

2004-2005

THE SIXTH
ANNUAL REPORT
OF
THE OMBUDSMAN



"Truly A Haven of Democracy"

The **SIXTH ANNUAL** **REPORT** OF THE **OMBUDSMAN**



Prepared for laying before the Senate of Belize and the House of Representatives pursuant to Section 28(2) of the Ombudsman Act, No. 7 of 1994

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FOREWORD

The framers of the Constitution of Belize, like the architects and engineers of an historic, monumental edifice, pointed to the timeless truths concerning the real origins of humankind and the enduring principles which must guide human behaviour and actions if they are to live peacefully and fruitfully in this space that we call Belize and achieve that quality of life and culture to which we all aspire.

They provided in the “Preamble” to the Constitution those foundational piles upon which the People of Belize would build our national life. These provisions are the perennial truths upon which Western Civilization has been constructed. They are:

1. Acknowledgement of the supremacy of God;
2. The dignity of all human beings;
3. The equal and inalienable rights of all members of the human family;
4. The family as the first essential cell of society;
5. Acknowledgement that human beings are social beings;
6. The will and consent of the People of Belize constitute the only legitimate basis of their government;

7. Recognition that human beings remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;
8. Requirement of policies of state which protect and safeguard the unity, freedom, sovereignty and territorial integrity of Belize;
9. The requirement of policies of state which eliminate all forms of discrimination.

Thankfully, the Nation Belize has its own blueprint for constructing a rich national life. It is one that provides a delicate balance between individual needs on the one hand and social responsibilities on the other hand. In any case that the aspect of rights ignores that of responsibility there is removal of one of the foundational piles upon which the whole edifice rests.

The work of the Ombudsman of Belize, in the final analysis, is the momentous duty of helping to preserve the delicate balance between the rights of the individual and his/her duties and responsibilities towards the rest of us.

Signed:

**Paul Rodriguez
(Ombudsman)**



Ombudsman Office
60 Corner Douglas Jones & Castle Streets
Belize City, Belize
Central America
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(11 April 2005)

Ref: 6/AROMB/2005

Hon. Phillip Zuniga, OBE, SC
President of the Senate
National Assembly
Belmopan

Dear Mr. President,

I have the honour to present the Ombudsman Annual Report which covers the period 1 April, 2004 – 31 March, 2005.

The report is submitted in accordance with Section 28(2) of the Ombudsman Act, Ch. 5 of the Laws, which states: -

“The Ombudsman shall submit to the National Assembly an annual report relating generally to the execution of his functions.”

Respectfully,

Paul Rodriguez
(Ombudsman of Belize)

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(11 April 2005)

Ref 6/AROMB/2005

Hon. Elizabeth Zabaneh, O.B.E
Speaker of the House of Representatives
The National Assembly
Belmopan

Dear Madam Speaker,

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Paul Rodriguez
(Ombudsman of Belize)

STAFF

OMBUDSMAN

Mr. Paul Rodriguez, B.A, OBE

INVESTIGATOR

Mr. Lionel Castillo J.P.

OFFICE ADMINISTRATOR

Miss Sharon Flowers

STAFF GOALS: -

1. To greet every visitor with a cheerful and caring smile.
2. To listen to every complainant as though his/her problem is the only one in the world.
3. Not to take sides between the complainant and the authority against whom the complaint is made.
4. To seek to uncover the facts and the truth in every case.
5. To improve the quality of life of everyone by contributing to an enhanced understanding of the culture of human rights.

To be fair and transparent in all that we decide and recommend.

INTRODUCTION: A SUMMARY

- ❖ The work and output of the Office of the Ombudsman of Belize compares favourably with both one of the best of the Caribbean Region and one of the best in a highly developed country of Western Europe.
 - In its last report the former with a staff of ten(10) processed two hundred and two(202) complaints.
 - The latter with a staff of forty two(42) handled five thousand seven hundred and forty nine cases(5749).
 - The Caribbean Ombudsman Office dealt with an average of twenty(20) complaints per staff member.
 - The European Ombudsman dealt with an average of one hundred and thirty seven(137) cases per staff member.

- ❖ The following is a bird's eye view of how the Office of the Ombudsman of Belize performed in the handling of complaints:-

Total complaints resolved	-	552
Unresolved cases	-	34
Total complaints received 1 st April, 2004 – 31 st March, 2005	-	586

New Formal Complaints	-	342
Complaints carried forward	-	34
Informal Complaints (Those that required little or no investigation for which assistance was given immediately or quickly)	-	210

- ❖ The above figures show that with a staff of three the Office of the Ombudsman of Belize processed five hundred and eighty six(586) cases or an average of one hundred and ninety five(195) per staff member.
- ❖ How long did it take to resolve complaints?
 - The resolution of the two hundred and ten (210) Informal Complaints took a few hours to a few days.
 - The time to resolve Formal Complaints ranged from 1 day to 1025 days.

CLASSIFICATION SYSTEM

- ❖ The Ombudsman uses a classification system for complaints. This enables him to explain their disposition in his Annual Report to the National Assembly. The classifications are:
 1. Complaint investigated and sustained, recommendation made and accepted
 - There were 12 of these.
 2. Complaint investigated and sustained, recommendation not accepted and report made to the National Assembly.
 - There was 0 of these.
 3. Complaint resolved to the satisfaction of both parties during the course of the investigation.
 - There were 9 of these.
 4. Complaint resolved by informal action without the need for a formal investigation.
 - There were 10 of these.

5. Complaint not investigated, advice and assistance given.
 - There were 202 of these.
 6. Investigation refused or discontinued because of exercise of Ombudsman's discretion in terms of Section 15 of the Ombudsman Act.
 - There were 86 of these.
 7. Complaint investigated but not sustained.
 - There were 37 of these.
-
- ❖ The Tripartite Council (The Ombudsman, the Human Rights Commission of Belize and the Internal Affairs and Discipline Department of the Police) continued their joint workshops with all the formations of the Police Department. They traveled to all the districts and met with all the formations to discuss issues of good governance, human rights and police best practices.
 - ❖ The Human Rights Conscientization Program was continued and the Ombudsman gave lectures to the Fourth Form classes of the following high schools and administered a human rights test:
 - Belmopan Comprehensive School average score - 66%
 - St. Ignatius High School average score - 69%
 - Seventh Day Adventist High School average score - 71%
 - Mopan Technical High School average score – 76%
 - Mount Carmel High School average score – 69%
 - Sacred Heart College average score – 74%
 - St. John's College average score – 73%

- E.P.York High School average score – 63%
 - Pallotti High School –(Lecture but no test)
 - St. Michael’s College – (Lecture but no test)
- ❖ The Ombudsman gave lectures and administered a human rights test to the Standard VI Classes of the following Primary Schools:-
- St. Martin De Porres School average score – 82%
 - All Saints Anglican School average score – 82.5%
 - Grace Primary School average score – 96%.
 - Belize Elementary School standard five average score – 87%.
 - St. Ignatius Primary School (Test Scores Not Recorded).
 - St. Luke Methodist School (Test Scores Not Recorded).
 - Queen Square Anglican School (Test Scores Not Recorded).
 - San Felipe Roman Catholic School (Test Scores Not Recorded).
 - James Garbutt Primary School (Test Scores Not Recorded).
 - St. Joseph Primary School (Test Scores Not Recorded).
 - Calvary Temple Upper School (Test Scores Not Recorded).
 - Wesley Upper School (Test Scores Not Recorded).

