

BELIZE

No. HR17/1/4

HOUSE OF REPRESENTATIVES

Wednesday, 2 September 1981

10:00 a.m.

Pursuant to the direction of Mr. Speaker, in writing, dated the 31st day of August, 1981 and in accordance with Standing Order No. 11(2), the House met in the Assembly Chamber, Belmopan, on Wednesday, 2 September, 1981 at ten o'clock forenoon.

The Speaker, the Honourable Mr. C.B. Hyde, M.B.E.
The Honourable Mr. G. Price (Freetown), Premier and Minister of Finance
The Honourable Mr. V.H. Courtenay (Collet), Minister of State
The Honourable Mr. D.L. McKay (Stann Creek Rural), Minister of Labour, Social Services and Community Development
The Honourable Mr. F.H. Hunter (Belize Rural North), Minister of Works
The Honourable Mr. F.J. Marin (Corozal South), Minister of Natural Resources
The Honourable Mr. G. Pech (Orange Walk South), Minister of Trade and Industry
The Honourable Mr. S. Musa (Fort George), Attorney General and Minister of Education and Sports
The Honourable Mr. E. Briceño (Orange Walk North), Minister of Local Government and Social Security
The Honourable Mr. S.O. Waight (Cayo South), Parliamentary Secretary, Ministry of Works
The Honourable Mrs. J. Usher (Pickstock), Parliamentary Secretary, Ministry of Health, Housing and Co-operatives
The Honourable Mr. V. Castillo (Corozal North), Deputy Speaker
The Honourable Mr. T. Aranda (Dangriga)
The Honourable Mr. P.S.W. Goldson (Albert)
The Honourable Mr. C. Thompson (Mesopotamia)
The Honourable Mr. C. Wagner (Toledo South)

ABSENT:

The Honourable Mr. Louis S. Sylvestre (Belize Rural South), Minister of Energy and Communications
The Honourable Mr. A. Shoman (Cayo North), Minister of Health, Housing and Co-operatives
The Honourable Mr. B. Ah (Toledo North)

MR. SPEAKER in the Chair.

PRAYERS read by Mr. Speaker.

MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE HOUSE

HON. G. PRICE (Premier and Minister of Finance):
Mr. Speaker, I move that at its rising today, the House adjourns to a date to be fixed by the Speaker.

MR. SPEAKER: Honourable Members, the Question is that at its rising today, the House adjourns to a date to be fixed by the Speaker.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

PUBLIC BUSINESS

I. Government Business

II MOTIONS

Belize Constitution Bill (Amendment) Motion

HON. G. PRICE (Premier and Minister of Finance):

Mr. Speaker, the amendment before the House relates to the Bill for a Constitution for an Independent State of Belize. This amendment was made by the Senate.

The reason for the Senate's amendment is to remove any doubt which may exist as to the legality of the transition from the self-governing Constitution to the Independence Constitution. Transitional provisions will have to be made with respect to the powers of the Governor, the existing laws, the first Governor-General, the Ministers and Members of the National Assembly, existing public officers, the Supreme Court and Court of Appeal, and other matters.

We are grateful to the Senate for ensuring a smooth transition from one Constitution to the other and we would ask the House to support the amended Bill.

According to Standing Orders, I propose that the amendment be considered and the House is asked to agree to the amendments set out in the Motion. I, therefore, move in accordance with Section 62 of the Standing Orders that the Senate's amendment to the Bill for a Constitution for an Independent State of Belize be now considered.

HON. P.S.T. GOLDSON (Albert): Mr. Speaker, I wish to move an amendment to the Motion that the word 'now' be deleted and the addition of the words 'upon this day six months' after the word 'considered' in the last line in accordance with Standing Order No. 60.

Mr. Speaker, the effect of this amendment to the Motion, if passed by this House, would be to delay the further consideration of the Constitution Bill until a period of six months has passed, to be precise, until March 2, 1982. I think, Mr. Speaker, that the return of the Constitution Bill by the Senate to this House is a God-send opportunity for this House to reconsider this entire matter in the light of all that has been said, all that has been happening, and all the deep concerns which the people of this country have as to the future into which the Government is taking this country, ill-advisedly, in the opinion of many citizens; it is an opportunity for the Government itself to clear up, to clarify the obscure positions regarding such matters as defence and the security of this country; and it is an opportunity for them to look into the Constitution itself and to see whether there are any other matters which need clarification.

Let us face the fact, Mr. Speaker, it was last Friday, barely five days ago, that the Government steered this Constitution Bill through this House, assuring the House that all was well, all was correct with the Constitution, only to find that now it is returned by the Senate with an abundance of mistakes and omissions. The Government tried to make light of these mistakes

/and ...

and omissions. But as the Honourable Premier, himself, said they deal with the transitional arrangements. In other words, had the Senate not returned this Bill to this House, the Government in its haste to bring independence on September 21 would have perhaps brought about the legal and constitutional eradication of your Public Service. We might have ended up without any Judiciary, and even this House and the Senate itself might have been abolished through the inadvertence of the Government(interruption).....perhaps; perhaps, Mr. Speaker, the only good thing that might have come from all that would be the demise of this House, because the demise of this House would perhaps, would, in fact, have given the opportunity for new general elections and that would have been the best way of testing public opinion at this time as to what the people really want, whether they really want independence under the very dangerous way in which it is now being carried through or whether they want everything to be properly arranged.

