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Politics without Parties

A proposition on how to perfect our democracy

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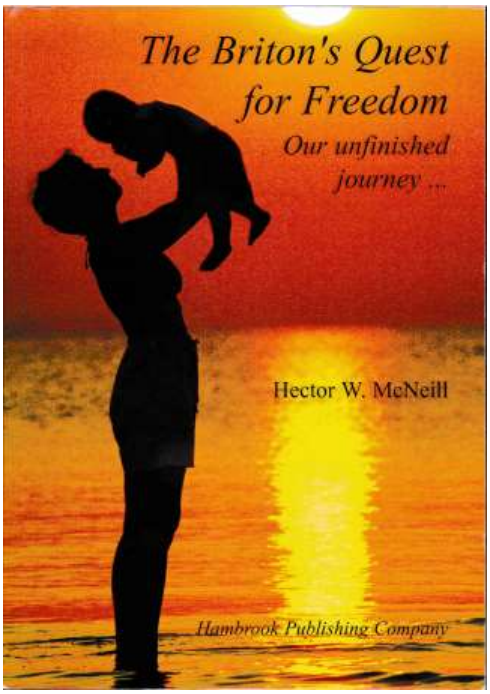
Introduction



The contents of this document were originally written in 2005-2006 and made up the final chapters of the book "*The Briton's Quest for Freedom … Our unfinished journey…"* [1]published by HPC in 2007[2]. This document is accompanied by another document entitled, "*The Minority Principle*" and which is referred to in this document.

"*The Briton's Quest for Freedom … Our unfinished journey…"* was published soon after the Power Commission's report, although its preparation had started in 2005. The Power Commission, under the able coordination of Helena Kennedy, produced a useful report listing all of the reasons for a decline in interest in party politics in the United Kingdom, presenting a long list of drawbacks to our system of governance. However, the report shaped solutions in terms of the continuation of the political party system. The government of the day as well as opposition party gave this report short thrift, as if it was not significant. It was very significant because it exposed a range of circumstances maintained on purpose by political parties to bolster their influence over public affairs.

This experience drew attention to the fact that the problem with securing reform to benefit the majority was the very existence of political parties. They would never introduce the needed reforms since these would weaken the grip on power by the political parties.

Political parties were, and remain, tiny private organizations with a total national membership not surpassing 1.25% of the electorate. As a result, for want of financial resources, political parties are easily captured by those able to provide funding. This is not done through any act of altruism but rather to influence events, legislation and economic policies which favour the interests of the benefactor's network of associates in business, finance and asset holding.

As a result, policy is tilted towards the interests of a wealthy minority and against the more general interests of the majority made up of wage-earners.

There has been, for some time, a constitutional issue related to the role of political parties in not permitting a truly participatory democracy in terms of the identification of gaps and needs, identifying economic policy options and then analyzing these so as to select the most appropriate in terms of the majority and on the basis of public choice.

It is self-evident that our tiny political parties do not have the intellectual critical mass nor the actual level of representation of the interests of the majority of people of this country.

[1] McNeill, H. W., "*The Briton's Quest for Freedom … Our unfinished journey…"* , 418 pp., HPC, 2007, ISBN: 978-0-907833-01-7. Because of significant changes in constitution, economics and politics, a second edition in is preparation.

[2] Since that document was written the High Court separated from the Lords and the UK left the EU so the relevant sections referring to the Lords legal functions and our relationship with the EU have been altered or removed.

Therefore, the consideration of options for a more open political landscape free from the ability of tiny factions to take control of national agendas is a natural consequence of the behavior and limited abilities of our political parties.

The last 50 years have seen an advance in financialization supported by policies that have mainly favoured the interests of political party benefactors. The corporate media, supported or owned by the members of the same benefactor network have had a role of reinforcing the notion that there has not been an alternative to the economic policies being pursued. The financial support given to think tanks and university economic department chairs has witnessed a limitation of economics instruction to the so-called aggregate demand approach of which monetarism, Keynesianism and supply side economics represent the main components. However, these policies have been associated with fall in investment and decline in supply side production productivity associated with an increasing inability to pay higher wages. The inherent bias of policy towards the shoring up of prices of physical and financial asset through inflation has caused a distinct separation in money flows between supply side production (real economy) investments and financial and physical asset speculative transactions. The scale of this imbalance came to a head in 2007/2008 with the financial crisis.

The “temporary solution” was the introduction of quantitative easing (QE) combining close-to-zero interest rates and significant increases in money injections into the economy. After approaching 13 years of QE, savings have been obliterated, wage-earners have been further prejudiced and financial and physical asset holders and traders have benefitted.

This has nothing to do with the results of competition in free markets or the laws of economics, but rather, it is the result of highly tendentious policies imposed by tiny political parties whose support comes from a very small faction who benefits from such policies. The prospects of the majority who are mainly wage-earners, making up around 85% of the electorate, have been constantly marginalized.

Although, the culprit, often cited for the increasing disparity in incomes is monetarism, often associated with the Thatcher government, it was a Labour government, before the Thatcher Conservative government came into power, during which Denis Healey as Chancellor introduced the application of monetarist policies. The following Labour government, associated with Tony Blair and Gordon Brown, continued the application of financialization and monetarism. Gordon Brown introduced quantitative easing (QE) which exacerbated the status of wage earners by intensifying the impact of financialization. The coalition government under David Cameron, and subsequent Conservative governments to date, have also maintained the intensity of financialization and accelerating the growth in income disparity. Therefore, on the basis of a 45 years track record there has been no difference in the policies pursued by either political party.

The obvious conclusion is that the majority would benefit from abandoning political parties and transitioning to a more mass participatory system able to focus on needs in a way that is not controlled by unrepresentative factions.

Whereas this need had become apparent in 2005, the experience of the last 16 years has only emphasized the fact that it is worth exploring if the options for politics without parties can hold out more promise for the majority.

This document is but one example of a proposal to explain how such a system could work.

The Perfection of our Democracy

When something has attractive qualities, and yet is imperfect, we are forced to recognize that imperfection should be accepted as a necessary aspect of life. But in the case of our democratic system, which is far from perfect, too many remain satisfied that it is good enough.

Some even consider our "democracy" to be an ideal state of civilization. It is even good enough for some people to go to war and risk their lives for, seeing democracy as the embodiment of protection of our freedoms and way of life.

Most social and legal procedures in place to protect people have been there since we were born. However, the critical roles different processes play are often not fully appreciated and, indeed, many would only be accorded their full value if they were removed. This long sleep, this drifting, the lack of appreciation of the significance of these basic foundations of our democracy has reached a critical point. At the moment our democracy is rapidly deteriorating and, with this, our ability to defend our freedoms is being thrown away.

Juries

In looking at juries, for example, like democracy itself they are imperfect set ups. Above all they involve those awkward things called people, but important people nonetheless. Such people are there to ensure others are treated fairly. What more important role can a democracy give to each of us beyond a responsibility to protect our fellow men? No, not with a gun, but by applying our conscience in taking reasoned, measured and responsible decisions. This is a hallmark of a responsible society. For this, and because punishments are becoming more onerous, there is no doubt that the use of juries should be extended but their basis of operation improved.

The shared challenge

In a world of imperfection, there is a need for men and women to identify the direction in which we should move in order to reduce imperfections in our democracy. In this way we can ensure that more will enjoy the real benefits of a freer, more responsible and happier life. There should be no shame in admitting that our democracy is not good enough. We should, however, only have the confidence to say that it will only be good enough when we know that our democracy has become fully inclusive of all, that is a society which is protective, considerate and responsive to the needs of each person.

There can be no doubt that the greatest challenge facing all of us is the perfection of our democracy to safeguard our individual freedom and that of all future generations.

Setting a true course

There is no doubt that in order for us to set this course to the future our journey can only meet with success if our charts are sound and updated and that we have reliable information. What we aspire to needs to be feasible and therefore must be founded in fact. We can only set a true and safe course on the basis of good and complete information; truth is our guide.

A reminder of what we are trying to achieve through the general election & legislative cycle

Under current circumstances the free will of the people has little input to the legislative process. The general election, legislative processes and application of law reduces people to an entirely passive status. A rational foundation for improvement is therefore to bring about a more direct and transparent participation of the population in the legislative process, through

faithful community representation. This is likely to establish legislation reflecting preferences, being more relevant and facing less popular resistance to, or general frustration with, the application of the law. We need to move towards a situation where all are afforded appropriate responses to their preferences through a system affording a due consideration of all.

Secularity & comity

The aim in upholding secularity is to remove the possibility of political process becoming a vehicle to impose declarative, authoritarian or convictions based upon faith on others in society. At the same time comity can only be upheld by protecting those with different personal preferences, founded on conviction, from impositions leading to a possible conflict with such convictions. In addition to the faith-based or religious questions, there is a need to counter the tendencies in political factions, activists and parties to become top down and declarative by requiring adequate evidence-based justifications for statements and decisions. In the past, even within democracies, a failure to protect secularism in a more rational, all-embracing and proactive mode led to the rise of one-party states under Communism, Nazism and Fascism on the basis of declarative convictions-based dogma. At the moment there are no constitutional guarantees to prevent some new "-isms" arising in the future. The issue is to prevent political factions gaining power to create collectives around their own "values" as a basis for establishing and sustaining regimes of unopposed power.

Participatory legislative process

In order for our constitution to defend individual freedom, therefore, the political system must promote a wider community participation in the drawing up of legislation.

The minority principle in context

The minority principle[3] has been presented as a set of guidelines to promote and defend individual freedom through participatory development. The minority principle requires support through access to objective and complete information to help orientate preferences and juries remain an essential guarantor safeguarding individuals from arbitrary decisions. The following four chapters describe how these essential components can be applied to the general election, Parliament, government formation, legislation and the application of the law. Although this is an attempt to describe a perfection of our democracy, the word perfection signifies the goal. The following chapters set out the initial beneficial changes. But changes in constitution can influence the affairs of mankind in many subtle and unexpected ways. Proposals can, indeed, be in some details, too simplistic or over-complicated. On the other hand, there will be those who feel their role in politics might be threatened by such changes in constitution, and they will no doubt counsel against the whole approach proposed. All of these matters are the stuff of reviews and discussion on this topic hopefully resulting from this work. The earnest hope is, however, that the small steps described might achieve beneficial changes.

[3] See the accompanying document, Charter House Essays in Political Economy, *"Politics without Parties" – "The Minority Principle", HPC, October, 2021*.

A General Election

General elections should be held with the single purpose of electing an independent representative for each constituency and dedicated to the interests of all constituents.

The representative

An MP would be elected by a constituency in a general election, or in a by-election, as a person deemed to be free to serve the constituency interests and without any conflicts of interest, such as being free from any undertakings to represent the interests of any other group, factions or political party.

No predetermination of voting intention

The voting commitment of the representative cannot be pre-determined or bound to adopt some position in decision-making.

As a process designed to select a faithful representative there would not be a need for the constituency to be required to provide any pre-decisions on any lists of policies from any source. The question of the participatory development of policies would take place through a subsequent Parliamentary process and is not an issue of concern for general elections. This would involve a sequence, considering propositions one at a time and in an environment affording sufficient time for review and discussion with access to high quality information.

Personal views expressed

On the other hand, in a general election campaign the candidates could emphasize those issues they feel to be of importance to the local population and which might be worth raising in Parliament.