❖ The Streets Pacification Program Continues. It involves among other initiatives the following:-

1. making contact with youths at risk yet in schools; keeping in touch with those who have been helped and
2. giving common sense advice;
3. turning over those who are wanted by the Police and are afraid of going to the station by themselves;
4. assisting those who wish to hand over a firearm or any explosive devices.

❖ FOREIGN CONFERENCES – To assist in the process of integrating the regional bodies of the Ombudsmen of Central America and of the Caribbean, the Ombudsman of Belize attended the XXIX Conference of the Ombudsmen of Central America, held in Antigua, Guatemala on 22nd and 23rd of February, 2005. He participated in the signing of a memorandum of understanding between the two groupings of Ombudsmen; which is an undertaking to work out the process of integration.

❖ At the same XXIX Conference of the Ombudsman of Central America a resolution was passed requesting the Government of Costa Rica and the Government of Belize to raise the Office of the Ombudsman to Constitutional rank.

❖ Addresses (pages 47 to 56)

- Lecture to Students of Second Form, St. Michael's College, Queen Square
- Notes: the Jurisdiction of the Ombudsman May Be Divided INTO TWO BROAD AREAS OF CONCERN: GOVERNANCE AND RIGHTS

- An Address to the Police Training Academy – the Introduction and the Conclusion.
- Commencement Exercise 2005, Muffle’s Junior College.

THE OMBUDSMAN FOCUSES ON THE ADMINISTRATION DEPARTMENT BY DEPARTMENT

- ❖ This review shows thirty four (34) cases unresolved as at 31st March, 2005.
- ❖ The complaints against each government department have been reviewed. Significant case files will be mentioned with some supporting documentation.
- ❖ One unresolved case is being reported to the National Assembly in this Annual Report. It is one against the Belize City Council and is on page 42.
- ❖ The cooperation between the Chief Executive Officers, Heads of Departments and the Ombudsman continues to improve. The contents of this report shows this.

THE POLICE DEPARTMENT

Attending to complaints against the Police continues to consume a great deal of the attention of the Ombudsman. Significant statistics are:

Complaints Received	Complaints Resolved	Complaints Open	Average Time to Resolve
109	101	8	78 days

- ❖ Thirty six (36) of these cases were resolved in less than fourteen (14) days. This shows that the level of cooperation by the Police Department of Internal Affairs and Discipline was at a very high level, thanks to the leadership of Commissioner Zetina and his designated Commander of IAD Superintendent Robert Mariano.

The average time of resolution was increased to seventy eight days (78) due to the closing of a number of complaints dating back to 2002 and 2003.

NOTEWORTHY CASES

Complaint No 1313

Issue: Reasonable Cause or False Arrest?

8th October 2004

Dear Commissioner:

RE: MR. Y & POSSIBLE ILLEGAL ARREST

Sometime during the week 20 – 26 September, 2004, someone fired a gunshot at Hick's Caye near Caye Caulker. The Police in Belize picked up Mr. Y, a sanitation worker for Sanitation Enterprises Ltd. (SEL). They picked him up off his job in Belize City, detained him sometime and then sent him to Caye Caulker to be charged by the Police there.

Apparently while Mr. Y was already in Caye Caulker, the Police checked the records at Sanitation Enterprises Ltd. and found that Mr. Y could not have been the one to commit the Crime for he had been at work the whole time.

It was indeed unfortunate that no one thought of checking with SEL before even making an arrest – unfortunate for Mr. Y because he lost a whole day's pay and he had to pay his own passage back from Caye Caulker, in spite of the fact that the Ombudsman had made representation to Asst. Commissioner Ms. Maureen Leslie.

It is worrisome to me, Commissioner, that we seem to continue to arrest persons, without previously doing some preliminary investigation to show "*reasonable cause*". In the case of Mr. Y certainly no effort was made to establish reasonable cause.

Mr. Y does not have the resources to sue the Police, but in the name of human decency the earnings that he lost on account of this false arrest should be made good to him by the Police together with the money (which he had to borrow) to pay his way back to Belize.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

INTERNAL AFFAIRS AND DISCIPLINE REPLIES: -

29th November, 2004

Dear Sir:

Reference your memo 1313/CZOMB/2004 dated 8th October 2004 made by Mr. Y.

An investigation was carried out into the complaint and found out that Mr. Y was arrested at Belize City in relation to a report made by Ms. N. It is clear that Mr. Y was mistaken for one of the culprits who the report was made against.

Investigations also reveal that as soon as the investigating officer found out that Mr. Y was mistaken he was released forthwith.

He asked one of the officers for a pass to travel back to Belize City but none was given to him however arrangement was made with Caye Caulker Village Councillor Cindy Lou Wade where he later stated that he already received one from his family.

I will make recommendations that Mr. Y be reimbursed for his day and payment be made for his passage back to Belize City.

Robert Mariano
Commander, IAD

THE OMBUDSMAN REJOINS:

7th December 2004

ATTENTION: ASP ROBERT MARIANO

RE: THE MR. Y CASE, COMPLAINT #1313 OMBUDSMAN FILE

In the concluding paragraph of his report to you on the above case, Sgt. Lorenzo stated: "I do not find the Police to violate Mr. Y's rights." I beg to differ with that conclusion. Perhaps the Sergeant is referring to the fact that Mr. Y was fed and every other consideration was shown to him to make his detention as comfortable as possible. However, while this was laudable, I must insist that the arresting officer violated the most important law of the land – The Constitution of Belize. The Constitution is quite clear on the issue of depriving a person of his liberty.

At Section 5, (1), under (e) it says: a person may be deprived of his personal liberty "(e) upon reasonable suspicion of his having committed...a criminal offence..."

With due respect, I submit that the word "reasonable" means that there must be some measure of evidence. Certainly a mere belief or profile that the person who did the deed is "meztiso" is no evidence.

How then is one to interpret the action of the arresting officer? Was he being efficient and saving time, if after investigating he found that the evidence led to Mr. Y? This way of doing police work is simply not acceptable, because it is unconstitutional.

The Ombudsman must continue to insist that a person may only be arrested, if there is reasonable cause, not on a mere suspicion.

