

Balmohan



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.

Ninth 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 Belmopan on Monday 2nd March 1981.

Hon. C.L.B. Rogers, in the Chair

Mr. W. Tillet
Miss Phyllis Locke
Mr. Norrin Mighan

(representing the Public Service Union)

Mr. Tillet: We are representing the Public Service Union of Belize.

CHAIRMAN: Does that go first, Belize?

Mr. Tillet: Public Service Union of Belize.

CHAIRMAN: After, and your address is up here in Belmopan? Where are your headquarters?

Mr. Tillet: Belize City.

CHAIRMAN: Just for the records, those machines are on, and we will capture most of it.

Now, officers of the Public Service Union will you please give us your views on the White Paper? I think you made a written submission, is that correct?

Mr. Tillet: Yes.

CHAIRMAN: You will now explain to us this submission?

Mr. Tillet: Mr. Chairman, prior to the publication on the White Paper the Public Service Union of Belize has submitted recommendation to the Belize Independent Secretariat. Following on the White Paper, we have gone into studying the White Paper, and we have come up with another submission which we'll discuss today.

CHAIRMAN: So this is in addition to the first submission?

Mr. Tillet: Right, the two things should be used in conjunction with the White Paper.

CHAIRMAN: Yes, please proceed.

Mr. Tillet: The Public Service Union has tried hard to fulfil its responsibilities by looking at the White Paper, and we have come with some more critique, but the time span we have found to be very very constraining; in our views, we have not captured the average opinion of our members and therefore even though at the end of this session, I present

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to you a copy of our submission, I have to deviate from it from time to time. This to you is a submission by Public Service Union of Belize based on the Government White Paper on the Proposed Terms of a Constitution for an Independent Belize.

Prior to the White Paper, this Union has prepared and presented its recommendations for consideration for inclusion in the Belize Independence Constitution. In that Paper the Union limited itself to those areas directly affecting the Public Service and based on the system where the Rule of Law would prevail with an Independent Judiciary in existence.

In putting forward our submissions we would like to reiterate our stand that effective Government is possible only if there is greater participation by the people in the process of Government.

The following, then, are our recommendations and observations based on the White Paper:-

(a) Paragraph 4(j) - Protection of Freedom of Assembly and Association.

This paragraph reads as a whole is in direct contravention of the I.L.O. convention, to which Belize has subscribed and we object strongly to the provision "to restrict members of the Public Service" contained in the second sentence of this paragraph being retained in Belize's Independence Constitution. It is our firm belief that every Public Officer ought to be free to join the union of his choice and retain the right to freedom of association with other persons or groups. On the other hand we agree to the principle that holders of particular offices ought not to hold office in certain organizations.

(b) Paragraph 16 - Governor General.

We recommend that the words "and any other person or persons whom she may consider necessary" be inserted between the words "Minister" and "by" in the third line.

CHAIRMAN:

What should be inserted there?

Mr. Tillett:

Any other person or persons whom she may consider necessary - the consultation of other persons in such a major decision of national importance removes or help to remove political stigma from and adds respect to the appointee. This would lend confidence in and "acceptance" of the Governor General and his performance of functions would be more readily understood and appreciated.

CHAIRMAN: After the word "Prime Minister" where there is a full stop, substitute a comma, then we had "after consultation with the Leader of the Opposition".

Mr. Tillett: And such other persons or group of persons as he may think fit.

CHAIRMAN: That's the part "and such other persons or group of persons."

Mr. Tillett: (c) Paragraph 18 - Cabinet:

Our recommendation is that for the Cabinet to consist of no more than 40% of the number of Members of the House of Representatives. It is our opinion that with a smaller Executive, Belize will get the best of its Representatives who must not only seek to defeat the Opposition Party in elections but must manage their respective Ministries effectively or face replacements by fellow Party Members who held no Portfolio. The National Assembly is the highest authority in the land; to detract from it or to weaken this authority is to deprive the electorate of their democratic rights and justice; with large Cabinet the National Assembly plays no significant role.

(d) Paragraph 33 - Belizean Advisory Council.

The important role this body has been created to perform dictates that the Members thereof ought to be persons of the highest integrity, honour and sagacity. The Members being appointed on the advice of any one person alone is totally unacceptable to us. This body is to exercise the powers given in the prerogative of mercy and removing judges and these powers dictate that consultation with other persons ought to be provided for; such as the Leader of the Opposition, Bar Association and Religious Bodies. This Council must be one in which the greater society has confidence and we feel strongly that this would not be achieved under the provisions made in the White Paper.

It is our recommendation that the Council Members be drawn from "all walks of life" bearing in mind that this important body must be representative of all the citizens of Belize and ought to function for good of all Belizeans. We, therefore, recommend that the first sentence of this paragraph be amended by the substituting of a comma for the full stop and the inserting of the words "the Leader of the Opposition and such other persons or group of persons as he may think fit" thereafter.

We make this recommendation sincerely believing that it is in the interest of Belize and for the unity of Belizeans that the consultations suggested be provided for.

(e) Paragraph 75 and 76 The Judiciary
The provisions contained in these two paragraphs derogates from the principles of:

- (a) The rule of law;
- (b) The separation of powers i.e. the Executive and the Judiciary; and
- (c) The independence of the Judiciary.

We say this in that:

- (a) The Chief Justices' appointment is open to political patronage when the Governor-General is required to appoint on the advice of the Prime Minister alone; and
- (b) The concurrence of the Prime Minister is required for the appointment of other judges.

The judicial Services Commission already comprises of the Chief Justice and one person appointed on the advice of the Prime Minister alone. To further require the concurrence of the Prime Minister leaves the door open to questionable judicial decisions and pronouncements. We emphasize that there must be independence of the Judiciary and that the Executive and the Judiciary ought not to be bound up as this is contrary to constitutional principles and would not be in the best interest of Belize. Again we recommend consultation with the Leader of the Opposition and other persons or groups be considered or a properly constituted Judicial Service Commission be provided for.

(f) Paragraph 83 Director of Public Prosecutions.

We feel certain that the provision "In the exercise of his functions the Director of Public Prosecutions shall not be subject to the direction or control of any person or authority" was erroneously omitted. We urge the inclusion of this provision under the powers of the Director of Public Prosecutions. Again for the same arguments put forward as to the appointment of judges we recommend that the Director of Public Prosecutions' appointment be subject to the Governor General consulting the Leader of the Opposition and such other persons as he deems fit.

The provisions of Article 51(1) and (2).
CHAIRMAN: Provisions of Article 51(1) and (2).
Mr. Tillett: Of the Belize Constitution Ordinance
33/63 are strongly recommended for inclusion in the
Independence Constitution.

(g) Paragraph 85 The Public Service
Commission.

The Union urges the Select Committee to seriously consider its recommendations previously made on this matter. We urge further consultation in the appointment of members of the various commissions.

We observed that the Permanent Secretary in the Ministry of Defence and the Commandant Belize Defence Force shall be Ex-officio members of the Public Service Commission authorises to deal with matters relating to the military service. The Commissioner of Police shall be ex-officio, a member of the Public Service Commission authorized to deal with matter relating to the Police Service. We regard as being against national justice if the accuser is also to play the role of the judge when going to serve in the Commission, and therefore he ought not to sit on the Commission.

CHAIRMAN: Yes, your proposal is that, and this is not in your previous submission.

Mr. Tillett: Not in my previous submission.

CHAIRMAN: That in these case the Commissioner of Police, nor the Commander of the BDF should not serve on the Commission respecting those bodies.

Mr. Tillett: Going back to our previous submission - under the Public Service Commission recommended that the Public Service Commission shall consist of 5 to 7 persons, appoint as follows:

- (1) The Chairman - Appointed by the Governor-General/President after consultation with the Prime Minister, the Leader of the Opposition and such other persons the Governor-General/President thinks fit;
- (2) Two Members appointed by the Governor-General/President on the advice of the Prime Minister;
- (3) Appointed by Governor-General/President on advice of the Leader of the Opposition;

(4) One Member appointed by Governor-General/President on advice of the appropriate representative body (presently the Belize Public Service Union).

And we have also put forward an alternative that was:

(1) Chairman appointed by Governor-General/President after consultation with the Prime Minister, the Leader of the Opposition and the appropriate representative body.

(2) Three Members on the advice of the Prime Minister.

(3) Two Members on the advice of the appropriate representative body.

(4) One Member on the advice of the Leader of the Opposition.

That was a previous recommendation.

(h) Paragraph 86 (last sentence). It is suggested that the words "and Municipal Bodies" be inserted between the words "Assembly" and "shall".

