Representatives would give them new directions. This is the proposal in the paper. Now we are very interested to hear what you think.

Mr. Silva: I think my point has been cleared. I thought that districts would remain as they are, administratively, and that from within those boundaries the constituencies will be drawn.

Chairman: No, Sir, that's not the proposal here.

Mr. Silva: I'm satisfied. Page 17, 61 'No civil or criminal proceedings may be instituted against any member of either House for words spoken before, or written in a report to, the House of which he is a member or a committee thereof or a joint committee of both Houses, or for any matter brought by him in the form of a petition, bill, resolution, motion or otherwise.', I would like to suggest that a further clause be inserted here, I don't know if it is in the standing orders of the Assembly whether they will be precedent over this, but that no arrest of a member for petty offences shall be carried during a House in session. On page 26, 100 (a) have a duty to conduct themselves in such a way as or not to, then at (c) it says to allow their integrity to be called into question, this is a very loose thing because the public can condemn a minister so easily, so I think that there should be some sort of, so to allow willfully and conscientiously their integrity to be called into question or some better phrase. In other words, the people elect their representatives and their ministers; there should be some sort of ethics on the part of the public likewise. Not only on the part of the elected officials. That in other words, they are subjected to abuse in carrying their duties in quite a regular manner or with good intentions.

Chairman: The point is very well noted. Thank you very much, Mr. Silva. The records will show our appreciation.

Chairman: Mr. Olinga Lammumba, where do you live?

Mr. Lammumba: George Street, Belize City.

Chairman: Mr. Lammumba, do you represent any organization or are you appearing before us as a private citizen?

Mr. Lammumba: As a private citizen.

Chairman: We are happy to hear your recommendations.

Mr. Lammumba: This is not exactly a recommendation. If it is possible for me to ask something here, on public emergencies. 7 (a)..

Chairman: Yes, you were asking about several different paragraphs; (a) (b)

Mr. Lammumba: and 3 section (b)

Chairman: 7 (a) as it is proposed here, is that if Belize declare war for any reason, whether that declaration brought about by an aggressive intention on Belize's part or responding to an aggressive act by another state, but once there is a declaration of war on Belize, that a state of emergency would be declared, or could maybe, firstly by the Governor-General acting on the advice of the Minister and that would ensure for one month, and thereafter, the legislature may extend that for the course of war. Maybe, if necessary for instance, for a black-out or things like this, so that the state would have power to deal with problems of that nature, problems with safety of the people. For instance, they might want to move people out of the war zone, and that sort of thing. So that if this may happen and once there is a state of war then the Government would require power out of the ordinary. So that's 7 (a).

Mr. Lammumba: If Belize is engaged in any war, what does any war mean?

Chairman: Any war, that's what it says.

Mr. Lammumba: Including civil war?

Chairman: Well, if it was civil war, I'm sure this might be considered as fatal emergency. That would be out of the normal laws of the country.

Mr. Lammumba: Yes, the normal laws of the country, but the situation that cause a civil war; the Governor may have the right. So that this wording 'any war', civil war, who are the Governor and representatives who control the infrastructure? Can you set the infrastructure against the rights of the people? So, I would like that, something like that.

Chairman: You would like to say something about this?

Mr. Lammumba: I want to find out this 'any war' this is very important because, as I point out this Government can be at fault. People are oppressed and the people decide that they have to do

something and the Government now has that infrastructure under their control so they can declare a state of emergency which is not going to interest other people but the interest of the representative of the people.

Chairman: You're passing a lot of judgements.

Mr. Lammumba: No I'm not passing a lot of judgement. This is history.

Chairman: I'm accepting all of that but somebody else will decide who is right and wrong. That's the first assumption on some judgement that is made by somebody. I don't know who is that somebody. A citizen may think that he is being oppressed. He may not as well as he may be oppressed, so we're getting into...

Mr. Lammumba: Patience, physically.

Chairman: That's your point of view.

Mr. Lammumba: Mental, psychologically...

Chairman: Exactly, it might be in many ways so I understand that you have a point of view and that you are concerned about it and I would like you to tell us what you would like to see happen.

Mr. Lammumba: That I would like to see happen.

Chairman: Yes, our proposals is

Mr. Lammumba: You see, I point out this 'any war' can cause a civil war in which comes through with oppression, then the representative of the people are in control of the structure.

Chairman: Any they going to use it. Lets be factual. Let's be honest about it and if it comes to a case of a civil war, they're not going to look the constitution. You know that, I know that. We are not fooling one another.

Mr. Lammumba: So what I...

Chairman: Exactly, you get right down to brass tacks with me and tell me what you want to say, what you have in mind.

Mr. Lammumba: Because, you see, the way I have it in mind, the way I see this constitution, I think this is something that is to better the people of Belize in a way that, I'm not talking about adding things to the constitution of Belize, let's discuss the constitution so that the people can have an understanding of their constitution and this is not the something that is being done. People are coming in...

Chairman: I must ask you to withdraw that. What is your views on the White Paper?

Mr. Lammumba: I have many views on the White Paper. That I ask about (b)...

Chairman: Yes, what would you like to say about (b)?

Mr. Lammumba: That the action or the threat of any action by any person of such a nature, can you clarify that for me?

Chairman: There can be a number things, anything of any

nature which affects public safety or deprives the community, or a substantial proportion, thereof, of supplies or service which are essential to life.

Mr. Lammumba: But, can you be more explicit, on any person.

Chairman: Any person means any person, including you and I.

Mr. Lammumba: This paper, I think the people should be more educated to ask the importance of this paper.

Chairman: The people should be more educated. That's your point of view.

Mr. Lammumba: This is our future.

Chairman: Thank you.

Chairman: May I interrupt the proceedings to inform members that we have a submission here from Miss Marcia Legario. She has sent us four copies and I will put the original into the records and we're going to ask them to make some more copies for us and whoever would wish to have a look at this in the meantime.

Chairman: Mr. Glenford Cuello, your address please.

Mr. Cuello: 13 Divero Street.

Chairman: Do you appear as a representative of an organization or a citizen?

Mr. Cuello: As a private citizen.

Chairman: We are happy to hear your recommendations.

Mr. Cuello: Gentlemen, my proposal relates simply to the Preamble and paragraph (a) of the Preamble and if I may just read shortly, what exactly I'm dealing with, I start with 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 acknowledge the supremacy of God, faith in human rights and fundamental freedoms' and this is my proposal, including the right of every person to begin fully employed. Now if I may just say briefly, my reason or one of my reason for this proposal is that further down this same paragraph (a) there is a phrase which says 'the dignity of the human person' and I believe that principle that every person should begin fully employed, reenforced and give complete meaning to the dignity, to the principle that the person is in fact as human beings, is a dignified person in that there is dignity in the person. I'm saying that is re-enforced, if you say that the person has a right to work and I specifically propose my proposal to intend to propose this to the Preamble and not the fundamental rights and freedom section. These are principles.

Chairman: Thank you Mr. Cuello. We are very pleased that you have taken the time out. What do you think of the White Paper?

Mr. Cuello: I think it's workable.

Chairman: Thank you very much.

Chairman: Mr. Arturo Magana, welcome, your address please?

Mr. Magana: No. 8, Second Row, St. Martin de Porres.

Chairman: And you appear on behalf of an organization or as a citizen?

Mr. Magana: On behalf of myself.

Chairman: Mr. Magana, please tell us what your views are.

Mr. Magana: No. 41 where it says the house of representatives my proposal here is that this thing should not include be registered voters, right, it should be done by a census because this reason for this is that, suppose people do not register, so that means that they are not represented? So, I think this should be done by some sort of census. Another thing....

Chairman: Are you proposing a special census for this purpose? or the ten year census?

Mr. Magana: Yes, the ten year census, because I think that's what is done in other countries.

Chairman: In some countries.

Mr. Magana: The U.S.A. does that.

Chairman: I'm not sure if the USA does that, on the U.S. constitutions, they have different systems. There are some countries what they do is, they fix the amount of the nationalist. They don't put it on a formula this flexible like the one we suggest.

Mr. Magana: May I ask the reason for using the formula? for registration?

Chairman: What we're using the registration in the formula or rather well, it's a point of view into the point of view that a person who is interested in the lease, and is concerned about how he is govern and wants to participate in how he is govern, the least he does is register, and those who do not, or even incapable of doing so, or totally unconcerned. That is the point of view that led to that sort of thing.

Mr. Magana: Yes, because there are several reasons for people being unconcerned. I thought that by a census everybody should...

Chairman: We understand your point of view. We are not challenging you, please.

Mr. Magana: Another thing, this protection from freedom of movement, Section 4 (g), I think this should be more specific, stating, probably to non nationals.

Chairman: You mean that that should apply to non-nationals. That is the term about expulsion. That there should be expel on the right?

Mr. Magana: Yes. Then page 6, No. (n) protection from discrimination, I was wondering what you mean by national hatred. I think I would like to see that more specific. I couldn't come up with nothing.

Chairman: All right, what we have in mind there is that there is somebody who is out there, recommending hatred to Selize, this can happen and it has happened before.

Mr. Magana: You see, because it also talks about religious hatred and to what point would you classify this hatred? I know it could be done by tradition but I think it should be more specific.

Chairman: You would like to see the whole section elaborated?

Mr. Magana: Yeh, Page 4, section (d) Protection from human treatment, one thing that struck me, I was wondering why you all put in this slavery and the slave trade in all their forms shall be published, because we don't have any slave trade again so why...

Chairman: There are people who would challenge that you know. There are people who would say that there are terms of slavery. There are women in this country, who come into this country, who are illegal, their passports are taken away, they are locked in bedrooms all day and have to work all night, some people call that slavery. When we say slavery, we mean in all forms.

Mr. Magana: Thank you, that's all I have.

Chairman: Thank you very much, Mr. Magana, for coming before us.

CHAIRMAN: First of all, your name, Sir?

MR. INISS: Percival Iniss

CHAIRMAN: Your address?

MR. INISS: 77 George Street

CHAIRMAN: And you are speaking on your own behalf?

MR. INISS: As a citizen: First of all I would like to say that I support the White Paper.

CHAIRMAN: Thank you very much. Yes?

MR. INISS: But on page 14, paragraph 43, it talks about the qualification for membership of the National Assembly and it says that any persons shall be qualified to be elected as a member of the House of Representative or to be appointed to the Senate if he is a Belizean citizen, eighteen years old, and if he has lived in Belize for at least one year, now what if a man who has lived in Belize for one year doesn't know what is happening in Belize, and I believe that this statement should at least say two years.

CHAIRMAN: You think two would be enough.

MR. INISS: It is not enough but two years would be alright.

CHAIRMAN: Thank you very much Mr. Iniss, for coming before us.

CHAIRMAN: Your name please and your address.

MR. THOMAS: Peter Thomas, 6 St. Martin de Porres

CHAIRMAN: You appear as a citizen or a representative of an organization?

MR. THOMAS: As a citizen. I have come up to support the White Paper, and like my forefathers, the baymen, who fought under duress, the time has come for Belizean to unify themselves behind the Government and people of Belize to make this constitution work. There is no reason, whatsoever, why Belize cannot go ahead because of good leadership under the People's United Party, and I dedicate myself and my family to pursue this course.

CHAIRMAN: Thank you very, very much, Mr. Thomas. It was a very clear statement and I wish to say thank you for appearing before us.

CHAIRMAN: Anybody else?

MRS. KROHN: Mrs. Lita Krohn of 6 16th Street, King's Park. I appear as a citizen.

CHAIRMAN: What does Mrs. Krohn has to tell us?

MRS. KROHN: On Page 5, section (i) and it's a little, as is necessary to defence public safety, public order. I believe this little caveat appears in a lot of the other, I just want this to be clearly defined, what is necessary to defence, public safety, public order

regulating telephonics, does that mean tapping and one suggestion wireless broadcast to television, or televisions, is there a possibility for another radio station instead of just having a one radio station?

CHAIRMAN: There is a possibility and I think that this will reinforce the possibility but this is the idea, please Mrs. Krohn, let us record, I prefer to record not that you question me, but that you would like this.

MRS. KROHN: There is one other question, the constitutional monarchy, is there any reason why another type of constitution would not be given out, e.g. why go for a republican type of constitution.

CHAIRMAN: We consider that, Government considered that, several forms, but we selected a constitutional monarchy to prove, and I don't if they will appeal to you, one is, we believe, respecting the attitude of some parts of our population and secondly, the particular circumstances of Belize. Belize has a conscious recommendation but that does not prevent yours, we have had recommendations to go republic. That does not prevent you from saying to us that.....

MRS. KROHN: well, other countries have gone republic, having...

CHAIRMAN: we have on hand, just for your information, a suggestion that we should put in provisions so that the day we want to change, we can change. I don't know if that appeals to you.

MRS. KROHN: I think that's all. Thank you.

CHAIRMAN: Thank you very, very much Mrs. Krohn, for coming before us.

CHAIRMAN: May I ask you your name and address for the record.

MS. COYE Alexandra M. Coye of 4 Pickstock Street

CHAIRMAN: And you are appearing as a citizen?

MS. COYL: I am presently appearing as a private citizen.

CHAIRMAN: Ms. Coye, what do you have to tell us?

MS. COYE: In varying capacities, I appear as private citizen and also as Chief Coordinator of the Belize Cultural Arts. Firstly I would like to make a submission for an extension on the time of consultation, and secondly I would like to know whether consultation with Belizeans residing abroad for whatever reasons has been undertaken by the Committee?

CHAIRMAN: No.

MS COYE: You're anticipating....

CHAIRMAN: No, we're not.

MS. COYE: I will submit my request that consultation with

Belizeans living abroad be made and I use as my basis of reference the fact that enjoying up to consultations for other territories, e.g., the Caribbean, consultation with residents, with citizens of those territories, resident abroad, has been made, + am in personal knowledge with, first of all, thirdly I would like to enquire of the committee, concerning a matter that confuses me somewhat.

Exactly what is the definition of Joint Committee, Joint Select Committee?

CHAIRMAN: It means that it comprises members from both houses of the National Assembly.

MS. COYLE: It has nothing to do with composition of members of the Government party and the Opposition, the term joint?

CHAIRMAN: Nothing at all.

MS. COYLE: There is a question, I noted that a previous, I couldn't hear well, has commented on draft constitution for 1968 and I think it said that it was based on the African model and that this draft constitution has been based on or comprise of 20 to 30 other constitutions. Therefore is it based on the Westminster model?

CHAIRMAN: It is based on Westminster model.

MS. COYLE: I would like to submit, therefore, that the committee take into consideration to take a constitution, the republican model, of Mexico, U.S.A. and I make this recommendation because historically it has shown since the British colonies started on the long road to independence since 1948 with India, that the parliamentary system, based on the Westminster Model has seen to give rise to, at varying times, dictatorship. That, beginning with Ghana and ending up with the President. I don't think it can be used as a personal qualitative statement but one that can be derived on objective analysis. On that basis, I would like to recommend that the committee take into consideration the possibility of a republican model, where the judiciary will be separate from the legislative, where prescriptions for the time that the leader of the nation may serve in order to prevent the development of a powerful of the leadership that you, the constitution permit one term of office, U.S.A. two terms of office of a certain amount of time. I am at present working a critique for my representation and I prescribe afterwards.

CHAIRMAN: Please wait, just to clarify a few points. First of all you asked for an extension of time. What do you have in mind, what sort of time do you have in mind?

MS. COYLE: Well, my reading rate is approximately a 750... I'm giving it step by step, between 700 to 1,200 words per minute, however, it is legal language and I know that on a previous occasion I have been accused of not understanding the legal language, because of that, therefore, I feel that it is necessary, in that context, to allocate as much time and as much care as possible to the interpretation. I have come across instances where the use of the future tense and the use of the conditional tense, seem to contradict one another. I am not sure whether that is a fault of that, or whether it is a linguistic position or whether it is a simple legalistic terminology with no sinister indication or otherwise. No. 2. in asking for more time, because I am proposing an alternative model, I therefore feel that it is incumbent on myself to read and read carefully the documents of freedom which constitutes the freedom of other nations and that is why I'm presently reading the Mexican constitution, the new constitution for Honduras and also the document for France as the document for France as they have emerged, and therefore I am requesting approximately the possibility of five to six months and I think that would be possible, given that we are envisioning independence within a year, to bring to an end the long struggle of 30 odd years. So this is what I would propose.

CHAIRMAN: Consultation with Melizians abroad; you told us that you had the knowledge of what other countries do, could you help us with this because I would imagine that for us this would take quite an exercise.

MS. COYLE: I should imagine so. You mean help you by being prepared to do it?

CHAIRMAN: No. Just by telling us how they went about doing this.

MS. COYLE: Well, I know in the case, I cannot recall at the moment, the name of one of the territories, of the Lesser Antilles but while I was at University a friend of mine, who was doing his doctoral thesis, was asked to supervise consultations on the eastern seaboard of the U.S.A. and Canada and his work was, the time allocated was about a year. That is what he had and I know that there are, well reports claim that there are about 50,000 of our people abroad and some people feel if they don't have a right, they have God and because of choice. I personally feel that it is not for us to decide why they have left because most of them have not given up their Melizian citizenship, so I feel that in the interest, they should be consulted as individuals not as organized bodies because we will have no way of assessing the structure and the

objectives of organized bodies of Belizeans abroad. They could be politically vague and otherwise. So I feel that in the issue they should be consulted as individuals, not as organized bodies because people have no way of assessing the structure and the objective of Belizeans abroad. They could be practically naive and otherwise.

CHAIRMAN: Very shortly you asked us to consider the Mexican and the United States constitution.

MISS COYLE: So, that's exactly....

CHAIRMAN: No, I just wonder whether like the Mexican constitution you are recommending to us a one party issue.

MISS COYLE: Not necessarily, I am just saying that we are to conclude of this constitution obviously if we could draw out of this the best and taken into considerations. For example the American constitution has been trying to thresh in it certain objectives. We have not necessarily achieved that. Example of that means that the vision is not there; you know. That doesn't mean that a confederal constitution

CHAIRMAN: That a confederal constitution, if you mean we haven't been contemplating that we should be going into a confederal constitution?

MISS COYLE: Not necessarily; this word or this statement it says Belize shall be declared a sovereign democratic State of Central America there is a derivatory, the possibility of a federated arrangement in the terminology at the state. One would have a good constitution Sovereign democratic nation state of Central America because if the whole process of the Independence movement has been known now and which started with the Penais Government of England and to break away of Britain the control of the Roman Catholic church was in reality a political revolution and the beginning of the emergence of the political concept of the nation, so within that content this very document at the moment in those words seem to me to point the possibility of a federate state. I am not suggesting that...

CHAIRMAN: Were you not a.....

MISS COYLE: No.

CHAIRMAN: Then you did not give us a warning of what has happened to those countries which have followed the parliamentary system of government.

MISS COYLE: You would like me to enlarge on that?

CHAIRMAN: No. What I would like to ask is a question whether in your experience you have examined what has happened to the republics of Latin America who has followed the American constitution?

MISS COYE: The Republics of Latin America and the United States have not really followed their form. The republics form of Government enlarge out of the experience of French revolution and also out of the experience of the political philosophies of Europe during the 19th century. They just have been commenting on man participation on Government of the laws that you can't have an uneducated man participating in democratically severely because it doesn't work. The Latin American model has each enlarged so it wasn't to their own practical of Government really.

CHAIRMAN: Not really. How long have you read the Nicaragua constitution under Somoza and put it against the American one?

MISS COYE: No Mr. Courtenay, the point that I made a while ago is that we have an ideal and a real vision. It is not a question of whether we have achieved the ideal, the question is that we would like to enshrine in our constitution the ideal. I think that everybody who has come to posit their ideal while they don't necessarily exist nor can we assume that they are workable. For example the British does not carry a written constitution. I am still right or am I wrong?

CHAIRMAN: Well the British constitution...

MISS COYE: Is there a written constitution?

HON. MUSA: Not in the new statement.

MISS COYE: No. United Kingdom does not have a written constitution, its Government is on the basis of the consensus of opinion worked out over two (2) thousand years. They have had...

CHAIRMAN: I would not answer that. British constitution is very very written.

MISS COYE: But they don't have a constitution.

CHAIRMAN: Forgive me, for give me. In terms of what it is, I can bring a text book or widely known as the Telegram Council in writing.

MISS COYE: It's not that recording that points that practically has been.

CHAIRMAN: It's question of London, if they file documents, or no proof.

MISS COYE: I agree. My point is that there is not a certified document been left. My point is that model has been worked out of the cultural experience of the British people.

CHAIRMAN: Really!

MISS COYE: We may be a British colonist and on Independence we will be an ex-British colonist. But there's no reason for us to

assume that the British experience is suitable really to our experience or to the identification with our needs and our realities. As far as I am concerned we are a new world people and there is nothing wrong with us attempting to utilize the experiences of the new world, eliminating the necessities, utilizing the possibilities and see where we can go from there. This is what I am talking about. I feel that the position of Governor-General cannot become as that of the Queen, the Queen's position is hereditary, the Governor-General's position is not a hereditary one, it is appointed.

CHAIRMAN: Not intended.

MISS COYLE: It is really intended to be, a while ago, I heard that they were making the position to somebody that whom I think we possibly couldn't hear in the case of a misdemeanour on the part of the Governor-General that when he act in the capacity of the Queen, how could he be tried in his own court of Law? Is that wrong?

