

**MESSAGE FROM THE PRESIDENT
HIS EXCELLENCY DR. NICHOLAS J. O. LIVERPOOL, D.A.H.**

ON THE OCCASION OF THE
OPENING OF THE FIRST MEETING
OF THE SECOND SESSION OF THE SEVENTH PARLIAMENT
ON TUESDAY, 11th JULY 2006

Civil Rights, and Civic Duties and Responsibilities

Madam Speaker

Honourable Members of the House of Assembly

Introduction

I thank you for affording me the opportunity to address you at the commencement of this your First Meeting of the Seventh Parliament. My wife and I are extremely happy to be here with you today.

I must stress that although this message is being delivered in this Honourable House, it is aimed at the general public, since I have assumed that Honourable Members are versed with their civil rights and civic duties and responsibilities. My comments here today may merely serve as a reminder.

Madam Speaker, Honourable Members,

The Constitution

The constitution of a country tells us at least, what the society to which it relates aspires to be, where individual rights stand in its political system and scale of values, and generally how the civil rights of its citizens will be protected.

The Constitution of our country confers certain fundamental rights and freedoms on every person in Dominica. These include the right to life, the protection of the right to personal freedom, the protection of the right to personal liberty, protection from inhuman treatment, protection from slavery and forced labour, protection from the deprivation of property, protection from arbitrary search or entry, protection of freedom of conscience, protection of freedom of expression, protection of freedom of assembly and association, protection of freedom of movement and protection from discrimination on the grounds of sex, race, place of origin, political opinions, colour or creed.

The Constitution presupposes that we have always enjoyed these rights and freedoms and it merely reinforces our entitlement to them. These rights and freedoms have been made subject to respect for the rights and freedoms of other persons, and subject

to the public interest. The enjoyment of these rights and freedoms, which are guaranteed by the Constitution, are therefore circumscribed by limitations which are designed to ensure, that their enjoyment by any person does not prejudice the rights and freedoms of others, and does not go against the public interest.

The provisions which guarantee the right to personal liberty and the protection from discrimination on the grounds of sex, race, place of origin, political opinions, colour or creed may, however, be curtailed in times of public emergency. The Constitution itself provides that nothing which is contained in or done under the authority of any written law enacted by Parliament, can be held to be inconsistent with or in contravention of those provisions to the extent that that law authorizes the taking, during any period of public emergency, of measures that are reasonably justified for dealing with the situation that exists in the State during that period of emergency.

The Constitution also provides for the means by which these rights may be enforced. This jurisdiction is firmly vested in the High Court, and if a constitutional matter is raised in the course of proceedings in any other court, that matter must be transferred to the High Court for the adjudication of the constitutional aspect of the case, unless in the opinion of the person who is presiding in that other court, the raising of the question is merely frivolous or vexatious. The High Court may, however, decline to exercise its powers if it is satisfied that the applicant has adequate means of redress available to him under any other law.

The rights afforded to the individual by the Constitution are public law rights and are meant to protect him against the contravention of those rights by the State or some other public authority to which the law has given coercive powers. It is not meant to be invoked as a private law remedy by one private individual against another, since it is generally accepted that private law rights are already sufficiently provided for in the normal legal system of the State.

Madam Speaker, Honourable Members

Rights, Duties and Responsibilities

It is important to note the distinction between ordinary rights and fundamental rights. Ordinary rights can be protected by action against citizens, and also against unauthorized or unlawful State interference; but these rights will not be protected by court action that will compel Parliament to amend the offending legislation or to abrogate it. Fundamental rights, by contrast, may or may not be protected against infringement by citizens. In fact, some fundamental rights can often be asserted only against State agencies, but these rights do enjoy a measure of protection against any State interference; including repeal or restriction of the right by the legislature through its ordinary law making procedure.

To every right there is a correlative duty. Rights imply duties, one cannot exist without the other. For every given right there must be a corresponding duty. These legal duties exist to enable those who wish to enforce their civil rights to identify a defendant against whom actions may be brought. In other words a civil right can only be enforced against a person who owes the applicant a legal duty.

But in addition to these legal duties the law places obligations on persons by virtue of their citizenship. These obligations are referred to as civic duties and responsibilities. The citizen must therefore, be as fully aware of his civic duties and responsibilities, as he is of his rights; and the public- spirited citizen will always try to strike a balance, and find a proper relationship, between his rights and his duties and responsibilities. If we attach undue weight to individual rights at the expense of our duties and responsibilities we could create an excessive individuality which could easily blind us to the needs of the Community or the State to which we belong.