(i) Paragraph 88 - Appointments. Again our recommendations previously made are referred to for serious consideration. It is felt that the list of offices enumerated in this paragraph is a bit wide and could lead to further lowering of morale in the Public Service which in turn would adversely affect Belize as a whole. Exclusion in this paragraph mentions, *inter-alia*, "Permanent Secretaries, the Heads of Departments of Government". In view of the fact that this proposal makes for change of conditions of service of officers presently serving in these posts should be given an option to agree to these new conditions or opt to be retired.

We regard this recommendation as being very important to us.

CHAIRMAN: It's an option - I put it the other way around.

Mr. Tillet: (j) Paragraph 98 - Auditor General.

The Union urges the adoption of the provisions of Article 60(2) with the necessary amendments of Ordinance 33 of 1963 in the Belize Independence Constitution.

CHAIRMAN: So it's 62 of 33 - 1963 Ordinance, is that correct?

Mr. Tillet: 60 section 2.

The reasons appear obvious to us and should need no elaboration.

These are our further recommendations after careful study of the White Paper and we make them sincerely

believing that their adoption would add much to making an Independent Belize the model country she is destined to become.

CHAIRMAN: I thank you.

Members, any question of clarifications of the Union? I only have one question to understand your proposal properly, it's the first proposal you made regarding (j) something slip after the first sentence you were saying to us. Is it your proposal that this should be eliminated and substituted with something else? This shall not invalidate a law reasonably required for defence, for the public safety, morality of it etcetera, etcetera. Is that what you are saying?

Mr. Tillett: Yes, that's what we believe.

CHAIRMAN: What you gave us to replace it? You gave something; my records does now show it.

Mr. Tillett: We didn't give you anything to replace it.....

Senator G. Ramos: Following on that, Mr. Chairman, I would like to ask if this is in consistent with the system of the British Civil Service. Is this provision inconsistent with the British Civil Service?

Mr. Tillett: It's consistent with the majority of the Caribbean Civil Service.

Senator G. Ramos: This is consistent with it?

Mr. Tillett: Yes.

I'd like to leave a copy of our previous and present submissions with each Member of the Committee.

CHAIRMAN: Any other questions, Members? If not,

Mr. Tillett, Miss Locke, Mr. Meighan it only remains for me to thank you for coming here and giving us a clear statement and your views on the White Paper. Thank you.

Oh! yes, Mr. Hunter's question is otherwise, other than your amendments, your proposals, you support the White Paper?

Mr. Tillett: With out amendments and reservations as put forward in our paper, we support it.

CHAIRMAN: Thank you very much.

Mr. Tillett: Thank you gentlemen.

CHAIRMAN: Name please.

Mr. Hulse: Mr. Godwin Hulse.

CHAIRMAN: And you appear as?

Mr. Hulse: I appear on my own behalf.

I would just like to say that I congratulate the draftsmen of these proposals as presented so far, I appreciate the Government's sensible and humble approach in allowing and requesting presentations from the people. In my view, Belize being a special country with some special people we need a special constitution. I think the Constitution should embody all the necessary controls and safe-guards to preserve Belize for our children and grandchildren. So far, the Government has worked very hard for a Constitution for some 17 years and are good at it. However, I think we **must** be very careful that there is no omissions or we do not add too many things so that in the future when we are retired we do not look back, and say that the Constitution which we prepared now is being manipulated or twisted, by some Parties to their own aims. Please, I would like to be able to submit some views and ask some questions.

CHAIRMAN: Could you kindly submit your views?

Mr. Hulse: On the section dealing with the Human Rights. Section (f) Protection against arbitrary search or entry: Does this necessarily involve a decision made by the House or the Courts or could this be done by any Statutory Body for example the National Security Force Police or so?

CHAIRMAN: No. The Protection against arbitrary search or entry is just that in other words only what is established by law with a search warrant. It cannot be done if somebody think it up - Arbitrary Security Force or Police Force or the Detectives could gather a suspicion. But let us hope - what we are trying to get entrenched in the Constitution, the provision for that; and this will be inaugurated.

Mr. Hulse: Thanks for that.

Section (g) Protection of freedom of movement: towards immunity against expulsion from Belize. I take it that this applies to Belizeans only.

CHAIRMAN: Yes, the protection is only required for Belizeans because in some countries we find that people are exiled expelled from their own country and that is what is wrong with the rights there, if that is allowed.

Mr. Hulse: Yes, Section (1): Is it implied that in fact that the Belizeans will have preference over non-nationals?

CHAIRMAN: Well, in this section what the Constitution is seeking to include is the right for all of us citizens to pursue their own sales, their own trades and it is the only restriction on that, is to let the workers be subject to laws prescribing qualifications and professional deeds, that's all.

Mr. Hulse: Thank you.

CHAIRMAN: Otherwise on that is for citizens of Belize.

Mr. Hulse: The point that immediately come to my mind is, I am primarily concerned about the influx of non-nationals in various professional capacities under one pretence or other in private industry as qualified people and I would like to know that there is some provision made that a Belizean with similar qualifications and abilities has a right.

CHAIRMAN: That's what this seems to be, that he has a right.

Mr. Hulse: Under Section B; Protection of right to privacy: Could you explain? I understand clearly the exception in the interest of defence, morality, obviously health, rights and freedoms of others; could you add a little bit - public safety and order.

CHAIRMAN: Well, the right to privacy is similar to that arbitrary arrest; if this one is for arbitrary or unlawful interference with his privacy, there are many instances more than we could sit here in this country and think of, which could interfere with your privacy once you establish that one. This one is trying to respect your family right? This includes respect of defence if such a situation - believe you were at war, all this situation would have to disappear. In order to work and our survival established. Public safety has to do with an unusual number of crime. Say after exhaust and diluted that sort of thing where public safety would then come in the hands to pursue somebody, strictly on terms of an abnormal situations, and the same thing with all of them, to keep order we have to bring The situation got so bad and to maintain order you'll have to loosen some of your liberties.

Mr. Hulse: Okay. Another Section - 6 Page 7 'Public Emergencies': It says that the Chapter 9 the Legislature may by resolution make a declaration not exceeding six months in the first instance and may extend the same for successive periods of three months. I question why not say declaration for three months and extend by one month at a time.

CHAIRMAN: Good, well that's your proposal. A basic for three months and extensions of one month at a time.

Hulse: Yes, On Page 9 Executive Cabinet; I would like if possible to see some mention of a limit on the number of Ministers in Cabinet we've got to have. And out of No. 20 I would like to see if possible also rather than only the Minister of Finance being an elected member, I think that should broaden to say Ministers concerned with domestic matters, that would be agriculture, health, trade industry and the Minister appointed from the Senate could be a Minister who is not directly concerned with any domestic department as such. And if the case is such, that if the Minister for continuity of running the Government and if it was necessary to have that Minister in that spot that he be a Deputy Minister rather than the Prime Minister in the Department. Rather than substantive Ministers should be deputy Ministers.

Page 12 Belize Advisory Council - I would like it mentioned somewhere that Members of the Belize Advisory Council should all be Belizeans. And other qualifications as applied people, applicable self people who are eligible for election. That is regarding the country etc. Page 20 Judiciary No. 83. I would like it be practical that the Director of Public Prosecution be a Belizean. Page 22 Public Service Commission there again the qualification similar to the Advisory Council. That they be Belizeans. Under Appointments Chapter 88. I would like some clarifications that I will be giving to the various post in this order. Secretary to the Cabinet - Must be a Belizean. Permanent Secretaries - must be Belizeans as well. Heads of Department of Government - that might be difficult in some cases but somehow we could embody that after extensive consultation probably we could advise the Council and the Governor-General that appointment be made. As you will note, I am very much concerned about all important positions being held by national of the country. Chief Professional Advisor to a Department as well, the Commandant of the Belize Defence Force as well as after heavy consultation, the Commissioner of Police and definitely all Ambassadors and High Commissioners. Rogers: Yes, we take that point.

Hulse: Finally, Mr. Chairman I note that there is no mention in the Paper as to our symbols of achievement, struggle or development. That is our Flag, Anthem, Prayer or Language and if somehow we could include in our Constitution something concerning our symbols, flag, anthem, prayer, language. And finally if we could have some control whereby any forces, defensive that we might enter into agreement with, who are stationed in Belize, could be subject to the authority of the Government of Belize. I raised this point specifically because I get the feeling, an annoying feeling that for example members of the British Armed Forces stationed in Belize do not feel subject to the laws. They are bound by some of our traffic laws and several other things and has seen in a countrywide study, that the occupying forces are not really subject to the law of the country but relate back to their parent country and I would think that all such arrangements, the Personnel involved should be subject to Belizean orders, Belizean law

Rogers: The present ones are subject to a traffic law, but there is a treaty before they come and at certain instances try them here for nearly all the crimes, including two traffic accidents; but there are provisions that they

could serve a sentence in their own country. But those are the kind of treaties that tie a man because we may not be able to get him without that.