Finally, as soon as it has been reported to me that Mr. Y has been compensated for his lost work time and his passage from Caye Caulker, I will close his file.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

CASE NOTE

CASE NO 1313

This case was a complaint of unjustified arrest. Following an incident in which a firearm was discharged, the Police picked up Mr. Y, a sanitation worker, off the street, and sent him on to Caye Caulker to be questioned. During this time the suspect's employer was consulted, and he shared information which proved that the suspect could not have committed the crime; for he had been at work on the streets of Belize City during the time frame of the offence.

Released by the Police in Caye Caulker Mr. Y had to pay his own passage back to Belize City. The Ombudsman objected to this unfair treatment of the complainant, submitting that even his lost day's wages should be paid to him.

The Police have agreed to comply, and the Ombudsman paid forty five dollars to Mr. Y on behalf of the Police.

Signed:

**Paul Rodriguez
(Ombudsman)**

Complaint No 1411

This case showed that the Ombudsman would not uphold your complaint, if the facts, justice and fairness are not on your side:-

21st January 2005

Dear Ms. D:

Usually, the Ombudsman does not make reply to letters copied to him. However, having been introduced to your case by Mr. S, who was charged along with you, I have decided to give an advice to you.

Considering the fact that only the Commissioner of Police has jurisdiction over your employment status, make an appeal to him personally and directly.

In your appeal to him, request that he take consideration of the fact that you had never been charged before. If you in conscience know that you made a mistake, admit it. Then beg for compassionate consideration promising that you will never fail in the future to live up to your oath of office.

My best wishes!

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Complaint No 1406

This case showed that the Ombudsman would not presume to usurp the roles of the Police and of the Director of Public Prosecution.

17th January 2005

Dear Mr. K:

Your father and other relatives had seen me last week and I already told them what I now put in writing to you.

Having heard your statement concerning your time of detention by the Corozal Police before you were remanded, I believe you need to retain the services of an attorney.

I repeat to you what I already told your father: once the Police place a charge on you and take you to court only the Director of Public Prosecutions may drop or modify that charge. Therefore, you need a lawyer.

Best wishes!

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Complaint No 1394

How the Police and the Ombudsman Cooperated to help save his job

Memo from CIB

MEMO

Dated 5th January, 2005

On Wednesday 29th December 2004, at about 9:30 p.m. the above mentioned subject was detained by police in reference to an investigation that was being conducted. At the conclusion of the said investigation, Mr. F was subsequently released from police custody on Friday 31st December 2004 at about 11:30 a.m. I must mention that Mr. F was never charged and was only detained for investigation purposes reason being that the investigation revealed that he was never a part of the said crime.

Would be grateful that Mr. F would be taken into consideration by your company and be given back his job.

**(Mr. Santiago Ciaú, Sr. Insp., L.S.M.)
O.C. Crimes Investigation Branch**

Letter from the Ombudsman

5th January 2005

Dear Sir:

RE: TERMINATION OF MR. F

This letter is aimed at requesting compassionate re-consideration of the termination of the services of Mr. F from your employment. A question of whether termination was justified or not is not being raised, for an employer may legally terminate an employee's service at any time, provided the required benefits are paid.

However, I believe the termination of service followed upon the arrest and detention of the employee on suspicion of having made a prank call to the Police hotline, a suspicion that was mistaken.

I have investigated whether Mr. F made this call or not. First of all I spoke to the arresting officer who told me that he had checked the log of the recent calls made by Mr. F. He told me that one of them was the prank call.

However, upon checking with a BTL technician (Roger), I was told that it was not possible to trace calls made on prepaid cell phones. Mr. F's number is 600-2995, which is a prepaid number.

I also contacted Mr. F's girlfriend who confirmed that sometime after 9 p.m. on Wednesday night, 29th December, 2004, he did send a message to her, of which I have a handwritten copy.

Like you, Sir, I would be extremely upset if anyone related to me would make prank calls to the Police. However, in this case, I believe Officer Manzanares may have been over-zealous and mistaken.

May I ask you for compassionate consideration to Mr. F?

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Finally....

The role of the Ombudsman is not to usurp or replace the Police or its disciplinary arm, the Department of Internal Affairs and Discipline in the promotion of best police practice and obedience to the Police Act and the Constitution.

Rather, this past year the Ombudsman has worked diligently along with the Human Rights Commission of Belize, functioning in their monitoring roles, to assist the leadership of the Police, to build confidence in the community for the Police Department.

In the pursuit of the role of oversight the Ombudsman must be critical at times, as he has been in his investigation of an alleged suicide in the Punta Gorda Police Station on 19th November, 2004. This matter should be put to a Coroner's Inquest as soon as possible (complaint No 1366).

Moreover, the cases of Mr. Leslie Rogers (complaint No 1429) and that of the mysterious death of Mr. Eder Alamilla (complaint No 1455) need to be more vigorously investigated.

However, the Ombudsman has acknowledged the commendable efforts of the leadership of the Police, especially of the former Commissioner Mr. Zetina, of the Head of Eastern Division Mr. Crispin Jefferies and of Commander of the Internal Affairs and Discipline Mr. Robert Mariano. He has expressed these sentiments in the letters below, including one to the new Commissioner, expressing expectations of notable accomplishments in the Police Department.

17th March 2005

*Mr. Carmen Zetina
Commissioner of Police
Police Headquarters
Belmopan,
Belize*

Dear Commissioner:

It has been a great pleasure working along with you to improve respect for human rights by members of the Police Department. The Ombudsman's Office was able to contribute much to the culture of rights by interacting with policemen of all ranks, by giving lectures, appearing together with police officers at town meetings and by talking to groups of officers at Formation Meetings. All of the above you facilitated by your openness and cooperation.

I wish you well for the future and look forward to working with you in your new posting where I am confident you will leave your mark, as you have done at the Police Department.

Respectfully,

*Paul Rodríguez
(Ombudsman)*

31st March, 2005

*Supt. Robert Mariano
Commander,
Internal Affairs & Discipline
Police Headquarters
Belmopan,
Belize*

Dear Commander:

Upon completion of my Sixth Annual Report I thought it proper and fitting to let you know how much my office has appreciated your ready and speedy cooperation, which has impacted significantly on police behaviour, especially during the recent past.

Along with this commendation referring to the past, may I express wishes for continued progress in our work to build a police department that is the envy of the world on account of its commitment to human rights.

Respectfully,

*Paul Rodríguez
(Ombudsman)*

24th January 2005

*Sr. Supt. Crispin Jefferies
Police Headquarters
Belmopan,
Belize*

Dear Mr. Jefferies:

This letter is to commend you for the exemplary and admirable restraint and courage you showed on Friday, 21st January, 2005, during the demonstration held to protest against the Government. Countless times the Police under your command were exposed to physical abuse by protestors but your officers did not retaliate in similar fashion.