It is also possible that issues of national relevance might be considered to be of significance to the local community and therefore these may feature as issues the candidate may wish to raise during the election.

Basis for selection

The principle qualifications for a representative would remain their general experience of the local community, their general standing and the trust people have in their ability to exercise their function in a faithful and competent fashion. Their basic qualification would be reflected in the personal approachability of the person by anyone within the constituency as well as the ability to manage, in a comprehensive and balanced manner, the differing opinions and segments of local society.

Qualifying as a candidate

The process of qualification for candidacy should not in any way be exclusive but should encourage candidacy. It should be based on the presentation of a petition for candidacy signed by 50 members of the community of voting age. There would be no deposits or any means of penalizing candidates who receive low levels of support in the subsequent vote.

Salary

The salary and allowances of the representative would be paid by the constituency on the basis of a contract of representation and paid from an Elections & Representation Fund based upon a small levy paid by each constituent (103).

Employment

Community representation is a fulltime occupation.

The continuation of a representative in employment as the representative of a constituency would depend upon performance and approval of a Representative Oversight Committee made up of constituency members selected from the electoral register.

A representative could have his contract cancelled on the basis of non-performance including a failure to represent the constituency adequately by ignoring duties or by permitting voting intentions be influenced by third parties.

Other work

Elected representatives would not be allowed to follow any other paid employment or function whilst serving as a representative.

Parliament

Parliamentary votes for executive formation

The formation of the Executive would be decided on the basis of Parliamentary votes by the elected representatives as the first Act of Parliament following each general election.

Election of Prime Minister

The post of Prime Minister would be filled on the basis of candidates proposed by representatives and drawn from the representative body. Each candidate should have received support in the form of signatures of 50 representatives. This would be the first Parliamentary vote.

Deputy Prime Minister

The Prime Minister would be allowed to nominate any elected representative to be Deputy Prime Minister without requiring a Parliamentary vote.

Ministerial elections

The election and appointment of the Prime Minister would be followed by Parliamentary votes to fill ministerial posts. This would be for key ministerial posts, which would be preset in number. The Prime Minister elect would be able to recommend names for ministerial posts but other candidates for each post can be permitted and proposed by any representative who has also obtained 50 signatures in support of that candidate.

The general benefit of this system is that it provides a higher probability that ministerial posts would be filled with more competent individuals than is currently the case where ministers are drawn from just one political party.

This system removes the concept of Prime Ministerial and political party patronage and thereby releases all ministers from corrupting pressure to influence their duties.

Separation of powers of government from Parliament

The Prime Minister and elected ministers would then take up their functions and work in a location separate from Parliament.

The Prime Minister and all ministers would have no voting rights in Parliament.

Ensuring dedicated representation

Where a constituency representative wins a ministerial post, they would lose their function and name as the representative of their constituency. The constituency seat associated with that representative would be relinquished and a by-election held locally to elect a new representative.

An incentive for dedication to duty

In taking up ministerial posts, elected representatives would lose their right to return to the House as backbenchers in the event of their being relieved of their ministerial post. This is because their representative seat would have been filled by the elected representative in a

by-election following their previous decision no longer to represent their constituency but rather to have opted for a post in government.

A government of the people, for the people

The general outcome of this process, of the executive having been formed on the basis of a vote of confidence of a free-voting Parliament, is a state of affairs coming very close to the government being of the people, the majority. The fact that the representatives of the people would be responsible for the identification of those who serve in the executive would also characterize the executive as a body serving the interests of the people, that is, governing on behalf of the people as opposed to serving the interests of some unidentifiable faction or identifiable political party.

At the pleasure of the people

The persons who occupy the positions of Prime Minister, deputy Prime Minister and all Ministers would remain in their positions at the discretion of Parliament, representing and according to the pleasure of the people.

Non-confidence

Any individual minister can be removed on the basis of a vote of no confidence. This could only take place if the representative proposing such a vote, in agreement with the constituency, sets out why this might be justified and has the support of at least 50 representatives for this action.

Government continues

Any removal of a member of the executive would not result in a general election but would be followed up by a vote in parliament on who should fill the vacated post.

Fixed term parliaments

In principle, Parliaments would last for a fixed term but it is difficult to establish what the fixed term should be without seeing how such an organization of government would perform.

A two-year fixed term would seem to be a reasonable minimum starting point.

Proposals for legislation

The Prime Minister in consultation with ministers could make proposals on any matter.

Parliamentary Schedule

In order to prevent an ever-increasing list of propositions overtaking and drowning Parliamentary and executive business, the Prime Minister should submit to Parliament a proposal for work as a Parliamentary Schedule covering each Parliamentary session. This would contain priorities for work and an estimate of the time required for all stages of legislation to be completed.

The Prime Minister would need to draft the Parliamentary Schedule with the executive as a matter of priority and Parliament would be able to refuse to respond to executive demands until the Parliamentary Schedule has been issued and agreed upon.

The Parliamentary Schedule would need to be scrutinized from the standpoint of feasibility, that is it should set a realistic number of Parliamentary, committee and other relevant process days to each activity.

The Parliament could suggest modifications to the Parliamentary Schedule and vote to agree its final content.

Valid sources of initiation of proposals for legislation

Members of Parliament could propose legislation through individual or joint proposals arising through committees, and such proposals could be assigned a priority on the basis of Parliamentary vote and, where justified, presented to the executive to work up into propositions for submission to the House.

Legislative initiation could also arise from individuals or groups at constituency level approaching their representative with concerns with suggestions for solutions.

In addition, legislative initiation could arise as an outcome of specific interventions arising from a petition (see under Sovereignty, Chapter 30), again raised by petitioners with their constituency representatives requesting that an issue be raised in Parliament or even constitute a justification for legislative effort.

Parliamentary questions

The Parliamentary Schedule should contain regular opportunities for Parliament to question the Prime Minister and ministers in Parliamentary sessions or committees and to which the public have access. All such sessions will permit free reporting through the press, rapidly issued minutes and Hansard-type verbatim transcriptions of all that was stated by identified individuals.

Legislative proposals and justifications

The Prime Minister, nominated deputy or other minister would be permitted to address Parliament, according to the scheduled orders of business, to present the justification for any legislative propositions.

In principle, ministers should present and justify all legislation coming under their area of responsibility.

Parliament supreme & independent

Parliament would have the sole right to accept, modify or reject propositions by the executive. Only free voting elected representatives of constituencies would be allowed to vote on any matter put before Parliament.

The Prime Minister, other ministers or any agent or agents acting on their behalf would not be allowed to seek to influence the voting intentions of any MP beyond the normal basis of scheduled Parliamentary presentations, committee contributions, briefs and reports and scheduled question periods related to specific legislation.

Reflection of the free will of the people

Representatives should ensure that their own questions and statements take into account their knowledge of their constituency preferences.

Free will of the people protected by legal sanctions

Any person in an official or unofficial, private or any other capacity, seeking to influence MPs not to vote in line with the wishes of their constituency would be subject to severe legal sanctions.

The function of a whip acting on behalf of any faction or political party would be outlawed with this practice being considered to be a criminal offence.

Representation of the free will of the people

Each independent and free-voting representative would be required to embody the sense of the position of the constituency they represent. Therefore, when a government proposition for legislation is placed before Parliament representatives are duty bound to review the significance of the proposition with their constituency. How would this be achieved?

DAB - Decision analysis brief

All legislative proposals would have to be accompanied by a decision analysis brief (DAB) (104). This would consist of a statement of the objective of the legislation, a report containing a complete decision analysis on how to satisfy the objective but also containing the justification for the objective and reviewing the state of information on the topic in question, the identification of policy options and the analysis of their relative merits in terms of various criteria including costs. This should include a per capita estimate of chargeable costs to support different options according to a range of assumptions of the numbers of people benefiting from an implementation, with the maximum being the entire UK population.

Proposals of any type mentioned throughout the following sections would be required to be supported by a DAB.

The benefits of DABs

Normally, when a comprehensive decision analysis is undertaken on any topic, the best final options for policy representing efficient use of resources and a lack of imposition on the public are often self-evident. It is rare to have more than one or two rational options when judged from the standpoint of people's preferences.

This means that it is not beyond the realms of possibility to gain unanimous decisions or support for specific policy solutions. This is encouraged by the fact that the policy solutions are not based upon partisan positions or assertion but a dispassionate spelling out of the relative merits of options.

The voting in Parliament would have a similar principle to voting in a jury aiming at unanimity on the basis of support for a policy option beyond any reasonable doubt that there is any other option that might be better.

On the other hand, it could be the case that more than one option represents a sound solution.

Constituency opinion

The representative, using their own means of communication and including local media, for which there would be a budgetary allowance, should publicise the contents of the proposition and DAB and they should stand ready to receive submissions from people in their constituency, attend forums on the topic and attend local meetings.

If the representative has a personal view on the legislative proposal then this could be articulated. The function of the representative would be to gather the sense of the constituency as to the need for such legislation and, if there were general agreement that it is needed, how it might be implemented, if it has not already been sufficiently explained in the current version of the government proposition and supporting information (DAB).

Of particular importance would be the noting by the representative of negative inputs, either in terms of the legislation being rejected by individuals as not being required at all or as not being a priority. On the other hand, specific items of objection to details within the proposition might be raised.

The representative would need to ascertain the rough breakdown in constituency views in the form of the relative numbers those supporting or not supporting the different aspects of a proposition.

The national viewpoint (NV)

The representative could then return to Parliament, not so much with a firm intent as to whether to support or reject the government proposal but rather with an informed sense of the breakdown of opinion in the constituency represented.

This information could then be discussed with other MPs and as a result there would emerge a national picture of the structure and geographic distribution of levels of support for a proposition. This would include the specific points presenting difficulties in gaining acceptance. It would be important also to be able to articulate the justifications advanced in those cases where people reject the needs for the legislation.

At this stage an accurate view of the electorate's viewpoint on the proposal would become apparent in Parliament (note: this would be far more precise than current general election procedures, polls or surveys). This electorate position should be submitted to the Executive and made public as the National Viewpoint on the proposition in question.

Naturally, the National Viewpoint would be based on the current status of information available as to the intent and proposed way in which the legislation would operate.

A second opinion?

The executive could respond to the National Viewpoint on the proposal with arguments and supporting information and evidence. This might or might not reveal a new perspective on the proposal and the representative would have to ascertain whether or not this might require another round of reviews and analysis at the constituency level.

As far as it would be able, the executive would be required to respond by upholding the minority principle. That is, on the basis of the accurate input from constituency MPs there might be a need to redesign the proposition to reflect the will of the people.

If this were to prove impossible then another decision could be taken on the basis of a general vote in Parliament. The vote would initially be to ascertain the feasibility of such legislation being applied nationally (centrally). However, if the constituency inputs end up with several policy options remaining in the running, then no single policy would be able to be applied as a centralized policy. If this were the case, a second level proposition on the levels at which different options could be decided and applied, would be put to the vote. This would be a process of deciding what might be agreed and managed on the basis of a decentralized and devolved implementation.

Devolutionary principles & procedures

The problems associated with the creation of devolved assemblies and parliaments have been identified as the possibility of double voting by MPs (in their assembly and Westminster), which creates an inherent discrimination against the English population. There is also an issue of government applying fixed formulas to equate public spending across the UK but in fact demonstrating a strong partiality by augmenting financial transfers to specific countries such as the case of the Barnett formula and Scotland.