Hulse: That's right.

Rogers: That is all I have to say. But we will certainly take note of it.

Hulse: Apart from those Mr. Chairman, as a private citizen I think the document is workable.

Rogers: Thank you. Any questions.

Ramos: When you say language, what language do you mean?

Hulse: I don't have any, I wouldn't want to have at this moment say England at all or say Spanish either. I am intending to move towards a development of a Creole language at some stage. But there's got to be something to cover us. You know most of these countries like India have moved eventually to what is considered National Language. Something that gives you a feel.

Rogers: The way to do that, to achieve what you want is of course not to mention it any language and then all languages can develop when that time comes, then you show what has developed, you then use that one language, because if you use English as an Official Language you tie your hand, or Spanish.

Hulse: We wouldn't want that.

Rogers: In fact that is what cause the trouble in it because it provides for one while these others are developed.

Yes, But I think you have given us a very clear statement of your views. We thank you both for coming before the Committee. Thank you very much.

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Rogers: Now Mr. Lizarraga I know I do not have to remind you where this committee derives its authority and that the purpose of us carrying all these hearings is to receive views on the White Paper. May I have your address Mr. Lizarraga.

Lizarraga: 16 St. Peters Street, Belize City, Arturo Lizarraga (Private Citizen)

Members of the Joint Select Committee I am glad and honoured to address you on my thoughts of the proposed White Paper, the draft Constitution of an Independent Belize because many desire for the people to be free some may suggest to the idea of future of our Party Government but this may be balance to the fact that those drafted in United States of America Constitution is not the formation of one Party but the formation of two and I quote John Adams.

"There is nothing I dread so much as divisions of the republic into two parties." Yet the document he helped drafted is now used as the basis for democracy. Today and all my tomorrows I will support the basic principles of a proposed White Paper and even more strongly the allowance made to the people for added representation because this is the proper distribution. Concerning the importance of this document there are a few suggestions I would like to share on the proposed White Paper. Flag, Coat of Arms and National Anthem. Firstly enshrine into the Constitution shall be the Flag designated by a blue back ground with the coat of arms in the centre in circle by white. The present coat of arms and the national anthem "The Land of the Gods". Any person who shows disrespect to these National Symbols commit a serious offence against the state. The state shall be referred to as the Father Land.

Page 2. I would also like to re-phrase the introduction because of the ambiguity of the territory referred to as the Caribbean Region and the implications of the United States of Central America of which Belize belongs.

A general re-phrasing is vital because of words" as it is now known and defined" restricts us in claiming more territorial rights of the sea where the economic future Belize lies and in a word this means oil. I would like a more re-phrasal that would give lesser which to the idea that we now known and defined.

Have you seen the other documents that states clearly the rural restrictions because right now smaller countries appearing at 12 mile limit territorial waters and things like this and we could go right in line with the street with Guatemala she might have access, she might even claim the front of our waters and say well it's not a part of Belize and we are defining Belize. So I think either make it more specific and well defined or make it general so we have our way.

We both commit ourselves, so we might not.

CHAIRMAN: But noted.....

LIZARRAGA: And the idea the reference to Central America Caribbean you probably can clarify that a little. Page 3 along with the freedoms you included in Section (b) on Human Rights and Fundamental Freedoms I would like to add the freedom to pursue research and practice of artistic and academic interest. I will expound on this later.

Page 5:

I suggest wherever the words - "Public order and public morality" occurs particularly in Article 3 sections (f), (i) and (h) on page 5, that they be omitted from the draft constitution since it is most logical that the principles involving public safety is paramount and provide both for public order and morality. The words - "public order" and public morality" occurs particularly in article 3 Section (f), (i), (j) and (h) on page 5, that they be omitted from the draft constitution since it is most logical that the principles involving public safety is paramount and provide both for public order and morality. The words "public order" by themselves signify the use of force with intention and this is tyrannical. The justification for the word, "morality" is questionably with great weight since man can argue that nothing is immoral and all knowledge is education.

And if one argues that our constitution supports particular creeds and their principles then it is logical to rule out Article 3, section (h) which provides for the Protection of freedom of conscience which the last line states, "as well as the right to refuse religious education". I suggest no law be made with those words or their suggestion.

Page 6: I applaud the Article 3 section (m) on Human Rights and Fundamental Freedom but I think it remains inadequate and it should include not only protection from discrimination in the legal system but also protection from the private section which discriminates upon grounds of age, creed, race and social status. I think the addition should read, "Discriminatory intentions or actions by any person or institution against another because of age, creed, race and social status shall be prohibited by law."

Added also as section (o) to article 3 on Human Rights and Fundamental Freedom should be a section that would read, "everyone has the right to the pursuit of artistic and academic interest in areas or research and practice threatens or takes away life of a living man".

This Protection of Artistic and Academic Pursuit is a sore of conflict in many nations yet it remains the major source on which the live and improvement of life of the civilized man lie. And to neglect its importance is to court national stagnation and decline.

Page 8

No doubt the persons who drafted this White Paper gave consideration to those who earnestly want to become Belizeans when articles eleven to fifteen on page 8 was drafted concerning citizenship.

However I disagree on the general ease with which a person may become a citizen and I would like to suggest strict regulation and the creation of conditions on those who attain citizenship and those not yet so. Citizenship should be withdrawn due to misconduct and criminal offences.

Page 9

The idea of increasing the number of representatives in the House of Representatives is both a novel and brilliant idea because no doubt its intention was to provide a broader base for democratic expression of the public through their representatives. Therefore it would be natural that I suggest change on page 9 under the title of Executive, the last line of Article 18. It should read, "It shall consist of the Prime Minister and such number of Ministers not consisting of more than 40% of the House of Representatives". It shall consist of the Prime Minister and such Ministers with its total number not exceeding forty percent of the House of Representatives. This suggestion no doubt favours greater participation....

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for backbenchers and individual representatives who represent public desires. The limitation of the number of Ministers is essential to proper effectiveness of the House of Representatives.

Page 18 Months And Taxation

I want to also suggest additional changes in the light that the public has to bear the responsibilities of taxation and the imposition or altering of any charge on the country's revenues or funds whether it concerns savings, expenditures, or debts, I suggest that The elected representatives of the National Assembly shall be able to or can amend any bill which provides for taxation, imposing or altering any charge of the country's revenues or fund or compound or remit any debt due to Belize, without the consent of the Cabinet signified by a Minister.

Treaties

Additionally under Powers, Procedures and Privileges of the Legislature, I would like to suggest an Article 69 be added concerning Treaties. Its purpose will include the ratification by a two thirds majority of the House of Representatives even though treaty-making authority may be vested in the Prime Minister or Governor-General under the advice of the Cabinet. The change may be worded, "The ratification of any Treaty shall be approved in the House of Representatives by a final vote of no less than two-thirds of the membership of the House of Representatives."

Page 23

I would like to suggest a slight altering to line 7 to 8 under Article 88 concerning appointments. Instead of solely, "the chief professional advisor to a Department of Government", the words, "Chief Professional Advisors or Chief Advisory Board to a Department of Government". My intention is to make provisions for committees or boards which may be more than one person.

Page 25

Also included under Finance on page 25 should be an article with the Intention of Investing Monetary Control in the National Assembly. Article 97 should read, "The printing and minting of any monies is an authority invested in the House of Representatives and any bills concerning the printing and minting of any monies must or shall be ratified and passed by the House of Representatives with a two thirds majority vote". As an afterthought to the introduction I suggest some sort of treason law which may be worded as follows, "Any person or institution being was against the fatherland, adhering to the fatherland's enemies and giving confort or aid to its enemies shall commit treason."

I thank the members of the Joint Select Committee for their tender ears which they lent to my humble and small suggestions.

Chairman: Any questions, If not Mr. Lizarraga let me thank you for

coming here with your well considered views.

Chairman: Good morning Mr. Puc. Sit down here before this machine. Thank you for coming before the Committee and we have your name and your address and you're representing the Village Council. You are the Chairman. Please tell us your views.

Mr. Puc: I bring over this. I have some ideas about this property.

Chairman: Which property?

Mr. Puc: Land property.

Chairman: Which part?

Mr. Puc: Under Fundamental Freedom, (d) the enjoyment of property.

Chairman: (n) Protection from deprivation of property

Mr. Puc: You see now we have many people which can't have property which I am saying if they don't have the facilities to develop it. I want to know if this will continue after. They have a big property of land. They could sell that even though if they can't develop it.