CHAIRMAN: Let me rephrase myself as her representative, very different.

MISS COYLE: Does the Governor-General replace the present role of the Governor?

CHAIRMAN: No.

MISS COYLE: It's a completely different role. The Governor-General is a completely different role from the present Governor.

CHAIRMAN: Completely different role.

MISS COYLE: Well then why does he need to exist.

CHAIRMAN: Because we have proposed a monarchical system in which the Queen has a representative in our country.

MISS COYLE: Okay, so if it is a monarchical system, and a monarchical system, the Monarch is a hereditary ruler in the case of the Queen and she doesn't rule she merely reigns.

MISS COYLE: Are you then saying that citizens of an ex-colony which have experience in slavery, which have gone through all the travail of liberation, could not follow for example, must need be involved in a political context based on the Monarchical Principle which it seems to me even the English themselves have questioned. At present the Canadian and Great Britain are in controversy concerning the inclusion of a Bill of rights into the Canadian Constitution, and the issue is that this has to be done in England by a Parliament and some people in Canada I think but it should be done in Canada could probably emerge to be a major controversy, to the point where the Canadian High Commissioner has accused the British Government of tapping its trans-Atlantic calls. It

It seems to me that the Parliamentary model or the Westminster model has worked far better in places such as Canada and Australia simply by a virtue of the fact that a major portion of their population are of British origin.

CHAIRMAN: I would say that looking at the African experience is unrelated to Belize.

MISS COYE: But you have ethnic, sharp ethnic problems.

CHAIRMAN: Problems of sharp ethnic problems no - I wouldn't say that, we might have ethnic difference, but not sharp problems.

MISS COYE: Not sharp problems - well I think in the case of one person opinion I guess not want, but I will still like to submit for the consideration of the Republican one.

CHAIRMAN: You would.

MISS COYE: That's what I say, if for that I am submitting a consideration of the Republican model and I give my reason for the rejection of another Government being in the Parliament. I am at least being very careful Mr. Courtenay - I said taking into consideration for example such constitution as the Mexican constitution in that case.

CHAIRMAN: Thank you.

MISS COYE: Thank you very much.

MR. MUSA: I think you heard Mr. Courtenay. The previous witness first mentioned that one reason for going at this time from the Monarchy system is a matter of public policy.

MISS COYE: No. I didn't hear.

MR. MUSA: Oh, you didn't hear.

Because of the different arrangement that are practical with the British bearing that in mind have you not accept the Monarchy as a temporary constitution, once you know it is a republic.

MISS COYL: Well my position is this, are we then saying that we will shortly be rewriting the constitution again. That is now on the monarchial system, on a monarchial premise and that we should shortly be rewriting it we will then anticipate. I am asking you.

Mr. Musa: I think the contemplation will be you rewrite the executive on the legislature on my premise but that the fundamental rights will be the Independence of the Judiciary may not mean anything. But if you move into a republican or practical countries, all you need to change is the structure of the executive in the legislature.

Miss Coye: Not really, there are other things that you need to be reconsidered too. I would say that the very thought that want you to utilizing a premise of operation it's an ideology petition - the right and it must mean that there are details within that

which are particular and specific to the particular ideological framework, I would say and is wrong, therefore we would need to accept, wouldn't we how our people would react then they would need to be involved in decision making as to whether or we would have a monarchical system on a temporary basis because of defence guarantee. We will then need strict limits on those defence guarantees right, for 5 years, for 10 years for 15 years, or what have you then having got that guarantee we will then have to face - then on that basis we will move into a republican system at this point in time or another alternative which will have to place to the people, do you want one immediately, so it is three proposition you will be made. One for a permanent monarchical system, two for a permanent republican system or three for a temporary monarchical system with a time limit, since you say that the basis for the request of a monarchical system is on one of the basis, is on the basis of defence arrangement then definite time will have to be set on the different arrangements, don't you think?

Mr. Musa: I see your point.

Miss Coye: Any other questions

Mr. Courtenay: One little question I would like to ask. I would like you to comment on this quotation "The consulate conceive for one people one generation believe that they can legislate.

Miss Coye: I believe you and that is why in my proposition I am preparing to include an article where the constitution should be reviewed within certain periods of time as a generational review obviously to be enshrined on the anniversary of Independence. Thank you very much.

Mr. Courtenay: Is there anybody else. Since there is nobody else, I will declare this sitting of the Joint Select Committee to be closed, and thank all of you to be present and attendance. Thank you.

Eighth Meeting of the Joint Select Committee appointed to examine, consider and report on the White Paper - Proposed Terms of a Constitution for the Independent Belize, held in Belize City on Wednesday, 25 February 1981.

Honourable C.L.B. Rogers in the Chair

9:00 a.m.

VERBATIM REPORT

CHAIRMAN: The Eighth Meeting of the Joint Select Committee is called to order. We would like to remind the people present that this Committee derived its authority from a Resolution passed by both the House of Representatives and the Senate. That Resolution empowers us to hold hearings to hear views of citizens on the White Paper. The Committee is governed by the Standing Orders of the House, and if there are any journalists or reporters around, we would like to remind them that any publication of the hearings, before the Committee reports to the National Assembly, would subject them to a charge of contempt of the National Assembly.

The first person on the list is -

Mr Rupert Cain
33A Castle Street
(citizen)

CHAIRMAN: What are your views on the White Paper, Mr Cain?

Mr Cain: My views, Sir? I endorse the White Paper.

CHAIRMAN: Is there anything you would like to add to that?

Mr Cain: No, sir.

CHAIRMAN: Members of the Committee, Mr Cain has given us his statement that he endorses the White Paper. Is there any question you would like to put to Mr Cain? If not, then, Mr Cain, it remains for me to thank you on behalf of the Committee for appearing before us and giving us a very clear statement. Thank you very much.

Mr C. Turner
1122 Card's Alley
(citizen)

CHAIRMAN: What are your views on the White Paper, Mr Turner?

Mr Turner: I haven't been studying it thoroughly, but I have more or less a slight understanding of what is contained in the White Paper.

Now, in my view, the laws of this country would be practically the same as originally. The laws of the present moment were good for peaceful and good citizens, not the citizens that exist today; for example, you in your home, where you figure is your castle and you are supposed to be happy, listening to your radio to educate yourself and hear the news from abroad, you hear stoning from outside your house; children are annoying you. I think the law should be much more stiffer; there is too much freedom and most people abuse it.

CHAIRMAN: We have heard a view that there should be a period in which the existing laws would all be reviewed.

Mr Turner: I think there should be openings for amendment, as we go along. And I wish to recommend amendments as you go along, that you see fit for discipline, because you can't get along without discipline in any part of the world; and we badly need that here.

CHAIRMAN: So you recommend that the existing laws be reviewed.

Mr Turner: Now we are going into Independence and we must secure a proper economy. The Government is too careless in shipping out lumber. The Government should have a qualified man who knows the measurement, because it is a very technical thing, you know. Not anyone can measure lumber and know how the footage and so on. Now, there is only one honest man and that's God. I get one hundred thousand feet of mahogany that I am going to ship out; so like Belize Estate crowd and them, you think I am going to tell you I shipped one hundred thousand feet, you take my word. That is the system in the Government today, and it's a bad one. The Government is losing revenue and I am certain of that, in those lines, in the export of timber.

CHAIRMAN: The export of timber.

Mr Turner: Yes, to measure, you have to have a Government man employed steadily to take care of that. Belize Estate reports to the Government that I am going to ship out lumber say, today; alright, you send your man there, say a week or so in advance, to measure the amount; and appoint a spot where you the Government can take care of it until it leaves this country. That is the proper system, I recommend. If you don't do that, you'll be losing revenue because, I know, nobody is honest to tell you, well, that he is shipping one hundred thousand feet and that's what the real amount is.

The next thing, in regards to protecting our border - fishing. I heard many times people come from the Republic to go to these hunting cays and you can't get them off; they say they are not leaving. We want stiffer laws in those lines. There have to be stiffer laws, too, to protect these men who come and fish in our waters.....

Chairman: Probably patrolling.

Mr. Turner: Yes, Yes. And whosoever violate that law, you take away their catch and their boats, all their values; not as how it is done now. The last one I heard about, a big fishing boat came here and they only took away their catch and the people gone off with their boat. People will always come and take advantage because the law is not stiff enough.

Chairman: The vessels should be seized.

Mr. Turner: Yes, everything, all values and, maybe, put them in jail, if possible. You punish them.

Chairman: A stiff penalty.

Mr. Turner: Yes, because people will always intrude with this existing law.

Chairman: Are there any questions for Mr. Turner? If not, Mr. Turner I would like to thank you on behalf of the Committee for appearing here and giving us your views, thank you very much.

Mr. N. Pollard
Belize City

Mr. Pollard: I would like to call the Committee's attention to Page 5(i) - protection of freedom of expression - with regard to the sentence which reads "This includes the right to communicate ideas, freedom of the press and mass media of communication", I would, simply, like to ask that there be included a provision for more easy access to the one Government radio station in the country, Radio Belize.

Chairman: Is that your submission?

Pollard: This is really in support, these are facts in support of my argument.

Chairman: May I ask a question? Do you propose, Mr. Pollard, that any other Government property should be made available to any citizen on an impartial basis?

Pollard: At the present time I haven't thought about it, Sir, but I mentioned Radio Belize merely in connection with what I just read, mass media of communication this includes the right, it says "Protection of freedom of expression - everyone shall have the right to freedom of expression. This includes the right to communicate ideas, freedom of the press and mass media of communication and certainly radio is at the forefront of the mass media of communication but there is no other radio available to the citizens of this country except Radio Belize that is why I mentioned that in particular.

Courtenay: But that is so? No other radio is available?

Pollard: No other radio in this country. I am talking about radio station, Sir.

Courtenay: You wouldn't propose that the Gazette should be made free to the public.

Pollard: Well, I didn't say ...

Courtenay: Or the New Belize.

Pollard: I do not mean free in the sense of not having to pay, for example, for announcements, obviously there should be some kind of payment for announcements, but I am talking about political or social views should be made available. Radio Belize should be made available for political and social views of people other than the governing party.

Courtenay: The governing party or the Government?

Pollard: The Government and the governing party.

Courtenay: The governing party has access to the radio?

Pollard: Certainly, Sir. There was an all day broadcast on Monday about the convention of one political party.

Chairman: That was coverage.

Pollard: That's what I mean, coverage. The other political parties are not thus covered, Sir.

Chairman: Well, if they don't make news in their opinion, but they cover any events. I've heard several events covered by other parties. Your own

- 5 -
Save Belize Movement which was new, brand new, nobody knew what it was,
was put on the radio.

Pollard: But merely as an announcement, Sir.

Chairman: Mr. Pollard, my question is, I see what you are getting at, is
it that all media, knowing your fairness, all newspapers should carry all
views too. Is that what you're saying?

Pollard: Certainly, except, that in the case of newspapers, we cannot
compel private owners to do that.

Chairman: If we had a private radio station you wouldn't be able ..

Mr. Pollard: I couldn't compel them, no, but in the case of a Government
thing, which is financed by all the people.

Chairman: I understand, Mr. Pollard, it's only to understand your
proposal.

Pollard: Page 17, Sir, No. 58 (b).

Chairman: I think you made some proposals on this before.

Pollard: Yes, we discussed it and I said I would like to reconsider this
section. I have suggested that this should be totally dropped and your
reply to that was suppose you want to increase the rights of people, this
would be the section to do it under. Well, may I point out, Sir, that
I do not, any longer, suggest that it be dropped, but I would like to
propose that there should be a provision added that, in no case, may any
amendment so made encroach upon or abolish existing rights of the
citizen; and may I add to this, Sir, from reading the document, all the
provisions concerned with human rights, I get the impression that
there's something lacking; perhaps, with all good will, it was the
intention to include all human rights, but I get the impression that it
has not been properly provided for, I would respectfully submit, suggest;
and I take your public speech as the jumping off point of this. You said
that the Constitution will provide for all of the guarantees provided
by the United States or something to that effect.

Chairman: I said that the aim of our Constitution would be the same ideas.
We would like liberty to pursue

Pollard: Certainly, thanks for the correction. Thanks for the proper way
of putting it.

Chairman: It might not be word for word, but the ideas.

Pollard: Well, in that connection, Sir, I have the impression that the Constitution, as it stands, does not provide fully for those rights. May I, respectfully, suggest that the Committee go over the amendment to the United States Constitution called the Bill of Rights and more importantly the United Nations Charter of Human Rights and that nothing included in those two documents be left out of our Constitution.

Chairman: Both the United States Constitution and the United Nations Charter of Human Rights.

Pollard: That nothing included in those documents be left out of our Constitution.

Courtenay: Where they conflict what do we do?

Pollard: That the better provision be the one kept; the one adopted by Belize. I go, Sir, to Page 4 (j) Page 5 (j) Protection of Freedom of Assembly and Association particularly with association and the rights of trade unions. I believe that there should be a provision to the effect that the public officers, not by me necessarily, unions of public servants should have the right to strike. This principle is well and truly enshrined in the United Kingdom for example and all the Commonwealth. Civil Servants do have the right to strike and the United States as well, but there is a sort of inference here to the effect it says "the right of peaceful assembly shall be recognized and everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. This shall not invalidate a law reasonably required for defence, public safety, morality, etc. to protect the freedom of others, to restrict members of the Public Services that is the phrase I don't like - to restrict members of the Public Services so that my proviso provides for freedom of strike by Public Services. There already exist in the Trade Union Ordinance certain restrictions on strikes, I don't quarrel with that at all. For example, in the public health services, electrical supplies strikes are illegal; they are essential services; they must go to arbitration and then after arbitration fails

Chairman: You know, we have a situation where members of the Conciliatory Organization, the services rather, the Labour Department joined the same union and they are the people who are to make peace between employer and employees. What are your views? Is that a restriction? If those people

can form their own unions and not be a part of any existing unions, when they might have to make peace between another union and the employer.

Pollard: That's very difficult to say, on the spur of the moment. I would like to reserve my ...

Chairman: You're a bright man and if you don't want to answer me. I have never found you lost for words.

Pollard: With regard to the matter on Page 12 Section 33 - the appointment of the Belize Advisory Council, I have already suggested that the Leader of the Opposition should also be consulted in addition to the Prime Minister, but I now, Sir, ask the question; it's a question really for clarification - The Governor-General shall be the Chairman of the Council and in his absence the most senior member present shall preside. How will that be provided for? Who is the most senior? they having all been appointed presumably at the same time.

Chairman: We had a question before from one of the people who appeared before the Committee - Mr. Courtenay answered it very clearly. Would you give Mr. Pollard the benefit of this clarification? Mr. Courtenay?

Mr. Courtenay: If you will notice the provisions for tenure of office, it's stated that, it gives a maximum period rather than saying that a person is appointed for a specific period. So the maximum is ten years. The idea and the concept is that one would want some degree of continuity in the operation of such a Council, therefore on the first appointment, the appointments would be staggered somebody might be appointed for a year, somebody for two, somebody for three, somebody for four, so that the periods of tenure would come to an end at different times, so there would be a revolving situation and, in time, a member would become a senior member by length of service.

Pollard: And I suppose in the first year of tenure the person nominated for the longest period would be the senior person.

Courtenay: The Governor-General would deal with that.

Pollard: Page 21 - 83. I already pointed out to the Committee that I believe that the Director of Public Prosecutions should be appointed by the Governor-General, not on the advice of the Prime Minister, but on the advice of the Belize Advisory Council. May I point out that I am supported in my idea by the following Section 84 which states that in the dismissal of such a person the Governor-General would take advice from the Belize

- 8 -

Advisory Council so that the idea is already there and agreed to, so that I would suggest that the same consultation would be in 83 that it is not the Prime Minister, but the Belize Advisory Council.

Chairman: Well, 84 was put there and I thought that, when you looked at it, your fears would be groundless because in the nomination you had a fear that if the Prime Minister nominated the man he had some hold over him.

Pollard: Yes.

Chairman: He has none, because he can't remove the man. The appointment was provided for one way and the removal was provided for in another way, but your submission now is that this supports your earlier statement.

Pollard: Certainly

Chairman: Thank you.

Pollard: Page 26 - 100 (a) It is provided here, Sir, for the Code of Conduct by the various people in the Government including, well it says the National Assembly and more particularly it would be presumed Ministers of the Government, since they are the people with the executive powers of the Government (a) to place themselves in positions in which they have or could have a conflict of interest, it states before that of course - have a duty to conduct themselves in such a way as not to place themselves in positions in which they have or could have a conflict or interest. My submission, Sir, without going into details is that at the present time, there are Ministers already functioning who have conflict of interest.

Chairman: Well they would no longer.

Pollard: Well I wanted that to be noted, Sir.

Chairman: We don't know, I don't know what you are saying, and I can't take your allegations, but if it is so, it will no longer be done because you have something provided for that here.

Pollard: Very good, thank you, I go now to Page 19 - 70, "the life of the National Assembly shall continue for five years from the date of the first sitting of both Houses after any dissolution and shall then stand dissolved", bearing in mind that this is in the constitution, this clause will become effective on the date of the new Constitution and therefore I assume that this is intended to mean five years from the date of the coming into effect of the new Constitution, but bearing in mind that the

present Assembly is already nearly two years old so I believe that there should be a specific provision here to provide that whatever time served by the present Assembly, should be discounted from that five year period.

Page 9 - 18. I respectfully submit that the Cabinet should not consist of more than forty percent of the legislature or the House of Representatives. The reason for that, Sir, I think is quite clear, that the Cabinet should not over power the House, as at the present time. I think you have twelve members out of 18 at the present time.

Then I go, Sir, to, this will not refer to any specific section, it's an entirely new matter; I'm suggesting that there should be a provision in the new Constitution for a guarantee of Church/State Education without undue control such as has been recently

Chairman: You want that into the Constitution?

Pollard: Yes, Sir, well not in my words just the idea.

Chairman: Just new provision in the Constitution for a guarantee of Church/State Education.

Mr. Pollard: Yes, Sir, I was saying, I'm supporting my statement, my proviso - such as has been recently proposed by the Minister or Ministry of Education to the National Education Council whereby the Ministry would have control of who was hired or fired in the high schools. I am against that. I think that the high schools particularly should retain control over their own staff with Government merely assisting. I would want to see this in the Constitution. At the present time I think, correct me if I'm wrong, that very recently the Government began paying part of the salary of the high school teachers, 50 percent of it, I'm not sure ...

Chairman: But you aren't confining this provision to high schools.

Pollard: No Sir, primary schools as well, but since the high schools are a new element, I bring this up in a particular way. Nothing should be done, I think, by the state to control the Church Education; and that could be very vital, for example, in the appointment of teachers. If you get, for example, a non-christian teacher who is corrupting the minds of children. I am giving you an extreme example, it could happen. If you get a person who would corrupt the minds of children, an atheistic teacher. The Ministry of Education should not be able to say you can't dismiss that teacher. I'm giving you a concrete case, because they are paying the salary.

Hon. F. Hunter: If you get a teacher in school who is teaching subversion against the Government, could the school prevent the State from firing that teacher?

Pollard: I think it's impossible to provide for everything in law. It's impossible.

Hunter: Exactly.

Pollard: And therefore that is a situation that would land itself to discussion and I'm sure that school management is a reasonable thing and if that were

Chairman: Are you sure?

Pollard: Sure, they should be reasonable, however, may I make a distinction here, Sir. May I point out a distinction in answer to your question, Sir. There are two situations that such a teacher could be involved in. Her personal human rights, as a citizen, outside of the classroom should not be interfered with, but teaching the children, I agree with you that subversion should be prohibited.

Chairman: You are inconsistent. An atheistic teacher, you said, the Ministry should not stop - prevent from being fired, but now when it comes to another question of the mind you are saying also ...

Pollard: Definitely.

Hunter: The school should not prevent the State from firing the subvertive teacher, right?

Pollard: I am saying that I don't know if you can provide for that in the law.

Hon. G. Ramos: I want to get your point straight. Under the Church/State Education system, you want the State to have no control, but you want the church to have the control.

Pollard: No, I am not saying no control. I am saying not to have control over the hiring and firing of teachers in a general way. I don't want to include all of the ideas because there are many ideas ; for example, there is the idea of teaching religion.

Ramos: I was thinking that if it is a Church/State then both the Church and the State would have some sort of control.

Pollard: I wouldn't say control by the State. I would say .. In other words, the last say should be with the Church.

Chairman: How would you determine if a man is atheistic if he did not admit that he was atheistic?

Pollard: It could come out in what they tell the children and the children go back home and tell their parents what teachers are saying.

Chairman: And that would be the evidence?

Pollard: Well part of the evidence.

Chairman: Anything else, Mr. Pollard?

Pollard: I would like to see a provision in the Constitution providing that no British or other foreign troops stationed in Belize, except for external defence, or for assisting in national emergencies caused by natural calamities, such as hurricanes. The obvious import of this, I think, is, I give the situation in so many countries today for there are struggles for national liberation, as in El Salvador or Nicaragua. What I am saying is that outsiders should not be able to help the rebels not to be able to overthrow a tyrannical regime for example. They should not be allowed to do that. No foreign troops should be used against the citizens of their own country.