Under the minority principle the process of devolution can occur as a direct consequence of preferences and financial transfers can be made according to justified need.

The likely geographic breakdown of policy option support would already be known as a result of the formation of the National Viewpoint. The levels of devolution would not be limited to a national division of England, Northern Ireland, Scotland or Wales. It is proposed that there would be seven possible levels of devolution into subsidiary administrative units (105) each of which represents a possible level for decision-making, revenue collection and implementation:

- Communion (UK)
- National (England, Northern Ireland, Scotland, Wales)
- Regional (Administrative units)
- County
- Multi-locality
- Locality (local authorities)
- Multi-community or multi-ward

Each level would have several options for revenue raising and spending to implement the policy of preference thereby opening up the possibility of adaptation to local preferences.

Representatives should check at constituency level before voting on this particular aspect.

Failing all of the above tests a proposal would have to be abandoned and an alternative specification of the proposed objective could be introduced to another legislative cycle.

Special circumstance legislation

Some legislative propositions could have specific local significance. Thus, for example, a regeneration of moorlands would generally only be of interest to those living on or close to moorland. A bill established to support a specific industry is clearly either sector specific or it could also be locality specific e.g. fishing or mines.

Trans-locational legislation

Legislation could involve a devolved and sometimes limited local application but might require assistance from central budget because of the limited local ability to raise revenue. In such cases of trans-locational legislation the representatives of the locations with a direct interest would vote on the specific implementation proposals in terms of how the system would work locally. On the other hand, if it were expected that such an initiative might benefit from central budget then this would be subject to a separate vote where the whole Parliament would review the specific proposal and vote on how much they could contribute out of central budget and how much they suggest might be raised locally.

Trans-locational legislation & subsidy

Broadly speaking, in order to encourage Parliamentary support of important local initiatives there would be a need to establish national priorities of the local issues so as to allocate funds from central budget. On the other hand, funds from central budget might be better allocated as a repayable interest-free subsidy as a basis for pump priming and to encourage private and consortium investment so that the funds return to central budget.

Cost-benefit of trans-locational subsidies - dire need

In all cases representing an urgent response to a dire need such as post-flood recovery, normal cost-benefit calculations would be used to audit actions to ensure effective use of resources in solving problems. Emergency services should be ready to apply emergency plans which would have been previously approved on the basis of DABs and regularly undated according to advances in technology or levels of risk in different regions for different types of occurrence.

Cost-benefit for normal trans-locational subsidies

In the case of subsidies helping a locality develop in some way such as initiatives to help increase local earning capacity, the basis for calculating the cost-benefit associated with central budget subsidy (interest free loan) would be the difference, over time, of no action compared with growth in local income expected. A secondary level of cost-benefit would be to calculate the likely increase in revenue from the regions affected in terms of central budget and locally raised revenues.

All such packages would need to be proposed by the executive on their own initiative or in response to representative requests and all would be decided upon by Parliament.

The quality of information - document flow & information management

No secrecy in public deliberations

In support of the minority principle it is essential that people have unbiased and relevant information in order that they may understand and react to anything which is of potential concern to them. This means that there should be no secrecy concerning information about any deliberations in the executive or Parliament concerning legislation.

No cabinet secrecy

The minority principle bans the operation of companies and other types of legal persons from any part of the executive (government) operations so as to make each person serving individually responsible for their own actions and decisions. The concept of cabinet secrecy concerning how collective or collegiate positions were arrived at is banned.

The individual positions and arguments of any member of a cabinet must be made available for public scrutiny in a timely manner.

Issues of national security separated from legislative deliberations

A common all-embracing excuse for denying access to executive information is often that the information concerned involves issues of national security. Naturally it would be self-defeating for the minority principle not to allow there to be secrets concerning issues of security.

However, there would need to be strict guidelines, which amongst others, would ban the discussion of issues of national security in association with other civil issues.

Governments would have to separate discussions, both in terms of attendance at meetings and agenda management, to prevent or minimize the censorship of legislative matters on grounds of national security. If a mistake were made in terms of mixed agendas where security issues were discussed at the same time as non-security issues then the government would be required to: 1. extract the security content, and 2. to re-argue the non-security content and publicize this.

A national information source

Our occasionally biased, partial and inconsistent approach to the collection and analysis of information for justifying legislative objectives and policy means needs to be replaced. It should be substituted by a fully comprehensive and objective system through which all relevant information on specific topics is made available to representatives and the public in an easily accessible form. To some degree this is happening by default through the development of Internet search facilities. However, search techniques can only provide access to what is accessible on the Internet and much of this is not in a format, level of detail, accuracy and precision or at a level of factual representation sufficient to meet the exacting information requirements for use in DABs to support legislation on more complex topics.

There is a need for a national source of information to improve the levels of support for legislative effort as well as informing the population and upon which can be established a will of the people. Such information needs to be managed so as to satisfy the specific objective of proposal evaluation leading to decisions. In order to safeguard the integrity and precision of such information very specific standards on what constitutes acceptable information quality are required. This sort of development needs to be designed to provide a substantive and unbiased support to decision-making in general, to act as a reference source for designing as well as analysing proposals on the part of the executive, members of Parliament and the public.

It is proposed that the national responsibility for this exacting task, combining a high degree of expertise and independence from government, would be one of the functions of a new House of Lords.

The House of Lords

Improving the relevance and quality of legislative proposals & decision analysis leading to a vote

The institution of the House of Lords needs to be strengthened in terms of its role in scrutiny of legislation, overseeing and administering the law and ensuring that legislation meets minimum standards of justification, compatibility with existing laws and upholds the minority principle (see Chapter 30, Sovereignty).

Law

On the other hand, there will remain a considerable amount of work to do in indicating where redrafting of laws to ensure cross-compatibility between existing laws is recommended. This should also include indicating where removing legislation, made redundant or which acts in cross-purpose to the minority principle is recommended (see Chapter 30, Sovereignty).

A case in point - confusion over human rights law

Paradoxically, in spite of the fact that the United Kingdom has transcribed a version of the European Human Rights Act into UK law, governments have had difficulty with some human rights case decisions. Some politicians have threatened to work towards overturning human rights legislation. In this furore, judges have been criticized for applying the law as they see it. The fundamental issue is the apparent conflict between recent legislation addressing aspects of control on terrorism with longer-standing legislation on human rights. This seems to reflect the non-existence of appropriate standards of analysis in the process of legislative design thereby suggesting a waste of Parliamentary time.

The mapping & overlaying of legislation

There would appear to be a role for the House of Lords to compensate for the failure on the part of the government to overlay new legislation over the maps of existing legislation. The purpose of such an exercise is to detect redundancy or to point out potential instances where one law might conflict with the objective of another one.

The recent unexpected outcomes of some cases related to foreign offenders and potential terrorists who were released on the basis of human rights provisions are an example of the failure of government to complete adequate analysis. If concern with terrorism is such a priority for the government then mapping and overlay exercises can provide a means of predicting the sorts of decisions judges could come to in such cases.

On the other hand, all cases where potential punishments accompanying legislation exceed a specified threshold then trial by jury should be an absolute requirement in order to provide adequate oversight to prevent arbitrary decisions (see Chapter 28, Juries).

Pinpointing judge proofing

Legislation should not be so detailed and bound that it leaves no discretion for judges since this also risks jury nullification. Part of the legislative review process should be to pinpoint obvious attempts at judge proofing of laws by government. This is an exacting and time-consuming task requiring legally qualified input and therefore this should be undertaken in the environment of the House of Lords. This work would be managed under the leadership of a senior judge appointed for this purpose by the House of Commons, which would also form a committee to whom this judge would report progress.

The output would be reports pointing out when change is considered to be beneficial to the management of the law but without removing essential provisions. Such reports would be reviewed by representatives and the executive and they could be used as justification for the proposition of specific acts for amendment or removal from the statue books.

Legislative input

The executive and Parliament might have individuals who are knowledgeable about the various legal domains of the United Kingdom. However, the levels of expertise and reflection required for such legislative processes would indicate that there is a need for this to be an independent and dedicated activity of overview of any new legislation in order to ensure compatibility with existing legislation.

This form of scrutiny, as a continuation of their role in this function, should be carried out by members of the Lords who should be able to call upon senior Judges for their opinions on aspects of detail.

High court

The role of the House of Lords as a high court was terminated with the implementation of a new Supreme Court, envisioned in the Constitutional Reform Bill of March 2005 (36).

Minimum standards for legislative processes

It would be a great benefit if the House of Lords became an independent centre of excellence in information management with the objective of improving the quality, objectivity and feasibility of legislative proposals. This function could be managed through a new Communion Information Service (CIS). So as to avoid duplication of efforts, this function would absorb National Office of Statistics and involve contributions and advice from professional institutes, academies, societies, academic institutions and other centres of expertise. All contributions must be geared to the practical ends of the CIS as measured by the quality of relevant information for the CIS constituency, the people of Britain.

An important function of the CIS would be to provide a reference section on all practical approaches to analysis and a central reference centre on decision analysis.

The CIS would provide a more effective, precise and relevant service than can be achieved through so-called search functions on the Internet because the information handled would be specifically designed to serve legislative purposes. The key document for legislative proposals is the Decision Analysis Brief (DAB) with high information quality standards seldom found on the Internet. The CIS should establish ethical standards concerning the need for minimum but clear content standards on any commissioned work and reports to provide an objective transparency for all persons receiving and making use of reports issued by government.

The CIS should monitor advances in state-of-the-art practice in all domains with a responsibility for making available up-to-date data, information and accumulated knowledge of adequate precision and accuracy and accessible in an appropriate way by the public, schools, universities, institutions and members of Parliament. This activity should involve appropriate arrangements for the involvement, in terms of advice as well as services, of existing institutions concerned with professional advisory services, standards and ethics.

Civil service

Naturally major users of CIS information, and indeed contributors to it, should be the civil service departments. The CIS activity should contribute to the opening of a front to establish consistently high standards of information quality and analysis applied in all civil service departments and especially with regard to policy proposal development.

Scrutiny

In addition, a specialized committee drawn up for each legislative effort would have the role of examining information vetted by the CIS for accuracy and relevance to the legislation in question as well as in terms of its use as evidence in argument. The committee would also ensure that an appropriate decision analysis has been undertaken on each legislative information area including the identification of options. They would undertake this work on each Decision Analysis Brief (DAB) released by the executive. Naturally this process would also be used to detect any cases of intentional or unintentional bias, errors, questions of acceptable levels of data precision and representability.

Social comity & secularity

The role of the CIS is fundamental for the creation of sources of objective information for the development of evidence-based as opposed to declarative arguments and this is an essential foundation for defending secularity as well as helping sustain a productive social comity.

Strengths

The House of Lords is generally accepted to be an assembly made up with people with a sound experience in many areas of life and standards of debate and information issued is of a high standard. It would therefore seem to be a rational move to build upon this very long and stable track record in a way that does not divert energy from these functions but rather strengthens them. Therefore, the suggested Communion Information Service functions would need to be introduced in a way that complements ongoing work. It is important to ascertain in which domains there is a need for more members with a life-long and proven experience. Thus, membership of the House of Lords could be based upon merit with no bias towards political experience but rather towards practical experience in the operational and management side of different domains. For these CIS functions the House of Lords would therefore not have a typical career structure but would recruit people who have attained some considerable experience. This could signify some career streams with older-than-normal entry and retirement thresholds. Retirement should be related to health and capability criteria.