We should, therefore, be just as concerned with our duties and responsibilities as we are with our rights; and it is imperative that we try hard to find the proper relationship between rights and duties and responsibilities. A democratic society requires the active participation of its citizens in the affairs of the nation, as well as the awareness by its citizens of their civic duties and responsibilities. In order for government to be effective, citizens must fulfil their civic duties.

Citizens who choose not to fulfil their civic duties face legal consequences. On the other hand civic responsibilities are fulfilled by choice. They are voluntary.

Civic duties include, for example, obeying the laws of the country, paying the taxes levied by the government, or serving on a jury or as a witness in court. Civic responsibilities encompass actions like registering to vote and voting, and serving on statutory boards and committees. The government, Civil Society organizations and the individual citizen all have a role to play not only in ensuring that the right conditions exist for the protection and enforcement of fundamental rights, but also for the exercise of civic duties and responsibilities.

Here are some notable examples of civic responsibilities. It is the responsibility of citizens –

- to take action wherever they can to improve their own economic, cultural and social development, and to promote self-reliance ;
- to give a fair day's work for a fair day's pay;
- to act with integrity, sharing with others, caring for others, promoting sound values, and guiding the next generation;
- to participate actively in affairs that affect them by joining with others to create resources and facilities in their communities, and
- to build leaders in their communities by identifying and nurturing people who can take responsibility for themselves and for other people.

Civil Society organizations also have civic responsibilities and a role to play in building and moulding good citizens. In order to do this they –

- should help to create a good society by educating people in issues relating to active citizenship;

- should play a central role in making citizens aware of their rights and responsibilities, and prepare them to undertake those rights and responsibilities;
- should build community leadership through facilitating access to information and training, and
- should play an effective role in promoting a strong, capable and responsible Civil Society which is able to work in partnership with an active and equally responsible State.

In view of the unequivocal obligations imposed on all States by universal human rights instruments, it is the responsibility of governments –

- to uphold the constitution and ensure that fundamental human rights are guaranteed and observed;
- to enable citizens to participate effectively in governance through freedom of expression and the media, freedom of association and assembly, and the right to information in all its forms;
- to ensure the full practical realization of human rights including the economic, cultural, environmental, and social rights of all citizens with particular attention to disadvantaged groups such as children and the physically challenged.
- to work with citizens and Civil Society organizations to ensure equal opportunities, and the equitable distribution of the resources of the State;
- to sustain the physical, natural and human resources of the country; and invest in the infrastructure and other services that will enable citizens to develop appropriate economic and social ventures;
- to create an enabling legal and political environment for the smooth functioning of Civil Society organizations;
- to develop and implement measures, which involve Civil Society organizations and citizens, to avoid maladministration and ensure transparency and credibility in the body politic;
- to share information, consult citizens and encourage debate on matters of national concern, so that citizens may be in a position to hold public leaders and officials accountable for their actions, and
- to demonstrate tolerance of dissent. In this regard it is imperative that whether or not the voices are appreciative or critical, informed or ignorant, narrow or holistic, precise or vague, they have a right to be heard. Disagreement must not be treated as either a sin or a crime.

Madam Speaker, Honourable Members,

Patriotism

I would like to add a few words here about patriotism, or the idea of national pride. It is generally recognized that in order to build an economy and improve the social services of a State one needs to increase the national pride of the country. Please permit me to quote from the 206th. State of the Territory address delivered by the Chief Minister of the legislature of the British Virgin Islands last month –

“This pride is not about entitlement, or about being better than any other nation. It is about being self-aware. It is about knowing our history and honouring the sacrifices of our ancestors. It is about valuing our unique culture and preserving it in the modern world. It is about cherishing our sacred traditions and passing them on to our children. And it is about uplifting our community so that the success of one is properly understood as the success of all”.

In the Independence Day Message of 1990 the late Dame Eugenia Charles articulated the importance of recognizing the achievements of Dominican Nationals. Following her usual inimitable style the Dame put it this way –

“We should never be afraid to applaud our people when they do well because that is the source of our pride. Too often we tend to take a negative attitude to success among ourselves. We tend to look upon the successful among us with envy and even with disapproval. We do not recognize that successful achievement by anyone of us adds to the success of our nation. Success is to be emulated, not despised or disapproved. Success by anyone of us adds to the pride that we feel towards our country. Therefore, let us not turn in envy at the success of our fellow citizens. Let us rather emulate it and be proud of it because it is what will make our country great”.