There should be a provision in the new Constitution for the appointment of an ombudsman. I recall that the Premier in his Budget Speech of 1979 promised that there would have been an ombudsman, but it is now February 1981. May I suggest that this be in the Constitution and my suggestion is that he should be appointed again by the Governor-General in consultation with the Belize Advisory Council.

Courtenay: Usually the ombudsman's system, as I know them, is usually a servant of the House, the House of Representatives, he reports to the House not to the Governor. In other words it is the House supervising the executive. Now if you get the executive appointing him, you are beginning to defeat the concept.

Pollard: I take what you say about the precedent or what is the present practice, but in my own limited mind, I cannot see a man functioning fairly and independently if he is subject to a majority in a House of Representatives.

Chairman: That's not what the member said to you. He said he reports to the House; you see the ombudsman is not a prosecutor, the ombudsman system that we know of, but he makes reports on situations that he thinks are dangerous and he thinks the House should act on it or that somebody's right has been affected. I was trying to say to you a while ago, it's not who appoint the man that matters, independence of the body, the functions and how can he be removed. It's like the appointment of judges, President Carter or whoever is the President, appoint them subject to ratification and after they are appointed they can't remove them, that's the independence of the matter. We must trust people, we are dealing with people.

Pollard: Yes, well anyhow the principle is that there should be independence.

Chairman: Your new provision is for the appointment of an ombudsman in the Constitution with an independent status.

Pollard: My fourth suggestion is that there should be a Public Service Appeal Board. I don't know how that is taken care of at the present time.

Chairman: You read in the White Paper that now they would appeal to the Advisory Council, that is in here at No. 91. The proposal in the White Paper appeals against any act of the Public Service Commission or the Governor-General in relation to the Public Services shall lie to the Belize Advisory Council. Yes, Mr. Pollard.

Pollard: That is good enough for me, Sir.

Chairman: Anything else, Mr. Pollard?

Pollard: Finally, Sir, I submit that the new Constitution, the Independence Constitution is going to be the most vital document in the life and history of Belize and I believe that two weeks of hearings have been very inadequate and insufficient. I believe that such a document deserves a much longer period for consultation with the people and I would respectfully request that the time be extended.

Chairman: Any questions of Mr. Pollard:

Courtenay: Just before you leave, I would like to draw to your attention for peace of mind, Mr. Pollard, the provisions of paragraph 40 on page 13; I just ask you to take note of it, not to comment on it, but just to note on the life of the National Assembly.

Pollard: Thank you for that Sir. In the United States there is a provision that every citizen should bear arms.

Chairman: No. Sir, I don't believe that every citizen should bear arms, I don't know how it is spelt and I don't know what the intention of that provision is.

Pollard: Everybody is entitled to have a gun, it is to defend the Constitution of the Country.

Rogers: But Mr. Pollard lest we don't understand this one, well I back the point which was on the point you made to us about the present National Assembly. You understand what this is saying:

Pollard: Yes Sir, this provides for what I recommend, the answer to my question.

Rogers: Yes, so the recommendation is no longer valid.

Pollard: That is right.

Rogers: Well Gentlemen, I think it is my duty to thank you for the contribution you made before this Committee.

Pollard: Thank you very much.

Rogers: The next name is the Belize City Council.

The Mayor
Reigio Montejo
(on behalf of the Belize City Council)

Rogers: Give us your views concerning the White Paper?

Montejo: Well it can be para-phrased in this way taking into account this historic time in our country, and taking advantage of this historic time to participate and support the White Paper, a document that would protect the lives and well-being of all Belizeans and those within our frontiers and supporting the full and immediate freedom of our country, Belize. The Belize City Council passed unanimously a Resolution which reads:

Rogers: Give us the date of the Resolution

Montejo: The 24th February.

Whereas the members of the Belize City Council have carefully studied the White Paper issued by the Government of Belize on the proposed terms of the Constitution for the Independent Belize, Are convinced that the White Paper embodies recognition of Basic Human Rights and Fundamental Freedom inherent in a God fearing society, are assured that the will of the people shall formed the basis of Government in the Democratic Society at both the National and Local Levels. We resolve that the Belize City Council unanimously supports the Government's White Paper and express confidence in the Government to obtain for Belize a Constitution for a Sovereign and Independent Belize with all its territory in tact.

Rogers: Thank you Mr. Mayor. Gentlemen you have heard the statement of the Mayor who is representing the Belize City Council. I would like to convey to your Council the gratitude of this Committee for appearing before it and presenting this Resolution passed. I tender it as part of the records.

Montejo: Quite Mr. Chairman. Thanks.

Rogers: The next is the Reverend S. O Pott, District Supervisor of the Church of the Nazarene and he appears on behalf of the Church of the Nazarene.

Rogers: Rev. Pott would you give us your views concerning the White Paper?

Pott: First of all, on behalf of our organization, I'd like to commend our Government for the fine presentation, we have been going through it, but unfortunately we haven't been able to cover all the important areas and we are still working on this. We believe that our Government has been quite clear in giving every organization an opportunity to express their views and make recommendations for the same. On Page 3, the first paragraph expresses the importance of this proposed Constitution and I would just read from there: The Constitution shall be declared the supreme law of Belize. Any law inconsistent therewith shall be declared void to the extent of the inconsistency. Gentlemen, we have been wrestling with the proposed Constitution and as an organization we have our men carried through the country, the governing body to our church would be the District Advisory Board made up of nationals and we find it a little bit difficult to gather all our men. It's been only two weeks...

Rogers: You still have time to write in to the Clerk of the National Assembly; any of your views; it will take a long time for the Committee to write its report, we'll be collecting the evidence and trying to get a head start to write the report.

Pott: I see.

Rogers: It takes a lot of hours and a lot of staff to compile a report such as this and they will be doing this for some time and you still have time.

Pott: Very well, so the deadline is not now...

Rogers: No, you still have time to send in your submission.

Pott: Excellent, Sir. Just before I leave, I'd like to ask a question on two areas that would help us in making some recommendations, that is on Page 10 Paragraph 21, the last sentence reads: "In the exercise of his functions the Attorney-General shall not be subject to the direction or control of any person or authority". Can we have little more clarification on that so that we can...

Rogers: A clarification is necessary because it was put in to make the Attorney General independent, but it has agitated some people to wonder if the Attorney General is above the law. This is not so. The Attorney General, as the first part reads if the Chief, the Principal Legal Adviser to the Government of Belize.

The Government needs facts, it needs somebody professional with knowledge of the Law; and in his functions he should not be told how they want the advice, that is what this is saying. We want you to give an advice based on the Law. And since he is a professional, it was put that way, maybe an unfortunate way of putting it, but it is saying that when the Attorney General is giving advice to the Government that's all his function is, and to administer legal affairs in the country. He should not be pressured in any form or any way only to give us his advice. His advice must be based on his knowledge in the law and, in that sense, he is an independent member of the Cabinet.

Pott: All right. Well that explains Page 13; Paragraph 37, where it is required that the Governor-General shall act in accordance with or on the advice of any person or authority the question of whether he has in any case done so shall not be enquired into by any court. Would that be something similar?

Rogers: This is slightly different. This is a style of writing Constitutions in the Parliamentary System called the Monarchical System. Here the Governor-General represents the Queen. It's a difficult thing in saying we should take the Queen to court because you know how that system is in the Parliamentary System. Well we are going to adopt the

Parliamentary System, then the Queen's representative, you cannot take the Queen's Representative to court. That is one of the difficulties, because all of the other Constitutions have it that way.

Pott: And the last one Gentlemen would be on Page 5(i) where it reads: "Everyone shall have the right to freedom of expression. This includes the right to communicate ideas, freedom of the press and mass medium of communication except as is necessary for defence and so on.. I am just wondering if when we say mass medium of communication we should spell out Mass Media and also whether we should spell out Radio and Television, because we are moving to that era you know, just spell it out.

Rogers: It's down there if you go further Reverend.

Pott: Yes, and my last question, I thought I had come to the last, but there is this last one: we do appreciate Gentlemen, the kind support the Government has given to the Churches very much. I believe, Mr. Pollard presented something about the school/government relationships, primary schools, high schools this is excellent; I think this is commendable. However, I would like to ask if there is anything here whereby the churches that are considered in our country as non-profit organization, and most of the churches in the country and I speak for most of the Churches, in Belize, not only the Nazerene Church; we receive some help from abroad including the social work, Christian Social Council, and thousands of dollars are poured in to help the Institutions here in our country and certainly we need it, and then, on the other hand the Government comes in and help. However, as we assume more national responsibility even, at the level of the churches, and, by the way, you might be interested to know, that our church coincides with government in speaking of Independence, we are really moving towards that ourselves by 1982 February; a year from now, we should be assuming total responsibility of the whole operations of organizations here in Belize. With this in mind, I wonder if there is any provisions made whereby the churches can still enjoy the privileges that we are enjoying now, which is really commendable from our Government. The fact that the Government exempts organizations from paying property taxes on schools, or churches or anything that is related to the church, and also the fact that, so far, we also enjoy the privilege of getting for example vehicles, paying just I believe 55 per cent duty on vehicles, as a non-profit organization, realizing that these vehicles do help the churches, do help the schools and I am sure that our Government is aware that as a non-profit organization, we are servants of the people; we work with the people; they call us any hour

of the night and we really do not have any charges; sometime we make long long trips whether for the school or for the church or whatever days and really the organization must absorb these expenses. And I am wondering whether there can be some provisions where these privileges can still be considered by our proposed Constitution; and, as I said before, many many churches are beginning to launch totally on their own and probably their help, that would come from any sources, outside of Belize would be, in many ways, limited and whether something like this can be considered for the future and I would like to ask this Honourable group here if they would give it their serious consideration.

Rogers: Reverend we would like you if you have the opportunity yet to submit your proposals and that could be one of your proposals. This Committee would certainly accept it. Thanks.

Pott: Thanks so much.

Rogers: Reverend Pott this Committee would like to thank you for appearing before it.

Pott: Thank you, Sir.

Chairman: I have a problem, differentiating between a genuine church and a cult.

We have received a presentation from no other person, but a Sister .. do you have any ideas how to avoid ... like Jim Jones..

Pott: I believe that really before any group comes into the country it would really be good to find out about their background whether it is a recognised organization, large enough, wherever it comes from, whether Britain or England or wherever; I believe that a safeguard there would be in order; Jim Jones was just a small little group that started somewhere there, probably they didn't have a set Constitution of the Church by which to operate. I believe that it would be in order if our Government were to have some safeguards whereby they can look into this group wanting to come into Belize and its not in here and whether it is a recognised organization or whether it is just a Jim Jones situation see. But, I believe, it is very much in order and along with that I think it is important to realize that in allowing exemptions or these privileges whether these churches are indeed a help in the promotion of the well being of the country, the people, whether schools or whatever we have exempt that some people might want to take advantage of this. When in reality probably they are using it for their own selfish ends; we have to make a distinction

as to whether this group is actually serving our people, our schools, our churches, and those that are, I would say it's commendable for for them; we need to screen out those that would just like to use this means for their own selfish ends, and this is incomplete.....

Rogers: The records would show that the Committee thank you for appearing before us.

Cyril Davis
Represent Democratic Independent Union
9 Corner Chapel Lane and South Street

Rogers: Mr. Davis, please give us your views about the White Paper?

Davis: Yes Sir, I would like to begin by saying some very important quotations, which is in keeping with our views on the White Paper.

Rogers: So long as it has to deal with the White Paper; please proceed Sir.

Davis: Very good, Sir. For the good and bad fortune of nations, an three factors is constitution, the way the constitution is made to work and the respect is inspires. Two, Englishmen are very fund of our Constitution to serve it is bestowed upon us by providence. Article 1 be amended accordingly; and to read thus: "On the appointed day Belize shall become an independent and democratic nation within the Commonwealth with all its democratic principles of the Commonwealth of Nations. (2) That Belize should not surrender any of its territory before or after Independence which presently stands at over 8,670 square miles, or thereabout. Article 2 should be amended by the addition of the following sentence after "inconsistency" in the last line - neither shall the Constitution be drafted to be derogatory to or bring good laws into disrepute which were in existence before Independence. Article 3. This Article should be amended to include all thirty articles of the declaration of Human Rights, as was adopted on 10 December 1948 by the General Assembly of United Nations. So as to do away with any ambiguousness apparent in the present document. Article 4 should likewise be amended by the inclusion of this statement after "prescribed" in the second line: "as spelled out in the declaration of Human Rights, shall be enshrined in the Constitution of an Independent Belize". Article 4(a) is arguable, since the right to life should mean exactly that same for the giver of life who should take it; however, if a person professes to be the giver of life, and thus takes life of another, then that person should be incarcerated for life. Article 4 (b) is anticipating that some public disturbances

shall be forthcoming after Independence which could be sparked off by Government if Government makes oppressive laws so they are saying that if you allow us the Government to do as we please with the people, then your freedom is secure. Therefore we are suggesting an amendment as follows: Except by due process of law or in cases of an emergency which was not brought about by an oppressive act or acts of Government against the people, a person shall not be deprived of his liberty.

Article 4 (c) Should be amended with a full stop after appeal, however, no person shall be held on any charge without trial for more than 6 months, at the expiration of this period, a person should be dismissed by the authorities and charged touching the matter be in question for which was the cause of such an arrest should be unqualifiedly dropped. Article 4; add the following words 'should or during an emergency such as matters as hurricane, fire or flood and so on', after detention. Article 4 (c): we believe that the words 'arbitrary search' should be resolutely applied in all cases and should not allow even the Government to enter one's property under the pretence of one of the conditions set out in this article.

Article 4 (g) should also be amended with the addition after Belize, the following sentence: 'however undesirable aliens, murderers and those such person shall not be immune from expulsion from this country'. Article 4 (h) should be amended by the deletion of the words in brackets' because we are a Christian people and believe that that sentence is prejudicial to good christians and could be a breathing ground for Communism'. 4(i) we feel very strongly about this section and recommended its absolute deletion and substitution of article 19 of the Declaration of Human Rights. instead.

Article 4 (j) should also be deleted and replaced by article 20 of the declaration of Human Rights which has no provision for its general application. Article 4 (h) Should also be deleted and be replaced by with article 12 of the declaration of Human Rights which is absolute and does not have a proviso to afford any Government, regardless, to declare that, because of defence or public safety, to interfere with people's personal matters. Article 6 seems to be saying that a separate constitution with emergency provisions shall be in existence, which shall supercede this constitution. If this is so, we are recommending that this constitution being the supreme law of the land, that all laws should be made in accordance and not in violation of this Constitution. This Constitution then, should set out the conditions to handle emergency and not any other law passed in violation of the constitution by the National Assembly or any other body including the Courts whose duty is to uphold the Constitution of this country. Article 7, this article seems abiguous, therefore it is not straight forward; we are

recommending that it be re-drafted and re-submitted to the public for scrutiny and comments. Article 8 (a) (b), in our opinion, it's a clear violation of trade union rights and should be amended to exclude trade unions ~~to be~~ made more specific as to its true, as against its hidden purpose. We also believe that the Constitution should be as unambiguous as possible. Article 9, what is the meaning of article 9? Again this is ambiguous, and it should be made more specific; we believe that we are not to be anticipating what an article of the constitution is intending to say. Article 12, in our opinion, can be very dangerous, since there are hundreds of foreigners in our country particularly, from the neighbouring Republics. We are, therefore, recommending that all foreigners who are in this country should live in this country legal for five years after Independence or ten years before Independence, before they are granted citizenship. Article 13, this article is appropriate for Belizeans, but we believe that foreigners should be allowed to accept, reject the grievances from their own free will on a part and therefore if they are qualified, then they should make necessary applications to become citizen. We question this, because the word in this clause is shall.... Article 14. This article is a violation of Article 13 of the Declaration of Human Rights and should be deleted and replaced by the said article 13 of the Declaration of Human Rights. Article 15: this article will only be meaningful if Belize becomes an Independent Nation within the Commonwealth, which we hope shall be the position or condition which Belize Government will take Belize into Independence, as we had mentioned earlier, and that it was not indicated in Article 1, that Belize should be an Independent Nation within the Commonwealth, but instead a Sovereign Democratic State of Central America in the Caribbean Region, after all Grenada, Cuba, Guyana are Sovereign and Democratic in their own way, but not with the kind of democracy we would like for Belize after Independence. Article 16, The Governor-General should be appointed by the Queen from amongst qualified men, from amongst members of the Commonwealth of Nations after consultation with the Premier and the Leader of the Opposition, and the appointee shall hold office at the Queen's pleasure and successor to the throne of England. The Governor-General shall be responsible to the Queen and the successor of the Crown of England for the administrative affairs of Belize and not to any Minister of Belize, since he will be subjected to the making of political decisions as against administrative decisions. We feel that this proposal is a safeguard against political victimization and should be included in the constitution. Article 17: We strongly recommend in this article, as above, and wherever in any other article of the draft constitution in reference made about the functions of the Governor-General that the

Governor-General should act only on the advise of the Queen, after due consultation with the Premier, and the Leader of the Opposition; absolutely not on the advise of any other Minister. That is to say that, the Prime Minister, should be the link between the Ministers and the Governor-General. This, to our minds, shall prevent duplicating of administrative orders or decisions. We believe that this article should be amended after "Governor-General" as follows: "The Governor-General should keep the Crown informed of all decisions of the Cabinet". Article 19 - 20: We would like to add after the word "Authority" the word "save that the Attorney-General shall be bound by the Constitution and the laws of Belize for his impartial and the proper function of his duties and shall be subject to the rule of law as every other citizen in Belize". Article 22: We recommend that the following be added after "portfolio" "in accordance with any laws or recommendations that is in force and touching the matter in question". Article 23: We recommend that the tenure of office of the Premier should be for two periods of four years, only, if his party should be successful for a second time at the polls. However, should he loose his seat at an election, he shall not be allowed to be the Premier if he should regain his seat at a subsequent election. We are recommending that this paragraph precede article 23 accordingly and the one beginning with "if" be numbered (b). Article 25: We believe that this article is a penalty to the other Ministers if they are removed from their seats due to no fault of their own and as a result of unwarranted actions on the part of the Premier. The Ministers should be free to decide whether or not to go with the Prime Minister. Therefore, we recommend that this article be amended accordingly. Article 29: The word "Deputy Premier" should be added after "absence" and the word "any other Minister that he appoints" should be deleted. In other words Deputy Premier shall preside. Article 30: This Article should be amended to read: "That the Leader of the Opposition in the House shall be the person chosen by the said party whom the Governor-General shall recognize as such and appoints such a person accordingly. Article 32: We note that in this article the saving of money is an important factor, however, we must state that if such a condition is created by the constitution more money will be lost than saved through the inability of one Permanent Secretary being put in charge of two or more departments. It seems to us that at present the Permanent Secretaries are incapable of attending efficiently to one department therefore it does not seem feasible to allocate more than one department to a Permanent Secretary at a time. Therefore, we recommend that this article be amended accordingly in accordance with

our comments and for good administration of and with Government
This one deals with the Advisory Council. It is not clear from
this article what will be the duties of an Advisory Council. If
the Cabinet is recognized as a Supreme policy making body, so what
or will the Advisory Council advise on? However, if there is going
to be one, we recommend that the Opposition be equally represented.
Article 35: This is dealt with in our submission in article 17.
Article 36: We note that this article is in absolute contradiction
to article 19, or vice versa, therefore, it should be amended to
determine what are their true intentions and which one shall remain
in the constitution. Article 37: We recommend that this article is
a violation of natural justice and the basic human rights, since it
prohibits an aggrieved person, to appeal against the decision of the
Governor-General and should be amended accordingly; and no one should
be placed above the law even if we are to have democracy in Belize.
Remember natural justice is the corner stone of any constitution.
This is very important for any Government to remember. We recommend
that the Speaker of the House should be elected from amongst elected
members of the House and not appointed from outside. Article 40: We
recommend that an internationally supervised general elections be held
in Belize before Independence. Article 41: We recommend that before
this section can be acceptable, that the representation of people's
ordinance be amended to include the Opposition within the Areas and
Boundaries Commission. Therefore we should not proceed into
Independence with this partiality existing in that ordinance; If
equal rights shall be observed in Belize after Independence.
Article 44: We recommend that the words "however, a member of
the Police Force or Civil Servant shall upon a request made to their
respective head of departments for political leave can campaign and
run for an election to serve in the House of Representative" be added in
at the end of this article. Article 47: The words "for after due
consultation with the Leader of the Opposition" should be added after
the word "shall" in the second line. Article 58: We recommend that any
amendment to the constitution should only be done after the citizens of
Belize are consulted and be allowed to approve or disapprove of such
amendments by a referendum and not by two thirds majority of the House
of Assembly of Belize and not as stated in article 58. Article 60: We
recommend that no appointed Minister be allowed to address any of the
houses of Parliament. Furthermore the appointments of Ministers
should be discouraged. Article 61: We recommend an amendment after

"otherwise" as follows: "However this immunity from prosecution does not protect a Minister from criminal prosecution, but in the case of civil prosecution, no action shall be entertained by any court forty days before the sitting of Parliament and forty days after the sitting of Parliament.

Article 63: We recommend that this article should be amended to be more flexible and thereby reducing some of the powers of the Cabinet as to whether or not, a money bill should be amended, let go the Cabinet and deprive the Opposition of their rights to made amendments or for that matter back-benches of Government.