The overall management of CIS resources would be divided between different domains over which key members of the Lords would have the responsibility of reviewing and reporting upon what is available, supported by CIS staff.

Seed money for the CIS

Political parties who have demonstrated a marked incapacity to managing information and they tend to embed bias. It would seem that the £150 million currently provided over the electoral cycle to political parties by the state would be better spent on the activities of CIS.

An "all European legislation" filter

All European legislation, including secondary legislation should be laid before an independent Lords committee for scrutiny and legislative mapping. Clear documents should be prepared concerning their content and significance and this documentation should be lodged in a

publicly accessible location at the CIS. Publicity at national and local levels should be provided concerning the content.

All such legislation should be presented and justified by the Minister responsible for the domain where the legislation will apply and it should be reviewed in Parliament and voted upon. No default ratification would be permitted on the basis of time limits for comments. Indeed, legislation would only be ratified on the basis of review, comment and vote in Parliament.

No more stealth legislation

The objective of this approach would be to stop any stealth legislation by replacing this with a responsible legislative review of every piece of legislation. The people of the country and relevant sector actors should be adequately informed about legislative proposals from any source and before any voting takes place.

Principles of constitution

The concept of an "unwritten constitution" serves as a justification for no attempt being made to summarize the main principles supporting individual freedom in the United Kingdom.

It would seem to be a worthwhile project to prepare a concise document entitled "Principles of Constitution" which summarizes the key existing components protecting individual freedom. Where some are precedents are highly significant, consideration might be given, as a separate exercise, to transcribe the principles involved into law through specific legislation.

Whether or not this legislative action is taken, a short document on the Principles of Constitution would, it seems, be a valuable addition to the sort of information to which the people, their representatives and the executive should have access. Indeed, such a document would also serve a useful purpose in helping young people understand some of the significant aspects of the British constitution. Naturally the status of such a document would not be that of a law but only be used for guidance and information purposes.

The constitutional role of the new House of Lords

The fundamental role of the House of Lords should be that of an independent institution at the heart of governance responsible for oversight of legislation and information quality standards. The more independent this institution becomes from political parties, Parliament and the government the more effective can its contribution be to legislative processes through scrutiny as well as the organization and provision of access to the highest quality of information. Such independence would be automatic in any case since the whip would be banned under the minority principle. Those members of the House who wish to continue to adhere to party dictates would be acting illegally and would have to relinquish their positions.

One constructive view of the role of the new House of Lords would be that of a "constitutional court" operating at a lower level that the High Court and dedicated to ensuring the highest levels of adherence to standards of legislation and preparation of propositions which consider the full and known facts on any particular issue.

Juries

Resisting acts to destroy trial by jury

There is no doubt that recent moves by governments to reduce, rather than increase, the role of juries is perverse and pernicious to the cause of the defence of the individual freedom of the people of Britain. Such moves are an attempt to undermine a valued process which cannot be disputed to have made some of the most important contributions to what we take for granted as expectations of behaviour, rights if you will, in free democratic societies. A call to reduce or to get rid of juries should always be regarded with suspicion as to the true motivation of those who advocate such action. With no juries there are no other effective constitutional provisions to defend individual freedom. The vitality of juries and their resounding success is well established. It is only the jury, amongst all institutions making up the constitution, which by involving the community conscience has both the mission and the undying motivation to defend individual freedom against arbitrary decisions. This role is so fundamental that we need to acknowledge that the operation of trial by jury, in itself, is a fundamental human right.

Extending the role of the community conscience

The number of instances in which civil penalties include loss of liberty and fines has increased and under some statutes the procedures applied to enforce legislation can end up being a de facto extra-judicial punishment involving the confiscation of assets, including homes and land to pay for the very enforcement procedures carried out against the individual or family concerned.

Trial or appeal by jury needs to be introduced to all criminal and non-criminal areas of law where the individual or individuals concerned risk losing their liberty for any period of time, or where they risk losing assets, land, home and facing heavy fines. The determination of risk facing an individual is not just an issue of reviewing a schedule of punishments according to the offence. It is also necessary to remain aware and to determine the resulting financial impact of possible prejudicial enforcements. These can result from conducting enforcements in such a way as to constitute extra-judicial punishments. This can be undertaken by executing agencies with authority for administering punishments.

The Communion Right - a universal right to trial by jury

It is proposed that on the occasion of the birth of any child they be given a Communion Right (see Chapter 30 on Sovereignty). This undertaking cannot be withdrawn on any basis or by any means and would provide every citizen with the right of trial by jury, where appropriate, at any point in his or her life.

The question of costs

The fundamental function of the Communion Right is that it will be applied at the request of the individual citizen. It must respond to any claim to innocence. When the Communion Right is called upon jury costs will be incurred. However, by making juries available to a wider range of criminal cases as well as a significant range of non-criminal cases this removes the, sometimes easier, option of appearing before a judge sitting alone or a magistrate. This encourages many cases to be settled out of court on an amicable basis (81). Accordingly, the existence and normal application of the Communion Right should not result in a rise in the cost of justice even with juries being available across a broader front.

Funding the guarantee of trial by jury

With the wider availability of juries, the majority of those cases proceeding to a trial by jury would tend to be the more serious cases and normally those where the accused is upholding their claim to innocence. Each instance will incur costs. It is therefore necessary to ensure that the Communion Right is properly funded and in a way which makes the necessary funds available to pay for juries when they are required.

Financial formula

Naturally, individuals will vary in the degree to which they will ever need juries. Most people never go to court whereas others may go several times during the course of their lives. This is a matter of statistical record. Therefore, the financial formula used to pay for the Communion Right to trial by jury should be based upon a financial formula which sums the product of the average number of people in the population who are involved in cases justifying a jury, the average number of days juries would need to attend court and the cost of the jury (106).

The costs involved include paying jury members a daily allowance during the time they are not at their regular work and attending court as well as a per diem payment for food and local travel. The fact that jury members are selected from the locality where courts operate normally means transport costs are not a significant issue.

The cost of funding the Communion Right would be a sum borne by the state and invested so as to remain inflation proof and adjusted for the variables making up the financial formula. In essence, there would have to be adjustments made to reflect the "trade" in Communion Rights with those who need to use the facility more receiving credit from those who use the facility less.

Another basis for calculating the "value" of having a jury is the economic opportunity cost of not having a jury (107).

Prejudicial enforcements

Prejudicial enforcements (45) can impact innocent people in a harmful way as detailed under the juries section of the majority principle in chapter 10. Most statutory appeals do not benefit from a jury and enforcements do not need a court order. There is a need for a protection order for those at risk from any potential enforcement under which the agency responsible for enforcement should be obliged to provide more effective assistance to resolve the issue. Any intention to undertake any enforcement should be preceded by a determination of the potential quantitative financial loss and thereby establish, against low prejudice thresholds, whether or not an appeal with a jury is required.

Swift resolution

In those cases of misapplication of the law or where the specific circumstances of someone result in their being harmed as a result of the application, then a speedy resolution is essential through an efficient appeals system. This is needed in order to uphold the popular perception that government serves the people through a speedy and just relief. Actions should always demonstrate that the constitution is tilted towards the support of the free will of the people based upon principles designed to protect individual freedom. The system should not only sustain this perception of fairness but it must also act on this basis.

"You can't do anything, it's statutory ...."

Too often people are told that they have to undergo an enforcement or pay a fine "because it is statutory", as if they have no right to complain about an unfair imposition from some absolute authority. The administration of law, that is the processes overseeing its application through, for example, local government, specialized agencies and others, should have internal pre-application appeals structures. These must respond to anyone's complaint that subjecting themselves to a legal provision will have harmful effects, then an internal appeal by the administrator should be undertaken to resolve the matter.

Automatic and continuous process of resolution

If the matter cannot be resolved to the satisfaction of the individual by the agency, then a formal appeal process should be available for use by the individual concerned. In all cases the resolution of either type of appeal needs to be achieved within a short period of time, in the spirit of "justice delayed is justice denied", but more specifically, to avoid prejudicial prevarication.

Prejudicial prevarication

Prejudicial prevarication (42) is a means of inflicting extra-judicial punishment on complainants through failure to give due and timely consideration and response to complaints. This can result from highly selective responses to presented evidence, responding only to the weaker points of the complainant's argument and ignoring the more potent, the failure to answer direct questions, the keeping of essential information from a complainant or out of sight and generally delaying response and process to an unacceptable length of time thereby encouraging some complainants to abandon their cause.

Such prevarication constitutes a form of extra-judicial punishment and can cause stress and frustration for people and their families even when they have valid complaints. Whereas delays can be the result of poor procedures, lack of staff and court resources, there is no doubt that such abuse can be, and is, applied with intent by officials.
All procedures, staffing and resources for courts need to be reviewed with the objective of removing these as specific causal factors of prejudicial prevarication.

Law at law

Avoiding prejudicial prevarication points to a need for the court system, the judiciary and indeed, juries, defence and prosecution counsel and expert witnesses not to be considered to be above the law especially in their conforming to any legal provisions directed at preventing prejudicial prevarication.

The full rights of juries made apparent at each case

The full scope of the role of a jury needs to be made explicit to the jury members at the beginning of every trial by jury and before any involvement of the prosecution, defence or complainants. Judges should be required to make clear their role to decide the facts and guilt on the basis of unanimous decision as well as having the right of nullification of the law in the case in questions by declaring "not guilty".

A jury of peers

More effort needs to be made to determine a practical basis for ensuring that the makeup of juries become more reflective of those involved in cases so as to ensure a better approximation to the original concept of "a jury of peers".

Standards of evidence

Clearly, if we are to insist that people be protected from extra-judicial punishments resulting from prejudicial prevarication, it is necessary to do all that is feasible in order to facilitate the work of the judge and the jury to help them follow arguments and to understand the presentation of counsel. This, as in all other cases, can be assisted through sound guidelines on acceptable standards of evidence and an insistence on clear and logical evidence-based argument on the part of counsel. This can also raise the question as to the right of both judge and jury to cross-examine counsel, on both sides, on the clarity of relationships claimed to exist between evidence and arguments.

A comment on standards of evidence

The problems associated with evidence and argument based upon simulation models, expert testimony and horizontal methodologies and semantics have been reviewed in the Chapter 20, The Case for Juries.

Decision analysis

It would seem that considerable benefit might be achieved by applying some form of decision analysis (92) to the preparation of case evidence, on the part of prosecution and defence. As a basis for improving standards of evidence, it could contribute to the determination of those information components over which there is no dispute. This can then bring a more intense scrutiny to bear on the methodological analysis and quality of the remaining evidence and arguments.

Case review

Currently there is a Criminal Case Review Committee (CCRC), an independent body set up to review possible miscarriages of justice in the criminal courts of England, Wales and Northern Ireland. This Committee can refer appropriate cases to the appeal courts. The CCRC was set up in 1997 as an outcome of the 1995 Criminal Appeal Act crated because of a range of incorrect judicial decisions.

With the massive growth in statutes and the possibilities for prejudicial prevarication and/or prejudicial enforcements suffered as a result of rulings, which have not enjoyed the benefit of a jury, there is a need for case reviews to be extended into statute (non-criminal) cases.