Well done!

Respectfully,

*Paul Rodríguez
(Ombudsman)*

15th March 2005

*Mr. Gerald Westby
Commissioner of Police
Police Headquarters
Belmopan,
Belize*

Dear Commissioner:

Congratulations on your appointment as the new Commissioner! I look forward to many fruitful and beneficial encounters that will enhance the performance of the Police Department, improve the delivery of service to Belizeans, improve the confidence of the citizens in our Police Department and redound to your credit.

We will keep in touch with you on a regular basis.

Respectfully,

*Paul Rodríguez
(Ombudsman)*

THE LANDS DEPARTMENT

- ❖ There were twenty eight (28) complaints against the Lands Department. Twenty six (26) of these were resolved and two (2) remain open. The average time of resolution was 192 days.
- ❖ The level of attention to the needs of citizens expressed through resolution of complaints seems to be fairly high. However, although some land issues are necessarily complicated, it is desirable for the department to speed up the process of service in all its various aspects, including the land registration process, which at times seems to try the patience of the most patient.

❖ Noteworthy Cases

Complaint No 1435

A husband and wife complained about land that they had leased and bought.

The Lands Department revealed that the same parcel had been granted to two different persons in 1998.

However, they were now willing to grant a parcel elsewhere equivalent to what had been paid for the other parcel.

Letter 29th March, 2005

29th March, 2005

Dear Mr. Rodriguez:

I refer to your 1438/ACOMB/2005 dated 9th March, 2005.

The parcel of land that was allocated to Mr. Juan Hernandez was also granted to one Keith Harris by virtue of Land Certificate No. 731/98.

We are prepared to give Mr. Hernandez lands in the Burrell Boom area equivalent to the value of \$1,490.00. If he agrees he can visit the Belize City Lands office and ask for Mr. Javier Chan.

Respectfully,

A.O. Cansino
Commissioner of Lands & Surveys

Letter of 5th April 2005

5th April, 2005

Dear Mrs. H:

Attached is a copy of a letter from the Ministry of Natural Resources, which is self-explanatory.

If you accept the offer, kindly inform them immediately by letter and personally. Please send me a copy of your letter to them.

However, if you do not accept the offer, this is a matter you would need to take to the Supreme Court.

Respectfully,

Paul Rodriguez
(Ombudsman)

Appeal for help from California:-

Complaint No 1437

A reply from the Ombudsman

2nd March 2005

Dear Mrs. G:

The case you put to me is really messy. One of the main reasons for this is that all the interested parties, including you, do not have any legal document showing right to use and possession of the land.

As I understand your case, three of you have some interest in the land. Therefore, one of the options, perhaps the best, is for all of you to agree to apply for a third of the land for each of you. However, this is something the three of you must do and carry out together. Sign a firm agreement among yourselves and apply to lease and purchase the land accordingly. This process you must initiate jointly and pursue to its logical conclusion.

If I can be of further assistance, please let me know.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

The Ombudsman Agreed the Minister should say “No”.

Complaint No 1369

Letter to Complainant:

10th December 2004

Dear Mr. C:

RE: YOUR COMPLAINT NO 1369

Thanks for the documents which you left at my office. Included is the letter in which you are informed that the Minister of Natural Resources Mr. John Briceño had not approved of the sale of the seventy acres and that the Hon. Ainslie Leslie was ignorant of this when he signed an approval for purchase.

Provided your money is refunded, I really do not see any justifiable grounds to advocate that the Minister in charge of Lands carry out the sale, especially when consideration is made that you have just been sold an adjoining twenty six acres.

Of course, the Ombudsman could be persuaded otherwise, if you would be able to show me a development plan that is well thought up of a scheme that would benefit the country and the area with a significant number of jobs and meaningful investment.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

CIVIL MATTERS

❖ Intervening with Private Enterprise on Behalf of Citizens

Complaint No 1427

CASE NOTE

CASE NO 1427

The complainant, an elderly lady, sought recourse to the Ombudsman, because she had tried to have the Belize Water Services correct her share certificates, in which her name had been misspelled.

The Ombudsman wrote a letter for her to the Belize Water Services to request correction, but she refused to take the letter explaining that she was not up to being pushed aside again. Therefore, the Ombudsman personally took her and gained entrance to see the person in charge of share certificates.

The complainant made her point to the BWS officials we saw. One certificate had already been corrected, and this was delivered to her. She left a second for correction.

The Ombudsman made the point that the Belize Water Services must improve its public relations.

Signed:

**Paul Rodriguez
(Ombudsman)**

VILLAGE COUNCILS

- ❖ An intervention by the Ombudsman to settle Land Disputes in Rancho Dolores

6th December 2004

**Mr. Earl Perez
Chairman,
Rancho Dolores Village Council
P/O. Box 1130
Belize District,
Belize**

Dear Mr. Perez:

**RE: AN INTERVENTION BY THE OMBUDSMAN TO SETTLE LAND
DISPUTES IN RANCHO DOLORES**

On 14th June, 2004, you approached the Ombudsman of Belize requesting that he intervene to bring about a resolution of a land dispute in Rancho Dolores. Thereafter on the 25th June, 2004, the Ombudsman received confirmation authorizing you to act on behalf of the Village Council and the Lots Committee. Shortly afterwards the Ombudsman began his investigation of the issues involved.

The Main Issue

The main issue involved the use of a parcel of land that had been assigned to the Rancho Dolores Farmers Cooperative which was being used by Mr. James Sutherland to pasture his cattle.

Other Issues:

1. The desirability of supporting the Spanish Creek Wildlife Sanctuary, which includes the parcel formerly assigned to the Cooperative.
2. The desirability of rationalizing land use in Rancho Dolores, including security of tenure by all who possess no legal document to justify possession.

Parties Concerned

The main parties concerned in this issue of land use in Rancho Dolores were:-

1. The Village Council & Lots Committee, whose duties include the proper distribution and assignment of lands to satisfy the justifiable needs of all villagers.
2. The people of the village
3. Those persons with vested interests, e.g. the Farmers cooperative; Mr. James Sutherland.

Guiding Principles

The Ombudsman thought that the cause of justice, fairness, and tranquility in Rancho Dolores would be best served if he made an attempt to fulfill the needs and aspirations of as many as possible. However, at the same time he had to have due regard for the present and future development needs of the whole village. In pursuance of this he wrote at least one letter to every main player concerned and held a series of meetings beginning on 16th July, 2004, with the Farmers Cooperative and ending with a meeting on 25th November, 2004, with the Cooperative Officer Mr. Contreras.

Recommendations

As a result of the consultations made, I therefore recommend the following:-

1. The land previously assigned to the Farmers' Cooperative should be re-assigned to the Village to be included and considered an integral part of the Reserve, the Spanish Creek Wildlife Sanctuary.
2. A parcel of one hundred acres of village land should be substituted in compensation to the Farmers Cooperative. In the assignment of this parcel the Village Council and the Lots Committee should seek the concurrence of the Registrar of Cooperatives.