Article 69: We recommend that the words "at least four times a year" be substituted for "at once a year" in the fourth line and "four months" instead of six months" be substituted in the sixth line.

Article 71: We recommend that once the House is dissolved by the Governor-General, it should stand dissolved and, if any emergency should arise, that it is the Governor-General's responsibility to deal with the matter under the laws as he sees fit and the power to do and to solicit the aid of Her Majesty's government, depending on the gravity of the emergency.

Article 75: We recommend that Her Majesty the Queen be substituted in line 8 for "Prime Minister" as since we strongly oppose to politicians having anything to do with the courts.

Article 76 - 84: Here again we recommend that wherever, in these articles, the word "Prime Minister" appear, it should be deleted and replaced by "Her Majesty, the Queen of England".

Article 92: We recommend that all these matters should be deleted to an independent Civil Service Board and should never ever be in the hands of any politician since there will not be any security of tenure for civil servants who are not supporters of the Party in Government and shall be a breeding ground inefficiency through political appointments. Here then is our further recommendation to this committee:

1. That Her Majesty, the Queen of England, or His Majesty the King and the 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, 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 the 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 effects of the exercise of absolute power by any individual.

4. That a bill of rights to safeguard the rights of 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 politicians and that the Government must establish an industrial dispute 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, ordinances 14 of 1967 entitled "Control of Public Meetings and Public Processions 1967" which states that any meeting that is, any gathering of five or more persons convened or held, or any purpose which include any political purpose is illegal ~~without first obtaining permission from the Commissioner of Police and~~ Section 19(i)(a) and (b) of the proposed Criminal Code which reads: 19(i) every person directly or indirectly instigate, command, councils, procures, solicit, or in any way, any manner purposely ease, facilitate, encourage, or promotes the commission of any crime whether by his acts, presence or otherwise or (b) does not act for the purpose of aiding, facilitating, encouraging or promoting the commission of a crime of any other person, whether known or unknown certain or uncertain shall be guilty of abetting the crime and of abetting the other person in respect of that crime. Taking together, these laws, severely inhibit the rights of Belizean to freedom of speech in discussing any issue and the rights to associate freely and contravenes Article 19 to 21 of the declaration of human rights.
7. That communism should be made illegal in all parts 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 racist government should be included and that by the voice of the people such government should resign.
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 and out of Belize to any foreign friendly countries should not be impeded in any way.
11. That churches and other social organizations 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 should 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 convention for Belize.

15. That the people or radio station be made accessible to all political parties and all organisations without censoring what they wish to the public, so that the people should have the right to hear both sides and to decide for themselves as they are free, as they are perfectly able to do with ninety-five percent literacy in our country.
16. That there should be an election before independence and that 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 a referendum on any other vital issue that could affect the lives of Belizeans in the future.
18. That there should be a five day work week established throughout this country.
19. Police brutality should be absolutely discouraged and safeguard to this effect should be written into the constitution.
20. The rights of our citizens to work without being politically victimized 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 tourist industry in Barbados.
22. The the Government should allow and do all in its powers to foster private industry.
23. That Guatemala should be allowed to pass her goods through Belize by way of an international highway, built by the United Kingdom before independence and be made to pay rates similar to those paid by Mexico and also pay a toll for the use of such a highway.
24. That the principle that all men are created equal, in dignity and inrights, should be recognized by the constitution.

Mr. Chairman, at this stage, I have a declaration of human rights, with your permission I would like to read it, sir.

CHAIRMAN: Unless you are submitting the document, I think there are other members who want to talk before the committee too.

DAVIS: This won't be long. Declaration of Human Rights which was established on the 10th November.

CHAIRMAN: We are familiar with the documents. As a matter of fact, we have it here and you can tender it as part of your submission. In fact, I would like a copy of all that you had to say. You need not give it today. Any questions?

RAMOS: The recommendations that you just read, are they the recommendations of the Executive body of the Democratic Independent Union? Would you care to name the officers who were present when these recommendations were made?

DAVIS: We had one Mr. Wilfred Cooper who works at the Public Works, Mr. Slusher who works at the Public Works Department likewise.

CHAIRMAN: These are members of your executive?

DAVIS: Yes. Mr. Gentle from the Water and Sewerage Authority, Theofolus, Ryan Santos from the Prosser Fertilizer Company and we also add that at this very said meeting we had executive members from the factory unions also, but they are prepared to come before you themselves. So, I can assure this committee that this recommendation was not arbitrarily done.

CHAIRMAN: Before you go, Mr. Davis, I would like to make one thing clear. The chair directs that the remarks made earlier before the submission on the White Paper, be struck from the records. Then the committee would like to thank you for your contribution to the hearing. Thank you very much.

HON. P. GOLDSON and MR. CARLTON FAIRWEATHER

CHAIRMAN: Good morning, Mr. Goldson.

GOLDSON: Good morning.

CHAIRMAN: And you are appearing on behalf of the United Democratic Party?

GOLDSON: Yes, Sir. Mr. Chairman, I will ask Mr. Fairweather to read our submission.

FAIRWEATHER: The United Democratic Party memorandum to Joint Select Committee of the House of Representatives and the Senate on the proposed Independent Constitution. To the Hon. Members of the Joint Select Committee. The United Democratic Party presents here with its views and amendments to the Government White Paper on the proposed Independent Constitutions.

NATIONAL SYMBOLS

Although the question of National Symbols is not referred to in the White Paper, it is noted that the Select Committee has been soliciting views on this question from certain persons appearing before the Committee.

It seems likely therefore that the Committee intends to submit recommendations on the National Symbols in its report to the National Assembly.

The United Democratic Party therefore submits a proposal for a National Flag, reserving its position on other matters of National Symbols for the time being.

The United Democratic Party proposes that the National Flag shall be made up as follows:

One half Red and one half BLUE with the National Coat of Arms on WHITE circle in the center. (See attached).

NATIONAL SYMBOLS COMMISSION

The United Democratic Party further proposes that a National Symbols commission should be appointed with the following terms of reference. To seek a consensus of the Belizean people on the question of the National Anthem, Flag, Motto, Prayer, Bird, Fish, Animal, Insect, Tree, Flower and such other symbols as are most likely to unify and inspire the people and around which all may rally with honour and national pride and to recommend such symbols for adoption by the National Assembly.

It is proposed that the National Symbols Commission shall be comprised as follows:

1. Two members from each party in the House of Representatives.
2. One member from each party in the Senate.
3. One member representing each registered Trade Union.
4. One member representing the Chamber of Commerce.
5. One member representing the Belize Library Association.
6. One member representing the Belize Bar Association.
7. One member representing the Belize City Council and one member representing each Town Board.
8. One member representing the Belize Arts Company.

Hon. P.S.W. Goldson, Deputy Leader, United Democratic Party.

Proposed Amendments to the White Paper on the Constitution

Sec. 4 (1) add the following

(1) Freedom of Expression shall include the right of responsible groups, organizations and individuals to equal opportunity to respond to criticism and comments affecting them on the broadcasting and TV media and the right of citizens generally to hear divergent views on public issues on the media.

(k) Protection of the right to privacy shall include protection against wire tapping and other forms of eavesdropping of private telephone conversation, except with lawful order of the court.

(n) PROTECTION OF THE RIGHT TO PRIVATE PROPERTY shall include the right of a property-owner to challenge before a court or tribunal the alleged public purpose for which his property if it is used for a private rather than public purpose. He shall have a right of action for damages where it is established that the acquisition of his property was malicious and not for a genuine public purpose.

Section 4 (0): Provided that where in this section any exception is made to a right by a law such law shall be just and reasonable in the circumstances.

CHAIRMAN: Is this a new

MR. FAIRWEATHER: It is a new subsection.

CHAIRMAN: It's a new subsection. Very well, noted. So, this goes with the first one you made. This goes with the one we were asking whether it was (i)?

MR. FAIRWEATHER: Yes.

ADDENDUM to Section 4(i): This right to freedom of expression shall include the right of citizens to operate private newspapers, magazines, radio stations and TV stations subject only to regulations necessary for orderly operation.

Sec. 14: A Belizean citizen should lose his citizenship by renunciation and by no other cause. He should retain his citizenship unless he specifically indicates that he no longer wants such citizenship.

Sec. 18: 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.

Section 23: 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.

Section 30 (a): 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 Belize of the Leader of the Opposition.

Section 33: Change the name Belize Advisory Council to the Belize Council of State.

Section 33: The Belize Council of State shall be comprised of three categories of membership as follows:

(a) Any person who since the advent of self government of Belize has held and vacated office of Premier, Deputy Premier, Prime Minister, Deputy Prime Minister, Minister of the Cabinet, Leader

of the Opposition, Speaker and President.

(b) Any Belizean citizen who formerly held the office of Chief Justice, Puisne Judge, Judge of the Court of Appeal, Registrar General and any person who is a Senior Attorney-at Law with the status of Senior Counsel.

Ten other persons, not below the age of thirty, to be appointed by the Governor-General, six on the advice of the Premier and four on the advice of the Leader of the Opposition.

Section 33 (a): The Governor-General shall be chairman of the Council and three members from each category shall constitute a quorum for a general meeting.

Section 33 (b): The members under categories (a) and (b) shall hold office for life so long as they retain the qualifications which entitled them to membership of the council. The members in the category (c) shall vacate office when the National Assembly convenes for the first time following a General Election.

Section 33 (c): The Governor may appoint committees of the Council comprised of not less than three nor more than five persons and may delegate to such committee the duty to investigate, report and recommend to the Council any matter which may be referred to them by the Governor-General or the Council.

Section 33 (d): The Governor-General shall appoint a Committee of five members, at least one of whom shall be drawn from each category, to advise him on the exercise of the Prerogative of Mercy. The Governor-General shall be chairman of the committee.

Section 33 (e): There shall be a Judicial committee of the Council of State comprised of the Counsellors of State under Category (b) and any other counsellor who is an attorney-at-law qualified to practise law in Belize.

Section 41: Each member of the House should represent not less than 1,400 nor more than 2,500 voters. These provisions under Section 41 should take effect before Independence through fresh General Elections.

Section 44 should be amended to read: A person shall be qualified to be elected a member of the House of Representatives or to be appointed to the Senate if he is a Belizean citizen 18 years old or over and, unless he is a Belizean born, has lived in Belize for at least one year before the date of his nomination for election and (unless incapacitated by blindness) he is able to speak, read and write the English Language. Also to be amended to provide that a person will also be disqualified from holding office in the National Assembly if he is convicted of any offence relating to

elections FOR SUCH PERIOD AS THE LAW MAY PRESCRIBE

Section 50: There shall be nine members of the Senate appointed by the Governor-General, five on the advice of the Leader of the party securing the largest number of votes in the general election of members of the House of Representatives and four on the advice of the Leader of the Party which has secured the second largest number of votes in the elections. Provided that if the party which received the second largest number of votes, receives twenty percent or less of the votes cast, that party shall then be allotted two seats only and the remaining seven seats shall be allotted to the Party securing the majority of votes.

Section 58: A vote of three-quarters of the membership of each House of the National Assembly shall be required for amendment of any provisions of the constitution.

Amendment of entrenched clauses should in addition require a referendum.

There should also be a provision which shall not be subject to amendment under any circumstances to that effect -

No amendment shall be made to this constitution to provide that Belize shall be a one-party state. The right to form and join political parties shall be entrenched in this constitution as a human right.

Section 59: The Standing Orders shall among other matters make provision for the following:

- (a) the right of a member to move motions and to speak on such motions at the time of presentation;
- (b) Requiring the Chairman of each committee to submit a monthly progress report as a sessional paper on all bills, motions and other matters pending before his committee together with reasons explaining delays of more than one month in reporting back any such bills, motions or other matters to the House;
- (c) That the Leader of the Opposition or some one appointed by him shall be chairman of the Public Accounts Committee which shall contain a majority of members from the Opposition Party.
- (d) That when a Minister introduces a bill for first reading he shall at the same time lay a copy of such bill on the table.
- (e) That no bill shall be passed through all its stages on the same day except with the unanimous consent of all members present and voting.

Section 73: (a) A by-election to fill any vacancy in the House of Representatives created by the death, resignation or otherwise of a member shall be held within six weeks of such vacancy occurring. Provided that no by-election shall be held if such vacancy occurs

less than three months before the life of the National Assembly is due to expire by operation of law.

Section 77 and 80: The question of the removal of a Judge shall be referred by Her Majesty to the Judicial Committee of the Council of State.

Section 88: Omit from exclusion clause the following: Secretary of the Cabinet, Permanent Secretaries, Heads of Government Departments. Delete the words "and any other office designated by the Commission" which occur at the end of the paragraph. The transfers of the Secretary of the Cabinet, Permanent Secretaries and Heads of Government Departments be vested in the Governor-General acting on the advice of the Prime Minister.

Section 91: Appeals on matters relating to the public service shall lie to the Council of State.

Section 98: The question of the removal of the Auditor General shall lie with the Council of State.

The study of the Proposed Constitution continues and further submission will be made in due course.

Signed: Hon. P.S.W. Goldson, Deputy Party Leader, United Democratic Party.

CHAIRMAN: Thank you for your clear presentation. Members, any question of these two gentlemen before us?

HON. F. J. MARIN: I noted from the presentation as signed by the Deputy Party Leader, the Leader does he support this also?

HON. P.S.W. GOLDSON: Yes, of course, this is a submission of the Central Executive of the Party.

CHAIRMAN: Any other question? If there is none then it only remains for me to thank you Mr. Goldson and Mr. Fairweather.

MR. FAIRWEATHER: Thank you, very much Mr. Chairman for your clear presentation too.

Selvin Sutherland
Lakeview and Banak Street
(citizen)

CHAIRMAN: Please take a seat, Mr Sutherland. May we now have your views on the White Paper.

Mr Sutherland: I have written out my views concerning this White Paper.

CHAIRMAN: You have it written?

Mr Sutherland: Yes, it's like a recommendation and my proposal of getting independence, right? Now I have written it like this:

"Dear Mr Minister, on the proposal of Independence, I am hereby standing with you all and looking forward for this day which I reckon is a day that should and must come.

I must now mention my views on this proposal.

Ministers and Leaders of Government must provide plenty of work and continue to increase wages.

Our laws to continue the same peaceful civilization way. Police must respect civilian and civilian must respect Police. Government must find some strong way to encourage the farmers to grow food produce; this is one point that should never stop because when the other country cannot afford to send their flour and macaronies, we have our cocoa and cassava going. Now just remember this shipment of food shortage from our country will not be of Government fault. The Bible tells us there will be shortage of food all over the world. So back to, as Government provides work and wages, the people must invest it on growing more food on the farm. We want our country and our people to be respected by any other foreigner. We must love Belize and our people; and we must be jealour over this land.

Mr Minister, this is my view on the proposal of Independence, and these views which I mentioned are through experience from which I gain from all the little independent countries in Central America, including Guatemala, the big one.

These four things, I mentioned, are the things which cause the people to lose their mind; such as paragraph 1, without work and wages, the people's

less than three months before the life of the National Assembly is due to expire by operation of law.

Section 77 and 80: The question of the removal of a Judge shall be referred by Her Majesty to the Judicial Committee of the Council of State.

Section 88: Omit from exclusion clause the following: Secretary of the Cabinet, Permanent Secretaries, Heads of Government Departments. Delete the words "and any other office designated by the Commission" which occur at the end of the paragraph. The transfers of the Secretary of the Cabinet, Permanent Secretaries and Heads of Government Departments be vested in the Governor-General acting on the advice of the Prime Minister.

Section 91: Appeals on matters relating to the public service shall lie to the Council of State.

Section 98: The question of the removal of the Auditor General shall lie with the Council of State.

The study of the Proposed Constitution continues and further submission will be made in due course.

Signed: Hon. P.S.W. Goldson, Deputy Party Leader, United Democratic Party.

CHAIRMAN: Thank you for your clear presentation. Members, any question of these two gentlemen before us?

HON. F. J. MARIN: I noted from the presentation as signed by the Deputy Party Leader, the Leader does he support this also?

HON. P.S.W. GOLDSON: Yes, of course, this is a submission of the Central Executive of the Party.

CHAIRMAN: Any other question? If there is none then it only remains for me to thank you Mr. Goldson and Mr. Fairweather.

MR. FAIRWEATHER: Thank you, very much Mr. Chairman for your clear presentation too.

Paragraph 2 - without laws and justice there will be no peace among the people of this land.

Paragraph 3 - when other country cannot afford to sell us food and the farmer does not grow enough we can and would die for hunger.

Paragraoh 4 - why we want respect from other country and foreign people is because we want to be recognized as good people and citizens. We do not want them to feel like we do not know and understand, because once they get that belief, they will continue to push us down and down untol we, natives of the soil, have no room nor voice.

I thank you, Mr Minister.

Sgd. Selvin G. Sutherland."

CHAIRMAN: Mr Selvin Sutherland, this Committee wish to go on recqrd as thanking you. We would like to have your paper in writing to supplement the records and we would like to thank you for your sincerety in presenting your views.

Emidjio Alamilla
5 'C' Street, Kings Park
(citizen)

CHAIRMAN: Mr Alamilla, you appear as a citizen or as a representative of an organization?

Mr Alamilla: I represent myself and my family.

CHAIRMAN: Would you give us in your own words your views on the White Paper.

Mr Alamilla: There are three points I want to discuss. The first one is 4(a)"Protection of the Right to Life". "Every human being has the inherent right to life. Death in execution of a lawful sentence of a court, in a lawful act of war or in circumstances justified"etc etc. I agree with that, but I think there is a contradiction here. If you look at 4(d) it says "Protection from Inhuman Treatment". "No person shall be subjected to torture or to cruel, inhuman and degrading treatment or punishment." That is the word I take up "cruelty", and I believe any form of execution is a cruel act so this is my suggestion here, right. We either qualify cruel or drop it completely.

CHAIRMAN: The intention of cruel here is, of course, where you weren't even killed. They are cruel to you and you still exist by other bodies that we give the law to arrest and, you know of the accusation of police brutality in the community; so our intention there was to prevent that.

Mr Alamilla: The word "torture", you know, I think that covers that.

CHAIRMAN: We take your word for that. So, you would then submit to this Committee.

Mr Alamilla: In other words, you drop it or you qualify it.

CHAIRMAN: Thank you, Mr Alamilla. Any other suggestion?

Mr Alamilla: Next one. Starting from Section 77 and go through to 84. What I was thinking of is misbehaviour. I think that is a word that can be stretched. Its meaning can be stretched and I would like to see that defined.

CHAIRMAN: In the case of the Judge.

Mr Alamilla: The next one deals with appointments. Section 88, it says "the powers to appoint persons to hold office in the Public Service, to exercise disciplinary control over persons in the Services, and to remove such persons from office, shall vest in the Public Services Commission. Excluded from the authority of the Public Services Commission shall be the offices following: Secretary of the Cabinet, Permanent Secretary, the head of departments of Government." Now, this is the part that I am concerned about. Two things I raised here; first it says here that the Public Service Commission can't appoint heads of departments. It sort of imply then that either the Minister of somebody else.

CHAIRMAN: The Prime Minister advise the Governor-General.

Mr Alamilla: Now, would these people come from the Public Service or from outside?

CHAIRMAN: In the case of the Permanent Secretaries and the Secretary to the Cabinet, yes, they would come from the Public Service.

Mr Alamilla: Well, this is my suggestion: this should be open to lay people also.

CHAIRMAN: Yes. We had such a recommendation and you are making another one. That is, it should be in addition to the Public Service.

Mr Alamilla: The Service and anybody from outside.

CHAIRMAN: Yes. I think that would be similarly true in the case of ambassadors and representatives of the Government abroad.

Mr Alamilla: That's right. I think that the Chief Professional Adviser well, that implies somebody from outside already.

Now, this is the next point I have to bring up here: that, I believe the fact that this was excluded from the Public Service Commission, sort of imply that the Government, whichever Government gets in right, they want to have their own people in power.

CHAIRMAN: What do you mean, citizens?

Mr Alamilla: They should all be citizens.

CHAIRMAN: Yes, and that's your submission and that should be made clear.

Mr Alamilla: Now, another thing, I believe that - I think this is a contradiction here. The Public Service Commission will have control over the junior officers.

CHAIRMAN: Where are we, Mr Alamilla?

Mr Alamilla: The same section 88. I think it implies here that the Public Service Commission will have control over the Civil Service; now what authority does the Head of Department have over the Civil Service?

CHAIRMAN: This is only dealing with appointments. The day to day authority remains the same; this is only dealing with appointments. Right now the head of the department doesn't have anything; you follow? The junior people, right now, head of the department does not appoint. This is only the individual.

Once appointed, you're put to improve it, a job that you're to do which is defined in the Gazette and in the terms and conditions of service to the person who is appointed. Once that happens you're under the authority of the Head of Department. There is no contradiction in that. This is only with appointments.

Mr Alamilla: That is all then. I don't have anything else.

CHAIRMAN: Thank you, Mr Alamilla, for your advice.

There is no other name on this list before me and if there are any other citizen who wish to come and give his views, it is now in order for them to do so before we adjourn.

F.H. Hunter: Mr Chairman, I have two submissions from the Village Council of Bermudian Landing and Isabella Bank.

CHAIRMAN: Let the record show that the Minister of Works has tendered two submissions from the Village Councils of Bermudian Landing and Isabella Bank.