This could be organized through a similar institutional set up to the CCRC or perhaps through an extension of the CCRC activities into the civil sphere. If this were the option selected it would be advisable to undertake an independent review of the effectiveness of the CCRC in carrying out its duties.

Jury representation and exposing facts of case failures

There is a need for the institution of juries, that is groups of citizens who make up any specific jury, to have access to competent investigative legal counsel and representation. This is an essential requirement in those specific cases where complex cases collapse. Under such circumstances there are invariably unjustified allegations concerning the competence and the costs of the jury with the implications that they are to blame for the case collapsing. Juries have, in the past, been in no position to defend themselves because of the nature of the juries as independent individuals and because no such investigative service exists.

Such a representation and advocacy for juries should be charged with the responsibility to provide transparency on the reasons why specific cases fail. This service would be provided

by the equivalent of the sovereign state, the Communion as an entity entirely independent of government and Parliament as explained in Chapter 30, Sovereignty.

Juries, that vital constitutional asset

Lord Devlin's views on the jury, as being more than a vital constitutional asset, rings more true today that ever. With a Parliament totally subservient to the head of the government and with politicians pressuring to remove the right to trial by jury we need to heed his visionary statement: (108)

"The first object of any tyrant in Whitehall would be to make Parliament utterly subservient to his will, and the next to overthrow or diminish trial by jury. ... (it) is more than an instrument of justice and more than one wheel of the constitution: it is the lamp that shows that freedom lives."

Life

The application of the minority principle by the four tribunals[4] would bring them into line by supporting the individual freedom of expression and preferences of the population in the tribunal of life.

With free and faithful representatives, voters would no longer have to face manifestos with multiple proposals requiring pre-decisions based upon deficient information.

Parliament would be supreme and represent the free will of the people. Governments would be selected on the basis of a wider pool of talent by making all community representatives in Parliament eligible for ministerial office. Constituencies losing representatives to ministerial office would be afforded the opportunity to elect a dedicated substitute representative.

The executive would submit their proposals to a free voting and separate Parliament made up of constituency and not party representatives. All legislative proposals would be reviewed with fully comprehensive information free from partisan bias. There would be no ability to precondition proposals towards centralized operations. Representatives in their Parliamentary voting would, in general, converge on freely formed common preferences for policy solutions.

There would be no more corrupting patronage, whips and representatives would defend the independence of the views of their constituents and vice versa.

Information provision and quality on all matters would be of the highest order.

Political arguments would be evidence-based in place of declarative and conviction-based assertions thereby opening up the opportunity for rational discussion.

Minority groups, minority viewpoints and religions would be protected during legislative process and under the application of the law.

Stealth legislation will cease to exist with all legal acts from any source being subject to adequate scrutiny, presentation to the House and voting.

Juries would be introduced to all areas where punishments exceed minimum limits (to be established) including imprisonment or detention, risk of loss of home, assets or fines.

The provisions for protection of individuals and families under the system of justice would be guaranteed by the right of all to trial by jury under the Communion Right. The expansion of availability of juries would encourage a larger proportion of disputes being settled out of court with juries being used in the cases which merit such attention.

Cases of extra-judicial punishments resulting from prejudicial prevarication and enforcements would end.

British citizens would receive the full protection of habeas corpus and the jury in any case of extradition and in particular the European Arrest Warrant and any other equivalent legislation.

[4] The four tribunals are the General Election, Parliament, The House of Lords and Juries; The fifth tribunal is life itself life composed of the accumulation of experience and personal conclusions concerning all matters.

The operation of the minority principle would rid the political system of the 49 elements of injustice and suppression of individual freedom identified under the operation of the majority principle.

Sovereignty

Sovereignty is a significant issue encompassing the identification of who or what possesses supremacy over different types of autonomous power in government and the affairs of state. It relates to such matters as the role of the Sovereign, the supremacy of Parliament, already reviewed in some detail, to the substantive issues the representation of the people, the relationship between the people and the state and external factors which can threaten individual freedom, social comity and secularity. These matters are reviewed in this chapter to call attention to several unresolved issues related to sovereignty.

Sovereign

The role of the Sovereign, following the Second World War, seems to have become more ceremonial whereas there remains an enduring impression that Queen Elizabeth II continues to take her coronation commitment as seriously as she did on the day. There are now areas of concern where this erosion in the constitutional role of the Sovereign has led to a significantly weakened representation and protection of the individual freedoms of the people of the country. These areas are reviewed under:

- petitions
- representation of the interests of the people
- representation of state
- upholding the security of fundamental freedoms

1. Petitions

In the English Bill of Rights (1689) the people were provided with the right of petition on the basis of an appeal to the sovereign, concerning, for example, some act by government harming an individual or a group. Unfortunately, for some time now, petitions sent to the Queen simply end up in the government department responsible for the issue being complained about. The sum total of the response received tends to be a standard cut and pasted non-committal letter to the sender of the petition stating government policy and "noting" the content of the petition. This civil service departmental "deftness" in handling of petitions is an insult to any individual who has taken the trouble to organize one and indeed, to all who signed the petition. To the extent that the Sovereign represents the people of the country then there needs to be a response engaging the concern expressed in a petition. Any petition should be assessed in terms of the significance and any degree of harm government actions might have caused. Petitions of merit should be managed through a competent legal process independent of any political party.

Is this the job of the civil service?

Under such circumstances the civil service is being employed as a device to distance the public from responsible individuals in government. It should be an underlying role of the civil service to ensure transparency for and to government activity. This role of proactive stonewalling and prevarication, which in some cases can have prejudicial outcomes for the petitioners, is completely unethical. It is not the job of the civil service to work as "bouncers" getting their political masters out of holes they have dug for themselves. On the other hand, if such holes were dug on the basis of inappropriate civil service advice then the particular civil servants responsible for such advice need to be identified.

No independent oversight

As things stand, rather than undergo a legitimate independent oversight of their behaviour requested by citizens, the government of the day, that is a political party, gains direct access to the petition, the name of the person who sent it as well as all who signed it. They pick up some intelligence on the degree of understanding and feeling of named people on a specific issue concerning them and then do nothing about it. They somewhat cynically, dispose of petitions through predictable non-committal replies and by archiving them. One aspect of their tendency to ignore petitions seems to be related to the fact that often they do not represent, as far as the government is concerned, a significant number of people, so they can be ignored; several petitions are signed by more people than there are members of political parties who establish government policy or run the government.

Recently the government set up an online petitions site at a web site known as Number 10. But given the track record of the government, and political parties in general, on petitions, this has to be considered to be the height of cynicism. Now the standard letters go out by bulk email broadcast and have the Prime Minister's name at the bottom.

The most generous view of this petition site is that it helps the government find out what people are thinking.

2. Representation of the Interests of the People

The serious erosion of expression of the free will of the people should have been the cause of a sovereign questioning the system. If this was ever done, it does not appear to have been reported anywhere. But political parties have created a trap whereby any such questions can be kept at arms-length by referring to the "convention" that the Queen should only decide on matters after taking the advice of her ministers; members of a private political party.

Trust us!

The erosion of expression of the free will of the people resulting from the manipulations of political parties is an ever-present danger able to spin out of the control of the people. Many examples exist in the form of the horrendous impact of the Communist, Fascist and Nazi political party complexes on the lives of people in so-called democracies lacking the practical means to protect themselves from such excesses. Naturally such a statement offends British politicians who assert that people should trust them and their good sense to assure the people of the United Kingdom could never suffer such a fate. This is a dangerous naivety for their behaviour has proactively undermined individual freedom exhibiting all of the tendencies and preconditions necessary for such a disaster to occur.

To be above politics

Another general sense, a concept, used to prevent the Queen making any direct comments on the state of affairs of the people she represents, is the statement that Sovereign should be above politics and therefore she should not make political comments.

Politics & state

In terms of English language usage, politics is about the organization and affairs of the state, its administration and the functioning of a Parliament as the forum within which the representatives of the people deliberate. Elections, another component of politics, are the process whereby representatives of the people are selected.

The origins of sensitivity

There is nothing in the common understandings of the meaning of politics, state and elections which justify any sensitivity if a Sovereign chooses to comment on anything which seemed to be in the interests of the people of the country, such as an unnecessary imposition on some aspect of life or even a good idea as to how we might improve some aspects of life.

The real source of sensitivity to comments by a Sovereign is that political parties have taken it upon themselves to embody politics. In other words, they do not consider politics to be the organization of affairs of state and administration on behalf of the people but rather the terrain within which they manage the affairs of political parties. They do not see Parliament as the forum within which free and faithful representatives of the people deliberate but rather where political parties confront, or collude with, each other. They do not see general elections as the process whereby faithful representatives of the people are selected but rather it is a process whereby the people select policies on the basis of pre-decisions and representatives of the political parties by default. So, in the minds of politicians, politics, and everything connected to it, involves first and foremost political party interests.

This interpretation of "politics" is understandable on the part of political parties. But the problem and seriousness of this interpretation does not just rest there.

3. Representation of State

This possession, by a private organization, of power over the affairs of state represents one of the most troubling aspects of how the Sovereign's role as head of state, including functions of representation, has been undermined. On the other hand, the presumption that our form of democracy has moderated the influence of the Sovereign by substituting this with the will of the people is plainly a misrepresentation of the facts. The processes of representation of state have been manipulated to become a mechanism to serve the specific interests of private political parties and not to represent the people or the Sovereign.

There are many examples of how this has led to a presumptive and arrogant behaviour on the part of political parties. For example, this can be seen in elected and unelected party members accompanying representations abroad at public expense.

The Prime Minister can make envoys of literally anyone, including unelected party members, and has done so. For example, the main unelected Labour party fund-raiser was made an envoy to the most sensitive area in foreign affairs, the Middle East. This wholly inappropriate decision served to transmit unfortunate signals on the standards of a representation of the people of Britain by conveying an image of possible conflicts of interest (109)

Ministers or MPs of high rank can and do spend too much time being entertained by or as guests of people with a major commercial interest in some initiative in the United Kingdom over which the government (party) has a direct influence.

Ministers use their status to give speeches to businessmen at highly priced breakfasts and other sessions and the money goes to their party. This, leverage of state position to the benefit of the political party, even takes the form of letters to politicians in other countries recommending a favourable treatment of the commercial interests of a company, the head of which has supplied a generous contribution to the political party concerned (110).

Political party collusion in corruption

A contract for the provision of largely fighter aircraft to Saudi Arabia initiated under the Conservative government (Al-Yamamah contact) represents a case where it is alleged corruption has continued under whatever political party happens to have been in power. Amongst the more notable allegations is that a pool of public money was generated by charging an excess of around 30% over the normal price for the fighter aircraft, the Ministry of Defence (MoD) instructed the contracted company, BAE, when to pay quarterly "support services" to a Bandar bin Sultan the go-between on the contract and who to date seems to have received well over £1 billion. The head of MoD unit concerned is a former employee of BAE working under the arms sales minister, Lord Drayton. Drayton gave the Labour party £500,000 after being made a peer in 2004 (111). He is reported to have been associated with the Oxford Said Business School whose benefactor, Wafic Rida Said provided that £20 million matching donation for the school. Said is also reported to have been Bandar's aid in negotiating the Al-Yamamah contract. That Tony Blair made Lord Drayton arms sales minister can hardly be considered to be a coincidence. Such encapsulation of such deals by a tight fit cabal is a key tactic used to secure as full a control over information flow as feasible.