I would like to remind Honourable Members, Mr. Speaker, that they'd better be careful because once the Constitution is passed, once it becomes the supreme law of the country, then until general elections are held some time between now and 1984, there can be no further amendments to the Constitution unless this House unanimously agrees to it, which means that they will need the support and the help of the Opposition should they find that further amendments are necessary. And who knows, they may find that the price for that support is not to their liking. It may be, for instance, that they may find that they have to turn the entire control of Radio Belize entirely over to the Opposition in return for the support of any further amendments. Although I would like to assure them that should such an eventuality occur that we will give them their due time on Radio Belize. Or, Mr. Speaker, if they should find the need for amendments, maybe it might be one way of bringing the general elections forward in which case there may be a reversal of the roles we are playing in this House today.

So, Mr. Speaker, I would strongly advise the Honourable Ministers on the other side to take this opportunity offered by the return of this Bill from the Senate and by this Opposition amendment to set this matter for consideration in March 1982 rather than rush it through today. They may find that it is to their political benefit to take this opportunity.

Thank you very much.

HON. C.O. THOMPSON (Bosopotania): Mr. Speaker, I rise to support the amendment to the Motion presented by the Member for the Albert Division. And I start out by saying, Mr. Speaker, that God moves in a mysterious way, His wonders to perform.

What has happened here today is that we are simply here to amend the Constitution which has been gone into, examined, scrutinized and, low and behold, we found that one of the most important facts that ought to have been taken into consideration is after 21 September, according to the Constitution this House, the Public Service, the Judiciary, everything would have been dissolved. We would have been removed because the Constitution does not agree that on the 21st of September what exist today ought to have been carried forward after the 21 September. And that is the purpose of the Motion here today.

/So, ...

So, we have a Motion here today where the Governor-General would be able to prepare before independence certain appointments; we ought to agree also that the Public Service, functions of the Judiciary, etc. continue thereafter as before the 21 September. But to my mind it is an historical move by the Senate, that the first time the Senate has referred back to this House, to my knowledge, an amendment which I am saying with due respect to the House, not an amendment of the Senate.

We have hurried and rushed through in the preparation for independence certain obligations, certain procedural matters ought to be affected and one of the most important thing is to prepare for independence, which we have not been doing for thirty years. We have not been preparing for independence for thirty years. and even up to this very day, we have learnt only yesterday when the Senate sat that we are not prepared for independence. So we are herald, announcements have been made that amendments to the Constitution Bill have been made, referred back to the House for the House to reconsider the amendments, to approve the amendments by the Senate.

Mr. Speaker, was this not seen before? Across the floor we have people who purport to be Constitutional lawyers, good lawyers, expert lawyers, Consultants, Advisers, Attorney Generals, and other legal brains, and I have found out, today, that in our Constitution which we have forwarded to the Senate for approval and consideration, we have found out that a great anomaly exist. It costs this House approximately, Mr. Speaker, correct me if you may, Sir, if you can - \$2,400 per hour to operate this House, \$2,400 per hour. And we are assembled here, today, to consider anomalies by an incompetent Government preparing for independence; a Government that says they are prepared to go into independence; and \$2,400 per hour, if we stay here after eleven o'clock, Mr. Speaker, would be going down the drain because we could have remedied what has happened on Friday had we had competent, serious-minded people who want to take this country into independence. But we have never examined - when I say we, I mean the Government - has never examined(interruptions)..... I am prepared to say, Mr. Speaker, in this case I am not competent and I am not ashamed of it because I do not have, as I said in the last House, I do not have what is afforded me to examine properly the functions of this House and I have made charges in this House over and over again that I cannot represent my constituency even though the Minister of State on Friday said he is in sympathy with the citizens of the Mesopotamia Division. But I am proud to say because I am denied the tools by this Honourable House to function properly - I cannot function properly unless I am given the tools and it is the Government's obligation to provide this. I am denied this as I have been denied it in the City Council and etc., which is history of this country. It is the Government's attitude to deny the Opposition whatever they are entitled to to function properly.

So, I come back to the particular subject, Mr. Speaker. As I hear the Minister of State across the floor saying and I would like to reply to the Minister of State if you would allow me, Mr. Speaker, that I am saying, today, this Government even though it purports to be a Government leading the country to independence, it is very incompetent in a matter of legal legislation, ordinary legislation, the matter of the Constitution which is the backbone of any country, the backbone of this

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country and this Government did not realize, they did not realize, Mr. Speaker, that they were allowing this country to go into independence in chaos, in a vacuum, because we would not have had a Governor-General, we would not even have a Constitution or have a Governor-General on the 21 September, an important appointment; we would not have been able to have this House continue after the 21 September; which means, Mr. Speaker, you yourself, Sir, would not have been sitting there after the 21 September nor will this Honourable House be sitting here on that day and thereafter.

Therefore, I am saying, Mr. Speaker, with all respect to this Honourable House, respect to Government, I regret (interruptions) I would like election tomorrow, Minister of State; I would like elections tomorrow and I know if there is an election tomorrow there would not ever be a P.U.P. Government ever in the House (a p p l a u s e) if there were to be an election; particularly, I may say and I am not ashamed; I am proud to say on the record that I have seen a change in the P.U.P. Government; I have been able to recognize a change in the P.U.P. Government, but, Mr. Speaker, if this change materialises, if this change develops, I am bold to say, today, that in 1984 the P.U.P. would have been of the past. And that's the reason why I am here today; I am prepared to persevere and operate in our Constitution a democratic government, that when in 1984 it arises and come before us, the P.U.P. will remain a part of the past, and that thereafter we will have an Independent Day after 1984.

Thank you very much, Mr. Speaker.