Are there any other persons who wish to appear before the Committee? If not, I shall declare this morning's sitting adjourn until two o'clock.

Adjourned 12 Noon.

Resumed 2:00 p.m.

Hon. V.H. Courtenay, in the Chair

CHAIRMAN: I declare open this afternoon's proceedings of the Joint Select Committee of the National Assembly on the Government White Paper on the Constitution of Belize and I would wish to repeat the customary announcements which are: firstly, that our authority emanates from a Resolution of the National Assembly, which has authorized us to consider and to report to it on the Government's proposals contained in the White Paper. We are, therefore, restricted to such comments, as are relevant on the White Paper, and to no other subjects; we would, therefore, be grateful if supplicants would bear this in mind and restrict their submissions, accordingly.

Two, that these are proceedings of the National Assembly; and, although we allow the public to be present, the rules of the National Assembly apply. And one of the rules, of both Houses, is that any proceedings in a Committee should not be published until that Committee has had a chance to make its report.

I think the reasons for that are obvious and I need not go on with them.

Thirdly, any person who would wish to appear before us, today, I would be grateful, it would facilitate our work, if you would submit your name to the Clerk so that we could take people in order, in the order in which they have submitted their names.

Thank you very much.

I would wish, gentlemen, to say that we have received from one Orlando Magaña of 3 Allenby Street, a set of submissions and I will ask that this should be placed on the record and that we should, in due course, have copies.

The first two persons on the list of the Clerk is Mr Nuri Muhammad and Mr Victor Lewis.

Nuri Muhammad

Victor Lewis
Belize City.

(representing the Islamic Mission Belize)

CHAIRMAN: Good afternoon, gentlemen, please take a seat.
We would be happy to hear what you have to say.

Mr Muhammad: We have the preamble and we would like to read the preamble and then go into our submissions.

I would also like to point out, that because of the problem of time, we weren't able to type out our submissions, but we will be typing it out and submitting a typed-written copy to you.

CHAIRMAN: We would be grateful. It would assist us in keeping the records very accurate.

Mr Muhammad: So, we begin our preamble with the name of God most gracious, most merciful. We are, indeed, pleased that Government has exercised the principle of consultation with the people on matters of such serious nature as the basic law of the land. We recognize that this White Paper does not constitute a legal document, but rather a statement of principles which will eventually be incorporated into our Constitution. We would hope, therefore, that this same principle of consultation with the people, will be repeated when the proposed Constitution is drafted or presented. We would underline this request because of the important nature of the draft Constitution which we would say is important to us to observe before this is ratified.

CHAIRMAN: Gentlemen, before you pass on, might as well I clear up your minds about this.

The Constitution of Belize is going to be an Act of the British Parliament. We have absolutely no control over the British Parliament; what they choose to do, they will do in their own good time.

Mr Muhammad: Is that to suggest that

CHAIRMAN: We hope - out of experience and knowledge of the process of legislation in the United Kingdom - we hope that there are going to be a few months in between the presentation of the Belize Constitution and its passage. And we sit like you, hoping that we will be able to influence it at that late date, but we do rely heavily on our ability to negotiate, as much as possible, what the people of Belize express and their wishes. This is why this exercise is so important. If the Governor can go to the British Government and be supported in its request by the people of this country, then, of course, it can be all the more stronger. Please understand that by colonialism we are still in the position where the Constitution of Belize is an Act of the British Parliament.

And let me give you one other little information. Out of my experience, Bills which are presented to the British Parliament are published and can be purchased from Her Majesty's stationery offices. So, that is our position. The Government of this country cannot control the British Parliament. We don't want to pretend we can.

Mr Muhammad: The question that comes to mind is what would be the time between the first publishing of the Bill and the passing into law, approximately?

CHAIRMAN: Again, it is in the hands of the Parliament. But we expect, in fact, they have been hurrying us because they need somewhere in the region of five to six months. The Government gets legislation through Parliament on an average of about five to six months. They are saying to us, if we are not ready to talk to them early, you know, we might not get the Constitution passed but for a long time. So, you could see why.

Mr Muhammad: Well, we would hope to add to that, that.....

CHAIRMAN: And there are ways of influencing Parliament, of course, if you have influence with Parliament.

Mr Muhammad: I think we will ask, Mr Minister - what we are really requesting is that when that procedure really begins and the document itself is available that the same service that is presented here of consulting the people on the draft itself will also be repeated at that time. That's our main point on that.

We continue that, in general, our community agrees with most of the basic principles laid out in the White Paper. Though, we recognize that history has proven that man-made Constitution are seriously limited in the ability to govern the affairs of human beings, since the human being is a creature of Almighty God, it is only He, God, who has the supreme knowledge of the principle do's and don'ts of running any civilized society. It is our firm belief that the model for an ideal constitution is contained in the Holy Quran which was revealed from the Almighty God to prophet Muhammad, peace be on to him, 1400 years ago.

We further believe, and history bears witness to this truth, that the principles contained in the Holy Quran from the basis for the inter-relationship between the citizen and the State. In all modern civilized nation, since the first revolution, and thereafter.

In conclusion, we realize that what is written on paper to govern man's actions and how man actually carries out those actions often conflicts and because of this weakness we believe that when all consultations are recorded and perfectly worded constitution is written, it's only the fear of God in the hearts of the citizens of Belize that will make us abide by those principles of truth and justice contained in our constitution.

As a preamble, we are presenting these points. We would also like a quotation from the Scripture which says in the Bible "that righteousness exhalteth the Nation, but sin is a reproach toward the people".

Having said that, we would like also now go into some of the points which we would also like to be observed.

Firstly, we recognize that the preamble of a constitution, and you can correct us if we are wrong, are basically the principles which are contained in the constitution proper and that, in truth and in fact, Government cannot be held bounded to the preamble of a constitution. I would not want to say such a strong word as a preamble is an empty statement, but we know that it's all flowery words designed to influence the mind. And an example of this would be the United States constitution which states that we hold these truths to be self-evident; that all men are created equal; yet, we still see a

problem of civil rights, even in 1980 with Africans and Americans still not being given the rights which they are due under the law and the constitution. So, we would like to point out that we recognize that in the preamble there are very beautiful words, but, in truth and in fact it is the constitution proper that we would have to hold bounded Government to the people and people to the Government.

In Section 1, where it says that "Belize shall be declared a sovereign and democratic state of Central America in the Caribbean Region comprising all the territory of Belize as is now known and defined." We feel that the words here are not conclusive enough as to the boundaries of Belize proper when we take into consideration the Law-of-the sea Conference and such other discussions taking place in international forums. If we don't define our boundaries, in accordance with these expectations, we can see then people will be encroaching on our areas which rightfully belongs to us and so it was unclear to us here exactly what is meant by "as is now known and defined". And, if in not including such things as the Law-of-the sea Conference, we would like to encourage that that be included in that section.

CHAIRMAN: Thank you.

Mr Muhammad: Going on to page 4 Section (c) "Protection of the Law". Again, admirable. However, we would like to suggest here that perhaps this has been an oversight, but we would like to see it included....that every person charged with a criminal offence shall be deemed innocent, shall be afforded an early and fair trial by jury of his peers. I would also like to see somewhere incorporated in here - and you will understand our restraints in terms of legal language, that there should be something about the non-admissible evidence of a confession that's taken in private. We feel that that should also be included in there. And we feel that there is also room in that clause for an Ombudsman.

Onward to (f)... you can restrain me if I am going too fast. We assume that the spirit of intent here is good, but we feel that the words have some very troubled implications. We would like to see somewhere in there a reshuffling of those words and we would also like to be incorporated in there a mention of warrants. It is very essential for the protection of human rights and the procedures that there must be some evidence shown to higher authority before the right to forceable enter.

Going on to page 9 number 18. We would like to strongly suggest that the Cabinet shall not... total number of the Cabinet shall not constitute a majority of the Members of the House of Representatives. Our purpose here is that we feel that there should be a need for some back-benchers.

Onward to 20, We recognize here in the second to the last sentence, where it says "a Minister may also be designated Deputy Prime Minister to whom the functions of the Prime Minister may be deputed from time to time by the Prime Minister". We recognize the word "may" there, and I guess it's a cautionary word instead of "shall"; but we feel here that the Deputy Prime Minister should not come from the Senate. Our rationale for that is that in the event of the death of the Prime Minister, if the Deputy Prime Minister is not a Member of the House, were to take over, we would actually in fact, be having a Prime Minister who has not been voted, rather, he has been appointed; and for that purpose of the smooth running of Government.

Now, that is attached, of course, to 26, where the Governor-General is authorized after it has been declared that the Prime Minister cannot perform his function, death, illness or whatever, that any other Minister to perform the function of Prime Minister. We would think that automatically the Deputy Prime Minister would be the one to automatically act.

CHAIRMAN: Just one minute, please.

Yes. Please go ahead.

Mr Muhammad: It has been called to my attention, and this is something that is important. In clause 20, it says that "a Minister may", whereas over here, it says, it points out that in the Governor-General's selection of any other Minister to perform that duty, if you had "shall" over here there would be an automatic Deputy Prime Minister. Whereas over here there is no Deputy Prime Minister, therefore any Minister can be appointed.

CHAIRMAN: That's 26?

Yes. Actually just by way of explanation, if I may, the words deputed unfortunately has a typical meaning in law. Deputed means that he is deputed by the Prime Minister, so that if the Prime Minister, for example, goes away for a short while or so, the Prime Minister can deputize somebody to take his

place. A different situation arises if the Prime Minister dies, if there is no Prime Minister he may not deputize. Therefore, the Governor-General is called upon to go back to the original procedure which is to go to the House of Representatives and select, as Prime Minister, that person whom, in his opinion, can command the majority support in the House of Representatives. If you see what really is behind the provisions in 20 and 26, right?

Section 20 is a situation where the Prime Minister himself deposes somebody to represent him in his absence or illness or something of that nature. In a more permanent situation, let's say he is going to be ill for a long time and he cannot attend meetings of the House or something like that, then the Governor-General will be looking for somebody who can command the majority support in the House of Representatives. But, I am not saying this to negate anything that you have said. I understand your point of view, but I just thought that I would make this point.

Mr Muhammad: O.K. Very good.

In 46, it says that a Member of the National Assembly shall vacate his seat if he is absent from the Sitting of the House or Senate for such period and in such circumstances as may be prescribed by the Standing Orders; if he ceases to be a citizen of Belize or, if any circumstances arise that, were he not a Member, he would be disqualified for election for appointment to the National Assembly. We feel that in here there should be incorporated the Code of Conduct for our leaders. Since the position of leadership is one which all citizens should look up to and that these should be made of spotless character, then we believe that here in this clause, point on dissolution, that once it is proven beyond the shadow of doubt, that there has been the violation of the Code of Conduct, then, that particular Member of the National Assembly should be removed from that position. So, we are stressing here the need for the Code of Conduct to be incorporated in 46.

Now, we recognize that the Code of Conduct already exists here for Members of the National Assembly in 100 - "Code of Conduct". However, what we are trying to get in this Code of Conduct thing here is a penalty. We are seeing a statement here and it is good but we see nothing happening if there is a violation. So, we feel that what should be added to 100 is "and failure to do such after due process of investigation

and proof has been established shall be dismissed from their position subject to appeal. And I think that could go right up to the Privy Council. I don't know if there is any legal procedure for that, but the point we are making here is that there should be something taking place if one has been shown to be lacking in this.

And lastly, we would like to say in general to the Select Committee that there is a great need for education: educating the citizens of Belize on the Constitution, their rights and their obligations; and it should be a continuous process so that the citizens of Belize will understand and have the strength to live with the

Constitution and not just have it there as we've had the British power over us with no knowledge of it. And we view this that is taking place here certainly as part of that education. One line of constructive criticism and this is a request, I couldn't quite understand when I came here a few days ago, why if this is a public hearing, that it's not louder so that people in the audience can hear submission and the response. The reason, I ask this is because if it was private hearing and the doors were closed and the people were told to stay downstairs and come up one by one it wouldn't be any different than what is taking place now. Since what I have presented and others, is really not heard by people who are here in the public that we should make it more public. And we feel that if we wish to come forward to the people and to explain these things to them, then we should, perhaps, ask that the person sit in that corner, so that he must speak loudly, so that everybody can hear and response must be loud enough so that everybody can constructively criticize.

CHAIRMAN: Are there any other questions? General principles of the White Paper are expected of you all.

MUHAMMAD: Yes. Qualifying that by saying that we recognize that those principles there rest on the administrators of the principles, but in general, we find that on reviewing a certain constitution in the Caribbean, Jamaica for example, and we were looking through that last night and we find that there are great similarities between the two, but everything rest on the leadership and likewise the people, having the knowledge of when to call the leadership to check. We feel that this is very very important.

CHAIRMAN: Anything else?

Well, gentlemen, it remains for me to ask you personally to live up to your promise that you are going to send us a copy of that. It will assist our records in being accurate.

Secondly, thank you both for taking the time off for coming here to speak with us this afternoon and to your organization for spending the time thinking about it. And we would ask you to take back our words of gratitude to the Islamic Mission in Belize. Thank you.

 CHAIRMAN: Honourable L. Sylvestre, I just thought that I would like to get your assistance for the purpose of the records, so that we get all the names.

Mr. Sylvestre: To save time, Mr. Chairman, the names are written down here on the submissions so you can have them. These are all representatives from the Belize Rural South. We would like to take in two parts. There are certain questions which the Members of the Belize South would like to clarify on the White Paper itself.

Mr. Barrow: We want to clarify the morality on page 4(f) Protection against arbitrary search or entry.

CHAIRMAN: Gentlemen, let me say immediately, it is a very badly drawn paragraph. It is the worst written paragraph in the whole White Paper. It has been severely criticized already that the paragraph itself, does not coincide with the heading, but that what is in the paragraph is under no other heading, but should be there. So that what the recommendations that we have been having so far is that we should have two things. We should have protection against arbitrary search or entry and that should be defined and properly spelt out. And then we should also deal with detention, because that is not dealt with elsewhere. So that the proposals which we have, like you, others have recognized how badly drawn this paragraph is and those are the recommendations which we have had so far; that detention needs to be specifically dealt with and that the rights of individuals not to be arbitrarily detained, should be clearly spelt out.

Mr. Sylvestre: Now, the other paragraph which is (i) on page 5, again that deals with the part that has morality or health.

CHAIRMAN: We have here a problem, or we could have a problem where it is necessary to control what is being done by some section of the public, using the mass media to corrupt our children, for instance, people have spoken to us very strongly about the rights of children, corrupting the minds of children, either morally or we may find that we may have to control some, for purposes of health, some advertisements that are made which say that certain drugs can do certain things when they can't do it, encouraging people to use drugs for a specific purpose, and then you find that the drugs do not satisfy the purpose. If you look on a pack of U.S. cigarettes, you will see what we're talking about, where health is concerned; there is a warning. The laws behind it says that it requires that every packet

of cigarettes, that the public should be told. Although cigarettes has been advertised as something great to smoke, that it is dangerous too. So we have to put restrictions like those; and similarly in the case of morality, we find that somebody gets up and uses the newspaper for advertising a brotel or something of the sort and describing the type of luxurious attractions that he has therein. So, we wouldn't want that to be in the newspaper for our children to read. So that there may be circumstances in which the right of free speech and the right to publish what is in your mind has got to be limited and this is what these exceptions are taking care of.

Mr. Barrow: Then it would have to be defined that it is intended solely for that purpose and no other purpose.

CHAIRMAN: It will have to be. We couldn't write it all in here, otherwise this would have been, instead of a hundred paragraphs, it would have been a thousand paragraphs.

Mr. Sylvestre: Or it could be stated in the law itself.

CHAIRMAN: In the law itself it will have to be stated.

Mr. Barrow: What we are concerned with is about the right of free speech.

CHAIRMAN: I join you with that and I'm sure that all the Members of the Committee joins you. The attempt here was to abbreviate things; make it so short that people would read it and see what the exceptions are. I think, if I may suggest, that the records of this Committee should show your concern, for of all about paragraph (f) - the state of paragraph (f) as well as the paragraphs, that you feel that the limitations to free speech should be clearly defined and set out in the Constitution. So that's your idea. What are worrying you should be on the records.

Mr. Barrow: I think we have on the other paragraph (k) that would deal with the same two things, morality and health, so this one clarifies itself.

CHAIRMAN: You want it in (k) as well?

Mr. Sylvestre: Also in (j) and (k).

CHAIRMAN: In the case of (j) I think it is even more easily understood. If a contagious disease, let's say cholera broke out in Belize City we wouldn't want the people of Belize City going to Hattieville or to Boom, right?

Mr. Barrow: No.

CHAIRMAN: We have to restrict their right of movement. This is the concept.

Mr. Sylvestre: What we are concerned with is the statement of what can be done.

CHAIRMAN: If I may say so, Minister, if our records show your concern of this delegation, on those particular points, then of course, the Committee will take it into consideration when we are preparing our reports.

Mr. Barrow: I go to 7, Public Emergencies - section (b).

Mr. Sylvestre: On page 7, section 6, 8 and 9 it tells you that the proclamation is made by the Governor-General: then at 9 it says 'the Legislature may by resolution make a declaration not exceeding six months', but then the proclamation would have been made already. The question is, would that be done by the House of Representatives, by a resolution, before the proclamation is made or the Governor-General by his office can just make a proclamation without the consent of the House of Representatives?

CHAIRMAN: First of all, let's be very clear who the Governor-General is. The Governor-General is a representative of Her Majesty the Queen. Her Majesty the Queen is a figure head; the representative of a figure head is a figure head; and you will see in the Constitution, if I may point it out to you, paragraph 17; 'in the performance of his functions, the Governor-General shall act in accordance with the advice of the Minister of Government responsible for the matter or subject, unless he is specifically by law authorised to act otherwise'. Now, that means that whenever the Governor-General operates it's the Government operating, so that the proclamation would be made by the Government on the advice of the Governor. That's the first thing; but that proclamation, if you look at the last sentence of paragraph 8, that proclamation only if the Government does it, can only exist for one month at the most, but it could be shortened by the legislature meeting and declaring that proclamation to have no further force or effect. You noticed that one month unless previously revoked or extended by the legislature. So that although something may happen tonight and tomorrow the Government takes action, the day after the House of Representatives may jump in and say no, you have done wrong

and we revoked that proclamation. So, that's the first thing we want to understand. The proclamation is issued on the advice of the Governor, and that it only last for a month and that it can be cut short by the legislature. Now, the real power vest in the legislature and if the legislature is of the opinion that a proclamation has been properly, or the circumstances are adequate and proper for a proclamation to exist, it will leave it alone; that the first one; and secondly, at the end of the month, the legislature may decide that the situation has not been cured and therefore it might extend it in the first instance, it can extend it up to a period of six months and thereafter, it can only be extended for successive periods of three months. So that, it has to be continuously reviewed. Let's take a case of war, even though a state of war exists, there is going to be review of the emergency by the legislature, continuously.

Mr. Sylvestre: The main point which is 6 to be clarified. Once the proclamation say that the emergency act is made, how quickly does the legislature go into session to see whether that act is valid or invalid?

CHAIRMAN: That's a question for the Governor and the Government to call it or the Opposition might push very hard for independence.

Mr. Sylvestre: Shouldn't that be stated in the Constitution from the time of the proclamation being called, the House goes into its emergency.

CHAIRMAN: Well, if you feel that way, we'll certainly make a note of it. What would you wish to propose as a time limit?

Mr. Sylvestre: Immediately. As quickly as possible.

CHAIRMAN: So that you would recommend that the legislature should meet as quickly as possible after a proclamation has been received.

Mr. Barrow: You won't wait until your house burn down then you send the fire pump.

Mr. Sylvestre: Now, we go to page 10 paragraph 21. It says here on 8, 10 'Protection of Existing Law'. The question were being asked at 10, provision must be made to protect the laws existing and in force in Belize at the commencement of the Constitution. Then at 3, 2, it says 'the Constitution shall be declared the supreme law of Belize. Any law inconsistent therewith shall be declared void to the extent of the inconsistency'. On that, we intended to ask for clarification.

CHAIRMAN: Well, we have a problem here that we are now writing out for the first time in the history of our country Human Rights and Fundamental Freedom. We didn't have it before, so that some of the laws that we have, would be in violation of the Human Rights and Freedoms the day after our new constitution comes into effect; and we may have, we don't know, but we may very well have, that the day after we become independent, so much of our laws is invalid that we have chaos. We don't have any of that law at all, that our law is in a mess. In those circumstances, to protect the situation, so that at least there is a transitional situation. The proposal here of the White Paper is that those laws, we begin from the day of our constitution would not go back and look at our laws retrospectively, those that are in force would remain in force. Now, I think, that it's fair to say to you, that this concern has been expressed by others who have come before us and they have recommended that the old laws should not remain good laws indefinitely; and they feel that the Government should go through a process of review and that it should be given a reasonable time to bring the existing laws into line with the freedoms which are being adapted into the Constitution. This is a proposal, please, which I think so far as said a period of five years, giving a maximum of five years to get the old laws into shape. We would be glad to hear from you what you are thinking, what's in your mind. You see the problem, I don't know if I've explained the problem good enough. Some of the very old laws, the seditious laws and all those sort, which are on the books from Colonial days. Some of them are old, older than me and you, some from the 1800. A lot of them, we will find violating this constitution once this comes into effect. But we've been using it and if all of a sudden one morning we wake up and we find out that we don't have them to use anymore, we are going to be in serious trouble. So, that the idea of paragraph 10 was that, at least, we would have some stability the day after independence. As I say, we have a proposal that that stability should not go on for ever and that it should be limited. I think, the general recommendation is about five years.