These factors point to other wider dimensions to political corruption making the "cash for peers" issue a small sideshow in comparison. Through corporatism political parties can arrange for conduits of payment back to political parties or agents. In essence the process launders public contract funds into private funds and then channels payments through different vehicles or through "generous" individuals working for such vehicles to provide party donations. Here, corporatism not only controls, to a significant degree, leading politicians, largely in direct relation to their personal greed for cash, status and ambition to sustain power, but more ominously, they also, in an illegal manner, can influence key aspects of government decision making (112).

The flaunting of international agreements

In 1998 the British government signed up to the Organization for Economic Co-operation & Development (OECD) convention on anti-corruption. Before 1998 the events surrounding the Al-Yamamah contract may have been tenuously argued to be legal. If the allegations are true, it was not legal after the UK ratified this agreement in 2001. In spite of this the government stopped investigations into the affair being undertaken by the Serious Fraud Office who were analysing relevant Swiss banking transactions. This intervention was justified on the basis of national security. It is alleged that just before this decision, Bandar, as the new Saudi head of national security, visited Britain and Switzerland where much of the financial management was being administered by a Swiss-based bank.

The outcome has been that the British government has caused disappointment on the part of those in the international community who thought that the country would establish a robust example of a stand against corruption. The US Department of Justice will be under considerable pressure from BAE aerospace competitors, as well as factions in the US Government wishing to establish robust anti-corruption credentials for the US, to investigate this affair. It is reported that Bandar used a Washington-based bank account in association with this affair. The Americans already have considerable account activity information gathered under anti-terrorism. If the US investigation proceeds, the UK government's scuttling of investigations will be to no effect. In the American jurisdiction the alleged events, if proven to be true, involve prison sentences.

Such overt self-serving manners seem to be second nature to British ministers of state and politicians but this unscrupulous behaviour constitutes a constant source of embarrassment for the people of the country. One wonders of what can be the origin of such wanton behaviour void of notions of appropriate ethics in the conduct of affairs of state. The resulting confusion between the private interests of politicians and political parties, of the people and of the state

reflects a complete lack of propriety. This sets no example and projects an unacceptable image to the world; British politicians have no brief or mandate to act in this way.

4. Upholding the Security of Fundamental Freedoms

The significance of sovereign and state

As a result of untrammelled actions of political parties the role of Sovereign and significance of state have been sullied and corrupted. The current Monarch can do little about this since the situation is that everything decided has to be undertaken following consultation with "her ministers", that is, the political party in power.

However, the concept of the Sovereign as separate from the government and representing and defending the interests of the people is something of vital importance in any constitution aiming to uphold or increase the individual freedom of a people. The state, which acts on the behalf of a free people, nationally, within Europe or in other parts of the world, should represent the interests of the people on a legally based, convincing and transparent basis as opposed to the interests of a political party and its members who, after all, are temporary occupants of the bridge of the ship of state.

Currently we have a flawed system. People have no effective redress against the excesses of political parties in abusing their free will and individual preferences. In the same vein, the state whose offices have been taken over by a private political party with no effective electoral support, fails to rise to anything resembling a convincing status as the representative of the people of Britain.

These are not minor issues. Indeed, in the quest to establish constitutional proposals which can defend the people of the country from the current levels of abuse it is necessary to define the substantive meaning as well as constitutional roles of Sovereign and state. Any proposed improvements or substitutions should serve as the basis of the re-establishment of a better-defined role as components of a new constitution upholding and defending individual freedom.

Communion as the embodiment of minority principle

If there is agreement as to what needs to be sustained so that a people remain free, then the reason people stand apart from government to defend that state becomes more apparent and justifiable. One of the conditions that people remain free is that of ensuring the application of the minority principle. Thus, the concept of a distinct status or aspiration for the people to secure and remain free can be the embodiment of, amongst other principles, the minority principle.

A constitution should not be just a collection of legal documents since these cannot defend the people. A society organized to secure a freely expressed will of the people, free of factional impositions, needs to have a binding foundation akin to the inviolable sovereignty covering the physical territory within which people remain free. The word sovereignty does not, however, convey the sense required. The word Communion is suggested as a substitute. This term embodies the sense of a common interest and purpose of the people based upon freedom of the individual to participate and share. Therefore, to anchor this community-based purpose in the constitution it is suggested that an additional constitutional component be established as the Communion. Such a Communion would be the enduring and permanent representation of the interests of the people as distinct from any Parliament or government. The Communion would be the guarantor that Parliament and governments uphold all laws, regulations and rules which in turn should uphold the principles of the Communion of sustaining individual freedom by applying all relevant and agreed constitutional principles including that of the

minority principle. The intent would be that law, statutes, regulations or rules and no associated due process could exempt the action of any person from their obligation to serve the Communion by observing and upholding the embedded principles.

Some ramifications of the significance of the Communion

By embedding the minority principle, for example, the Communion provides an essential guiding principle in rationalizing the intent of decisions in so far as they impinge on individual freedom by ensuring that governance upholds the free will of the people. Mention has been made (page 294) of the potential role of the new House of Lords would be that of a "constitutional court" operating at a lower level than the new Supreme Court and dedicated to ensuring the highest levels of adherence to standards of legislation and preparation of propositions which consider the full and known facts on any particular issue. The Communion could play a supportive role by proactively monitoring activities of governance to ensure that in all matters the constitution is upheld; any infringements being passed immediately to a specialized "constitutional unit" within the Supreme Court, which would remain independent of government.

The law of sedition

The crime of sedition is defined in terms of agitation directed against the authority of a state's executive or conduct or speech tending to rebellion or breach in public order. Today we have an electoral system where a Prime Minister can effectively rule with minimal reference to anyone and enforcing unwelcome legislation onto the majority. This could be pushed to an extreme and the people of the country have no constitutional means to resist excesses. The only option left to the people would be to agitate against the authority of the government executive. The law of sedition is clearly out of kilter with the current reality facing the people of the country in which the executive repeatedly behaves in an arbitrary fashion by agitating against the individual freedom and preferences of most people in the country; a situation close to tyranny.

Building of a rational constitution to uphold personal freedom requires that the law on sedition relate to the condition of the people, that is the Communion. More specifically the law of sedition should be redefined to be any acts which agitate against the Communion and fundamentally anything which undermines or transgresses the principles therein and in particular the minority principle. Such a law would be enforced on anyone found guilty, before a jury, of transgression and this could include any member of the executive whose mandate can only continue as far as they comply with the rule of law.

Impeachment of government

Where a member or a whole executive transgresses Communion principles then the Communion should have the power to impeach the individuals in government responsible through a "Supreme Court Order of Impeachment", whose process should involve a jury, by relieving them of their duties or through an immediate dissolution of Parliament and the calling of an election.

Dissolution of Parliament

In the same manner, if Parliamentary processes, somehow, begin to undermine Communion principles then the Communion could dissolve Parliament and call an election through a "Supreme Court Order of Dissolution", whose process should involve a jury.

Agent or representative of the Communion

The Communion should act through an independent individual or council acting on the advice of the lower "constitutional court" elements in the House of Lords and the Communion and on the advice from the Supreme Court. Whether or not this would be a role for the Monarch or a presidential position, independent of any political party, is a matter for review and analyse. The Communion powers referred to are similar to those exercised by Queen Elizabeth II acting through the Governor General in Australia, in 1975, to dissolve the Australian Parliament and call an election (113).

Other issues related to sovereignty

Besides the specific issues more closely associated with the past role of the Sovereign there are other issues relating to the assumption of powers or the possible abuse of powers related to:

- economic activity monopoly
- legal & constitutional bases for government formation
- comity & secularity
- responsibilities and allegiances

5. Economic Activity Monopoly

This process of concentration of power in the hands of political party operatives has continued, it would seem, with no clear legal basis. It has culminated in political parties, as small private organizations, using general elections to secure the monopoly of running the state with direct access to the state budget.

Monopolies are evil

The dangers of private monopolies are well established and self-evident. Like any uncontrolled administration, monopolies tend to manage their affairs through self-serving arbitrary decisions harming the interests of the people. This is why in most areas of social organization, and in particular the economy, there is a proactive desire to monitor economic activities to prevent the formation of monopolies. Thus, a Competition Commission[5] (114) should review the potential harm of any private group whose investments seem to be increasing their control over the management of a single economic sub-sector. Similarly, at the European level trust-busting aims at controlling monopolies by overseeing corporate mergers and takeovers involving large national commercial concerns.

The biggest absolute monopoly in the United Kingdom

The British economy represents a production of around £1.4 trillion. This is more than 30 times the size of the whole manufacturing sector, let alone other sub-sectors where there may be active concern about monopolies. Under the British political system, the governance of the country, as well as the control of the management of the whole economy of £1.4 trillion, is handed over to a tiny political party. Such private groups, with insignificant management experience, also gain the direct management responsibility for a government sector of £590 billion making up some 40% of the gross national product, on the basis of a monopoly. It is

[5] The Competition Commission was a non-departmental public body responsible for investigating mergers, markets and ensuring healthy competition between companies in the UK for the ultimate benefit of consumers and the economy. The Competition Commission replaced the Monopolies and Mergers Commission on 1 April 1999. On 1 April 2014 the Competition Commission was replaced by the Competition and Markets Authority (CMA), which also took over several responsibilities of the Office of Fair Trading.

evident that Parliament has no means to control executive excesses in the management of this monopoly. The decision taken as to who is given the management of this monopoly is not based upon a very carefully planned selection of managers reviewing their experience and a track record of competence. This selection is made through our haphazard and completely inefficient and non-representative general election system. This is clearly as wrong as it is unacceptable.

Forget Clause IV - this is more serious

Anthony Crosland's observation than Clause IV was irrelevant because those who manage the economy have more control explains why Labour's "Clause IV moment" was no more than a sleight of hand. With pro-forma budgetary planning and a sufficiently centralized economy, governments achieve a far greater degree of control over the production of goods and services than Clause IV could ever have achieved. As has been described, political parties use this to lever their own party power. Political parties opposing Clause IV in the past considered it to be a usurpation of the right of the private sector to manage the economy. But the same political parties consider it to be their own preserve to control directly some 40% of the national economy on the basis of a private monopoly for their own political party through centralized policies if they become the government party. This illustrates a self-serving double standard.

6. The Legal & Constitutional Bases for Government Formation

It remains unclear as to the historic, legal and constitutional foundations whereby political parties as small private organizations have been able to redirect the representation of a free people to that of representing only themselves. They have taken it upon themselves to form secret corporate cabinets to make decisions and manage a massive state monopoly and budget, largely following the directives of a Prime Minister. In the recent past, it would seem that the economic decisions have even been out of the hands of the Prime Minister and have been limited to the Chancellor and a tiny group of advisers where the secrecy and lack of public access to information has remained even without the convenience of the excuse of cabinet secrecy.

Members of government were once selected from elected members of Parliament by the Sovereign but are now selected by the leader of a small private political party. This selection of government ministers is based upon party membership as opposed to competence. The process is inefficient and discriminatory.

The minority principle can unravel these damaging and unacceptable practices to a significant degree but until this is applied it would be as well to confirm the laws political parties follow in order to justify this unacceptable degree of deflection of the responsibility of representation of the people of the country to the particular and almost exclusive interests of private organizations called political parties and their members.