(a p p l a u s e)

HON. S. MUSA (Attorney General and Minister of Education and Sports): We are here to consider an amendment returned by the Senate and it seems that these amendments, Mr. Speaker, have succeeded not only in titillating the Opposition to give them grandiose ideas, one, that the Government might be mindful to postpone independence for six months; but, two, the Government was in some form or fashion planning its own dissolution, as well as, the Judiciary, the Public Service and what not. It has also succeeded, Mr. Speaker, in bringing out a sort of machismo feeling on the part of the Opposition - one doesn't know where it comes from. Perhaps we should set the records straight, today, Mr. Speaker, and put these amendments in their true perspective with their true meaning. I don't mind being called incompetent, that's the least of it; I don't mind the Attorney General's Ministry being called incompetent. But I think those who purport to speak on legal matters should first check out the legalities upon that which he speaks (interruptions)..... then he should not speak on legal matters: he should keep quiet; stick to the political issues.

Mr. Speaker, the issue before us is really a very simple one. It is something like this. We have an Order in Council that has been signed by Her Majesty the Queen in Privy Council; and if the members of the Opposition were to spend the time to examine that Order in Council, they will find the identical provisions, the Transitional Provisions, clearly set out in the Order in Council; they are all there; all matters dealing with the existing laws - the Public Service, the Judiciary, the National Assembly, the Ministers of Government, Premier, Governor, etc.; all matters set out in the Order in Council. And from a strictly legal standpoint, that is enough, that is

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enough to continue the transitional provisions to bring into effect this new Constitution that we are passing today; from a strictly legal standpoint. But the Government in its wisdom, and the Senate, felt that rather than stick to Constitutional strictness of having Parliament through the Queen and through the Executive, legislating for us with the Transitional Provisions, we should ratify, so to speak, and bring all those Provisions into effect right here in Belize. We have done it with the Constitution proper and we seek now to do it also with the Transitional Provisions.

I might say, Mr. Speaker, that when we examine the Constitutional history of Belize, it will be found that Belize, like Barbados, two of the territories which always in its history tried as best it could to legislate for itself - we can go right back to the days of the Legislative Assembly when it was elected by a few; there was always that system of legislating for itself; but in every case it was sanctioned by the Colonial power. And when we look at it from a strictly de facto situation, the true Constitutional power structure, it will be found that surely England can legislate for us because we have had this tradition of legislating for ourselves, we felt on reflection and to avoid any doubt whatsoever, whether it be one percent doubt or a hundred, we should also include the Transitional Provisions in our Constitution.

Having made that point, Mr. Speaker, this is not to say that the Government has in any way bungled, as the Members from the Opposition is trying to make out. We could have proceeded to independence on September 21. The Government would have continued, this House would have continued, all the offices would have continued, including the Judiciary and the Public Service; but it would have continued by virtue of an Act of the Queen of England; it would have continued by virtue of the fact of an Order in Council made in England, and that would have given it strict legal validity.

So, we are really talking today, Mr. Speaker, more on a question of form rather than substance. If we are talking about whether this House should not meet because it costs \$2,400, then I find that a basic contradiction with the Opposition, Mr. Speaker, They are always complaining that we don't have enough House meetings, and now that we are giving them the opportunity to voice their opinions again in another House Meeting, they are complaining; they are complaining about the \$2,400 or whatever it may cost.

The point I want to make clear for the records today, Mr. Speaker, is that as far as the Transitional Provisions are concerned in a strict legal sense they are already in the Constitution, but they are in effect by virtue of an Order in Council legally; we want to make them effect by virtue of our own National Assembly.

(a p p l a u s e)

That is the purpose of the amendment, Mr. Speaker. So, really, Mr. Speaker, I see no reason for us to engage in any issues as to substance. Indeed, I am sure the distinguished Member for the Albert Division was aware from the Committee Stage that this matter could have been done in one or two ways; either by accepting legislation from England or by bringing it home to Belize. The Government chose to bring it home to Belize and legislate in Belize. And to complete the picture

/we felt ...

we felt we should also include the Transitional Provisions. That's the reason to accept the amendments brought from the Senate.

(a p p l a u s e)

HON. F.H. HUNTER (Minister of Works): Mr. Speaker, I cannot support the amendment, because its arguments based on assumptions and the assumptions are wrong; so, If I accept the arguments based on the assumptions which were wrong, as the Attorney General just proved, then I would be accepting an amendment based on wrong information; on a non-existing argument. So, as the Attorney General pointed out, Mr. Speaker, we didn't have to have this, but let us knock our own thing. We have been doing our Constitution in our own House. There are two or three Commonwealth countries, only, of all those that got their independence, that did it the way we are doing it here in our own Legislature; and we have started in that pattern and found it the best system. And all this is doing is tidying it up; that we are consistent and we do the whole Constitution through legislation of our National Assembly. And I am proud that we are doing our own thing.

They speak about the unnecessary expenses of calling a second Sitting of the House, and then you hear crying on other occasions that we don't have enough Sittings of the House. The only thing that they have been consistent about is their fear of independence, which the vast majority of Belizeans are anxiously and joyfully awaiting - the majority of the people of Belize; many of their former supporters are joining in the independence celebrations.

Thank you, Mr. Speaker.

(a p p l a u s e)

HON. T. ARANDA (Leader of the Opposition): Mr. Speaker, I'm standing in support of the amendment because there is an expression that when you are doing something very important you should not rush.

We have had the Constitution; it was given out to us, at least to the Opposition, on the very day that it is to be passed. I think the Government has seen it; the Government should have seen it; the Government should have studied it; but, yet, the Government did not. There are errors in the Constitution because, again, the thing was rushed; it was not studied well.

(i n t e r r u p t i o n s)

HON. V.H. COURTENAY: Mr. Speaker, allow me to rise to remind him that he received a copy of the Constitution on the First Reading, not last Friday

HON. G. PRICE: And Mr. Ridley handed it to them in London.