3. The Ombudsman hereby expresses his support for the proposal to exchange land with Mr. James Sutherland to enable the Village Council to make available house lots adjacent to the existing village. The exchange should be such as to be pleasing to Mr. James Sutherland.
4. The Village Council and Lots Committee should work to regularize the tenure of those villagers who have been on land in the village without any legal documents.
5. The Village Council and Lots Committee should carry out the above recommendations in such a way that peace, tranquility and harmony will crown their efforts of service.
6. The Village Council should beseech the Area Representative to seek assistance from the Ministries of Works, Agriculture and the Department of Cooperatives to clear the new parcel of land the Farmers Cooperative will receive.

Finally, Mr. Chairman, with this submission of recommendations, I consider this matter closed. I have included for your greater understanding a list of documents you may consider useful in the implementing of these recommendations.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

THE PRISON

- ❖ There were eleven (11) complaints against Hattieville Prison. All of them were resolved in an average of twenty eight (28) days.
 - The Ombudsman has had easy access to the physical plant and to the administration.
 - There is a sense of continuous improvement in both the environment and the living conditions of the inmates

Complaint No 1360

When the Ombudsman of Honduras sent a complaint from an Honduran imprisoned in Belize, he forwarded it to the Ombudsman of Belize.

After investigating, the Ombudsman sent the following report:

2nd December 2004

**Dr. Ramon Custodio
Defensor Del Pueblo
Comisionado Nacional de los Derechos Humanos
Tegucigalpa, M.D.C
Honduras,
Central America**

Dear Doctor Ramon:

I received your letter/complaint on 23rd November, 2004, and immediately began my investigations concerning the allegations made by Mr. Carlos Mencia.

As you know, there is only one prison in Belize. However, each police station in the different municipalities has its own holding cells. These are not always in the best condition. Upon enquiry, I was informed as follows:

1. Punta Gorda (nearest town to Honduras)

On October 15th and 16th an initiative was carried out by the Police and Immigration officers to address the problem of trafficking in human beings.

A total of eleven (11) persons were detained; five of them were Hondurans. They were kept only overnight and then deported.

2. Benque Viejo Del Carmen (border with Guatemala)

On 12th November a similar operation was carried out as above.

A total of six (6) persons were detained. Only 4 were Hondurans.

All of those detained were deported the same day.

3. Orange Walk (30 mls. From border with Mexico).

On the 11th, 13th and 15th operations were carried out to combat human trafficking.

A total of twenty persons were detained; only four (4) were Hondurans.

The policy here is to deal with the illegal immigrants immediately and to deport those who have the resources immediately.

....

On 24th November, 2004, at my invitation, His Excellency Don Jose Rigoberto Arriaga Ch. and I visited Hattieville Prison. During this visit I left the Ambassador of Honduras to speak with the Honduran inmates by himself. (I have requested that he send you his independent report. Or, perhaps you can also ask him for a report.)

Together we did the following:

1. We visited the Prison Clinic which has a resident doctor (medical). We learned that two persons, one male, the other female, who had complained to the Ambassador were already under treatment.
2. We checked the kitchen where prison food is cooked and tasted the drinking water. We were both satisfied that the water was not salty and was safe for drinking.

In all there were thirty (30) Honduran inmates; 22 males and 8 females.

I do hope that someday you will be able to visit Belize. When you do, I will take you to visit our prison. The prison is owned by the Government, but it is managed by Kolbe Foundation, a private, non-profit Belizean organization.

If there is anything else you wish to know concerning this case, please let me know.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

DEPARTMENT OF THE ENVIRONMENT

- ❖ Three (3) complaints were received and all were closed.
 - Complaint No 1296 concerned the playing of loud music at an open air bar.

This reproduced letter described the issues involved:

27th January 2005

**Mr. Santiago Acosta
Chairman,
San Pedro Liquor Licensing Board
C/o San Pedro Town Council
Belize**

Dear Mr. Chairman:

RE: LIQUOR LICENSING MEETING OF 26TH JANUARY, 2005

It was an enlightening experience for me to attend your first meeting of this year yesterday.

My duty as Ombudsman forces me to give you my honest and frank appraisal of your conduct of this meeting. Let me emphasize that my assessment has nothing to do with getting my way or not. However, it has plenty to do with promoting law and order, peace and tranquility and harmonious relations between the different groups that make up beautiful San Pedro.

Most notable to me and most shocking was the admission you made in your address that you knew that certain provisions of the Liquor Licensing law were not being obeyed but that you would allow this to continue until someday it could be fixed.

I was truly amazed that you allowed the comment of the representative of the Chamber of Commerce to go unchallenged when he made the assertion that whoever found loud music annoying should move and go elsewhere.

I was disappointed that when the matter of the license for the bar in which the Mayor has a personal interest came up, you did not request that she withdraw. Of course, she should have done so without your even requesting it. Her remaining certainly struck me as self serving. Needless to say, I trust that while repairs are being carried out on her family's place, no accident occurs.

On the issue involving Cannibal's Bar, Mr. Encalada's attorney, Ms. Arthurs, has already expressed their intention to appeal the granting of a license to this business if there is no compliance with the conditions set down by law for the granting of the license.

The Ombudsman for his part will continue to insist that the Police do their sworn duty and enforce the law without fear or favour.

Respectfully,

**Paul Rodriguez
(Ombudsman)**

EDUCATION DEPARTMENT

Complaints	Closed	Open	Average Time to Resolve
4	2	2	37 days

The two complaints closed were not upheld.

Complaint No 1244

The Ombudsman closed the case, sending this letter to the complainant:-

17th November 2004

Dear Mr. L:

This morning I spoke to Mr. J. Casimiro, Education Officer, concerning your release by the Roman Catholic School Management.

He informed me that in spite of the fact that he realized that you were lacking in the performance of your duties at San Vicente, he decided to give you an opportunity to redeem yourself at Mabil Ha. Unfortunately, in his last visit there he found that you had not improved.

I have noticed that someone whom you accused of not being fair to you, gave you another chance.

With this new information I have received I do not see how I would not accept that your release from the Roman Catholic School Management was not fair and justified. I have therefore closed your file, not upholding your complaint.

Moreover, if you will heed my advice, I urge you to move on with your life and become serious about improving your competence. We owe it to our children to give them the best education we can afford. Please start your effort now!

Respectfully,

**Paul Rodriguez
(Ombudsman)**

Cc. Mr. Clement Wade, R.C. Schools, General Manager

THE BELIZE CITY COUNCIL

There were nine (9) complaints against the Belize City Council; eight (8) were resolved, and one remained open. This open case is hereby reported to the National Assembly in this Annual Report.