Doubtful traditions

It is no comfort nor is there any merit whatsoever in defending this state of affairs on the basis that this is how we have always organized our national affairs. This is an irresponsible stand when the population continues to endure a "system of democracy" unashamedly tilted in favour of the private interests of political parties and their adherents. These people fail to uphold electorate preferences and ensure that Parliament cannot be supreme and can never reflect the free will of the people; universal suffrage continues to be squandered.

7. Comity & Secularity

The importance of comity in sustaining social harmony was set out in Chapter 3 where emphasis was given to two constitutionally relevant levels of application:

- social comity
- comity of nations

Weak social comity as the origin of social conflict

Social conflict will arise when social comity is undermined. This can result from laws not reflecting the preferences of the electorate as well as the implementation of the law being subject to political interference. The origins of conflict under a decaying social comity relate directly to situations where laws are not implemented and/or where partiality is exercised in the application of the law by judges, magistrates, local authorities and implementing agencies, police and other security agencies.

The weak British social comity

Under British conditions there is only a weak social comity because the electoral system and legislative procedures, under the control of political parties, result in laws not being fully in accord with the preferences of the people. There are very obvious instances of specific groups of people being subjected to a persistently biased treatment under the law and these have been recounted in this book. This development and persistent discrimination founded entirely on the unfair application of the law creates and sustains conflict, it is perverse and it destroys social comity. In many instances where crimes have been committed, the Commission for Racial Equality has reported that individuals from minority groups will often suffer more severe punishments for the same crime than members of the mainstream community. There is therefore amongst minority groups a general impression, based upon evidence as opposed to imagination, that the law is not applied in an impartial fashion. This is a further source of erosion of social comity.

National solutions

The minority principle can contribute effectively to removing most of the sources of conflict from the national operation of the constitution and application of the law.

The comity of nations & the European Union

Chapter 3 explained that the comity of nations is the practice of the mutual recognition of the laws of other nations as far as practicable but in the case of the European Union we have a situation where there is an automatic comity of deference to European law in several areas of application.

Besides the issues of stealth legislation which has been addressed in the context of juries and the minority principle there are more serious emerging issues under which European Union "decisions" are increasingly at risk of undermining British freedom and social comity.

The consequences of recent European enlargement

In ten of the more recent accession states to the European Union, formally under totalitarian regimes, the law is undermined to varying degrees by political interference. It is only natural that the political allegiances, habits, inclinations and preferences built up over 45 years under a one-party state system have not disintegrated simply because these countries are now

members of the European Union. The application of the law by judges, magistrates, local authorities, implementing agencies, police and other security agencies is not impartial but are often influenced by corruption and direct meddling of politicians, political parties and even elements of the intelligence establishment. In the case of the European Arrest Warrant this has created an open invitation for a personal tragedy involving an innocent person. The recent enlargements have brought judges from these countries into the body of judges at the European Court of Justice (ECJ) and Court of the First Instance (CFI); this represents a threat to British individual freedom and social comity. During the last decade the ECJ has made noticeably more political decisions consolidating the political power of the European Union over member states; impartiality in decisions seems to be an increasingly rare item. Arguments that the ECJ usually is only involved in "neutral" issues related to market regulation and standards are misleading since decisions can create significant differential financial benefits to different corporations, and therefore political parties, depending on which way decisions go. The potential for corruption is enormous. The CFI on the other hand does hear individual cases concerning complaints against EU institutions and/or officials and civil servants.

The European Court of Human Rights (ECHR) serves as the institution judging human rights cases. The ECHR is not a European Union institution but rather is a Council of Europe institution where judges are recruited from some 47 countries. A large proportion of these judges are appointees of governments with horrendous human rights records (115).

Evidence of arbitrary decisions

The European Courts have no system of checks and balances. Panels of judges take legal decisions based on majority votes. There is no attempt to avoid arbitrary decisions. No use is made of independent juries. Majority decisions cannot remove arbitrariness in decisions since there can be no sense of decisions being "beyond reasonable doubt." One way to assess why decisions may involve less than a reasonable doubt is the existence of "dissenting opinions" written and made public by those judges who do not agree with a majority decision.

The CFI & ECJ shrouded in mystery

In the case of the CFI and ECJ there are no records of dissenting opinions and as a result there is a lack of objective information upon which to assess the level of impartiality or political bias in their decisions.

The ECHR - many decisions of doubtful validity

In the case of the ECHR there are many cases of reasonable doubt because there exist well-written "dissenting opinions" issued by some of the judges in the minority. Such dissenting opinions are well worth reading since they tend to be written by the more impartial and responsible judges. When a decision does not uphold a plaintiff's case such opinions provide clear statements of key legal arguments why so many ECHR decisions are biased and arbitrary. It is somewhat extraordinary that such views are so easily discounted on the basis of a "majority" decision.

The CFI, ECJ and the ECHR are entirely capable of passing down arbitrary and unfair decisions.

Europe's non-secular drift

European Courts combine a failure to safeguard against arbitrary decisions and a known decline in the standards of the judiciary risking an increasing lack of impartiality. This decadence is likely to shift decisions towards an absolutism marked not by strict codified

outcomes but rather interpretations with a tendency to nullify evidence-based argument in accord with less than obvious political or even religious interests. This insidious drift is a form of non-secularism with the highest courts not reviewing laws of the people which might arise from the preferences and the will of the people of Europe, but converge on the promotion of a codified dogma in the form of laws initiated by the European Commission and part of the stealth legislation system discussed elsewhere.

An example of the perverse nature of ECHR authority is in its support of religious persecution of Christians who wish to educate their children at home. The ECHR (18th September, 2006) upheld Germany's right to imprison Christian parents for educating their children at home. This only exposes the arbitrary and political nature of ECHR decisions opening the door to continued prosecution rather than protecting individual rights. In September 2006 at least 40 families in Germany were facing fines or time in jail and more have already fled Germany. Naturally no mainstream paper in Germany appears to have covered these events (116).

The British Constitution & a European Constitution

No constitutional solution can succeed until elections, legislative cycles and the application of the law uphold the preferences of the people. The proposals made in this book, and in particular the minority principle, can help move Britain in the desired direction towards a more harmonious social comity.

In the case of Europe however, it is somewhat astounding that in the extended discussions concerning a European Constitution, or any amending treaty, there is a failure to admit the degree to which of the judiciaries and the ECJ are compromised and with a tendency towards arbitrariness. Until this serious problem is solved, no serious discussion concerning an effective European Constitution is possible. No European Constitution can protect the freedom of the people of Britain and our social comity, let alone defend the freedom of the people of Europe or the social comity of any other European Member state. Without all European member states having the highest standards of impartiality and independence in both national legal systems and the ECJ there can be no effective European Constitution worthy of the trust of the people.

Complicating factor - extradition

Mention was made on page 104 of the arbitrary nature of the European Arrest Warrant (46) arising from the varying standards of independence of the judiciary, police, prosecutors and intelligence services from political parties in many European member states. Even on the basis of comity of nations or on the basis of the automatic comity of deference to European law the decision to ratify the European Arrest Warrant without adequate safeguards for those affected was an irresponsible act and it should be repealed.

8. Responsibilities and Allegiances

Some suggested responsibilities of the Communion

The Communion should not be a conceptual or ceremonial phenomenon but should serve a constitutional role of ensuring adequate checks on excesses and the provisions of means to control such excesses be made available in the name of protecting and defending individual freedom.

Essential functions should include its provision and oversight of a competent representation and advocacy service for juries with the objective of providing independent investigative support to provide transparency on the reasons why any specific cases involving juries fail.

Related to this it could also review and report to a judicial Parliamentary committee with follow up recommendations on the outcomes of jury trials concerning:

- quality of legislation through scrutiny of application of the law
- pointing out apparent mis-directions of cases which were nullified

Petitions

The Communion should receive and act where appropriate on petitions through an investigative unit able to act through the courts on any matters where the law has not been observed.

Standards & procedures

In terms of general standards in all public activities the Communion should monitor the activities of general elections, government formation, Parliamentary processes and the activities of the House of Lords.

The civil service

The Communion should ensure that the civil service becomes more independent of politics and more concerned with efficient administration. This also requires a major initiative in introducing as a normal practice the use of the highest standards of information and adoption of robust and relevant methods of analysis. The civil service needs to be an effective agent in checking the veracity of all information released in the interests of raising transparency between the electorate and all agencies of governance and to establish coherence between "public" information and the information used in decision-making by government.

Legal & career protection for civil servants

In order to strengthen the quality and independence of civil service operations there needs to be an external administrative investigative unit. This could be linked to the "constitutional court" operation at the House of Lords and under the authority of the Supreme Court. This would follow up complaints by the public or civil servants on possible breaches in the law by civil servants, of any rank, as well as members of the government. This could make whistle blowing unnecessary since all issues raised should be dealt with. However, whistle blowers can suffer impacts on their career prospects. Therefore, where a civil servant considers that his or her actions in reporting misdeeds has or could compromise their career prospects there should be a means whereby an inspectorate, linked to the constitutional court, prevents this from happening by tracking and reporting on subsequent progress. There will always arise situations where an experienced civil service manager will wish to prevaricate by not recording complaints and also by not recording his or her promises to act. However, anyone wishing to whistle blow should ensure there is a record of attempts to report internally and that these were ignored. Therefore, where a manager is prevaricating the civil servant concerned should make his or her own records and after an appropriate delay to allow time for a response, he or she should be encouraged to whistle blow. Whistle blowing can be made to any relevant external body including the media. Where a manager has been found to have failed to record or act on a complaint this should be treated as an offence subject to legal sanctions.

The Communion should monitor the activities of the civil service in terms of standards, performance, ethics and basic resource needs. The Communion should also investigate any reports from any source on political corruption and follow up questions raised under national audits.

Domestic & international security

The Communion should have oversight of intelligence and counterintelligence activities operating at national and international levels. The Communion should also oversee policing, prisons and run an annual review with recommendations on best community practice and in particular assessing questions as to justifications for punishments, justifications for types of punishment as well as the probationary services.

Allegiances

The institutions with their first allegiance to Communion, represented by its head and whose operations should observe the law, remain impartial and independent include the judiciary, the civil service, the police and the intelligence services.

A Constitution Closer to Home

And what of families in the tribunal of life?

We set out at the beginning of this book to explain some basic issues such as how people's basic expectations in life are established through their family culture and later experience of life. All people are aware of a range of commonly understood and accepted standards of behaviour representing, on the basis of the free expression of each, a basis for collaborative and peaceful coexistence. As has been emphasized this rich culture of expectations, of what is normal, remains a code of practice deeply ingrained in the soul of each person; unwritten but understood by all.

People instinctively know when government is imposing on their individual freedom. These impositions can take the form of the introduction of unwelcome legislation made possible through a poorly devised electoral system, by the forcing of this legislation through Parliament or harming people as a result of arbitrary legal decisions to enforce laws. At the moment people can do little to defend themselves against such abuse.

This is no longer acceptable when one considers that the government should govern at the pleasure of the people. Political parties do not possess the intellectual power or the motivation to enable them to have a more practical view of affairs than the population at large. There is therefore no justification for them to hold the electorate at arms-length in a patronizing fashion. It is not right that they divert resources to their own meritocracies whose contribution is so mediocre. This tendency towards serving their own faction, providing status to a fabricated elite, only reduces their service to the people of the country. The whole structure and relevance of government has drifted further and further away from the hearts and the minds of the population. The tribunal of life seems to have concluded that political parties serve their own interests and are therefore of declining relevance to the people. But politicians exhibit a collusive behaviour in avoiding any propositions likely to upset their lifestyle and personal objectives. It is as if politicians consider they have some divine right to achieve their own personal objectives while not expecting such a right to be one enjoyed by the people they are considered to represent.