HON. T. ARANDA: We do have a Constitution in our hands now and we have missed issues that should not have been missed. The main problem is - if we can miss and err on something that we have in our hands what will we not do with things that are not in our hands and not in our control; such as, the security of Belize, the Heads of Agreement, the Mexico/Guatemala

/clerk ...

claim to Belize; what will we not do in those issues? Because of the fact that we have not taken enough time to study what we should study, but rather in our euphoria, in our anxiety, we go ahead dabbling with something that is very, very significant in a casual manner.

All matters, as the attorney General has said, all matters that are being brought today to this House has been in the Order in Council; yet, we have to make an amendment to incorporate them into the Constitution. Are we to believe, therefore, that it mere caution on the part of the Government to incorporate these amendments into the Constitution? Certainly not. It was an oversight, or better said, as the Member for the Mesopotamia put it, it was incompetence aggravated by haste.

The attorney General went on further to say that we could have proceeded towards independence without these amendments. Yes; perhaps we could have proceeded towards independence without them but so could we proceed towards disaster.

The attorney General further said that we were being given a right to be heard, or to voice our opinions in the House. I hope he wasn't quite serious when he said that; I hope it was just a slip of the tongue, if you may, because the Opposition has a right, not an opportunity, to voice its opinion in this House.

HON. F.J. MARRIN (Minister of Natural Resources):
Mr. Speaker, I rise to reject the amendment proposed from the other side of the House and to support the amendments proposed by the Senate.

It was really ridiculous to bring words like 'incompetent' just because the Senate, in its wisdom, managed to propose an amendment. As I understand the bi-cameral practice of Legislature, both Houses of the National Assembly have the right, if they so wish, to bring in Bills, to make proposals, and in this case, it has been an amendment. So, it is really ridiculous coming from the other side of the House that the Senate should do this. In other words, it is implying that the Senate shouldn't make amendments on Bills.

Secondly, words have been introduced as to Heads of Agreements, although I don't see the relevance of Heads of Agreements to these amendments. Mexican/Guatemalan claim; I don't know of any Mexican claim. All I know, Mr. Speaker, that yesterday I was privileged to see on Mexican television, President Lopez Portillo informing the nation on the state of the Federation on his fifth year of Government and he gave Belize two minutes in his report to the nation. And he said "Mexico welcome" to quote him, "Mexico welcome the independence of Belize on the 21 September of this year and Mexico will sponsor Belize as a member of the U.N. later on in the year".

(a p p l a u s e)

But more than that, that's Mexico's position; but more than that, he said the 5th of September there will be a meeting of both President Portillo and the Guatemalan President of the Chiapas Borderline; and President Portillo has said, very emphatically, to the Press that he intends to recommend to the Guatemalan President that he should leave Belize alone

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after the 21st of September. Isn't that very clear? So where the Mexican claim comes about? Absolute rubbish, as expected on that side.

Last week, instead of debating a Constitution a large portion of it was dedicated to defence or security. I want to say very clearly that the best defence for the Belizean people to survive as a nation is to stop instilling fear into the Belizean people and the destruction of people's property, then you remove fear(interruptions)..... you started it. That's the best form of a secure independence for Belize, Mr. Speaker, to stop instilling fear into the Belizean people, and instead, encourage them to face the future with faith and confidence; for when the world at large sees that you have faith and confidence in yourself, you develop that confidence in them as our friends, Mexico, are saying today to leave Belize alone.

Mr. Speaker, I support the amendments as proposed by the Honourable Senate and reject the amendment.

HON. C. WAGNER (Toledo South): Mr. Speaker, I rise to give support to the amendment and I do so because I want to make pretty sure that Belize is ready, beyond a shadow of a doubt, Belize is ready for independence.

(a p p l a u s e)

Mr. Speaker, unlike my colleagues who suggested incompetence of my esteem friend, the Attorney General, I will not base my support on incompetence because, indeed, I believe that my friend is competent.

Mr. Speaker, it would seem awfully bad and disappointing to see so many experienced politicians over there, so many learned legal men, all that trust of brains, overlooking such important, not as extremely necessary, but extremely important things as to go into independence with these things not done. I do appreciate the fact that the Belize Government has been able to see the points in time before independence. It is commendable, I think, that Belize is numbered among the two or three countries that have done it this way, that is if my friend, the Minister of Works, is correct. But, indeed, Mr. Speaker, I am concerned as thousands of Belizeans are concerned about the timing of independence. I, personally, do not believe, Mr. Speaker, I may be wrong, but I have my human rights and I am entitled to my opinion and I must make my opinion known; and my opinion, the way I see it, the way I hear people talk, the way I see people worry, is that the Belizean people are not mentally prepared for the tremendous burden of independence. I hear people, including the People's United Party supporters, making pessimistic comments from day to day. And not too many days ago, I came into contact with a very high-up P.U.P. supporter and he asked me if I am ready for independence. I said, "well, I would like a delay, but I carry a policy and my policy is to hope for the best and be prepared for the worst. So, I am being prepared for what may come; but are you ready?" He said, "oh, yes, I am ready; I am ready". Very enthusiastic. And I said, "why are you ready? What's your reason? I mean, in what way are you ready?" He said "well, everything will be alright". "yes; but like what will be alright?" "Well, there will be lots of money; we'll now be able to borrow a lot of money from World Bank and International Monetary Fund; now we don't

/have ...

have money to fix the road, but we'll get a lot of money then". I said, "What's your other reason?" "Any other reason?" "Well", he said, "we'll get what we want"(interruption).

MR. SPEAKER: The Honourable Member is aware that he is going off in a slight irrelevancy, and I am hoping he will come to a conclusion with his anecdote as quickly as possible.