Chairman: Well let us see what is says. It is to protect you from Government taking away your property. No property or any interest therein shall be compulsorily taken from any person except under a law which prescribes the principles and the manner in which compensation is to be determined, "this does not stop Government, say, from acquiring a property. It makes it possible but the guarantee there is that nobody can take away your land under any pretence just to take it away. That's the first right to establish. The second right to establish is that if it is necessary how should it be done? It must be done by compensation, it must be done by the claimant's access to the court, secures access to the court, yes, that is a right that we think people should have and that they should establish their right or interest to the property to determine the amount of compensation and to enforce his right there. There are things that are normally provided for. You don't have the people getting worried. Why should you say got your property or your grandmother got her property, Government can just walk in and take it without explaining to you anything or to tell you that it is for public interest and tomorrow you see another man have it?

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Chairman: Well let us see what it says. It is to protect you from Government taking away your property. No property or any interest therein shall be compulsorily taken from any person except under a law which prescribes the principles and the manner in which compensation is to be determined, "this does not stop Government, say, from acquiring a property. It makes it possible but the guarantee there is that nobody can take away your land under any pretence just to take it away. That's the first right to establish. The second right to establish is that if it is necessary how should it be done? It must be done by compensation, it must be done by the claimant's access to the court, secures access to the court, yes, that is a right that we think people should have and that they should establish their right or interest to the property to determine the amount of compensation and to enforce his right there. There are things that are normally provided for. You don't have the people getting worried. Why should you say got your property or your grandmother got her property, Government can just walk in and take it without explaining to you anything or to tell you that it is for public interest and tomorrow you see another man have it?

Mr. Puc: Now this protection against arbitrary search, can you explain a little bit more what arbitrary search mean?

Chairman: Arbitrary search would be that the police just suddenly suspect you and decided to come straight to your house at 2 O'clock in the morning, knock you up and search you on the basis of a suspicion without a search warrant. If he have a search warrant, he can go there at a more convenient hour rather than at that hour. But, at any rate, the search warrant can only be obtained through a Justice of the Peace or a Magistrate. So, this is to prevent that sort of thing from happening as has happened under the Nazi. You hear the boots, clump, clump, clump at 2:00 in the morning, bang, bang, bang, and knock down, that sort of thing.

Mr. Puc: Yes. This part here where it says 'nor by a public authority to carry out works for the public good; nor for the purposes of town or country planning or the utilization of mineral resources'.

Chairman: Well, these are the exceptions. Again you see, it does not include a law made in the interest of, and all those things follow. Nor if the man has to evaluate your property, he can come on your property to look at the value for taxes, nor by a public authority to carry out work for the public's good. Just now we were protecting the public authority to take away the property. This one is saying that if something has to happened for the good of the whole community and they can go on your land to ask that if certain thing have been done. Yes now for the purpose of town or country planning they can also go there for that or the utilization of mineral resources. Yes, in our country all the resources under the land belongs to the State.

Mr. Puc: Well, I was thinking about this upon the fact that people, let's say living in a village, should provide work or help in the community projects. I would say about seven years ago every villagers living in the village had to provide service to project and if he doesn't present himself for the service, what they usually did was to take them to court, not actually to court but fine them a small amount.

Chairman: Well, this is not dealing with that but may be somewhere. This exercise is to hear from you what you want to put in. If you want to suggest to this committee that is should provide for national service, for defence force, for domestic service like contributing to some project to the coming good in villages I think you would have trouble getting that in the cities and the Union will be after everybody and they're taking away our rights. So you see. we have all kind of rights but it

wouldn't work here because this is for a particular subject.

Mr. Puc: Yes, because as how I read that, that sounds to me more like a Colonial idea, the way the people, the villagers especially, should provide service for any project.

Chairman: You will call us colonial again?

Mr. Puc: Yes, but how I understand it is that people now think that if they don't get pay for their service, they won't provide their services.

Chairman: And you want to see them provided with it, right?

Mr. Puc: Well yes, since we don't get like the municipals get subventions, a certain amount of money for projects in the villages we don't get that.

Chairman: You want that the people provide service or you want the Government?

Mr. Puc: That the Government assist.

Chairman: Well, that assist village projects. Is that it? Good, we note that.

Mr. Puc: I want the Church/State Education. It's a good idea but what I am saying is that our Government suppose to put more force or I would say more impact on technical education.

Chairman: Do you support the White Paper, Mr. Puc?

Mr. Puc: Yes.

Chairman: With those amendments that you gave us, we wish to thank you for coming before us.

Emory King
Tropical Park
Mile 15 1/2 Western Highway
(Citizen)

Chairman: Now, Mr. King, would you give us your views on the White Paper?

Mr. King: Before I begin, I would like to make two points. The first is

When I wrote this paper, I had not had any opportunity of going to the convention which was held in Belmopan at the National Fair Grounds two Sundays ago and hearing the brilliant speech by your colleague, Harry Courtenay, which delighted me no end, in fact, it made me feel I was in Phil, back in 1787. Indeed yes, as the Premier said we live exciting times. Now, the second thing I would like to say is that the paper I have written here only deals with criticisms and comments. Had I tried to write the paper to say what I like about the White Paper would have been four times as long because I find that 95% of the White Paper is fine, excellent. I enjoyed it. Now, may I begin:

Chairman: Yes, please.

Mr. King: The paper is entitled 'Comments and recommendations on the Constitution for the Independent Belize' by Emory King.

The temptation in writing a Constitution is never to put in too little. The temptation is always to put in too much.

The White Paper we are considering today has quite enough in it already; perhaps even too much, but I am afraid I must ask you to put in some more. And, I must ask you to take out a few things. The other day I came across a quotation on a bulletin board at St. Catherine's Academy. The quotation was this: "Those who seek liberty are in love with the people. Those who seek power are in love with themselves." I don't know who said that, but it seems to me it would make a good motto for the Independent Belize. I would chisel it in stone over the door of the National Assembly here in Belmopan. I would print it on the money. "Those who seek liberty are in love with the people."

There are many people who have spent all their adult lives seeking liberty for Belize. Some of those have names which will shine down through the ages in the history books, but there are hundreds, even thousands of people from the grass roots, the humble, the poor, whose name will never be recorded, but whose faith and hard work have brought us today to the threshold of freedom. Many of them have died without seeing their dreams come true. Some will die yet before the great day arrives.

We owe it to those who have died and we owe it to those who have not been born, to ensure that the words 'liberty, justice, freedom and independence' are not merely empty and hollow terms used on public holidays and then forgotten in our day to day dealings with each other.

The cornerstone of Liberty in a free country is its Constitution and Bill of Rights. It is important at the outset that we understand precisely what the Constitution is, where it comes from, and how it works.

The Constitution is the highest law of the land. No other law can be in conflict with the Constitution. It sets forth the machinery of the Government and the rights of the people. It is the rule book for the game of life in Belize.

The Constitution comes from the people. It is not a gift from Government to the people. Governments come and go with the elections, but the Constitution goes on. A mere Government should not have the power to change the rules of the game without the consent of the Governed.

It is instructive to read the preamble to the United States Constitution: it is only 52 words long. "We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America". You will note the operative words: "We the people do ordain and establish this Constitution for the United States of America. There is no question about who is boss, who will ultimately runs the show. We the people. And how does a Constitution work? Honest men dealing with other honest men make it work. Corrupt and evil people may prosper for a time but in the end the Constitution must prevail as long as there are more honest people than crooks in the country. Now the question before the nation today is can we the people devise a Constitution that will guarantee the liberty we seek and protect us from the greed of the rich, the envy of the poor, and the bullheaded folly of those who are power-mad. We have before us a working paper on a proposed Constitution for the Independent Belize. Let us begin: I searched the White Paper diligently, Gentlemen, and I must confess I found very few sins of commission. But I did find some, especially in the whole of Section 4. The operative words "defined and qualified" in respect of our human rights and fundamental freedoms put me on notice that all is not well here. I don't like any 'ifs, and or buts' attached to my rights. One day I may have to fight and die for Belize. If I am shot there isn't going to be any maybe about it. I am going to be dead and I want to know now what I am fighting and dying for. The Bill of Rights in the United States Constitution is clear, plain and straightforward. "Congress shall pass no law abridging freedom of speech, the press, religion, etc." Why shouldn't we have the same plain bald statement? Everytime we qualify a right we create a loop-hole to crawl through and thereby threaten the very freedoms we wish to protect. These rights are designed to protect one Individual from another and each Individual from the Government. Laws, regulations and statutory instruments and proclamations which restrict or limit these rights can be tested in the courts by aggrieved citizens. I will not go over each

of the rights listed in Section 4 and comment on the unnecessary qualifications and exceptions. I am sure a number of other people have done so already. My recommendation is: take out the exceptions, make the language clear, prohibit the Legislature from abridging our Rights and let the Court of Constitutional Review work for us.