[This quotation is taken from a new book by Justice Irving W. Andre entitled “Dr. Desmond O. N. McIntyre – The Surgeon who transformed Primary Health Care in Dominica”].

Patriotism connotes love and loyalty to one’s own country and the country that we generally love is the country of our birth. A patriot supports his country, is inspired by it, cares deeply for it and is prepared to serve and defend it. Genuine patriotism of its citizens is of great benefit to any country. A man ought to be proud of the place to which he belongs. Patriotism gives a country’s people a common purpose, and rallies them to support their government in time of need.

In order that our country may prosper and thrive in the future, we ought to cultivate a spirit of common purpose and patriotism – a sense of national pride. The true patriot is proud of his country’s virtues and is eager to correct its deficiencies; but he also acknowledges the legitimate patriotism of those who belong to other countries with their own specific virtues.

Patriotism should not be conditional, but the citizen should not be so blinded by it that he is unable to face reality. The genuine patriot owes his duty to the country and

not necessarily to its leaders. Therefore wrong is wrong, no matter who does it or says it. Criticism is not unpatriotic. We could do well always to remember the words of Mark Twain who said - "Patriotism is supporting your country all the time, and the government when it deserves it". But the context and timing of criticism should also be appropriate. Sir Winston Churchill illustrates this in one of his utterances - "When I am abroad I always make it a rule never to criticize or attack the government of my own country. I make up for lost time when I come home".

It is also very important to distinguish between patriotism and nationalism. The difference is vital since nationalism is often mistaken for patriotism. The patriot has a form of affection to his country somewhat akin to family love. One loves his family because it is his, and so far as he is concerned that bond which draws him to other members is unbending. The patriot therefore loves his country because he belongs to it. He can laugh at it in the same way that members of a family laugh at each other's foibles; since affection takes for granted the imperfection of those whom it loves. Nationalism, on the other hand, has often been said to be grounded in resentment and rivalry. It is militant by nature and its typical style is belligerent. The nationalist has to prove that his country is always right.

We also ought to be extremely careful to ensure that love for our preferred political party does not in any way compete with our love for country, since love for party often manages somehow to commingle itself with patriotism. We must at all times be on our guard and avoid becoming so beholden to our respective political parties that we find ourselves unable to place love of country ahead of the particular political party which we support. The good citizen must always place his or her patriotism beyond the sphere of political affiliation because patriotism does not consist of putting our blind trust in anything that our political leaders tell us.

Madam Speaker, Honourable Members

Civic Education

I turn, finally, to the question of civic education. In order to create the kind of citizenry which we would wish for the twenty-first century, one needs to establish a system of civic education. Citizens should not only be made aware of their rights, duties and responsibilities; they should also be prepared, so that they are able to exercise those rights, become aware of their duties and to undertake their responsibilities willingly. Spreading the message of good citizenship can be done in many ways. One example could be by documenting information about those citizens whose attainments ought to be emulated; and honouring those who have demonstrated consistent good citizenship. There can be no better way to promote good citizenship than to recognize it wherever it exists.

Civic education is an important avenue through which citizens could be educated about the important role that they are expected to play in the development of their country. This will serve to widen the relationships among individuals and groups. It should also bring about a sense of duty and responsibility in each individual towards the family, the community and the nation at large, through a shared understanding of the value of rights, duties and responsibilities.

If we focus our civic education activities on young people especially on our students, there is the added advantage that they will be caught at an age where they could be more easily taught to develop the necessary skills and attitude to appreciate the values and moral judgement which are necessary to create social consciousness. In fact the use of the school or college could prove to be the most effective means of bringing positive transformation in the attitude, nature and character of our students by instilling in them the spirit of mutual understanding, and co-operation, friendship, love and respect which should be shown towards others.

It is perhaps only through civic education that we could succeed in creating the kinder and gentler society which continues to elude us. We would also be able to give life to that part of our National Pledge in which we promise to give our love, our loyalty and skills, in the service of our country; and to work diligently to help build a prosperous and peaceful nation.

Madam Speaker, Honourable Members

I pray for God's blessings and his peace for all Members of this Honourable House, on everyone else here today and on all the inhabitants of this country, as I extend to you every good wish for a fruitful and successful session.

I thank you for your patience and attention.