HON. C. WAGNER: Thank you, Mr. Speaker.

I am supporting the amendment and my point is that the delay that we seek, six months hence, is to study carefully all aspects pertaining to the independence that we are going into. And in discussing the different aspects sometimes we must bring up some examples. And so my example is merely to elucidate my point of unpreparedness; of course, I know the emphasis of unpreparedness steps on toes; and this is why this is called for.

But, Mr. Speaker, to conclude, my point is simply that there is anxiety among the people of Belize of the rushing of the country into independence. I have been listening to the Radio and reading the news for many years and most of the other former colonies that went into independence have been negotiating and whenever the announcement is made it is some twelve months in advance of independence, sometimes eight months, six months, but never have I heard an independence announced a little over a month before we go into independence. This is an extraordinary short announcement of our independence; and this is one of the many reasons why I thought we are not prepared. So, I am supporting the amendment based on that fact; that Belize by manifestations of the majority of the population - it was said a while ago, Mr. Speaker, that the vast majority of the people are ready and that is not true; that is an assumption which is wrong. I look - the shaking of the head in a negative way does not prove anything - you look on the cars, you could count them as they speed by, the sticker that "Belize Born Free and Independent", you could count them; out of every ten cars that pass you may see one of them with a sticker. You want to tell me that these people welcome this independence in such an enthusiastic manner?(interruptions).....oh, they need to beg for it; they need to beg for it. Well, this just goes to show, again, by admittance, Mr. Speaker, that the people are not enthusiastic about it because they are not begging for it, they are not soliciting.

Mr. Speaker, it was announced over BBC, I understand, that the people of Belize danced in the street and rejoiced when the announcement of independence was made and this, Mr. Speaker, I believe yourself will be able to attest to, is not true because it was not evident in Belize; in Punta Gorda, Toledo, there were no dancing(interruptions)..... I am not blaming you, but I am saying that it was said that that Radio made this announcement. It was also printed by one Newspaper that Belize is the first country going into independence where the people are rioting against independence. And there are many instances to show that the people of Belize are not prepared, are not ready, are not welcoming it.

So, Mr. Speaker, without prolonging the matter any more, I am supporting the amendment.

Thank you.

HON. V.M. COURTNEY (Minister of State): Mr. Speaker, if I may just address you on one point; there is one point that is disturbing me terribly; this fact that the Member who makes his proposal and his supporters on this Motion are proposing that the delay in the business which is before the House should be used as a vehicle for achieving political objectives. My understanding is that we have a legislative problem, a legislative duty in this House; and I am amazed that the proposer of a resolution could say that "I propose a resolution because I have a different political philosophy and I would love to use this opportunity to delay the legislation."

In other words, Mr. Speaker, nowhere have we heard that the proposals would represent bad legislation and, therefore, we ought not to pass it. Nowhere have we heard that the proposals would be dangerous legislation and, therefore, we ought to study it further. Nowhere have we heard any criticism about the legislation, or have we heard any justification for suggesting that this House might need more time to study it. All we are hearing is that we ought to use this opportunity to advance a political purpose. I condemn this. I condemn this as an invalid use of the processes of this House. In fact, I am prepared to condemn it as an abuse of the processes of this House.

Mr. Speaker, I would wish to make the point, and make the point very clearly that when it comes to dealing with the issue of the timing of independence; when it comes to the question of whether the people are ready for independence; when it comes to the question of the wisdom of moving now into independence, this is a matter which this House ought to debate on a substantive motion. And if my Honourable friends are serious, and if they are not merely trying to score debating points, then they have a function and a duty to the community to provide them with such a debate on a motion and to get the conclusion of the National Assembly upon it. It is certainly not within the spirit of a legislative body that one should attempt to use its processes merely to satisfy political objectives and I condemn the whole attitude which we have experienced this morning. From that point of view, I could never support a motion which is based upon that sort of attitude, that sort of disregard for the real responsibility of the House of Representatives.

In terms of the proposal, Mr. Speaker, that we should delay for six months consideration of matters of the Constitution, I would like to, once again, put it on record, that I can understand Honourable Members across the other side of the House feeling unprepared for independence. I can understand their feeling that they do not, themselves, feel confident about the Constitutional document which is before this National Assembly. I do not accept or condone the excuse of the Honourable Member for the Mesopotamia Division who says that he is in this House but he doesn't perform his functions because somebody doesn't give him tools. I asked him what tools and he doesn't say. Well, that is his business and let that remain upon his conscience. As he says "God moves in a mysterious way His wonders to perform" and, no doubt, the Mesopotamia Division will move instead of God, they will assist God. But, I believe, Mr. Speaker, that they feel unprepared because when they had their duty to perform to the country; when you, Mr. Speaker, appointed them to a Committee of this House to examine proposals for this Constitution; when the negotiations on this Constitution took place in London they all neglected their duty, I believe that, today, they honestly

regret what they have done

(a p p l a u s e)

.....that they honestly sit in this House unprepared and unready to deal with the business which is before this House, because they have failed to do their homework. I believe, Mr. Speaker, that they are honest when they admit that they are in no position to make a positive contribution to the Constitution of our country.

(a p p l a u s e)

HON. P.S.M. GLEDSON (Albert): Mr. Speaker, I would just like to make a few comments in winding up the debate on the amendment.

I think I understand, Mr. Speaker, that the Honourable Minister of State is offering a debate on the timing of independence. If that is what he is offering then I can assure him the Opposition will take him up on that offer. We are willing on this side to take up that offer. The one reason we have not taken up that offer before is because the House is now in Recess and, in practice, only matters which emanate from the Government find itself on the Order Paper. We are not quarrelling with this; all we are saying is that if the opportunity is being offered by the Government side for us to have a debate on the timing of independence, we are willing to cooperate one hundred percent, and we are even willing to debate it on Radio.