Complaint No 1157

Dismissed from the service of the Council as a prosecutor in the Municipal Court on the 7th May, 2004, Mr. Romel Palacio brought his concern to the Ombudsman.

The following correspondence summarises the case:-

5th November 2004

**Mr. Colwin Flowers
City Administrator,
City Hall,
Belize City Council
Belize City,
Belize**

Dear Mr. Flowers:

RE: MR. ROMEL PALACIO CASE

As you undoubtedly recall, we met at the Office of the Ombudsman on Friday, 5th November, 2004 for one final discussion of the merits of this case. We went through the twenty-five points of your letter of 29th October, 2004, which were purportedly disciplinary violations offered as evidence justifying the dismissal of Mr. Palacio. At the end of the meeting, it had been clearly agreed that all the submissions made did not amount to anything because there was almost a complete lack of evidence to substantiate the accusations.

A quick review and summary of the points raised by you is warranted.

On your point No.4 on page 2, my comment was as follows:-

“No proof has been provided that Mr. Palacio had failed to do an assigned duty. No list of warrants not delivered was produced as evidence. No follow up memos were shown to the Ombudsman to prove that Mr. Palacio showed no due regard for the proper functioning of the Municipal Court.

Regarding points No 5-11 on pages 2 and 3.

The Ombudsman expressed the opinion that NO proper evidence had been shown to him on which he could form an educated and fair judgment about the job performance of Mr. Palacio.

On the contrary, the last “Personnel Appraisal” in his file dated March or April of 2004, listed as his only fault that he adhered too strictly to the rules and regulations causing him to be not as efficient as he would otherwise be.

You will recall that commenting on point No14, page3, the Ombudsman showed you a memorandum signed by Mr. Howard Ramclam rescinding a proposed suspension for one week of Mr. Palacio based on the accusation of “pecuniary advantage”. He expressed the reasonable conclusion that withdrawal had resulted from a more sober view that Mr. Palacio had in fact not violated any ethical or employment term when he filed a transfer document for a citizen.

On item #21, page4, accusing Mr. Palacio of being absent from work, the Ombudsman pointed out that all public employees are entitled to sixteen days sick leave with pay.

To conclude the Ombudsman made remarks concerning principles to which the Belize City Council must show due regard:-

1. Natural Justice requires not that a person accused must prove his innocence, but the reverse: he who accuses must prove. The Belize City Council has failed to prove its case for dismissal of Mr. Palacio.
2. The Municipal Court of Belize City is first and foremost a place of justice, where justice must not only be done but appear to be done. This at times may require that a prosecutor reveal information that may result in the exoneration of the accused. This in no way is disloyal to his employer, a public body elected to serve the people without fear or favour, doing good to all manner of men.
3. In spite of the fact that the Municipal Court must take precautions against abuses creeping into the system, out of court settlements are desirable in some cases. They are faster, more cost efficient, and more in keeping with the policies of an elected body which has to take due consideration of public opinion.

4. Public entities like the Belize City Council must be transparent, accountable and fair and just in their management of public affairs and their employees. A stricter standard of fairness is required and expected of an elected body than is required of private enterprise.

After considering all the above points, the Ombudsman has concluded that it has not been shown to him that the dismissal of Mr. Romel Palacio from the service of the Belize City Council was fair and justified.

I therefore recommend that Mr. Romel Palacio be re-instated in the employment of the Belize City Council.

I further recommend that his salary be paid to him covering the period during which he was dismissed.

Finally, these recommendations should be carried out within ten days time.

Respectfully,

**Paul Rodriguez
(Ombudsman of Belize)**

A SUMMARY OF ALL THE DEPARTMENTS

Ministry or Department or Authority	Cases Resolved	Open	Total	Average Time of Resolution
Police Department	101	8	109	78days
Lands Department	26	2	28	192days
Department of Corrections	11	0	11	28 days
Magistrates Court	20	1	21	10 days
Family Court	12	0	12	102 days
Labour Department	8	2	10	41days
Ministry of Health	1	0	1	300 days
Ministry of Immigration & Nationality	12	6	18	43 days
Registry	1	0	1	2 days
Ministry of Home Affairs	1	0	1	20 days
Ministry of Housing	3	0	3	52 days
Social Security	6	0	6	25 days
Ministry of Foreign Affairs	1	0	1	1 day
Customs	2	0	2	24 days
Public Utilities Commission	1	0	1	1 day
Ministry of Works	1	1	2	1 day
Agriculture Department	2	0	2	55 days
Department of the Environment	3	0	3	32 days
Education Department	3	2	4	37 days
Belize Defence Force	2	0	2	13 days
University of the West Indies	1	0	1	43 days
Belize City Council	8	1	9	10 days
Orange Walk Town Council	1	0	1	16 days
Supreme Court of Belize	2	0	2	1 day
Director of Public Prosecutions	5	0	5	47 days

Public Service Commission	3	0	3	26 days
Ministry of Human Development	6	1	7	25 days
Civil Matters	33	0	31	21 days
ADR	36	7	43	44 days
Own Initiative	7	1	8	37 days
Ministry of Transport	2	0	2	37 days
Accountant General	1	0	1	97days
Bar Association	1	0	1	150 days
Parole Board	1	0	1	39 days
Supervisor of Insurance	1	0	1	93 days
National Drug Council	1	0	1	2 days
Area Representative	1	0	1	34 days
BEL	2	0	2	12 days
Vehicle Care Unit	1	0	1	1 day
Sales Tax Department	1	0	1	5 days
Lots Committees	1	0	1	31 days
Village Councils	1	0	1	45 days
RC School Management	1	0	1	69 days
San Ignacio Hospital	1	0	1	73 days
De Lille High School	1	0	1	72 days
Stann Creek Ecumenical School	1	0	1	11 days
DFC	1	0	1	1 day
BWS	4	0	4	4 days
Belize Security Force	1	0	1	20 days
Elections & Boundaries	1	0	1	1 day
PACT	1	0	1	1 day
Northern Regional Hospital	1	0	1	7 days
B.E.S.T	0	1	1	
Supervisor of Credit Unions	0	1	1	

LECTURE TO STUDENTS OF SECOND FORM, ST. MICHAEL'S COLLEGE, QUEEN SQUARE

Theme:

To understand the office of the Ombudsman, one has to understand what power is.

What is power?

Power is the exercise of control over the actions of persons.

Imagine a primitive condition where there is only one watering hole which is the only source of drinking water for human beings. If one person discovers it first and uses a primitive weapon to stand guard over it, he may succeed in having some control over others who need the water. Many variations of control moving from one person to another may be imagined. For example, the shrewdest and wisest individual may come to the realization that the measure of control feasible depends on getting everyone to agree that he will benefit from guarding the water hole, but everyone else will help him to do so, provided he gives them free access to the water.