I am sure a number of other people has done so already, my recommendation is, take out the exceptions, make the language clear, prohibit the legislature from abridging our rights and let a Court of Constitutional Review work for us. Now there are a few sentences that were mentioned in the White Paper and if you will follow me to section 4(c) on page 4, this is the section that deals with protection of the law, the right of trial by impartial jury is not mentioned for capital or felonious crimes nor is it preserved in cases of civil suits. This is the right the English and Americans court fought for over a long period and we ought to take it manageable back, then we can have it without fight. Under the same subsection I would remind you of Habeas Corpus double jeopardy, the famous U.S. fifth amendment guarantee that a person in a criminal proceeding cannot be required to testify against himself. I believe all these things are now part of the laws of Belize and that these principles are part of "due process" but laws can be easily changed. Let us get these rights into the Constitution now.

In addition to the rights listed in the White Paper I would recommend to you the inclusion of one more:

That since wicked and evil Governments, bent upon enslaving the nation are removed only by force, the people shall have the right to keep arms and ammunition and that no laws or regulations are enacted to prohibit the importation or manufacture of firearms or ammunition, and no person shall be required to surrender his arms during a state of emergency.

This does not mean that the Government may not regulate licence, or control guns and ammunition and even stipulate what kinds of guns are lawful. It is only to ensure that the people have the same right to have arms as the Government has.

I suggest to you, Gentlemen, that if Mr. Manley had succeeded in disarming the population of Jamaica in a few years ago that there would be an entirely different Government in Jamaica today.

Aside from dangerous politicians, there are others who might seek the overthrow of the Government by violence. If a future Commander of the Belize Defence Force decides he can run the country better than the Government and wants to use his 2,000 armed soldiers to take power he may think twice if he knows there are 50,000 armed civilians who are ready and able to defend the Constitution.

The strategy of declaring a State of Emergency, disarming the citizens, and postponing elections in order to impose a dictatorship must be frustrated by the Constitution.

All of which brings me to Section 7(c) on page 7 to the effect that

a public emergency exists if the Legislature declares by resolution that the democratic institutions in Belize are threatened by subversion.

What does that mean? It means exactly what the Legislature wants it to mean. And that is not good enough for me to lose my rights for six months or more. Not even for six hours.

Certainly the Legislature should have the right to declare a Public Emergency as well as the Governor-General, but a catch-all phrase like "the threat of subversion to the democratic institutions" is too broad.

If those who drafted and approved the White Paper felt the Legislature would need the power to declare a Public Emergency for some unforeseen event not included in those recited in Section 8 then I would recommend that such resolutions must be approved by two thirds of the members of each house.

Before passing on to my next point, Gentlemen, I would like to offer the following comments for your consideration. From what I have said about guns and public emergencies you might ask: "Don't you trust the Government?"

And the answer is no, not always - not 100% of the time. For, after all, what is a Government except a group of men and women working together as far as possible to meet the challenge of operating the machinery of government. They are human beings, fear, anger, frustration, the desire for vengeance, folly, euphoria and even just plain poor judgement.

The rights of the individual citizen which we are at such pains to enumerate in the beginning of this White Paper were not easily won in this world. The price in blood and suffering was tremendous. Belize has a golden opportunity to be a model for the Caribbean and Latin America. We must be very careful to do it right the first time. And, since there are always some people who want to destroy Liberty, we must be sure to protect individual rights from the plots and ploys of the enemies of freedom.

I would like now to turn to Section 13 on page 8. The last sentence of that section, Gentleman, confers immediate citizenship upon any alien who marries a Belizean.

This is too easy and fraught with danger, it seems to me. This seems to imply that a Belizean can go abroad, marry, and the minute their mate lands in Belize he or she can receive Belizean nationality.

Or even that they need not come here at all. Presumably they could ask the Immigration Office to mail them a passport.

Even worse, any number of aliens can come to Belize, go through a

marriage ceremony with a Belizean, even a contrived marriage of convenience, and become a citizen at once. It just sounds too easy and we may find ourselves suddenly confronted with a large number of people who might be otherwise considered undesirable aliens who are instant citizens.

I recommend you look at this more carefully and make it more difficult to get Belizean nationality.

The next point, Gentlemen, is Section 18 on page 9. The last sentence provides that the Cabinet shall consist of the Prime Minister and such number of Ministers as may be appointed by the Governor-General.

I would ask you to add the following words after Governor General: "but in no case shall the total number of Cabinet Ministers who are members of the House of Representatives exceed 40% of the total members in the House of Representatives." Gentlemen, in the Parliamentary system of Government - the only check and safeguard against bad government is the vote of no-confidence in the House. If a Cabinet contains as little as 50% of the members of the House, a vote of no-confidence is almost impossible. A weak Government, a bad Government, a foolish Government can sail right along through its five-year tenure, while the House stands by impotent to control events.

My next point is the last sentence of Section 20 on page 10. "The Minister of Finance shall be a member of the House of Representatives." Why?

Couldn't it be, sometime in the future, that a Prime Minister may wish to appoint a Finance Minister from the Senate? Shouldn't he have that choice? The United States Constitution has lasted 200 years. There is no reason why the Belize Constitution should not last 200 years, and it will if we do it right now. Surely, sometime in the next 200 years, some Prime Minister might want a Senator as Finance Minister.

May we now go on to Section 50 on page 16. "There shall be eight members of the Senate appointed by the Governor General".

The idea of an appointed Senate is to enable the Prime Minister to reach out into the community and appoint people to serve the country, who have special talents or abilities, which must otherwise not be available to the Government. Eight is too small a number. Belize is growing, and a Senate of 16 is not too much. The Prime Minister could appoint 10, the Opposition Leader 4 and the Governor General 2.

I would like to take up with you next Section 58 on page 17, this

is the section dealing with amendments to the Constitution. The Constitution itself comes from the people, and it must be amended only by the people. It must be hard to amend. It is the foundation of the country and every shift of the foundation will alter the structure.

I strongly recommend then that this Section be changed to provide for two ways to amend the Constitution.

1. A bill for an amendment to the Constitution must be passed by a two-thirds majority of each House of the National Assembly. Such a Bill is then put before the voters no earlier than 60 days after its passage and no later than the next General Election. A simple majority of voters in the referendum shall pass the amendment or
2. A Resolution....

CHAIRMAN: One moment, a Bill for an amendment should be passed by two-third of each House of the National Assembly and then

MR. KING: No earlier than 60 days after its passage and no later than the next General Election, the amendment put to the voters in the referendum, and a simple majority in the referendum shall pass in them.

2. A Resolution for an amendment to the Constitution shall be put before the voters in a Special Referendum if a petition containing the certified signatures of 25% of the Registered Voters is presented to the Governor General. The Governor General shall then order a referendum on a convenient date between 60 and 90 days after he receives the petition.

If the people want to amend the Constitution it is their right and privilege to do so, but it is not the privilege of a mere Government of the day to amend it. We could be presented with the spectacle of successive Governments amending the Constitution back and forth depending upon which political party won the General Election. Or worse, a National Assembly amending away the people's rights, the election process, the independence of the Courts, or other serious matters.

The next section I would like to discuss is No. 65 on page 18.

This provides that neither House of the National Assembly may deal with matters of taxation or finance or the public debt without the permission of the Cabinet.

You may wish to limit the Senate in this way, but surely you do not propose to bar the House of Representatives from making the laws in this area. The House of Representatives, gentlemen, is not the creature of the Cabinet.

The Cabinet is the creature of the House of Representatives surely,

if the House wishes it can bring down the Government with a vote of no-confidence. Why shouldn't it have the power to alter the tax structure, order fiscal policy, or do anything it pleases, subject only to decisions of the Supreme Court on Constitutional questions? The tail must not wag the dog!

As a matter of interest, gentlemen, under Section 68 on page 18, what happens if the Governor General withholds his assent to a Bill? On what grounds could he withhold his assent and what machinery exists to overcome this?

On page 20 Section 76 requires that Supreme Court judges to retire at age 62. This is an odd number. Why 62? Why not 60 or 65? Actually, I am in favour of life tenure for Supreme Court Judges, unless for health reasons they are unable to serve. Lawyers improve their skills with practice (hopefully), and the Independence of the Judiciary is better served with lifetime tenures.

Before I close my comments on the Court System, I would like to ask for a clarification of the Supreme Court's power to rule on Constitutional questions. I noted on page 6 that Section 5 provides a citizen with the right to appeal to the Supreme Court on questions of his Human Rights and Fundamental Freedom.

Does the Supreme Court have the power to rule on other questions of the Constitution and can the Supreme Court rule that a law is unconstitutional and therefore null and void? If not, it should be included.

My last two points deal with the Finance Sections. First Section 95 on page 25 - the Section is fine as far as it goes, but I recommend you: add a proviso that the National Assembly cannot approve budgets which require deficit spending nor can the Government authorize the printing of paper money beyond the resources of the Government to redeem the paper.