Mr. Speaker, as I understand from the Honourable Attorney General, the Government in dealing with the Constitution of Belize for Independence, decide to take a certain route; he said that for most territories getting independence, the route was by means of an Order in Council signed by the Queen. He said that in the case of Belize, the Government decided that in addition to the Order in Council by the Queen, this National Assembly would also pass its own legislation. Fine. In fact, I would put it this way that the Opposition would have quarrelled with them had they taken another route; had the Constitution of Belize rested only on a British Order in Council, we would have opposed that; in fact, the Honourable Attorney General can remember I raised this matter in the Constitution Committee to ensure that this Constitution was being passed by this National Assembly and not relying merely on an Order in Council. So, the question that comes up, Mr. Speaker, if it is true as the Honourable Attorney General said that they decided deliberately to pass the Constitution by means of legislation in this National Assembly, then why is it that they did not complete the job; why is it that when they presented that Constitution Bill to the House a little over two weeks ago they did not present the entire Constitution since they intended to take that route, according to him. Why was part of it being done by an Order in Council and part being done by legislation in the House? There can be only one answer to that question; and it is the fact that it was an oversight. They did not realize that the Transitional Provisions of the Constitution package in order to complete the job properly. This oversight was discovered or called to their attention - who knows? Maybe it was called to their attention by the Colonial masters; maybe the word came from England; look, you have passed that Bill incomplete, please go over it again. And so, they were able to take advantage of the fact that the Senate was meeting in order

to try ...

to try and correct the error which they had made. They should have realized that the Independence Constitution will supersede the present Constitution, Ordinance No. 33 of 1963. In other words, that Constitution which brought in Self-Government will go out the window when this Independence Constitution comes into force and it will take with it all the provisions regarding the Public Service, the Judiciary, this National Assembly, and so on. Similarly, Mr. Speaker, this is very important; they should have realized that since Self-Government the Constitution of this country consisted not only of the Ordinance passed by this House, that is Ordinance No. 33 of 1963; it also consisted of Letters Patent and Royal Instructions; the Government of Belize, the Ministries were set up by means of Letters Patent issued by Order in Council and they should have realized that all that will go, automatically, with the coming of Independence and that everything pertaining to the Constitution of Belize after independence should be found and contained in one document only, namely, the Constitution of Belize. Apparently, they did not realize that fact until, perhaps, it was called to their attention, and so, they have brought it back through the means of the Senate. And we would have expected that they would have come here and said, well, we are sorry; or, perhaps we would be expecting too much to expect them to come here and say we are sorry we made an error; we are not the geniuses we thought we were(interruptions)well, certainly, I would have pointed out that I made an error; I would have pointed it out. You see, errors in this case are important; all of us can make mistakes; all of us can make mistakes; but mistakes in this context are very important because, as the Honourable Leader of the Opposition points out, if you can make mistakes when you have documents to deal with, when you know, you have it in writing, how much more are you likely to make mistakes when it comes to undocumented matters such as the Heads of Agreements and the question of defence and security of Belize. How much more are you going to make mistakes when it comes to the security which you don't have in writing. But you are making mistakes with the Constitution and you are trying - if I understand the trend of the debate of the other side, they are trying to say somehow or the other if only the Opposition were there; if only the Opposition had attended these talks, they would not have made these mistakes. That is, in effect, the substance of what they are saying. But the thing is this, the Opposition has made it clear from the very beginning that it opposes independence under these conditions; that it opposes independence in 1981 simply because a United Nations say so; we made that clear from the very beginning; and so, don't expect us to co-operate a hundred percent in something we think will be harmful to the people of this country. We did not take part in that Constitutional Conference because this Government at that time had a state of emergency in force and they were brutalizing, they were even killing the people of Belize, and we decided that we would not leave this country while there were a state of emergency under which the people of Belize were likely to be shot dead and were, in fact, being shot dead in the streets of Belize.

When you talk about being unprepared, Mr. Speaker, there are the preparers who show themselves unprepared; they are the ones who claim that they are ready, but they show themselves so unready by the very performance they have put off with this Constitution. They ought to be ashamed of themselves, not to be able to do a better job than that. And this is why we advised them, take advantage of this opportunity to have a look

over the matter again, because there might be other mistakes which have not yet been called to your attention and which might be discovered between now and September 21st. (interruptions).....I know, then you'll come back again. But remember after you have dealt with this Constitution today; if you pass it today, it will go and get the Governor's signature, then it will become law and it will be more difficult to change it.

Well, Mr. Speaker, in conclusion and in order to avoid, for the avoidance and doubt as to what the Opposition will do in this matter, we of course, will support, by our votes, our amendment that this matter be put back this day, six months; we will support it with our vote. If the amendment is lost - and I say, if, because I remain hopeful up to the end that good sense and a sense of reality will prevail up the last minute; but if good sense does not prevail and the amendment is lost, then we will vote a resounding 'no' to the Motion that it be considered now; we will vote against that. However, when the actual detailed amendments of the Senate are being considered, since we know that it is necessary that the country should have a Public Service, that it should have a Judiciary, even though we do not agree with the timing of independence, we will not vote for those Senate amendments, but we will not oppose them either. In other words, we will abstain from the actual Senate amendments. I just thought I would clarify this so that false reports which go abroad and, in fact, which was broadcast some time over Radio Belize that this House voted unanimously for the Constitution when, in fact, the Opposition abstained (interruptions)..... we abstained. The Honourable Leader of the Opposition stated that we abstained and stated why we were abstaining. And, in fact, Radio Belize had first reported that the vote was without a dissenting vote; it was only afterwards that they changed it.