Another variation of the primitive scenario is for the discoverer of the water hole, realizing that his strength alone is insufficient for guarding the water hole against the rest of the group, makes a deal with a small group of other individuals. They form a band of protectors of the water. Somewhat like a government, they make rules to regulate the use of the water.

Another band of individuals coming from elsewhere in search of water may either make a deal with the original users of the watering hole, or fight the first group for its possession and its use.

If one believes that the only way the later arrivals can benefit from the use of the watering hole is to overpower the first and then take it away, you would probably subscribe to what Chairman Mao Tse Tung says about power. "Power," he said, "comes out of the barrel of a gun." By that the good Chairman meant that the way to win power and to keep it is through physical force.

On the other hand, if you believe like the pioneer who first found the watering hole, that it is better to share the water and to persuade other individuals to regulate the use of the water; then you probably agree with French Philosopher Jacques Rosseau that "The consent of the governed forms the only true basis of legitimate government."

The founders of all modern democratic states probably subscribed to Rosseau's understanding of power.

The framers of our own Belizean Constitution did so too. The evidence of this may be derived from the concepts contained in the Constitution. These are noteworthy: 1. the concept of the human being as a person with dignity having inalienable rights; 2. the concept of the division of powers – the legislative, executive and judiciary being the three main branches each having clearly defined functions and acting as a check and balance to the other branches of government. 3. The appointment of officials with executive power who carry out important functions that check the power of the executive.

Adherence to each of the above concepts forms a sort of regulating mechanism to the power of the State, especially its executive branch, which runs the different departments that provide public services.

1. A state made up of individuals who believe that their rights cannot be taken away or diminished by any branch of the government is one that will resist any such attempts. This awareness may act as a moderating influence upon those who exercise power.
2. A state which has at least three clearly defined separation of powers assigns the power to make laws to its legislative branch. But the exercise of passing a law or amending one is a process that is mostly public. The more transparent it is, the greater the degree of public participation that takes place. This public oversight may result in more moderation, restraint, consensus, and acceptability. This process at its best becomes a concretization of Rosseau's principle that legitimate authority comes only from the consent of the governed.

It is noteworthy that if the legislative process fails and delivers to the people a law that contradicts the country's constitution, any citizen may take that matter to the Supreme Court to test any provision which may constitute a violation of human rights.

Finally, although the short title of the Ombudsman law seems to give him wide-ranging authority to investigate official corruption, in fact that power is severely limited. Section 22 (1) instructs him as follows:

“Sec 22(1) If the Ombudsman finds, during the conduct of his investigations or on the conclusion thereof, that, there is evidence of a breach of duty, or misconduct, or of a criminal offence on the part of an officer or member of any authority, he shall refer the matter to the person or body of persons competent to take such disciplinary or other proceedings as may be appropriate against that officer or

member and in all such cases shall lay a special report before the National Assembly.”

One of the obvious logical conclusions to the above is that the Ombudsman shall not usurp the jurisdiction of any other public authority.

3. The Judiciary Branch of the state is the most powerful regulator of the exercise of state power when it is so constituted as to safeguard its judges with maximum independence. This may be achieved by an insulation from the executive power of the state by making the tenure of judges be for life. However, the people have to be protected even against corrupt judges. Therefore a removal process, although difficult, has been put in place.

There are other public offices provided in the Constitution which are designed to check the power of the executive branch of the state. The most important of these is that of the Auditor General, whom the Constitution provides as the main oversight agency over public spending and the proper use of public funds. The power of the Auditor General includes that of sending a report not submitted by the Minister of Finance to the Speaker of the House, who must present them to the House as soon as practicable.

Although the office of the Ombudsman is not in the Constitution, it could well be included one day as one of those which exercise a check on executive power. Since the Ombudsman is empowered to investigate wrongdoing, abuse and corruption in public administration, it is obvious that his work may bring transparency to bear on the actions of public administration. Whenever governments submit to accountability and transparency, this is a sign that those who have political power in that society realize deeply that the consent of the governed is where their authority comes from.

Signed:

**Paul Rodriguez
(Ombudsman)**

THE JURISDICTION OF THE OMBUDSMAN MAY BE DIVIDED INTO TWO BROAD AREAS OF CONCERN: GOVERNANCE AND RIGHTS

A. GOVERNANCE:

- 1. At the heart or core of his jurisdiction is the receiving of complaints from anyone who lives in Belize and the authority vested in him to investigate.**

❖ What is meant by jurisdiction?

By “*jurisdiction*” is meant area of authority & responsibility.

- ### **❖ Generally speaking, the complaints made by citizens involve non-delivery of service to citizens by a government entity, or the poor delivery of service. The complaint may be caused by an abuse of authority by the service deliverer, a public officer.**

2. Steps in the work of the Ombudsman

- i. Receiving the complaint: letter, statement, email fax**
- ii. Analyzing and understanding the complaint as thoroughly as possible: questions at the interview, follow-up letters etc.**
- iii. Requiring government files, documents and available pertinent information.**
- iv. Interviewing persons involved in the delivery of the service to hear as many sides of the story as possible.**

3. Unchanging rules by which the Ombudsman must work:-

- i. Completely open-minded**
- ii. Objective**
- iii. Fair & Just – taking sides with truth and justice**
- iv. Compassionate**

4. Recommendation:

After he has completed a thorough investigation, the Ombudsman makes a recommendation of what should be done to correct the injustice, remedy the abuse, deliver the service.

- i. The Ombudsman has no coercive power
- ii. He must use persuasion; appeal to natural justice, compassion, human decency, conscience.

❖ The Ombudsman is the Magistracy of Persuasion and Conscience.

B. RIGHTS: THE PROMOTION OF HUMAN RIGHTS

1. This involves education and conscientization.

2. What is a human right?

i. What is it to be human?

Ans: a rational animal, a social being, an individual

ii. What is a right?

Ans: what is due.

❖ A human right is what is due to you because you are human: an individual that is also social and rational, capable of reasoning and choosing.

LECTURE TO POLICE ACADEMY

Introductory Remarks:

What does a discussion of the idea of “power” have to do with the Office of the Ombudsman. After all, one of the main criticisms of the office is that the Ombudsman has “no teeth,” meaning that he has no coercive power of his own. He cannot force compliance.

Why then would a person, like myself, who has at another time in his lifetime exercised real executive power on the municipal level be interested in a post whose holder does not exercise executive authority.

Section eight (8) of the Ombudsman Act implies that the status of the office is like that of a Judge of the Supreme Court where it enjoins that his salary will be not less than that of a Judge. However, the Ombudsman has no coercive power like that of a judge, who might sentence an offender to be executed by hanging.

Why, then am I so interested in doing what I do – as Ombudsman of Belize?