Sylvestre: We were thinking about three. Money have to be spent in getting a team of draughtsmen to get busy on that quickly.

Chairman: Well, we accept your proposal as being that paragraph 10 should be limited to three years.

Sylvestre: Now we have paragraph 21, The Attorney General, the section that deals with any person or authority in the exercise of his functions, the Attorney General shall not be subject to the direction or control of any person or authority.

Chairman: Again, there have been some concern expressed to us about this and it seems to arise out of a misunderstanding. Of all the Ministers in Government the Attorney General, is different from all the rest of them in that he is a professional and he's Attorney General because he is a professional man. His functions are, firstly, to advise the Government about what is lawful and what is unlawful, as a Lawyer. His second main function is the administration of justice. Somebody has to look after justice and see to it that they get enough money to run, that they get the buildings etc. etc. and that is his second function. Those are his two main functions. Now first of all, the recommendation here is that when he is doing his official function, he should not be subject to pressure, and since he is a politician, we are thinking principally of political pressure. We can think of a situation for instance where one of his constituency has committed an offence, a crime. Maybe that family, in it's constituency is big. Maybe they have many votes and they come before the poor Attorney General and decide to tell him that if you don't let that man go we won't vote for you again. He is threatened. As a politician, he might bow to that pressure, if it were possible. And so the suggestion which is contained in that last sentence is that he should not; in the performance of functions, he should be protected from all pressures. Nobody can come and tell him how he must advise Government and how he must administer the court. Well, those are concern; not even his colleagues can tell him. He must be in a position where he can tell Government what he believes is the law. He honestly believes that this is the law and then his colleagues can decide what they will do about it, once they know what the law is. It's important that Government should have an honest, legal opinion; not an opinion that is tainted by what a particular Minister might feel would be what Government wants to hear. He must be free to tell them what the truth is. If a Minister do something wrong, he must advise the Cabinet that that Minister is wrong in law and that Minister can't squeeze him after that.

Barrow: But that power should be limited only to functions of the Attorney General.

Chairman: That's right.

Sylvestre: That should be stated.

Chairman: It is so stated in, the exercise of his functions, the Attorney-General shall not be subjected. In other words.....

Sylvestre: He cannot be questioned at all about any thing or things that is exercise in his functions whether he be right or wrong.

Chairman: That is right. He can be right or he can be wrong, but he must be able to do it freely. If he makes a mistake well, the government has made a mistake. I mean if he gives advice and it's bad legal advice, well, Government is going to pay the bill, but he must be able to do so freely. If he is allowed to be harrassed by what people want the advice to be, the likelihood is that he is going to give highly prejudicial wrongly on his opinion, and that is not going to serve the Government. In the end, on the longer run, that is not going to serve the Government right. This does not mean that the Attorney General is above the law.

Barrow: What we are concerned about is the power vested in the Attorney General as far as we can see, whether he's right or wrong, so that nobody can question him. Let's say, for instance, other legal authorities might find that he is wrong, the State still can't question him?

Chairman: Yes, but all that he has done is advice. I mean, and a lawyer can be wrong. Please don't believe that every lawyer is right. That's what courts are about and he may give the Government bad legal advice and if he gives the Government bad legal advice, the Government is going to suffer, its going to pay for it.

Sylvestre: Then the populace in turn pay -

Chairman: No, not necessarily, well, yes it might be the tax payers, that may be so.

: That is what we are guarding against.

Chairman: Yes, but what we are trying to guard against is to try and put him in a position that he cannot give honest advice. If he is not protected, let me put it to you the other way, if he is not so protected then he is going to be in a position where he is likely to give wrong advice.

Sylvestre: So it is one and a half dozen of the other 6.

Chairman: No.

Ramos: In the exercise of the functions, he may exercise as his function, the Attorney General shall not be subject to direction nor control. What it really means is that the Attorney General giving advice should not do so for anybody.

Barrow: We understand that part. The only part that we are worried about is the amount of power he has, that the extent that he cannot be wrong at the same time.

Chairman: No. It is not saying that he can't be wrong. He is like any other Minister. If he gives Government wrong advice and Government does the wrong thing, the Government pays, and if it affects the citizenry the democratic process is going to punish the Government. They are going to be out of power. I mean that's a democratic system, right? The system is that, so long as as the Government goes along and meets the will of the people, it probably will stay in office. The day it does something that is so heinous, or so bad, the people will turn them out. I can think of many examples. We just had one in Belize City. The Attorney General himself, let's understand, is not a Minister that is managing, let's say the Ministry of Education or the Ministry of Health or

something like that, his functions in this regard, as Attorney General, are limited. And one, it is to give him legal advice to the Government. The Government has to have a legal adviser, whether he is a good one or a bad one or whether his advice is right or wrong, they have to have one and the effort here is to be sure that when he gives his legal advice, the Government is listening to him and not to somebody else through him. That's the purpose, right, because that could easily happen. If you will notice in the case of public auditor, the same provisions are here; and the public auditor goes through the books; and what we want to know is that the public auditor feels free to put in his report to the legislature what he finds, otherwise he is likely to be under severe pressure, if he is not so protected. He is likely to be under severe pressure to act one way or the other. But it doesn't mean that if he goes out and does something wrong, as a man, that he isn't subject to the law like anybody else.

Mr Sylvestre: It says in 23 if there is a motion of no confidence passed in the House, the Prime Minister shall either resign, that means he resigns the office or advise the Governor-General to dissolve the National Assembly.

Mr Barrow: What we are saying here is that the Prime Minister can resign, but the House of Representatives should remain.

CHAIRMAN: Section 23 is a specific case where there is no confidence in the Primer Minister. No confidence in the Prime Minister can take two forms. There can be no confidence in the Government of the Prime Minister; remember it's he who selects the Government, and if there is a decision taken by that Government and all Ministers are responsible for it, when the House says we no longer have confidence in you, they may mean the Prime Minister and his Government, then the whole Government falls. The proper course then is for them to go back to the people and make the people decide what they want done. There may be a case, however, where the attack is directed against the individual, the Prime Minister, his leadership, in which case he personally would resign, and some of the Ministers might decide to form a Government.

Mr Barrow: That's what we wondered. That's why we asked for the regulations to be put in here.

CHAIRMAN: Well, there are two alternative positions. It depends on what the no confidence vote is. Suppose it is a policy they don't like; suppose the no confidence arises; from the debate it emerges that the criticism is a criticism against a major policy of the Government - let's say land reform; some people say well, we don't like your land reform programme and as a result the Government is voted down on land reform. The Prime Minister's job then would be to go to the Governor and say please dissolve the House and let's go to elections. Let the people choose. But, if on the other hand, it was an attack, let's say on George Price; let's say George Price did something bad, he sells out Belize, personally, right? I know here it is laughable, but you could say it, and let's say there was such a situation, then it would be a personal matter and then he would resign alone, but some other Minister may be willing to try and form a Government in the circumstances.

Mr Barrow: We want to make one thing clear, Mr Chairman, that our views, the views that we are bringing here are not only to protect this present generation; we think about our future generation, as well; so it is not directed really to any individual, so to speak, more than dealing with what is contained within the White Paper.

CHAIRMAN: Please, we understand that very well. We accept that. I was the person who called name, but I did it to illustrate. Let me say this, if it is your view on this 23, in particular, that only the Prime Minister, that in all circumstances, only the Prime Minister should resign, then please let us know, because then we would put that down as your recommendation.

Mr Barrow: That's our recommendation. We feel that if the Prime Minister is the leader of the House and if his Government falls, it falls through his leadership.

CHAIRMAN: Yes, another Minister might take over.

Mr Sylvestre: Another House of Representatives then can be asked to choose another leader.

CHAIRMAN: Fair enough.

Mr Barrow: Section 26 page 11. The Governor shall act in his own discretion and in case where a Minister is unable by reason of illness or absence from Belize, the Governor-General may appoint a person who is a Member of the National Assembly to perform his functions.

Mr Sylvestre: That is saying that perhaps the Governor-General shall act in his own discretion.

Mr Barrow: That's the question, the point.

CHAIRMAN: I think that's easy for us to understand. We understand the party system. This is down in the party system, the party system in mind. Each party has it's leader, and each party has it's No. 2, No. 3, No. 4 in line or at least they should. Sometimes we wonder. The position is, that when, this is exactly the same as our present constitution, and after the election, the Governor-General will know who to call. He will know who is the leader of the majority party, right? Obviously, if the leader of the party goes sick and there is a deputy Prime Minister, obviously, the first person he would call is the Deputy Prime Minister. But look at our position right now. The Deputy Prime Minister is not in the House of Representatives and if the Governor-General were to call him, he might say, I cannot command the majority here, I am in the Senate; you better call somebody from the House of Representatives. So that we would go through a process of calling the senior people, the people in the party hierarchy who would, themselves, know who is their leader.

Mr Barrow: That is only assuming that this would take place. In truth this can be the chance. It is not the colloquial, naturally; we understand that that would be the case. But let's say for it to be in a different situation where you have more than one party in the House of Representatives, and, probably you have equal amount of members of a party or you have coalition system; what would happen then, in the case of that?

CHAIRMAN: The poor Governor-General might find himself in great difficulty because he doesn't know who can lead the

the House. And we have seen this happen in France; we have seen in Italy where the man is called to form a Government today, and he tries to form a Government and tomorrow he has to go and say I can't form one, and so, he has to try somebody else.

Mr Barrow: Don't you think there should be some form of provisions to assist the Governor-General in that case, if that should arise; they are not to know what will happen. Maybe....

CHAIRMAN: I agree. I certainly see your point. I just wonder what we could put. Perhaps you have something in mind. I don't know, because it depends on how the Members of the House feel.

Mr Ramos: I was just about saying, Mr Chairman, that we had a case in Jamaica a couple years ago, where Bustamante who was the Prime Minister then, took sick and the only next man who could have controlled Government was a Senator who was Hugh Shearer. He was a Senator at the time.

Mr Marin: I don't think your facts are all right. Sangster died and then Hugh Shearer took over.

CHAIRMAN: But we have all sort of combinations of situations and I understand your concern; what worries me is what I shall say; what shall the record show? I can't think of a system of assisting the Governor-General. He will just have to do it by a trial and error until he finds somebody that can form a Government. If he can't form a Government, then the House has to be dissolved. You'll have to have new elections. You know what I mean. It's one of these things that you might think today that so and so might be the next leader. If the Prime Minister die today you might think that so and so might be the next leader, but it's a matter for the Members of the House. They would decide who they are prepared to follow.

Mr Barrow: In that case then, we would wish to propose that both Houses of the National Assembly be consulted to see if they can find a solution. But then if you can't get it from the House, then you have to go to election.

CHAIRMAN: It's a process of consultation but it's done by the Governor-General. That's really what happens. He calls one man and he tries; he calls another one and when he calls one man might tell him no I can't form a Government and if you call Jim Jones he might be able to form a Government because that's the man that we are looking for.

Barrow: He has to have close consultation with Members of the House of Representatives.

Rogers: The basis of this system is in the party system itself. If the party elects a leader and that leader is in the House, if he is elected there is no problem. The Governor-General has to call on the leader of the party because that's the man who demands the support of the majority. If he fails in the attempt to form a Government, there is no doubt that the party has to meet to decide who is the leader. The choice falls back to the party.

Barrow: What I was saying Mr. Minister, what in the event that you have a coalition.

Rogers: A coalition can only work if the members of the coalition decide to make it work. The system depends on that, if it turns to a coalition; and if they don't want to form a Government they would have to go back to an election, carry it to the people.

Sylvestre: This doesn't say anything about any party in there. All it says is who can command the majority; the Governor-General will be feeling out. If nobody can't then we have no other alternative but to go back to an election.

Chairman: People are ultimately supreme.

Barrow: We go to 43. The concern here is the age limit, 18. We are saying that it should be 21 years. We think 18 is too immature. Not experienced enough. There is another point here at Article 44.

Sylvestre: 6th line "He is also disqualified from membership of the National Assembly if he is holding or acting in a public office; has been convicted of any offence relating to elections; or belongs to any armed forces or police force; or is party to any contract with the Government of Belize" all these things you could declare as disqualified.

Gillett: What if he resigned?

Sylvestre: The question is, what was the contract with the Government?

Chairman: We have that in our existing law. What it means is that if the person has a direct contract with the Government, the people should know that he has such a contract. This should not be something

that is under the table because he might be seeking to be a representative for the purposes of feathering his own nest. Let's put it that way; so, if he has a direct contract with the Government, for supplies of food, or supplies of tires or what the case may be, that the people should know about that. He must declare it before the election.

Sylvestre: On Page 15, Section 46, 5th line "or if any circumstances arise that were he not a member he would be disqualified" needs clarification, Mr. Chairman.

Chairman: I think what we're referring to is the things before. Let me read this paragraph.

Rogers: He's listing the reason for disqualification.

Chairman: And we have them in the representation of the people's ordinance today, bankruptcy, things of that nature, an offence, if he is convicted of a criminal offence.

Sylvestre: We are wondering if certain things like this could not be stated clearly.

Chairman: The intention is that they will have to be stated.

Barrow: Some of the things are not clearly spelt out so that we can understand them clearly so we need some explanation.

Chairman: We appreciate this and if there is anything in particular that you would wish to say about it, we would be happy to hear it, but we couldn't cross all the t's and dot all the i's. It would be a very long document. Very very long - you might not even go through it, but there are standard things which are made clear say like arrest for a crime, bankruptcy and things of this nature.

Barrow: Page 16 (51) "Of the eight Senators five shall be appointed by the Governor-General on the advice of the Prime Minister, two on the advice of the leader of the Opposition, and one after consultation with the Belize Advisory Council." Here our recommendations are that they should be recommended by the two parties; five by the ruling party and three by the other party, the Opposition. After all the Governor-General never won any election.

Gillett: Page 20(76) "A Judge of the Supreme Court of Judicature shall vacate his office on reaching the age of 62 years, unless otherwise authorised by the Governor-General. We don't know where that 62 came from - it's in our present Constitution - most other Constitution say 65.

Barrow: We come back here to the basic human rights; you have here Human Rights and Fundamental Freedom, then you have protection of right to life, protection of the right of personal liberty, protection of the law, protection from inhuman treatment, protection from forced labour, protection against arbitrary search or entry, protection of freedom of movement; you have all the other things, but we noticed you don't have the right to petition.

Chairman: You are thinking here to petition the National Assembly?

Barrow: Yes, Sir. I noticed; I think I've heard our Deputy Premier saying that some of the basic principles embodied in the US Constitution should be enshrined in our Constitution. And, after looking at the US Constitution, I noticed that all these other rights are there except the right to petition.

Rogers: And that is your submission.

Chairman: You have made a submission.

Barrow: That brings us to the end of the White Paper.

Sylvestre: We have a draft proposal which we would like to put forward to the Committee. Certain things which we feel might be to the point, so that the Committee might be able to take it and adjust it the way way they feel, and it says:

To the distinguished Special Select Committee of the Belize's National Assembly:

"Representatives of the Belize Rural South Division hereby sincerely put forward our strongest views on articles which should be adopted in the sacred document - The Constitution of Belize.

History tells us of many countries emerging from Colonial rule to Independence which have diverted from Freedom and Democracy to Dictatorship. One party state and a Communist State.

We are certain that the vast amount of Belizeans will support our

present way of life that is the present Freedom and Democracy which each and everyone of us enjoys.

These basic fundamental rights of our people must be so inserted in our Constitution and so protected by the Courts of our land, that no one whether now or in the future will be able to tamper with these sacred rights.

Each and every citizen must be told and they must realize including the Police and Armed Services that it is their duty to defend the Constitution at all times

(1) All Legislative Powers herein granted shall be rested in the National Assembly which shall consist of a Senate and a House of Representatives;

(2) The House of Representatives shall consist of elected Members chosen for not more than five years;

(3) The Senate shall consist of appointed members chosen by the majority party and the minority party;

(4) When vacancies occur in the House of Representatives, elections shall be called in a time not exceeding two months;

(5) The House of Representatives shall choose their speaker and other officers from within their members or from outside;

(6) No person shall be a member of the National Assembly who has not attained the age of twenty-one years;

(7) The Senate shall choose their President and other officers;

(8) The times, places and manner of holding elections for the House of Representatives shall be proscribed by law, but the National Assembly may at any time by law make or alter such Regulations;

(9) The National Assembly shall meet at least once a year or according to the rules and regulations made by law according to both Houses;

(10) Each House may determine the Rules of it's Proceedings;

(11) Each House shall from time to time publish the same to be made available to the public;

(12) The Senators and Representatives shall receive a compensation for their services to be ascertained by law and paid out of the Treasury of Belize. They shall in all cases except treason, be privileged from arrest during their attendance at the Session of their respected Houses and in going to and returning from the same and for any speech or debate in either House. They shall not be questioned in any other place;

(13) All Bills for raising Revenue shall originate in the House of Representatives;

(14) The National Assembly shall have powers to lay and collect, taxes, duties imports and excises to pay the debts and provide for the common defence and general welfare of Belize.

(15) To borrow money on credit for the Government of Belize;

(16) To provide for calling forth the Militia to execute the Laws of the land;

(17) No money shall be drawn from the Treasury, but in consequences of appropriation made by Law, and a regular statement, and account of the receipts and expenditures of all public money shall be published from time to time;

(18) No person except a natural born citizen shall be eligible to the office of Prime Minister and deputy Prime Minister;

(19) In case of removal of the Prime Minister from office, or of his death resignation or inability to discharge the powers and duties of the said office the same shall devolve to the deputy Prime Minister until a new Prime Minister could be selected from amongst the Members of the House of Representatives. The Bill of Rights:

(1) The National Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances;

(2) The right of the people in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated and no Warrants shall issue but upon probable cause, supported by Oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

(3) The National Assembly shall make no law suspending the Writ of Habeas Corpus unless in case of rebellion or invasion where the public safety may require it;

(4) No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment except in cases arising in the military service when in actual service in time of war or public danger nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be witness against himself nor be deprived of life, liberty, property, or investments without due process of law, nor shall private property be taken for public use, without just compensation;

(5) In all criminal prosecution the accused shall enjoy the right to a speedy and public trial, by an impartial jury and to be informed of the nature and cause of the accusation, to be confronted with witness against him, to have compulsory process for obtaining witnesses in his favour and to have the assistance of Counsel for his defence in certain cases (e.g. Capital);

(6) Excessive bail shall not be required nor excessive fines imposed nor cruel and unusual punishment inflicted. No person shall be detained in custody for longer than 24 hours without being arrested and formal charge made;

(7) The rights of the citizens of Belize to vote shall not be denied or abridged on account of race, colour or creed;

(8) The National Assembly shall make no law against the rights of the citizens of Belize to appeal to the Judicial powers of the Supreme Court, and other appeal courts, any law made under this Constitution which seems to deprive the citizens of their basic fundamental rights as set out in the Constitution;

(9) The National Assembly shall make no laws to suspend the Constitution of Belize.

Ramos: That 6 on the other page "excessive bail". Bails should be scratched out of court.

Chairman: Bails are usually left to the discretion of the court.

Gillett: That's what we mean.

Chairman: Any Member wishes to ask any question?

Rogers: It's very clear.

Chairman: First of all I would wish to thank you all for coming and to thank you also and your organisations for the consideration and the time you spent on the presentation. I hope that you will go back and express the thanks of this Committee to them.

Thank you very much.

Miss Margaret Nopera
40 Santa Rita Road
(Citizen)

Chairman: We are very happy to have you and could you please tell us your views.

Miss Nopera: After reading the proposed Constitution, I guess I have more questions than proposals. First, the Governor-General, I'd like to know his qualifications or credentials, if he'll be there before the Prime Minister but the thing that he has to come after the Prime Minister, so I'd like you to explain this relationship.

Chairman. It is a problem that we are not going to have because of the provisions in here which I think is (40) provides that the existing National Assembly shall remain which means that the existing Government, the whole structure of Government, will remain, even the day after this constitution is made, so that we will have our Premier whose name is going to be changed to Prime Minister, so that he will be available to advise Her Majesty the Queen.

Miss Nopera: For this first Governor-General. Sixteen says that the only specific thing they say about the Governor-General is that he should be a citizen of Belize. I think there ought to be more than that. I'd like to know what his qualifications, in your view, would be.

Chairman: We propose none.

Miss Nopera: Why none?

Chairman: The only is that he should be a Belizean and if you have any specific proposals, we would be happy to hear them, and let me say that you would not be alone. We have had proposals already about the qualifications of the Governor-General. The assumption here is that, if I might just elaborate a little, the Prime Minister is the leader of the party chosen by the people. The people have certain confidence in him.

Miss Nopera: After this Governor-General is stated, he will appoint a Prime Minister and he will still have the power to do away with that Prime Minister, Isn't that....