MR. SPEAKER: I think that it would be well for me to state here now that in the House, Members do not abstain from voting; by remaining silent it merely means you do not agree; but it doesn't mean you are abstaining. It is a technical matter and when reports are made over the Radio that a Motion was carried without any dissenting vote that probably means the same thing that you think you do when you abstain; but, there's no such thing as abstaining in the House.

HON. P.S.J. GLEDON: Thank you very much, Mr. Speaker, for that clarification. I agree one hundred percent with the Speaker.(interruptions)..... The Speaker is saying that it was correct to say that the vote was carried without a dissenting vote, but that's a different thing from unanimous; unanimous is when everybody votes for it. So, we have no objection to your saying without a dissenting vote; but if there was journalistic honesty, the Radio would also report that the Opposition did not vote in favour of the Motion. This is how it is done by news-media in advanced countries.

I just wanted to clarify this point that we will not vote against the Senate amendments; we will give them a chance to correct their errors; but this is not to be taken by the Honourable Ministers opposite as any open door to their coming back to correct further errors and amendments in the future and believe that they count on the co-operation and the forbearance of the Opposition in every case; we will take each case on its merits.

MR. SPEAKER: Honourable Members, the question is that the amendment be made.

All those in favour, kindly say aye; those against, kindly say no. I think the noes have it.

HON. G. PRICE (Premier and Minister of Finance): If there be no other speaker, may I wind up the debate on the Motion.

Mr. Speaker, the debate brings out the true position on this issue. There is legal provision for the transition by an Order in Council signed by Her Majesty the Queen. That is the position of the Government of the United Kingdom; and, indeed, the Government of the United Kingdom have advised that there is no need to include such provision in our Constitution.

But to do as we have always done, the Senate proposes that the House also endorses Her Majesty's Order in Council and thereby remove any doubt that may arise regarding the two available procedures; one is by an Order of Council only, and the other is by an Order in Council and inclusion in an Ordinance. To remove any such doubt and in a spirit of an over-abundance of caution, we think we should follow the way we have always done and include such a provision in the Constitution.

I, therefore, move that in accordance with Section 62 of the Standing Orders, that the Senate amendment to the Bill for a Constitution for an Independent State of Belize, be now considered and supported.

CLECK: Delete Sections 132 and 133 and add the following new Chapters XI and XII as follows:-

CHAPTER XI

Transitional Provisions

- | | |
|--|--|
| Interpre-
tation for
this Chapter. | 132. In this Chapter -
"the Constitution Ordinance" means the
British Honduras Constitution Ordinance
1963;
"the Letters Patent" means the Belize
Letters Patent 1964 to 1978. |
| The Con-
stitution -
transitional
powers. | 133. The Governor (as defined for the
purposes of the Letters Patent) acting
after consultation with the Premier
(as so defined) may at any time after
this section comes into operation
exercise any of the powers conferred
on the Governor-General by section 134
of this Constitution to such extent as
may be necessary or expedient to enable
the Constitution to function as from
Independence Day. |
| Existing
laws. | 134.--(1) Subject to the provisions of
this Chapter, the existing laws shall,
notwithstanding the revocation of the
Letters Patent and the Constitution
Ordinance, continue in force on and
after Independence Day and shall then
have effect as if they had been made in |

pursuance of this Constitution, but they shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Constitution.

(2) Where any matter that falls to be prescribed or otherwise provided for under this Constitution by the National Assembly or by any other authority or person is prescribed or provided for by or under an existing law (including any amendment to any such law made under this section), that prescription or provision shall, as from Independence Day, have effect (with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with this Constitution as if it had been made under this Constitution by the National Assembly or, as the case may require, by the other authority or person.

(3) The Governor-General may, by order published in the Gazette, within twelve months after Independence Day make such amendments to any existing law (other than this Constitution) as may be necessary or expedient for bringing that law into conformity with the provisions of this Constitution or otherwise for giving effect or enabling effect to be given to those provisions.

(4) An Order made under this section may be amended or revoked by the National Assembly or, in relation to any existing law affected thereby, by any other authority having power to amend, repeal or revoke that existing law.

(5) The provisions of this section shall be without prejudice to any powers conferred by this Constitution or by any other law upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.

(6) In this section, the expression "existing law" means any Act of the Parliament of the United Kingdom, Order of Her Majesty in Council, Ordinance, rule, regulation, order or other instrument having effect as part of the law, of Belize immediately before Independence Day (including any such law made before that day and coming into operation on or after that day).

First
Governor-
General

135.-(1) Her Majesty may before Independence Day appoint the first Governor-General from among persons who qualify by virtue of section 23 of this Constitution to become citizens of Belize on Independence Day.

(2) Any such appointment shall take effect as from Independence Day, and the person so appointed shall hold office in accordance with section 30 of this Constitution.

Ministers.

136.-(1) The person who, immediately before Independence Day, holds the office of Premier under the Letters Patent shall, as from that day, hold office as Prime Minister as if he had been appointed thereto under section 37 of this Constitution.

(2) The persons who, immediately before Independence Day, hold office as Ministers (other than the Premier) under the Letters Patent shall, as from that day, hold the like offices as if they had been appointed thereto under section 40 of this Constitution.

(3) Any person holding the office of Prime Minister or other Minister by virtue of subsections (1) and (2) of this section who, immediately before Independence Day, was under the Letters Patent assigned responsibility for any business or department of government shall, as from that day, be deemed to have been assigned responsibility for that business or department under section 41 of this Constitution.