In other words, no "printing press economy" for Belize - the major source of inflation in the Western metropolitan countries. The Temptation of Governments to print money to finance their grandiose schemes is overwhelming and a trap we should not fall into.

I would like to quote to you some excerpts from an article which appeared in January in a newsletter on Silver and Gold, Volume 6, No. 1. The writer is Richard Russell, an economist and famous investment advisor in the United States. The headline on the story: "A massive liquidity crisis is pushing the U.S. Government toward bankruptcy."

This is a long article but I only propose to read parts of it. Dr. Russel is asked by the interviewer: "Are you saying that

bankruptcy of the U.S. Government is actually inevitable?" He reports: "No, but the only way I know of to avoid it is to make vast cuts in federal spending. Up to now this has been totally resisted by politicians. Right now the U.S. Government is just like a business that's spending itself sick and running its debt to the moon. You have to cut back on spending and get your balance sheet in order.

"Indeed, I don't think there's any question that, if the U.S. Government was a Corporation, it would already be bankrupt.

The Federal Government only 'stays in business' by literally printing new dollars that the rest of the world will accept."

He goes on to talk about gold and its value as a support for paper currency. And I am reminded that about 20 years ago in the old Legislative Council, Freddy Hunter strongly urged the Government to cash in its sterling securities in London, which were used to support our paper money - and to buy gold to back our money. He also urged the Government to buy a quantity of gold each year as a security. That was in the days when gold was \$33.00 (US Dollars) an ounce. If only we had listened to him then. If only we had the power to act on his suggestions then. Today, Belize would have the strongest paper money in the world.

But, of course, the old Colonial Government ignored the whole idea. We now have an opportunity to protect the finances of the Government, the paper money supply, and the economy of the Country, by putting the temptation of fiscal irresponsibility beyond the reach of foolish financial advisors.

The last Section is number 99 on page 26 - The Public Debt.

I recommend that a ceiling be placed on the Public Debt of Belize. This ceiling should be a percentage of the Country's annual revenue and the formula based on our ability to repay the Public Debt. We don't want to fall into the hands of the International Bankers. Many people in the United States have urged a ceiling on the Public Debt, there, for many years, but political considerations have always caused it to be a useless exercise. We have the opportunity to do it now, while our Public Debt is still manageable and special interest groups are not yet powerful enough to thwart the will of the people.

That concludes what I have to say about the White Paper. Taken as a whole, I think it was a brilliant achievement, and it obviously took a great deal of time and the talents of many people who sincerely seek liberty.

As a private citizen and a Belizean by choice, I congratulate you and thank you for loving "We the People", more than you love your positions of power.

Aside from the inclusion of the points I made awhile ago, only one thing would have made me happier than I am. And that would have been if you had chosen a Republic rather than the Parliamentary form of Government.

While I have no hope you will change your mind at this late date, I have nevertheless appended a copy of an article I wrote on the subject which appears in the current issue of Brukdown Magazine, and I ask you to read it at your convenience. Thank you very much for this opportunity to discuss with you the most important issue in the history of our country - the Constitution of the Independent Belize.

CHAIRMAN: We the people thank you. Are there any questions?

KING: I will leave this with you, Mr. Chairman. I will see that more copies are made.

CHAIRMAN: We'll make it ourselves. Now Mr. Clerk, who else do we have here? Mr. Galvez. Good morning. Yes, Mr. Baiza, would you tell us your views on the White Paper as the Chairman of the More Tomorrow Village.

MR. BAIZA: The Special Select Committee of the National Assembly of Belize. The Village Council of More Tomorrow through its Chairman and Councillor hereby wish to put before the Special Select Committee our full support of the Government White Paper for the Terms for an Independent Constitution for the New Belize. We however, would like to have included the boundaries of the country with special reference to the Rio Hondo in the North and River Sarstoon in the South and from Half Moon Key to our Western Border at Arenal, Cayo District. (2) We wish that the Belizean Flag that is the blue and white flag with the Coat of Arms be included, that it be flown in all schools and at all schools and at all Government buildings.

(3) That the Belizean Anthem "Lands of the Gods" be incorporated and tht it be sung in all schools and played at all functions.

(4) That the official language be the "English Language" but that other languages be taught in our schools.

(5) That the National Prayer be put in for we are a Christian Nation.

(6) That no foreigner shall come to Belize and get mixed up in our politics and in our Trade Union movement or any other movements which should be purely national.

CHAIRMAN: Very Good. We appreciate all the views, the proposals of Mr. Baiza and we note that he include flag, Anthem and the Prayer, the boundaries and the official language. We note your proposals. Thank you very much. Please convey our thanks to the members.

MRS. JOAN MARIANO and MS. ZITA GORDON

CHAIRMAN: And you are citizens of Belmopan. And we have that machine that record all that you say, Ms. Gordon and Mrs. Mariano would you please tell us your views on the White Paper?

MS. JOAN MARIANO: To the Special Select Committee of the National Assembly.

MS. ZITA GORDON: Sirs, we the undersigned are grateful for this chance to give our views on the White Paper of the Government for proposals for the

Independent Constitution. We would like also to ask the following to be included: (1) the boundaries of the country should be spelt out clearly so that no doubts can be made of this. (2) that the Belizean Flag which has been presented to the people thirty one years ago becomes official and for all. (3) that the Belizean Anthem "Lands of the Gods" be made official and part of the New Constitution and that the laws to have respect for this and the flag. (4) that the official language be "English" and that all laws be made in this language and that all documents be in the same. (5) that no foreigner who come to Belize get involved in our politics and our Trade Unions Movement or any other Belizean organizations. Sincerely.

CHAIRMAN: We want to thank you, Ms. Gordon and Ms. Mariano, for coming before us and giving us such a clear view of what you wanted. Thank you very much.

GEORGE HUTCHINSON, 110 Cemetary Road, Belize City

CHAIRMAN: Please give us your views on the White Paper, Mr. George.

HUTCHINSON: So far, I've been reading and I think that everything is positive and make sense and I support it one hundredpercent.

CHAIRMAN: Anything else you would like to tell us, Mr. Hutchinson?

HUTCHINSON: No, Sir.

CHAIRMAN: Well, that's very clear views of your support and we would like to thank you as public spirited citizens. Thank you very much.

Mr. Regan Peterson, Cotton Tree Village, Western Highway

CHAIRMAN: Do you represent the Village Council there?

PETERSON: Yes, Sir.

CHAIRMAN: Are you the Chairman there?

PETERSON: No, Sir. I'm a member of the Village Council.

CHAIRMAN: Are you appearing as a citizen or a member of the Village Council?

PETERSON: Not as a citizen, just as a member of the Village Council. I would like to appear personally too. We, the villagers, would like to associate ourselves with this draft constitution. We have studied it and we agree, in principle, with the contents. There are a few questions, however, we would still like to ask. If the need arises for any change in this Constitution or any article in this Constitution we would like to know how that would be effected.

CHAIRMAN: Let us see what it say on that. Page 17, Section 58. First of all, it says "No amendment shall be made"; it gives the powers to the National Assembly to amend the Constitution. "No amendment shall be made to the

Constitution except by a Bill approved by a final vote in the House of Representatives of no less than two-thirds of the membership". If they want to change the human rights and fundamental freedoms, the House of Representatives or anything to do with the Judiciary - "No amendment shall be made to the Constitution unless ninety 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 the membership." That is even higher than (a). Would that answer your question? That is what is provided here. Any thing else, Mr. Peterson. I have only told you what is in here to make it clear to you, but if you have a proposal, this Committee will take down your proposal. We go to Article 100?

PETERSON: We would like to see also, in addition to the members here, the Belize Advisory Council, the Public Services Commission, the people who hold these offices also declare their assets.

CHAIRMAN: You would also like to add "to declare their assets". Fine. Anything else?

PETERSON: On a personal basis, on citizenship at 12(b) "any other person who has been resident continuously in Belize for a period of five years immediately prior to the day of independence." I would like to recommend also that a person who was not resident for five years but on the attainment of five years maybe they lived two years and they need the additional three years, but it should stop at no person who comes into the country after independence should be permitted to become a citizen on that basis.

CHAIRMAN: You have any alternative on which they could become citizen? We can go to most countries, Belizeans, to the United States, to lost of countries and become a citizen once you are accepted as a resident you can become a citizen you are eligible to a citizenship after five years. So you want to make it longer or what? What is your proposal?

PETERSON: Does this mean that a person who comes after independence and stays continuously in Belize for five years, automatically is qualified, automatically is entitled?