Chairman: Theoretically yes, but practically no. We just went through a long exercise to explain how this thing works. Theoretically he is

the head of State therefore the appointment of the Prime Minister comes from the Head of the State but in fact and its substance, the Prime Minister is elected by the Country. The country selects a political party and having selected that political party, the leader of that political party becomes the Prime Minister, and the Governor-General will find it very difficult to select anybody but the leader of the majority party in the House.

Miss Nopera: Very true.

Chairman: So that party system.....

Miss Nopera: Holds.

Chairman: Holds, and would operate to select the Prime Minister.

Miss Nopera: O.K. Why didn't they define "public emergency"?

Chairman: More closely? Because the contemplation is that we are going to have a whole law on public emergency, not just a page. If we wrote fifteen pages on public emergency alone, this document would probably be two or three hundred pages long, and people might not wish to read it, and we might not have people coming forward to make submissions, so we have abbreviated everything and put the salient points as much as possible to focus the attention of people on these points. So, that if you have a point to bring about public emergency, I would like to hear what is your point, so that when it comes to spelling it out we can represent as nearly as possible the points of the people who have spoken to us. And our own good sense, of course. But I can assure you that certainly Government has felt that there is a need for public emergency. We recognize that these are emergencies and can only be used in very special circumstances. And we have tried to indicate the circumstances as Government sees it; but we would be very happy to hear anything that you have to say about it - whether you think that we have defined them enough; whether you think they ought to be more elaborate; whether you have specific proposals to put to us on a subject.

Miss Nopera: Well, I definitely think they should be more defined. I could say that much. One thing I have, I think this number 12 (b) should be just done away with.

Chairman: 12 (b)?

Miss Nopera: Yes; concerning "any other person". That should be just "shoo".

Chairman: You would like that one to be done away with, right? You are expressing a concern which we heard repeatedly, yesterday and the day before.

Miss Nogra: O.K. My other question.....

Chairman: On the other hand, let me ask this question of you. You do believe, however, that if somebody who is not born in Belize, who is a good person, a person of good character and has lived in Belize for a long time and has proved that he is of good character, if that person wants to become a Belizean that he should have that right?

Miss Nogra: Yes, but not five years.

Chairman: But not five years.

Miss Nogra: Not five years. Definitely more.

Chairman: Alright.

Miss Nogra: I heard you trying to explain point 21 to the group before me and the thing....

Chairman: You are not convinced; you are worried about it.

Miss Nogra: Yes, This "shall not be subject to the direction or control of any person or authority." Shouldn't he be linked.... I understand he is a person of the law. I don't find anywhere that he is linked to the Judiciary of Belize.

Chairman: He is, you know.

Miss Nogra: He is.

Chairman: Yes. Administratively. If you look at the first sentence, it says at the beginning "The attorney General shall be the principal legal adviser to the Government of Belize and shall also be responsible for the administration of legal affairs in the country." So, that's just exactly the point that when he is making provisions, administrative provisions, for the exercise of justice, you don't want him to be influenced by constituents, and so on. But, if you still feel worried about the paragraph, we would be happy to hear what you have to say about it.

Miss Nogera: Well, since you have to go through explaining to me what these words exactly mean, I think you should clear that up for the whole country, you know.

Chairman: That those words need elaboration.

Miss Nogera: Definitely, and, do you see.....

Chairman: Miss Nogera, let me ask you a question; it is a curious thing and I'm curious about it. This sentence appears twice in this White Paper, but everybody jumps only on the Attorney General. Why?

Miss Nogera? Why?

Chairman: Well, it is also there for the Auditor, but nobody raises it about the Auditor; they raise it about the Attorney General.

Miss Nogera: Well, you see he is dealing with law, and law is something that frightens a lot of people. You could get yourself in jail for it.

Chairman: And you can get yourself in jail for money too. Alright, you've answered my question.

Miss Nogera: O.K. Do you see any other means of some of those appoints being other than just consultation of the Prime Minister and the Governor-General going into effect?

Chairman: First of all, the question is whether you see any other. But to be honest with you on the basis of theory; on the basis of theory on the representative Government, I would not accept any other. A Government must be able to govern. And it is very important that the Government should have around it to carry out its policies, people whom it has confidence in, and people whom it can trust. If it is any other way, then you are asking for inefficient and incompetent Government; that's what you are asking for. I prefer to have a strong Government than a weak and inefficient Government. I think that a weak Government is, perhaps, worst than a strong Government. But, you are asking my opinion and really we are here to get your opinion. The concept there is strange to us because we haven't had it; we've had this long self-government, but it's not a strange position in any other country. Nobody finds it strange that the President of the United States chooses his whole Cabinet from anywhere he likes; his advisers from anywhere he likes. In England, Mrs. Thatcher has just paid one man, one adviser, more than

her own salary and perhaps two Ministers combined; nobody finds that strange; we find it strange in Belize because we are not accustomed to it.

Miss Nogera: O.K. Could I find out.....This is a proposed Constitution. How early will we see the Constitution after all your....

Chairman: That I couldn't predict. I will repeat for you what I said earlier today that the Constitution is going to be an Act of the British Parliament, right? And they are going to pass our Constitution; that's what it means to be a colony... that your Constitution is determined by your masters, right? And that's gonna happen in our case like it has happened to every other country. We are in their administrative hands. They will have to pass it using their system of Government. We can't tell them how quickly to do it. Unfortunately, I mean I can't answer it any more specifically than that. It does take a long time to get a law through the British Parliament; it does take months.

Miss Nogera: I'd like to see the power of the Governor-General re-validated. I wondered why would he be given the power to choose the Leader of the Opposition.

Chairman: Right. We got that.

Miss Nogera: Since you already told me the format of appointing people is better than they being elected gives for better functioning of Government, just; that I thought that I'd like to see more people elected to offices than just being appointed by the Governor-General and the Prime Minister.

Chairman: I see. And this is where you are talking about the Permanent Secretaries and those other officials.

Miss Nogera: Yes, well including the Attorney General. Also, after these proposals are explained in detail, that is, for the whole country to understand exactly what these terms mean, is it necessary or possible that the people will still have a chance to vote for this.....

Chairman: Vote for this Constitution? No.

Miss Nogera: No. No way.

Chairman: No way.

Miss Nogera: Why not?

Chairman: Because we're a Colony and we don't.....

Miss Nogera: After they approve, well we just have to take it.

Is that so?

Chairman: When, that's what we have. If we want to change it afterwards there are provisions here for changing it.

Miss Nogera: That is after we are independent?

Chairman: Yes.

Miss Nogera: O.K.

Chairman: Unfortunately, this is the hard facts of life. When you are a colony, you are a colony. That's why we are struggling to be free. But you have noticed the provisions in there for changing. You are happy with those.

Miss Nogera: I could say so.

Chairman: Well, thank you very much, Miss Nogera. We are very pleased that you have come all the way from Corozal Town to speak to us, and we will note all the suggestions that you have put forward.

Miss Nogera: Thank you.

Chairman: Well, I have nobody else on my list..... Is there anybody else present who would wish to come forward?

Mr. N. Simpliss

Belize City.

Chairman: Hello, Mr. Simpliss. Mr. Simpliss, please take a seat.

Mr. Simpliss: Thank you, Sir. Not becoming turbulent, Sir, but the other day, I thought I had my notes in chronological order but found afterwards that somehow, chronologically, I skipped a couple little points. So after boundaries, I went as far as our economic zone, then I left out the air space.

Chairman: I see, alright. We'll be happy to add air space to your.....

Mr. Simpliss: Thank you, Sir. Then, under military, I had also that we should include in our Constitution the honours and decorations for civilians and military, the army and police force.

Chairman: Are you proposing here that we should continue with the British system of honours and decorations? Or are you proposing

Mr. Simpliss: No. our own.

Chairman: Our own.

Mr. Simpliss: Belize honour system.

Chairman: Yes, sir.

Mr. Simpliss: Then, thirdly, international membership - the United Nations, the Red Cross and such the like.

Chairman: Does that include the Organization of American States?

Mr. Simpliss: Yes

Chairman That's all?

Mr. Simpliss: That closes my submission.

Chairman: Well, thank you very, very much for coming back to clarify those points, Mr. Simpliss, and we owe you a debt of gratitude.

Mr. Simpliss: Thank you ever so much for your valuable time.
And with your arduous task, all the best.

Chairman: If there's no one else who would wish to come before
the Committee. Yes, do I have two more gentlemen?

Mr. Courtenay: Please have a seat. First of all may I have
your name.

Mr. Eligario Vasquez: Elizario Vasquez

Mr. Courtenay: Elizario Vasquez, what is your address?

Mr. Vasquez: 41 Regent Street

Mr. Courtenay: 41 Regent Street and the other gentleman

Mr. David Coyi: Mr. David Coyi

#4 Newtown Barracks

Mr. Courtenay #4 Newtown Barracks. Now, may I ask whether
you gentlemen have come forward representing any organisation or
Association, or whether you have come forward as private citizens.

Mr. Coyi: Well, I come personal, but we go to
Belcast.

Mr. Courtenay: I see, you have no authority to represent
Belcast. So you are both members of Belcast. Now we are very
happy to hear what you have to say about the Constitution.

Mr. Coyi: I have two parts that I don't understand
clearly in the White Paper - (3) Human Rights and Fundamental
Freedom and (4) (i) Protection of Freedom of expression.

Mr. Courtenay: 4 (i) Protection of freedom of expression,
and you say you have a problem there.

Mr. Coyi I just wanted to know the situation that
would lead to wireless broadcast being regulated.

Mr. Courtenay: Well let's start with the simple technical
side of it, that you have to assigned a channel, you have to
stick to your channel otherwise you will interrupt the rights
of others. So you have to regulate it. What is more, the
security of the state in arms; we should know who have radio

sets and to whom they are speaking on those radio sets. They might be speaking to somebody in the Capital of Guatemala.

Mr. Coyi: But in Belize at this moment, would this part appear right now? the security of the state?

Mr. Courtenay: It most certainly applies, oh yes, right now, we have to be very conscious about the security of our little state. You know we have a threat.

Mr. Coyi: I just wanted to suggest that it should be made clear when they should be regulated, it just says "and for regulating".

Mr. Courtenay: I agree with you, and this is certainly going to be made as a part of your submission, that you would like to see this worked out carefully, and it most certainly is going to be; I assure you, Mr. Coyi; you can't set out all the regulations here, but the regulations will be set out in due time.

Mr. Coyi: Will it appear in the Constitution itself?

Mr. Courtenay: Well the Constitution is going to place limitations on it. We can't clutter up our Constitution with all the technical jargon relating to radio. But, at the same time, the Constitution has to be so worded that the Legislature can't just pass any law, regulating broadcasting; they have to pass laws that are consistent with the Constitution. Let me say to you, in drawing this, almost all exceptions for were taken from the United Nations human rights; even the rest of the world recognises that there is a need to restrict full liberty in certain specific circumstances. I understand your problem, you are worried, you want to know that there will be true freedom; that's your concern, isn't it say that; let us put it on our record that you are concern that there should be true liberty and freedom. I think there is another one you are worried about Mr. Coyi.

Mr. Coyi: Section (k) Protection of Right to Privacy

Mr. Courtenay: Section (k) Protection of right's to Privacy.

Mr. Coyi No one shall be subjected to arbitrary or unlawful interference, except in the interests of defence, public safety, order, morality and health. Does this mean when defence, public safety, order, morality and health are in jeopardy, or does it mean the Government has a right to unlawful interference.

Mr. Courtenay: No it does not mean that. What it means is that what in Peace time would be unlawful interference when there is difficulty and there is a security justification, the Government may have to interfere with you, and they may have to say to you, for instance, that you can't even live some where because if you live there a bomb may strike you. So that they might have to move you from here. They might have to disrupt all your family life completely in order to protect you.

Mr. Coyi: But, this word unlawful interference it would then become lawful.

Mr. Courtenay: We do have the problem of expression here, in that they are talking here about the normal circumstances, that in the normal circumstances only what is legitimately authorised by law is permissible. Come a state of emergency and these legitimacies disappear; there are some unusual situation in which the Government would probably legislate by simple orders.

Mr. Coyi: But the fact that these are action taken in the interest of the Government, that means that it is lawful.

Mr. Courtenay: I accept that fact, that you think the word unlawful should be strucked out.

Mr. Coyi: Yes

Mr. Courtenay: Is there anything else you have to say.

Mr. Vasquez: I have a question in this section (f) Protection Against Arbitrary Search or Entry - I would like to have this a bit clearer.

Mr. Courtenay: Well, I agree with you, we have found this out ourselves that this a badly drawn paragraph.

Mr. Vasquez: The way how I understand it, that in the interest of defence, public safety, order, morality, then you are subject to arbitrary arrest.

Mr. Courtenay: That is not what we mean, and you will not find that acceptable. What is worst, this paragraph doesn't even specify, it begins to get into detention when the heading doesn't even talk about detention. So this is a horrible paragraph I accept that, and it needs clarification, it probably needs two paragraphs instead of one. But that one has to be completely re-drafted.

Mr. Vasquez: Section (i) It seems that all these exceptions down to the limit to freedom of expression ... it says shall have the right to freedom of expression; Is it not a bit contradictory?

Mr. Courtenay: So does the law of Liberty. You are limit to the right of freedom of expression. But I am sure you will agree that that should exist, because what it means is that in the question of your right to freedom, in the rights of others.

Mr. Vasquez: How does morality comes into this? I don't see how morality comes into this.

Mr. Courtenay: You don't see how morality comes into this. You believe that people should be free to say anything they like.

Mr. Vasquez: This doesn't specify it.

Mr. Courtenay: Doesn't pretend to. But if you would like to make some recommendations, go ahead.

Mr. Vasquez: With Section (g) Protection of freedom of Movement. The last part "immunity against expulsion from Belize. But I mean it doesn't state you are non national.

Mr. Courtenay: Well the immunity you are suggesting that immunity should only be for nationals.

Mr. Vasquez: How about the non-nationals in this country?

Mr. Courtenay: You are recommending that they should be expellable - then you accept it.

Mr. Vasquez: Yes

Mr. Courtenay: You feel that a non-national should be capable of expulsion, then we will certainly put that down as your views, Mr. Vasquez, don't feel alone, a lot of people has told us that - probably hundreds.

Mr. Vasquez: Where it says about Belizean moving about the country, we have some non nationals in the country, I mean then you don't have anything to say about them.

Mr. Courtenay: We do not, and so we would like to know whether you would like to say something about it and what you would like to see.

Mr. Vasquez: I think the non-nationals should not have the immunity.

Mr. Courtenay: Right, we shall so record that, that is your point of view.

Mr. Vasquez: Section 6, say for example, we have a hurricane or we have a big fire, you think that will justify the Government to suspend the rights of the people at that time.

Mr. Courtenay: It might very well be, you might have to restrict your freedom of movement; you can't allow people to go and loot other peoples property, you might have to protect the property, we might have to protect your properties and prevent others from moving at night in the dark. That's what contemplating you, don't think that is right, you are free to say so.

Mr. Vasquez: What is there to satisfy the Governor General that a state of amergency exist.

Mr. Courtenay: Under many reasons, if you look at 8 you will see that there are some suggestions of (a) it says that it may ve made if he is satisfied of the imminent of a state of war or that an emergency exists as a result of a hurricane, flood, earthquake, fire, outbreak of pestilence or infectious disease, or other calamity; (b) that action or the threat of action by any person of such a nature or on so extensive a scale as to endanger the public safety or deprives the community, or a substantial portion thereof, of supplies or services essential to life. Let in take a strike on the Water Front, and people are starving. You don't think the Government ought to break the strike and go and unload the food and so people can eat.

Mr. Vasquez: No, but then you state that you have a right to freedom.

Mr. Courtenay: Yes, sure, and in the exercise of the right to freedom you starve the country; do you believe that that is right. A hundred men on the Water Front, have a right to starve the whole community just because they are exercising their right to strike. Do you think that is fair and do you think that the law should allow that. They can strike, but the men can go and unload the vehicle.

Mr. Vasquez: Who would unload it, they?

Mr. Courtenay: The Government.

Mr. Vasquez I was thinking you say they can strike,
Mr. Courtenay: str. Sure they can strike, but I just give you
that as one example. Where the community could be prejudice,
the whole community could be prejudice. Let's say a disease
like cholera breaks out in Belize; you think the people of
Belize City be allow to go to Corozal and spread the disease there?

Mr. Vasquez: No, not in that case.

Mr. Courtenay: Exactly, you will have to deprive them of
their freedom and tell them you can't move, you can't leave the
city. Many emergencies which could arise and those are making
provisions for these emergencies.

Mr. Vasquez: How this Section 11 - CITIZENSHIP. Have you
any provision there for the naturalized persons before Independence?

Mr. Courtenay: Yes, that is an omission. It must be included
and you would like to see them included, as well. Any other
problems you have that you would like to say something about.

Mr. Vasquez: That's all

Mr. Courtenay: That's all? Well, Mr. Vasquez, and Mr. Coyl
I want to say thank you both for coming forward and expressing
your concern.

Mr. Vasquez: Suppose later on you come up with something
later on and you want to write, what is the deadline for it?

Mr. Courtenay: Well, at the moment there is no deadline.
This committee has been instructed to consider the White Paper
and to Report to the House it views. The Committee will not finish
its work when it is finish with the business. We have
thousand and thousand of work to finish and go through, so that
while we are doing that we can still have additional views
expressed. So I can't give you a date. It might take 2 weeks or
three weeks.

Mr. Vasquez: So we can still write a letter.
Mr. Courtenay So I will be happy about receiving that letter.

Mr. Courtenay: Now - is there anyone else who wish to come forward to the Committee? Yes, Mr. Cuellar - come

Mr. Cuellar Yes Mr. Chairman I would like to present my submission.

Mr. Courtenay And your address Mr. Cuellar?

Mr. Cuellar 45 Corner West Canal and Orange Street.

Mr. Courtenay: And you represent anything?

Mr. Cuellar Representing the People's United Party as its Secretary General.

Mr. Courtenay: Let me hear what the People's United Party has to say?

Mr. Cuellar: The People's United Party, Mr. Chairman on the 15th February, 1981, held a Special National Convention in Belmopan at the Agriculture Showgrounds where some 7,000 delegates comprising the 18 Constituencies of Belize spoke with one solid voice given the People's United Party the direct mandate and guidance towards the Proposed Constitution for an Independent Belize. In that this special Convention a Resolution was taken, I would like now to give copies to this Committee of that Resolution. Mr. Chairman I asked if you could grant me th permission to read the resolution for the purpose of the records.

RESOLUTION PASSED BY THE PEOPLE'S UNITED PARTY

SPECIAL CONVENTION ON GOVERNMENT'S WHITE PAPER HELD

IN THE BELMOPAN 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.

Mr. Chairman, this I hereby submit today, to the Joint Select Committee.

Courtenay: Thank you very much - Mr. Secretary General and we wish to thank you for taking out your time to come toward us.

- - - -

John Michael Muñoz
77 Pickstock Street

Chairman: And you appear on behalf of any organization?

Muñoz: No, No, Sir. There are two questions I'd like to know more about, meaning like, like this Governor General; what kind of person he would be; he'd be appointed by the Queen or by the Premier, when we finish with Independence or things like that.

Chairman: The idea is here in the proposals, if you look at paragraph 16, he will be appointed by the Queen, the Queen will not appoint just anybody.

Muñoz: Meaning that he will be a Belizean subject?

Chairman: He will beWe propose that he should be a Belizean.

Muñoz: Well that's how I saw it too, that's what I wanted to know.

Chairman: You support that. The Queen's choice after she has discussed the matter with the Prime Minister.

Muñoz: Well you know, more or less they would have sent someone else to play the role of the Governor-General, so it will be a Belizean? On citizenship at the day of independence, every person born in Belize shall become a citizen of Belize. So every person born outside Belize whose parent becomes a citizen on independence day or would have so become but for death" what does that actually put forward to you.

Chairman: First of all it means that every person born in Belize is a Belizean. At the moment he is not a Belizean. At the moment he is a citizen of the United Kingdom and colonies.

Muñoz: He is a British Subject?

Chairman: That's right, and on the day of Independence he will become a Belizean. It also means that thechild of a Belizean parent will also become a Belizean.

Muñoz: Meaning that.....

Chairman: If your father and mother are Belizean, and you born in Mexico, you are entitled to become a Belizean. Suppose :....

Muñoz: If I am even in Mexico.

Courtenay: Well, yes you are entitled to become a Belizean and suppose your father and mother were Belizean but they died, that child would still have an entitlement.

Muñoz: Meaning like on my behalf right; how I don't have my mother nor my father here only me, right, so therefore, they have different nationality now, I guess. And if they come back, they can also regain this nationality, right?

Chairman: That doesn't matter, on the day of Independence you entitled to become a Belizean.

Muñoz: And if they come back, they can also regain their nationality?

Chairman: Oh, yes!

Mr. Muñoz: How about number 12, it explains the same thing, right?

Chairman: Now, number 12 is slightly different. Number 12 is giving to people who normally would not be Belizeans, Belizean citizenship on Independence Day.

Muñoz: Only on the day.

Chairman: Yes, because afterwards you would have to go to article 13, I think; the spouse of a Belizean citizen is entitled to become a Belizean. Again that's an entitlement. And then there is also this other provision at which a lot of people have criticized but it is here and the proposal there is that suppose somebody have been living here for five years, he would be entitled on independence day to Belizean citizenship. A foreigner can only get Belizean citizenship on independence day if he has been living here for five years before independence Day.