(4) Any person holding the office of Prime Minister or other Minister by virtue of subsections (1) and (2) of this section shall be deemed to have satisfied the requirements of section 46 of this Constitution.

National Assembly.

137.-(1) The persons who, immediately before Independence Day, are members of the former House of Representatives shall, as from that day, be deemed to have been elected in pursuance of section 55(1) of this Constitution in the respective electoral divisions corresponding to the electoral divisions by which they were returned to the former House of Representatives, and shall hold their seats in the House of Representatives in accordance with the provisions of this Constitution.

(2) The persons who, immediately before Independence Day, are members of the former Senate, having been appointed as such under paragraphs (a), (b) and (c) of section 9(2) of the Constitution Ordinance, shall, as from Independence Day, be deemed to have been appointed to the Senate in pursuance of paragraphs (a), (b) and (c) respectively of section 51(2) of this Constitution, and shall hold their seats in the Senate in accordance with the provisions of this Constitution.

(3) The persons deemed to be elected to the House of Representatives or to be appointed to the Senate by virtue of subsections (1) and (2) of this section shall be deemed to have satisfied the requirements of section 71 of this Constitution.

(4) The persons who, immediately before Independence Day, are the Speaker and Deputy Speaker of the former House of Representatives and the President and Vice-President of the former Senate shall, as from Independence Day, be deemed to have been elected respectively as Speaker and Deputy Speaker of the House of Representatives and President and Vice-President of the Senate in accordance with the provisions of this Constitution and shall hold office in accordance with those provisions.

(5) The person who, immediately before Independence Day, is the Leader of the Opposition in the former House of Representatives shall, as from that day, be deemed to have been appointed as Leader of the Opposition in pursuance of section 47 of this Constitution, and shall hold office as such in accordance with the provisions of this Constitution.

(6) The Standing Orders of the former House of Representatives and of the former Senate as in force immediately before Independence Day shall, until it is otherwise provided under section 70 of this Constitution, be the Standing Orders respectively of the House of Representatives and of the Senate, but they shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Constitution.

(7) Notwithstanding anything in section 84(2) of the Constitution (but subject to subsection (3) of that section), the National Assembly shall, unless sooner dissolved, stand dissolved on 30th November 1984 (that is to say, five years from the date when the two Houses of the former National Assembly first met after the last dissolution of that Assembly under the Constitution Ordinance).

(8) In this section, the expressions "former National Assembly", "former House of Representatives", and "former Senate" mean respectively the National Assembly, House of Representatives, and Senate established by the Constitution Ordinance.

Existing public officers.

138. Subject to the provisions of this Constitution every person who immediately before Independence Day holds or is acting in a public office under the Letters Patent or the Constitution Ordinance shall, as from that day, continue to hold or act in that office or the corresponding office established

by this Constitution as if he had been appointed thereto in accordance with the provisions of this Constitution and as if he had taken any oath required by this Constitution or any other law:

provided that any person who under the Letters Patent, the Constitution Ordinance or any other law in force immediately before Independence Day would have been required to vacate his office at the expiration of any period shall, unless earlier removed in accordance with this Constitution, vacate his office at the expiration of that period.

Supreme Court and Court of Appeal.

139.- (1) Subject to the provisions of this Constitution, the Supreme Court shall on and after Independence Day have all the powers which immediately before that day are vested in the former Supreme Court.

(2) All proceedings that, immediately before Independence Day, are pending before the former Supreme Court may be continued and concluded on and after that day before the Supreme Court.

(3) Any decision given before Independence Day by the former Supreme Court shall for the purposes of its enforcement or of any appeal therefrom have effect on and after that day as if it were a decision of the Supreme Court.

(4) Any appeals from Belize that, immediately before Independence Day, are pending before the former Court of Appeal may be continued and concluded on and after that day before the Court of Appeal.

(5) Any decision given before Independence Day by the former Court of Appeal shall for the purposes of its enforcement or of any appeal therefrom have effect on and after that day as if it were a decision of the Court of Appeal.

(6) In this section -

"the former Supreme Court" means the Supreme Court established by the Constitution Ordinance;

"the former Court of Appeal" means the Court of Appeal established by the Court of Appeal Ordinance 1967.

Alteration of this chapter.

140.- (1) The National Assembly may alter any of the provisions of this Chapter, other than those referred to in subsection (2) of this section, in the manner specified in section 89(4) of this Constitution.

(2) The National Assembly may alter this section, subsections (1), (4) and (7) of section 137; section 138 and section 139 of this Constitution in the manner specified in subsections (1) and (5) of section 69 of this Constitution.

(3) Subsections (7) and (8) of section 69 of this Constitution shall apply for the purpose of construing references in this section to any provision of this Chapter and to the alteration of any such provision as they apply for the purpose of construing references in section 69 of this Constitution and in Schedule 2 hereto to any provision of this Constitution and to the alteration of any such provision.

CHAPTER XII

Repeal and Date of Commencement

Commencement 141. This Constitution shall come into operation on Independence Day.

Provided that sections 133 and 135 of this Constitution shall come into operation forthwith.

Revocations 142. The Ordinances set out in Schedule 4 are revoked with effect from Independence Day.

MR. SPEAKER: Honourable Members, the question is - BE IT RESOLVED that the Senate amendments to the Belize Constitution Bill be now considered.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

Honourable Members, the question is that the Senate amendments to the Belize Constitution Bill be made.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

ADJOURNMENT

HON. G. PRICE (Premier and Minister of Finance): I move that the House do now adjourn to a date to be fixed by the Speaker.

MR. SPEAKER: Honourable Members, the House now stands adjourn.

Adjourned at 11:25 a.m. to a date to be fixed by the Speaker.