CHAIRMAN: He can apply. Maybe it will be turned down, but he can apply. If there are no serious reasons: bad behaviour or bad police record or other such things, they can apply. Some people think it should be a longer period, but in most countries the period is about five years. And we are recipients of that when we go to other countries; we can become a citizen too. But your proposal, as I understand it, should only apply to the day of independence. After that it should be a new provision.

PETERSON: That ends our submission.

CHAIRMAN: Well, thank you very much. Please thank the people of your village. We thank you for coming here and making your statement.

MR. DENNIS STUART, 13 Cardinal Avenue (Citizen)

CHAIRMAN: Mr. Stuart, please sit right there. Please give us your views on the White Paper.

STUART: I don't see anything wrong with the White Paper, Sir.

CHAIRMAN: You support it?

STUART: I support it.

CHAIRMAN: Is there anything you would like to add?

STUART: Well, I don't see anything.

CHAIRMAN: Very well, Mr. Stuart, we thank you for taking the time to come here. You are exercising your citizen's right. Thank you very much.

MISS BEVERLY ROBINSON, 22 Kiskadee Avenue (citizen)

CHAIRMAN: Please tell us - that machine will pick up what you say - your views on the White Paper.

ROBINSON: Well, really, I want to ask questions. There are some things

CHAIRMAN: We are here, primarily, to collect views.

ROBINSON: My views then, right, but in question form. First of all, it says "Belize shall be declared a sovereign democratic state of Central America in the Caribbean Region comprising all the territory of Belize as it is now known and defined." But do we have any definite, set boundaries, you know, because I think that should be specified here.

CHAIRMAN: We have a map of what our country the title we have to the country, Mrs. Robinson.

ROBINSON: Well, then, I think that should be put down here.

CHAIRMAN: Yes, that's a good proposal.

ROBINSON: We should be very specific because later on it could be changed.

CHAIRMAN: Yes. You are thinking just like the people, because they want us to define it by means of a map. So, you are right and we should have it there.

ROBINSON: Well, this one: I am not sure if you will agree with me, on page 14, I was wondering; it says "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 and has lived in Belize for at least one year immediately before the date of his nomination for election." Well, my view here, shouldn't it be a little longer?

CHAIRMAN: You mean an older person?

ROBINSON: Well, not necessarily an older person, but the person should be here a bit longer before, you know.

CHAIRMAN: It is that part that you are talking about - "at least one year", not the "eighteen years old".

ROBINSON: No. Why couldn't it be longer?

CHAIRMAN: No, no; we see; because I think that this refers to a number of people who go away, people who go to study

ROBINSON: And they are not in line with what is going on.

CHAIRMAN: You are quite right. We take that point.

MR. HUNTER: How much longer?

ROBINSON: Well, at least two years.

CHAIRMAN: A longer residency. Point taken, Mrs. Robinson.

ROBINSON: Page 17 Section 60. "A Minister shall be permitted to address the House of which he is not a member, but shall not have a vote in that House." I don't think a Minister should be appointed. I think he should be elected, because he is working for the people and he should be an elected member of the House.

CHAIRMAN: Your proposal is that all Ministers should be elected.

ROBINSON: Yes. This next point is important because it involves me - The Public Service, page 22. Teachers are never meant to be public servants. I want to know where do we come in this, you know, because we are not public servants. Sometimes we are, when it suits Government, when it pertains to a

CHAIRMAN: I thought it was you who wanted to be a public servant.

ROBINSON: Well, we wanted a new pension scheme, yes; and they told us that we would have to give up our rights to run for elections if we wanted to go under that same scheme.

CHAIRMAN: Let's put it in the right prospective, Mrs. Robinson. The teachers wanted the same conditions as public servants, which meant the only people who enjoy pension rights in the whole of this country are the public servants, and that meant both the rewards and the obligations; and after that you become public servants. I don't know there was any dispute.

ROBINSON: But then, it has here on page 23 - Pensions. "The law relating to pensions for members of the Public Services and to teachers", so we are like set apart; we are still not public servants.

CHAIRMAN: You would like to delete "teachers", as I understand your proposal. I told you this exercise was to get from you what your views are.

ROBINSON: Well, if we are considered public servants now

CHAIRMAN: I think your Union appeared before us, more than once, and they never raised this point; but, if you wish to raise it, this committee will certainly entertain your views, and certainly take it down. So you would like it to provide for public service which includes the teachers.

ROBINSON: Yes, because you see what it says here on page 24; I am thinking of what it says here "Regulation of Services". It says "Cabinet

shall provide for and determine all matters relating to employment" and so on, you know; and I was thinking if we are not public servants then they'd have to make different code of ethics for us, as teachers, and all the other things just pertaining to teachers.

CHAIRMAN: I'm sure that's an oversight because teachers are certainly part of the Public Service, and then on the other hand it says all these things, but it says only the Cabinet. I am sure you have in mind that the Cabinet will do this with the Public Service Commission, but it's not stated, and I think it should be stated because if it is not stated on anybody can say well it says just the "Cabinet" and it doesn't include anybody else.

CHAIRMAN: I see and you would like somebody else included there like the Public Service Commission.

ROBINSON: Yes.

CHAIRMAN: Yes.

ROBINSON: You know, well, and under the advice of the Public Service Commission or something like that.

CHAIRMAN: Yes, well, the ball game changes there. The Public Service Commission does not advise after this law, with the old Constitution not after the new Constitution it becomes the Executive; it takes decision itself. But in matters of say, salary, only one body can do that, subject to the ratification of the higher body which is the National Assembly. And so, it must be the Government machinery that bring that to the House.

RAMOS: Coming back to section 6. You'd like all Ministers to be elected members. You did not say whether the Minister could address the Senate.

ROBINSON: Yes; if he is an elected member.

CHAIRMAN: Thank you for coming here and for appearing before the Committee.

ANTHONY GRAHAM, 32 Sapodilla Street (Citizen)

CHAIRMAN: Could we have your views on what you think about the White Paper?

GRAHAM: Very shortly on the Constitution. From past experience, first of all, on page 7 - Public Emergencies, Clause 6. I'd like to get this clear, where it says: "The Human Rights and Fundamental Freedoms protected by the Constitution shall be especially entrenched but laws passed during a period of public emergency shall have reasonably justified for the purpose of dealing with the situation that exists during the period." I would like to know:

1. Would these laws become permanent?

CHAIRMAN: They will be limited to the period the emergency exists, during the period, it can't be permanent.

GRAHAM: 2. What constitutes a "reasonable justification"?

CHAIRMAN: That would have to be decided by the courts. Yes. Such a matter will have to be decided by the court.

GRAHAM: Section 7, Clause (c), where it says "there is in force a resolution of the legislature declaring that democratic institutions in Belize are threatened by subversion." and there is Clause (b) "there is in force a Proclamation by the Governor General declaring that a State of Public Emergency exists." the difference in those two would be what?

CHAIRMAN: The difference here, where something has happened and there is time and the Governor-General makes a Proclamation. The other provision envisions a situation where in the special case of Belize, there is an alarming amount of saboteurs to the democratic institutions. Let's take the most here, to the party system, that the Legislature itself would meet to determine whether such a thing was happening, that Proclamation was undermining, our institutions so terribly that the institutions could not exist. There are many forms of institutions that would be terribly undermined. This envisage that the Representatives of the people would meet and pass a resolution but it would require those very people who meet to determine whether such a situation exist.

GRAHAM: And that's the difference of a Governor-General who will be declaring about a state of war, a state of disaster, things not to do with the political institution of the country. Do you think there is the possibility of enacting those in the constitution?

CHAIRMAN: Let me put it this way. There has been citizen who have come before this body to say that they think that such provisions while good should include two thirds of the House.

GRAHAM: I do agree with that a hundred per cent. I'd like to second that.

CHAIRMAN: Good.

GRAHAM: Page 9. Regarding the appointment of the Governor-General and the Prime Minister, Clause 16 and 19. The question is who comes first? The chicken or the eggs?

CHAIRMAN: You must have an election.

GRAHAM: No, it says "that the Governor-General of Belize who shall be a citizen of Belize appointed after consultation with the Prime Minister by the Queen. Then it goes on in 19. "The Governor-General shall appoint as Prime Minister the member of the House of Representatives." Now, who comes first?

CHAIRMAN: First, 16 is clear. One provides for the appointment of Governor-General. The first thing you have is the House of Representatives. From that you get your Prime Minister. The Prime Minister would then set a note setting out our constitutional, Governor-General, we recommend so and so. The next case is that after that, there will be other elections and it is then that the Governor-General who has been appointed will now call on the man he considers has the support of the majority and name him Prime Minister and call on him to form a Government. If he doesn't form a Government, he calls on another person. His job is to call the man he considers has the support of the majority in the House of Representatives. So that is the state of things when this was written.