Muñoz: Even though I married to an American or anybody right. They did not born here, I could always claim citizenship for them. So in other words the person would have to be married, right - different.

Chairman: Yes - if the person is married yes, then that is a different matter, then you claim it by marriage, not by resident.

Muñoz: How about this "Prime Minister" and "Premier", what's the change with those two words.....

Chairman: Actually, the change is only to signify independence.

Muñoz: So there is a big difference on those two words.

Chairman: Actually no! Actually it means that he is the leader of the government and when you are in a colonial status, he is called "A Premier". Once you become independent, under this system, he is called "A Prime Minister". But he is still the head of the Government.

Muñoz: Yes, he still plays the same role, right?

Chairman: Right.

Munoz: I see a part here, on paragraph 30 "There shall be a leader of the Opposition who shall be appointed by the Governor General." Meaning that he would just appoint somebody?

Chairman: No!

Muñoz: The person will have to run for elections, right?

Chairman: Yes!

Munoz: Meaning, the leader of the Opposition right now if they don't really check him out to put him in the house he could always be removed from his position as Leader of the Opposition, right?

Chairman: Yes, right. That's exactly what would happen there. First of all, let's take for example the normal situation. The normal situation is that the Leader of the Opposition Party wins a seat. If he wins a seat the Governor General will call him and appoint him Leader of the Opposition.

Muñoz: Meaning that if the Leader don't win.....

Chairman: But if he does not win then the Governor-General has to select somebody else.

Muñoz: If three win then; he will appoint one out of the three, the one he likes

Chairman: No! it won't be the one he likes. It's going to be the one that can lead the other two right.

Muñoz: The one that can lead the other two will be the Leader.

Chairman: It's the one that can lead the other two who will be the Leader of the Opposition.

Muñoz: This Governor-General power, who actually gives him the power to have all these sayings, to do such things.

Chairman: Again the proposal here is that he will have no power, he will have no power, all the powers that he will exercise, obeying the Ministers.

Muñoz: From the smallest right up to the top.

Chairman: From the smallest up to the top, in other words, if he is going to do something in Health, he is going to obey the Minister of Health. If he is going to do something in Works, he is going to obey the Minister of Works, if he is going to do something in Home Affairs, he is going to obey the Minister of Home Affairs.

Muñoz: He can't propose something to the Prime Minister.

Chairman: Obviously, he can propose something to the Prime Minister. Obviously if he thinks something is wrong he can discuss it, but he has ultimately, ultimately in the end, he has to obey. That is his position.

Muñoz: Say, he makes a proposal that he thinks that maybe one of the Ministers in the House in the ruling party right, not really display di role whe he should a di play right, he put it to the Premier, that he think he should a get rid a da Minister de right; you think that da something, a nice proposal for him personally to state.

Chairman: It would be a very dangerous thing for him to do. But he might feel compelled to do so. He might feel that he should do so and if he feels, and he feels so strongly, obviously he's going to do it and obviously the Prime Minister will take very seriously what he has to say, ~~but~~ the Prime Minister is not bound to do anything about it. But what would probable, is that if the Prime Minister didn't listen to him, he would resign.

Muñoz: Meaning if you are elected by people, the people can't move you right? Well, the people can move you. Well Muñoz! they put you and they can move you right? Well I mean like till election time if they vote you again, right, but then again.

Chairman: They can't move you until the people move you.

Muñoz: That's the way I wanted to put it, the Prime Minister can't move a Minister from his office?

Chairman: He can move a Minister from the Ministry, but he cannot move him from being a representative.

Muñoz: You have something like 13 in the House from the ruling party and 5 for the Opposition. Stating that the Premier have to move one a unnu now, he can't just do that; well, a mean with independence right, He can't move you now if so he has the mind.

Chairman: Out of the House no. The people will have to decide that. He will have to go to elections. Only the people can remove a representative, only the people.

Muñoz: So only we have the power.

Chairman: Only the people have the power.

Muñoz: With Independence, meaning like we get independence before how you all have been spending right now, everything will change in the House?

Chairman: No, The House will remain just the same for its life, for its natural life which is five years. After five years it would go out of office and then this new thing will come in. That's the proposal here.

Muñoz: Well you know - so the House remain - well I feel a kind a way towards it because I'd like to know if we are getting independence with an agreement with military aid from other countries right? Is that the agreement?

Chairman: Well, You're going to hear that announcement in due course. When it is finalized the public is going to be told obviously.

Muñoz: This hite Paper was something actually sent?

Courtenay: No, No. This is our government that put that up.

Muñoz: Meaning you all just put these into words and see how we will say. I don't have much to say about it, but would want to know more about the military aid, right? about independence right? If I go sleep

tonight, and in the morning on the 7:00 o'clock I hear Belize has been granted independence, and an hour afterwards, I see plane fly over and I see di drop bomb over my house, I wouldn't be satisfied, that is true.

Chairman: Well all I can say about that first of all is that your job relates to this White Paper. That's our job right now. As Ministers of Government, obviously we like now you have concern for the defence of our country, and I am assuring you now that before independence you are going to know well ahead of time, what the defence is going to be. I give you that assurance, personally, right.

Nuñez: We no want to be like the fly that gone in a the spider's web.

Chairman: I feel just like you.

Nuñez: All right.

Chairman: Thank you very much for coming in. Well if no one else wishes to come forward, I will declare this Sitting adjourned to Monday the 2nd March in Belmopan, at nine o'clock in the morning.

APPENDIX C-1

Lois M. Young L.L.B. (Hons) Lond.

P.O. Box 565
Tel. 2286

Solicitor and Barrister
No. 89 North Front Street
Belize City, Belize.

20 February, 1981

The Chairman
Joint Select Committee

Dear Sir,

Attached hereto are my suggestions for improvement to and proposals for inclusion in the Constitution for the Independent Belize.

I would like to state that the time allowed for suggestions from the public is far too short. I received a copy of the proposed draft on January 30th 1981.

There is not adequate time to fully assimilate the draft and to properly research arguments necessary to bolster my suggestions.

However, so as not to be left behind, I respectfully submit my comments.

Yours faithfully,

SGD. LOIS M. YOUNG BARROW

The Joint Select Committee to consider the White Paper on the Proposed terms of a Constitution for the Independent Belize.

Human Rights and Fundamental Freedoms

Paragraph 4 (i) and 4 (j) contain provision for the regulation of public "morality".

This term should be deleted as the Government should not be the guardian of public morality.

"Reasonably required" should also be inserted in Paragraph 4 (i) to serve as a buffer against potentially abusive or unduly restrictive laws.

PUBLIC EMERGENCIES

Paragraph 7 (c): the resolution herein should not be of the type to be carried by a simple majority.

It is respectfully suggested that a (2/3) two thirds majority would be more acceptable.

Paragraph 9: It is respectfully submitted that this resolution should also be stated as being carried by a two thirds majority. In addition, the period of six months is excessive. Rather, a period of three months is suggested with power by a special resolution to extend for two monthly periods.

CITIZENSHIP

Paragraph 12 (a): Mere marriage should not award citizenship. This will invite marriages of convenience.

Paragraph 12 (b): A person should be both continuously resident and domiciled in Belize for a period exceeding five years. It is suggested that ten years be fixed because there are many people who reside continuously in Belize for five years on a work contract basis. Ten years would indicate more permanence.

THE EXECUTIVE

Paragraph 18: It is suggested that it be stated that the Cabinet not exceed a certain proportion of the members of the National Assembly. The reason for that is that there should be sufficient members not in the Cabinet to scrutinize Cabinet decisions.

THE BELIZE ADVISORY COUNCIL

Paragraph 33: Since the National Assembly will sit for five years (paragraph 45) at which point General Elections will be held, it is untenable to have members of the Belize Advisory Council appointed for a period in excess of five years.

The Belize Advisory Council will obviously have a decisive role to play in areas of vital national interest. That being the case, provision should be made for Opposition representation on the Council. It is suggested that three members be from the ruling party and three from the Opposition party, with the Governor General having a deciding vote. The paragraph does not state that the members should be members of the National Assembly, so that it is assumed that they shall be from the private sector. This should be clarified.

THE SENATE

Paragraph 53: It should be stated upon whose advise the Governor General will act in declaring the seat of Senator vacant.

POWERS, PROCEDURES AND PRIVILEGES

No amendment should be made to the Constitution whether it be to the provisions relating to Human Rights and Fundamental Freedoms, the House of Representatives, the Judiciary, or otherwise, without a referendum.

THE JUDICIARY

Paragraph 75: The Chief Justice should definitely not be appointed by the Governor General on the advise of the Prime Minister. Tied in with this is the ambiguous nature of the Jidicial and Legal Services Commission. This Commission should be separate from the Public Services Commission and its composition clearly stated. This Commission should be comprised of appointees by the Government and by the Leader of the Opposition, equally. The office of the Chief Justice should not be a political appointment. As it stands in the draft, it will be.

Paragraph 76: Likewise, the appointment of Puisne Judges should not require the concurrence of the Prime Minister because this gives him the power to veto any appointment he may not like.

Paragraph 79: The Court of Appeal should not be appointed on the advice of the Prime Minister. It should be clearly stated from whence the appointments will be made. ie will the Court of Appeal be appointed from abroad or from the existing Bench. I feel strongly that the Court of Appeal should be appointed by the Legal Services Commission.

Paragraph 80: It is not clear who may remove a Judge of the Court of Appeal.

Presumably, if such Judges are appointed by the Legal Services Commission, they can be removed by the same body. However, it may be wise to have the said Commission act in conjunction with the Belize Advisory Council and jointly advise the Governor General to remove the subject. But I see no reason to involve Her Majesty the Queen providing the Legal Services Commission and the Belize Advisory Council contain Members who represent both the Government and the Opposition.

DIRECTOR OF PUBLIC PROSECUTIONS

I feel very strongly that the Director of Public Prosecutions should not be a political appointee.

As it stands, he is. The Director of Public Prosecution should be a civil servant appointed by the Legal Services Commission.

This office is a sensitive one and the duties thereof should be carried out impartially and without the possibility of political pressure being brought to bear on the holder.

PROTECTION OF EXISTING LAWS

Paragraph 10: This should be a positive statement. It should read that "Laws existing and in force in Belize at the commencement of the constitution will continue to be valid and enforceable".

February 21, 1981

The Clerk
National Assembly
BELMOPAN

Dear Sir,

First of all it is only fitting that big congratulation be extended to the Ministers and officers who prepared this White Paper.

We are proud of the structure in which this White Paper is presented. It is democratic and none communistic terms and only be for the good of the Belizean people.

We are very fortunate to be living in Belize at a time when a very important document as this is being prepared. This is a very historic time for us.

Our support for the White Paper and our leaders is 100%.

After reading the White Paper, there is a few terms we would like to compliment you on:-

Term No. 3 This is very good and we are aware of the freedom we will enjoy especially the female are sure that they have a hearing in our Country.

Term No. 16 Everyone is very curious who this man will be.

Term No. 19 We are sure that this great man will be our one and only leader, George Cadle Price.

Term No. 30 Only in a Democratic country does the leading party accept the idea of an opposition party.

Term No. 81 Appeals to Her Majesty in Council. This is a good one.

Term No. 90 We have heard that there was a saying when independence come all who are receiving pension, will be cut off from their pension. Then this article corrects this fallacy.

Term Nos. 93 - 94

The Consolidated Revenue Fund and the Minister responsible for finance.

These terms our country will rely on considerable to keep our nation going. We know that our leaders will do a successful job of it.

Finally, may we suggest a few items that can be put in the White Paper:-

A term on the use of the National Anthem

A term on the use of the National Prayer

A term on the use of the Belizean Flag.

That these be used to the fullest extent by us Belizean with dignity, pride and respect in the Country of Belize and also when we Belizean represent the Country abroad.

Sincerely,

SGD. GLORIA McFIELD
from P.U.P., Freetown Division

PREAMBLE

It is thought desirable that the constitution of a country should be a document which reflects the ultimate decision of the country on the manner and the form in which it should be governed. It should be regarded by all as stable, enduring and sacred.

Further, it should incorporate, at the time of its framing, the terms of any system of government which it is envisioned the country will ultimately adopt.

There have been more than broad hints from the highest level of government that the proposed constitution, as described in the government's White Paper, will not long hereafter be amended to accommodate a departure from the present monarchical system of government.

For this reason, it is my respectful contention that a lot of controversy, apprehension, and public energy and money will be saved by doing now - fully - what by piecemeal will later be recognised as necessary.

In this light, it has been thought fit to offer the following proposals.

AN OUTLINE FOR A PROPOSED INDEPENDENCE CONSTITUTION
FOR BELIZE

INTRODUCTORY

1. The White Paper assumes a monarchical system of government. It is my basic proposition that this country needs a republican system with a Chief Executive who is head of state as well as head of government, and is assisted by an Executive body. Historically, the republican system, which presently prevails elsewhere, does not operate in third world countries for the reason that the traditions which exist in the model are not indigenous to those regions.

2. Popular vote should determine the choice of the Chief Executive, exclusively. He should be eligible for election for only two terms of office of four years duration each.

3. Likewise, both chambers of the National Assembly should be elected. The Senate should be of lesser power and would serve the role of providing a balance. An appointment from either chamber to the Executive would be permissible, but would automatically result in the holder of the appointment vacating his seat.

THE SUPREMACY OF THE CONSTITUTION

4. This document should be the supreme law of the country. All other authority should be subject to it. The provisions of any law inconsistent with the constitution should be of no effect. The constitution should be a rigid one, with a prescribed formula directing the manner in which it may be amended.

5. Amendment should be effective only with the vote of 85 per cent of the total membership of both houses. As regards the amendment of any of the human rights provisions, this should only be effective with the vote of 90 per cent of the total membership of both houses.

THE JUDICIARY

6. The Judiciary should be presided over by a Chief Justice who would be the paramount judicial officer. He should hold office until he attains the retirement age unless he commits any breach of the constitutional provisions.
7. The question of his removal should be determined by both houses, together with his peers.
8. The other judges would be the assistants of the Chief Justice in running the Supreme Court.
9. The court should have jurisdiction to review the legality and constitutionality of legislative and administrative actions.
10. The court should have power of direct review and be capable of acting without waiting for a dispute, involving the specific question of the legality or constitutionality of a particular law or action to come before it, to be resolved.
11. The court should also be competent to give advice to the Executive and Legislative branches of government on any matter involving the interpretation of the law and the constitution.

ATTORNEY GENERAL

12. This should be a nominated post, and a part of the Executive. He would be the chief legal adviser to the government. He would also be charged with bringing criminal proceedings before the court, and also of directing any investigation into the legality or propriety of the actions of any individual, body, or authority. In carrying out his functions he should only be subject to such limitations as are contained in the constitution.

THE EXECUTIVE

13. The Executive should be appointed on the basis of competence - from whatever walk of life - by the Chief Executive.
14. No appointment to the Executive should take effect unless and until it is referred by the National Assembly to a joint committee of both houses and the said committee approves the said appointment.
15. Its numbers should not exceed one-third of the total number of both houses, not including the Chief Executive.

CIVIL SERVICE

16. Save for heads of departments and permanent secretaries, this branch of government should be under the supervision and control of the Public Service Commission, and both civil servants and members of the Public Service Commission should be non-politically appointed.
17. Heads of departments and permanent secretaries should be selected by the Executive and be answerable to it.

18. A head of any department involving the collection of revenue or the auditing of major expenditure should get, in addition to his full salary, a tax-free responsibility allowance of not less than one-third of his salary.

PROPOSED AMENDMENTS TO THE WHITE PAPER

Section 18 - Add, at the end, that "The number of the members of the Cabinet, not including the Prime Minister, shall not consist of more than one-third of the total membership of both houses."

Section 33 - Add, at the end of the first sentence, a new sentence as follows: "Of the members of the Belize Advisory Council one-third of their number shall be drawn from the Senate."

Section 50 - Delete, and substitute the following: "(a) There shall be nine members of the Senate. The Senate shall consist of elected members. One member shall be elected for and by two adjoining electoral divisions as presently constituted. (b) No person shall be qualified for election to the Senate unless he has previously been a candidate for a political office either at the national or municipal level. (c) After two elections from the date of independence, no person shall be qualified for election to the Senate unless he has previously been elected to office either at the national or municipal level."

Section 58(a) - Shall be amended as follows: substitute for the words "two-thirds" the words "eighty-five per cent".

Section 58(b) - Shall be amended as follows: substitute for the words "three-quarters" the words "ninety per cent".

Section 77 - Delete, and substitute, "A Judge of the Supreme Court shall hold office, during good behaviour, until he attains the age of retirement, unless he shall sooner become unable to perform his functions. He shall be removed from office only upon a resolution approved by 90 per cent of the total membership of both houses."

NOTE: The same holds true as regards the tenure of office and the removal of the Director of Public Prosecutions, under Section 83.

Section 98 - Delete, and substitute, "The Auditor General shall hold office, during good behaviour, until he attains the age of retirement, unless he shall sooner become unable to perform his functions. He shall be removed from office only upon a resolution approved by eighty-five per cent of the total members of both houses."

SGD. A.S. JOHNSON

Pickstock Division,
52 Cor. Pickstock Street & Lovely Lane,
Belize City, BELIZE,
Central America.

R E S O L U T I O N

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

RECOGNIZING the need through social justice for a
progressive document, one which will have to satisfy the needs
of every Belizean man, woman and child, regardless of political
beliefs and,

RECOGNIZING also, that the present and past Governments
of Belize have been consistent in preserving the principles of
Christian Democracy and guaranteeing now the preservation of
fundamental freedoms and human rights, regardless of race, place
of origin, political opinions, colour, creed or sex,

AND on behalf of the people of the Pickstock Division,

BE IT RESOLVED that the White Paper, the Proposed Terms
of a Constitution for the INDEPENDENT BELIZE be adopted at this
historic occasion.

Orlando Magaña
34 Lakeview St.,
Belize City.

Chairman
Joint Select Committee.

Dear Sir,

In my opinion, the Government Service should be free from corruption. In order to prevent corruption, frustration, unhappiness, and stagnation, I am asking that the following be considered in the Constitution:-

- (1) Prevention of Nepotism in the Government Service.
 - (a) Limit to the number of family members who can work in any one Department.
 - (b) If more than one family member work in the same Department, then, only one can hold any administrative post - only one can be a warrant holder - only one can be granted authority to expend money on the Government's behalf.
 - (c) That the Government extend and expand the powers of the Audit Department so that sound checks can be made on the spending of money by warrant holders:
 - (i) all expenditure must be properly represented in terms goods, example, spending erect fence, yet no fence erected; spending to buy cans yet cans not included on inventory. Where items are not included on inventory, then Officer should be quiered (sic).
 - (d) That the Office of the Ombudsman check into the frustration and discontent of junior officers, and new senior officers.
 - (e) Officers in charge of Districts should employ workers from same Districts to do manual labour, tradesman's work and any other employment necessary. At no time should the administrative officer employ family from his Districts or other Districts.
 - (f) That the races of Belize be equally represented in every Department, at all levels, administrative, field officer to labourer. Preference should not be given to any one race.
 - (g) Limit the number of immigrants, refugees, that enter the Country, for purpose of residence, in any one year.
 - (i) Visitor's should adhere strictly to the law of the land in cases of breach of law their property should be confiscated, sold and used to compensate for damages done. The person should then be deported for good.
 - (h) That women rights be highly respected, after all we were all brought into this world by a woman.
 - (i) That Ministers of Government, members of the House Representatives (including opposing)(sic), members of Senate, Justices of Peace be asked to resign or relieved of their post, if found indulging in traffic of drugs encouraging abortion, misuse of public funds or involved in any type of criminal act, whether as the accomplice or the person who commits such an offense.

(2)

Mr. Chairman, I am fully supporting the White Paper.

Honourable Chairman, thanks for the opportunity to express my views.

Respectfully,

SGD. Orlando Magaña

Sincerely yours

SGD. (George D. RUISE)
Chairman, Isabela Park Village Council.

SGD. (John J. Price)
SGD. (John J. Price)

To Chairman,

Joint Select Committee of the National Assembly of Belize canvassing for Government's White Paper on the proposed terms of a Constitution for the Independent Belize.

Sir,

On behalf of the Community of Isabella Bank Village (Belize Rural North), I hereby extend my approval and full support to the above-mentioned White Paper put forward by our Government.

Sincerely your's

SGD. (HORACE D. HULSE)
Chairman Isabella Bank Village Council.

c.c. Hon. Premier, Mr. G.C. Price
Hon. Rep. Mr. F.H. Hunter

Appendix C-7

Bermudian Landing Village,
Belize District.

25th February, 1981.

To Chairman,

Joint Select Committee of the National Assembly canvassing for Government's White Paper on the proposed terms of a Constitution for the Independent Belize.

Sir,

On behalf of the Community of Bermudian Landing Village (Belize Rural North), I extend to you and the members of your committee my approval and full support to the above-mentioned White Paper put forward (sic) by our Government.

Respectfully Your's

SGD. ISAAC E. JONES)

Chairman, Bermudian Landing Village Council,
Belize District.

c.c. Hon. George C. Price (Premier)

Hon. Fred Hunter (Area Rep.)