The following ideas on power – on a true understanding of it, is necessary not only for me but for you also – especially for you.

Once you are sent out to the streets and byways of Belize, quickly you will realize what tremendous power a policeman has. Hopefully you will also learn as quickly that all power no matter how great is limited.

Hopefully you will learn quickly that a human person, every human person has two dimensions to his existence. There is one dimension in which we all live where we move about taking care of bodily concerns. We eat, sleep, work, procreate etc.

But there is another dimension. It is one in which we live that is manifested by our ideas and thoughts, our dreams and our hopes; our plans, goals, choices; our good deeds and our bad ones.

Unless, you realize the above about human beings, you will never truly understand people. You will never truly understand yourself. You will never truly understand how to properly use the power you have. You will never truly understand what power truly is. You will never understand that the greatest power on earth is conscience.

CONCLUSION

Elsewhere in this paper, quoting Mao Tse Tung, I introduced you to one interpretation of power that we all know – physical force.

There is another that has proved more formidable during the past three hundred years or so. It is the power of the ballot. In the Seventeenth century Jacques Rosseau declared: The consent of the governed forms the only true basis of legitimate government.

That idea of Rosseau cries out to all men and women living today telling us that the word of persuasion is mightier than the club or the gun.

Throughout the Latin world, the office of the Ombudsman is called “la magistratura de la persuasion”. This is an understanding of the office that I embrace fully. I am not interested in teeth. I believe with all the power of my being that in the final analysis the greatest power on earth is conscience. There is where I register every recommendation that I make. So far I have experienced that most of us have a great measure of good will. That comes from our consciences.

I know that some of you in the lawful pursuance of your duties may have to resort to the use of some measure of force at certain times. Your conscience, if you keep in touch with it, will tell you to what measure you may use force.

Always remember: in the final analysis, the word is more powerful than the sword, because it is the word, well spoken, and according to truth that touches our consciences.

ADDRESS: COMMENCEMENT EXERCISE 2005 MUFFLE’S JUNIOR COLLEGE

On 5th December last year while performing my first cosmetic duties for the day I remembered: “Today, exactly fifty years ago, I graduated from Saint John’s College. I was sixteen then. What have I done with my life since? Has the world - at least the corner that I have touched – has it been improved by my presence?”

To attempt to answer this question, in my imagination I have to place myself in the stream of the river of history, in the flow of the great historical events which have taken place since the day I was born. I’d like to invite you to join me in this journey of the imagination. I do this for your benefit as well as mine, because in

the year two thousand and fifty five you, each one of you, may be of the same mind as I am right now. You may well be asking then as I now do: How has the world changed so much and I feel like a stranger in it? Why was I not looking and paying attention? Perhaps, I could have made a difference.

Again, I invite you to get into the river with me.

On September 1st, 1939, Nazi Germany invaded Poland. The Luftwaffe (the German Airforce) and the Wermackt (the German Army) using blitzkrieg, swift like lightening attacks overwhelmed a country with a standing army of two million soldiers in only three weeks. This invasion was the start of World War II. I was about one year and eight months old. About six years later on a day in May, I heard all the church bells ringing joyfully throughout British Honduras. It was our celebration of the end of World War II in Europe.

However, at the time I was unaware of why the bells rang so gloriously. The Battle of Britain, El Alamién, the Battle of Leningrad, D-Day, the Battle of the Bulge, the Battle of Midway, Hiroshima, Nagasaki – all of these names have become meaningful only through movies, television documentaries and history lessons. At the time I knew nothing of them, and they were meaningless to me. But these and countless other unmentioned smaller battles contributed to a victory for the Allies and that has had a profound influence on our world.

It is impossible in this brief address to enumerate the many ways the world has been changed by this great War. But one result impacted British Honduras and most of the world in ways that we are only now beginning to fully appreciate.

In 1948 three years after the war ended, the forty seven nations of the world that formed the United Nations, including the United States of America, Great Britain, France and the Soviet Union signed and proclaimed the Universal Declaration of Human Rights.

As a consequence of this declaration there was a political awakening among the peoples who formed the colonies of European Nations, including Great Britain. In British Honduras in 1949 the Devaluation of the Dollar was the incident that triggered off the nationalist movement that led to the formation of the People's United Party, which then started the historic movement that culminated in our independence.

Most of you, or all, were born in the era of freedom, where political, economic, and social rights are taken for granted. We have become so used to the sound of this word (rights) that its true meaning and the ramifications of their observances may mean one thing to you and something completely different to me. Here is a good example.

About sixteen years ago the Berlin Wall was torn down. It was a fence that had been built by East Germany, a Socialist country, part of the Soviet or Communist Empire, to keep its people from escaping to West Berlin, culturally part of the Federal Republic of Germany, also referred to as democratic Germany allied with the United States and other Western Countries.

It may be fairly assumed that what separated these two parts of what used to be one Germany was the different interpretation that the rulers of each gave to the word "rights". In Western democracies at least for the past two hundred years rights have been understood to be inherent and inalienable. This is logically so because of the human being's dignity as an individual who is more than a material being or a mere pawn of the State. In so-called Communist countries rights meant those given to you by the State.

An analysis of their thinking was that the concept of a person with individual rights was meaningless in a system based on a materialistic view of a human being as a mere material entity and not at all a spiritual being.

With the rejection of Communist Socialism as a political and economic philosophy there seems to have followed the elevation of the human being as purely an individual whose rights are absolute with no due regard for the fact that human existence may also be meaningless if the social aspects of the human being's nature is denied or rejected in favour of his individuality always and everywhere.

This is where we are at today in the Western World: In America, Europe, Latin America, Central America, Belize, and elsewhere: There is a crisis of the I versus the other, the I vs the you and they. There is a crisis because there is no proper understanding that there can be no rights without duties and responsibilities, for I am a rational animal that is an individual but also a social being. And so are you; and so are we all. We are persons who can think and choose. We are individuals but also members of a group. Sometimes I may need to forget myself and think of others, and this may be the highest expression of my humanity.

This, then, is the challenge that you must face and resolve for yourself, for Belize, and for the world. In the immediate future you may face it by asking yourself: what will I now do with my life? What kind of work will I undertake? What career will I embark on? Will the one and only consideration be to satisfy your own pleasure and happiness or will you take into account the needs of others?

Don't be afraid and think that helping to fulfill the needs of others will block away all self-satisfaction. In countless cases the greatest self-satisfaction has been derived from attending to the needs of others.

As you continue to travel in the river of life, bear in mind that it does not dry up or cease to flow. The currents keep flowing along. When you encounter the rapids of difficulties keep your head high and swim. Sometimes you will be carried by the current; at other times you may need to swim against the tide of popular opinion. Do not be afraid! Look within your heart for that strength you need to triumph. Look often up to the skies and ask to be taken up to where there is only truth, beauty and goodness!

I thank you!