GRAHAM: Therefore in actual fact, the first time we'll appoint a Governor-General will be appointed by the leader of the majority party in Government as from his post as majority leader?

CHAIRMAN: Yes.

GRAHAM: Then, Sir, bearing in mind that I'm from Jamaica, and I thing I'll mention, you're lucky, very few people in the world today have a chance of ever being in their country of their birth. Now there is another one. Regarding Ministers appointed, same page 9, clause 20. "The Governor-General on the advice of the Prime Minister shall appoint Ministers" Now it is composed of both Houses, one House elected and the other appointed. Now, I feel very strongly, as soon as possible to have a larger House, to go over the fence. I see that at present, with a House of 18, we don't have sufficient choice to get your personnel. But the moment the House goes to full strength, to appoint the Ministers from members of the House, two things will happen then. One, the people themselves will look for representation of people of integrity and ability and that would improve the House. I am sure that the House will improve.

CHAIRMAN: So the moment it reaches its full strength, that Minister be selected from its Members?

GRAHAM: Yes, Sir. If we go back to page 17, Clause 60, and this can be applied now, it says: "A Minister shall be permitted to address the House of which he is not a member, but shall not have a vote in that House." I look at the House as a sacred being, in fact, our constitution rests on that, not something that is written down but a concept and I don't think that any minister, anyone, who had not gone to the people and been elected by the people should have voice in that House. Page 10, Clause 21 - Attorney General....."In the exercise of his functions the Attorney General shall not be subject to the direction or control of any person or authority." There is a question, I'd like to ask. First of all to whom is the Attorney General accountable?

Chairman: Let us explain what that means. He is not subject to the direction or control of any person or authority. His function is to be the legal adviser to the Government of Belize. He is to advise the Government. What we don't want the Attorney General to do, as a politician, is to be subject to the control of anyone in giving Government his views. He is a legal man, he has knowledge of the laws and he must do so without fear or favour; give the government top legal advice and we want no one to, in that function, give him direction or control. He must give the Government proper legal advice.

Graham: We should look into the possibility of appointing the Attorney General similarly as the appointing of the Judiciary.

Chairman: The Attorney General shall be from the National Assembly. He is a Minister of Government. He is a member of the National Assembly.

Graham: What I suggest is having a Minister of Justice or legal affairs, and having the Attorney General separate.

Chairman: The Attorney General as it spells out here, will be the Chief Legal Adviser to the Government. Government wants one of its members to tell them about law. The Director of Public Prosecutions is the man you've got to watch. He is the one who will bring charges against citizens. But this function, is a function where the man tells the Government its legal rights, and legal obligations.

Graham: The Attorney General, in my view, shall be appointed under the same conditions as the Judiciary, but we should have a Minister of Justice.

Chairman: Your suggestion is that we should have a minister of Justice and an Attorney General. The Attorney General should be appointed by the Judiciary.

Ramos: The Minister of Justice should have the function of the Attorney General.

Graham: No! No! A Department of Justice, he should be the head of the Judiciary, On clause 21 "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. I'd like to separate the two "adviser" and, "the administration of legal affairs".

The administration of legal affairs would be a minister, and the legal adviser to the Government should be appointed by the Judiciary. The reason is, Government is a concentration of the people, and the Judiciary if it is good enough for the people it should be good enough for the Government and it should be fair.

Chairman: In this case the Government is saying, "look we want someone who is one of us to advise us on the Law. He is a professional, he is a holder of a qualification from a recognized University and he is to do that. He would be tested in court anyhow, against the same Judiciary you are talking about. It's unworkable to get it from the Judiciary which is to judge what Government does.

Graham: I'm glad you explained it so clearly to me. It still leave a bit here. The Attorney General appointed from elected members.

Chairman: That is consistent.

Graham: What happened at the convention, the people came out very strongly from the inclusion of the anthem, the Prayers and the Flag in the Constitution. If we include that in the constitution, if a man doesn't rise when the anthem is played and an officer of the law is present, he can oblige him to rise. This could cause confrontation with the opposition for they say that they don't like the flag and could sit down in protest - the officer won't have any option but prosecute them. I think that part should be left to the citizens.

Chairman: To enforce it.

Graham: In Jamaica we didn't have the opposition against it. We didn't have anything like that. Thank you for that.

Chairman: Thank you Mr. Graham for coming and presenting your views.

Graham: It's been a privilege Sir.

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Chairman: Please come in and sit so that the machine could pick up your voice. Your name is Mr. Joseph Marin.

Marin: Yes sir.

Chairman: And you live in Belmopan? Please give your address?

Marin: 15 Garza Avenue.

Chairman: And you appear as a Citizen?

Marin: Citizen Sir, Citizen, Belizean.

Chairman: May we have your views; Mr. Marin

Marin: Politically and constructively I support Independence from the time we vote back the P.U.P. Government Sir. And I shall always be with the P.U.P. Government always in my life. And all I support all that the P.U.P. Government does to the country of Belize. I would like to see included in the constitution the Flag, Anthem and National Prayer.

Chairman: That's very clear statement Mr. Marin and I thank you for taking the time to come before this committee.

Marin: O.K. Sir.

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Adalia Reid
18 Sarstoon Street
Belmopan

Chairman: Tell us your views about the White Paper.

Reid: I support the White Paper. I support everything.

Chairman: Anything you want to see added or taken out of the White Paper?

You support everything, right?

Reid: I support everything.

Chairman: We thank you for coming out and taking the time out from your duties to come before the committee.

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Nuri Muhammad
Executive Secretary
Belize Chamber of Commerce
43 Handyside Street

Muhammed: I am only here to pass on the Chamber's submission which has an accompanying letter.

Chairman: This will form part of the records of this proceeding. Thank you for bringing on the Chamber's views to us. If there is no other person to appear before the committee then we adjourn.

Meeting adjourned at 12 noon.

Resumed at two o'clock

Chairman: I have received two submission, one from Isaac Young, Chairman Bermudian Landing Village Council and one from Horace D. Hulse, Chairman Isabella Bank Village Council.

Rogers: Mr. Garbutt your first name is?

Garbutt: Benjamin Garbutt

Rogers: Tell us Mr. Garbutt where do you live?

Garbutt: Teakettle Village.

Rogers: And you represent?

Garbutt: Teakettle Village Council. I am the Chairman.

Rogers: Please give us the views of the Teakettle Village Council, on the White Paper?

Garbutt: This special Select Committee of the National Assembly in Belmopan - The Village Council of Tea Kettle, Cayo District wishes to express our support for the Government White Paper on the Independence of Belize.

We want to include our views that -

1. No foreigner should be allowed to come to Belize and interfere in our Politics and our Trade Unions or other Belizean Organization.
2. We want to have placed in the constitution that the English Language be official and that all laws be made and all documents done in this language.
3. We want the Belizeans to have their own flag, the Blue and White Flag with the Coat-of-Arms in the centre on a white ground and with a Blue background.

4. That the flag be used in all functions and that it be displayed in all government buildings and that it must be respected by law.
5. That the National Prayer be included for we are and we want to be a Christian Nation.
6. That we should have our own National Anthem which should be respected by all and that laws should be made to have this so.
7. We want to keep Belize for Belizeans and we want that the boundaries be put in the constitution.

Rogers: That's it Mr. Garbutt.

Garbutt: Would you like a copy for your records.

Rogers: We would like a copy for our records and we would like you to convey the thanks of this committee to your Village Council for taking time and coming here.

Garbutt: Thank you very much.

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Rogers: Mr. Denby Fuller, Please take a seat, we welcome you to the committee hearing. You are the Chairman?

Fuller: Yes, for Camalote Village Council.

The Select Committee of the National Assembly.

The Camalote Village Council, Cayo District wish to thank Government for this opportunity of supporting the Government White Paper for the Constitution for Belize.

We have over the years supported this Government and will continue to do so, for the past thirty-~~one~~ years we have been giving our support for the day of Independence. We stand firm with our Government so that we reach our goal. We want to be included in the Constitution that our flag be the Belizean Flag which has been brought back to the people by our party.

- (2) We want that our Belizean National Prayer be included for we are a Christian Nation.
- (3) That we have in our New Belize the National Anthem "Lands of the Gods" for this is showing us that our borders are from the Hondo to Sarstoon.
- (4) We want our official language to be "English" that laws be made and that all documents be made in that tongue.

We want Belize to remain for Belizeans and we do not want foreigners to come to Belize and get mixed up in our politics and other Belizean organisation.

I thank you!

Rogers: Thank you very much Mr. Chairman of Camalote Village Council. Please convey to the Village Council the thanks of this committee, and thank you for appearing before this committee and making that clear statement.

Gentlemen we will now adjourn.

Adjourned at 2.25 p.m.