Many journeys to there and back

Indeed, we are in a dangerously apathetic situation where politicians seem to regard people to be bound by a duty of loyalty to democracy and, blinded by their enjoying universal suffrage, to be no more than election fodder. People are expected to vote and then remain in a state of apathy silently enduring political party excesses and failures. It is as if the population is expected to make many journeys to there and back. No one is clear where "there" is but all know when they are back because there is another general election.

Faithful representation

This persistent ongoing prevarication preventing the people and the families of this country from having a free Parliament must end. Above all it is clear that there is a need for constituencies to have faithful representatives who are dedicated to the people based upon mutual trust.

The family

It is of importance that the representative of a constituency is approachable and someone to whom all can relate. An effective representative should try and involve the constituency on the basis of providing appropriate information and asking opinions. The subject matter should be

issues of interest to the community without any overbearing presence of promotion of interests of national factions, political parties or political philosophies.

It is important that all, including the young, witness local and family involvement in discussions on topics as well as their final transparent reflection in Parliament. This, with time, can help develop a sense of a more palpable participation and social responsibility of those of voting age in matters of importance to the community.

It is of some importance that young people sense that their parents are not only important to them but also to their community and therefore the country. Their witnessing such activity can help develop a practical knowledge and awareness of their own significance as future contributors to social questions, in political terms at least, as voters. Thus, the question of attaining voting age gathers some significance for it bestows upon each person a specific importance. In such an environment youth, and the young in general, would be more inclined to turn to their parents to address and discuss issues of general concern to them since, after all, it might be possible for their parents to do more than the current systems allows. Families can therefore begin to regain a more central and constructive role in society thereby re-acknowledging and establishing their true significance.

The community conscience

The institution of juries has been outstandingly successful in its contribution of those fundamental tenets of constitution upholding individual freedom. It is juries who established some of the most important principles in law to protect freedom on the basis of nullification of the law. Such major contributions did not need politicians, political parties, Parliament or government or even judges but just 12 honest members of the public taking an objective decision. The clarity and incisive nature of these acts overshadow the depressing contention of decisions resulting from the contributions of vying political parties. It is no wonder that juries have not been popular with many politicians through the ages. Indeed, juries have been severely weakened through inadequate application and some politicians wish to kill them off. A broader application, and therefore more frequent participation in juries, can help prevent an increasing number of arbitrary decisions in non-criminal law areas. A broader participation can also instill a better appreciation of the significance of each and every person, as a participant in the community conscience, in defending individual freedom from arbitrary decisions. The ability to exercise this role is yet another vital component contributing to the fundamental value and status of the attainment of voting age. This is a significant status to which young people in families, who in approaching voting age, can relate to and aspire. The attainment of voting age is not just a matter of gaining the vote but it also represents the attainment of a vital social role of profound importance, of becoming someone who can be called upon to defend the individual freedom of another. Justice within such an environment should take on more of the sense of a welcomed presence as the guarantor of the rule of law. The community, through the community conscience, has the role of both observing and ensuring the fairness of application of such a rule of law.

It is an illusion to try and measure individual freedom on the basis of rights written into law. Personal fulfillment, peaceful and happy lives come with individual freedom sustained through governance founded on the free will of the people. The introduction of a small number of constitutional principles based upon what is referred to as the minority principle can help secure and defend the individual freedom of the people of Britain by ensuring that the electoral and legislative cycles become more responsive to the free preferences of the people. Parliament can become supreme and governments can then exist at the pleasure of the people.

There is a need for politicians to turn away from acting as agents of political parties and to embrace a far more significant role as dedicated representatives of the people. In order to

gain the level of confidence to achieve this, politicians need to trust people to judge them on their personal merits as opposed to a confusing array of policies and a political party brand.

Naturally the first convincing step in demonstrating their trust in the people is for politicians to declare their independence. Some politicians may have concerns over their prospects for re-election as independent individuals without the support of a political party, but it would seem that a significant component of Parliament is competent and sufficiently liked to be re-elected as independents.

Political parties tend to obscure the important individuality of politicians and their employment prospects depend so much on the whim of the parties. Parties fail and governments with them because they ignore constituency wishes. Dedicated representatives face no such conflict since all Parliamentary decisions would represent the will of the people. So, in terms of security of employment, competent and faithful representatives have little to fear.

As in the family, where, in general, all members are heard and accorded appropriate consideration and response to their preferences, so it should be in society. Families indeed, set an example of what is required and at the moment the constitution fails to achieve this. Indeed, at the moment, politicians drive decisions to the less relevant centre and away from the more important locales of community life. What has been outlined in this book describes a means whereby it might be possible for the political system to become more considerate of individual preferences and thereby to defend more effectively individual freedom.

John Lilburne and his colleagues, set out the purpose of their 1649 proposal, "An Agreement of the Free People of England" to ensure that the nation should be free and happy and that all differences should be reconciled so that all can stand with a clear conscience whilst preventing the prevalence of interests and private advantages. They wrote that actions should not be driven by malice against anyone nor as a result of disagreement over opinions but should be geared towards peace and prosperity for all. They proposed that the free people of England establish a government without arbitrary power and whose action would be bound and limited by law, as would all subordinate authority, with the purpose of removing all grievances.

After well over 300 years, we have still not achieved this happy state. But we can see that this is, after all, achievable. No doubt some of the suggestions made in this book need to be refined and other considerations accounted for. However, overall, the proposals seem to hold out far more promise than there are drawbacks. Surely, therefore, this is inspiring enough for each of us to take up the challenge, abandoned long ago, to complete our unfinished journey to freedom. Our country, that is the people, can move closer to that state of greater freedom, happiness and a clearer conscience. A clear conscience rests on the certainty that when we look upon another in our society we know that, no matter who they are, they share with us that that vital, unimpeded and inspirational gift of freedom. Our guarantee in sustaining this as a durable social foundation remains the right of each to uphold and defend the freedom of the other. For all and future generations to be free and happy we need a constitution closer to home.

36 - ex: **The Constitutional Reform Bill 2004**. The Constitutional Reform Bill received Royal Assent on 24th March 2004 and provides for the separation of the judiciary (legal system) from the legislature (Parliament) and the executive (Government). The constitutional changed include:

- reform of the office of the Lord Chancellor by transferring the judicial functions to the Lord Chief Justice
- the establishment of a new Supreme Court separate from the House of Lords and the removal of the law lords from the legislature
- a new independent Judicial Appointments Commission

42 - ex: **Prejudicial prevarication**. Prejudicial prevarication is a term coined by H. W. McNeill as a result of work in the late 1990s with the Audit Commission on Multinational Financial Organizations (ACMFO). This work involved the provision of voluntary counsel to officials in international organizations, including whistleblowers, who needed to attend administrative tribunals. One of the most common tactics used by administrators was to ignore requests and important questions and even at review committees and administrative tribunals to ignore the most pertinent questions and the strongest evidence presented by complainants. On the other hand, they would specifically address the most irrelevant points at considerable length. This had a psychological effect of often convincing the complainants and their representatives that they were failing to present their case in an effective fashion. Invariably cases were in fact very well presented but such actions, effected with the straightest of faces, were intentionally designed to prevent the complainant achieving a just settlement solely on the basis of stonewalling and prevarication. A tactic, combined with prejudicial prevarication, which is commonly used by institutional management is to "throw the institutional rule book" at a completely innocent complainant in the off chance that some previously undetected procedural matter may have been overlooked. This tactic is designed to throw as much mud as possible in the hope that something might stick or, at least, seem to stick. It is a way in which the accused, a corrupt manager or institution, can turn the procedures around to transform the innocent complainant into the accused. In addition, in defending their positions, managers are not above making use of forged evidence such as back dated communications to which the complainant "never replied". Because administrative tribunals are not subject to external judicial oversight much of which constitutes criminal activities go undetected and hidden from public view by senior management within large organizations.

One of the most significant class-related acts of prejudicial prevarication in the United Kingdom was the failure of local authorities to apply the law following the 1968 Caravan Act. According to the documents, placed in the National Archives, campaign groups urged officials to force councils to provide sufficient "pitches" or to support willing private landlords as soon as the legislation became law in 1970 so as to bring to an end and avoid hugely expensive disputes. However, unbeknown to the campaigners and those for whom the Caravan Act had been designed to serve, several local councils were also pressing Whitehall to do the opposite. This failure to provide such facilities over a 30 years period was associated with a withdrawal of common land facilities and the fencing off of roadside sites often used by Romany. In several cases local authorities actually closed existing sites. Romany and Travellers used to undertake their traditional agricultural and forestry work in different parts of the country. In order to undertake this work on a seasonal basis in different and sometimes remote areas it was essential

to have one's own means of travel and a place to live. Thus the caravan did not only reflect a traditional way of living it also represented an essential component for economic survival. This was also the means of seasonal travel used by Romany who made a living by selling services, making and selling artifacts.

Those who try and carry on the work traditions of generations, their preference for lifestyle, now risk a state of illegality because of the lack of site provisions. A direct outcome of this failure to uphold the individual freedom of these people with distinct cultural practices has forced many wishing to continue their traditional way of life, into a state of illegality with increasing incidents of conflict with private land owners and communities. Such incidents have increased invariably associated with biased negative media coverage which usually fails to explain that local government and central government have been the cause of this crisis.

Whilst the mainstream per capita incomes continued to rise the per capita incomes of this minority fell and many were forced into a status of unemployment as a direct outcome of local and central government action. This outcome, the incidents and the negative, in cases extreme media coverage, has contributed to discriminatory social attitudes with respect to the Romany and Travellers. This is the direct outcome of an institutional discrimination operated through government and agencies delaying or not even acting on their mandates. This prejudicial prevarication ended up as an extreme form of extra-judicial, and therefore illegal, punishment targeting British subjects on account of their ethnicity and lifestyle.

This constitutes the basis for a class action against British local councils.

Observations from Liberty (formerly the National Council for Civil Liberties), wa:

"In theory, requiring Gypsies and Travellers to use the planning system would seem an equitable approach but for this policy to be credible there has to be some real prospect of obtaining planning consent for private sites. The House of Lords cast doubt on the effectiveness of this policy in *South Bucks v Porter*, *Wrexham CBC v Berry*, and *Chichester DC v Keet and Searle*. The judges observed that Gypsies' and Travellers' attempts to obtain planning permission almost always met with failure: statistics given to the court found that 90 percent of applications made by Gypsies and Travellers had been refused and that the capacity of sites that had been authorised had fallen far short of what was needed."

" Circular 1/94 suggests that local planning authorities should assess the need for Gypsies' and Travellers' caravan sites in their administrative areas and identify locations where the land use requirements of Gypsies and Travellers can be met. If suitable locations cannot be found, then the local authority should set clear and realistic criteria for establishing caravan sites. However, the use of development policies has been ineffective in providing more Gypsies' and Travellers' caravan sites because very few local authorities have identified suitable locations for such sites and many of those that have adopted criteria-based policies rely upon unrealistic and unclear criteria. For example, some local authorities' policies exclude the creation of sites in the Green Belt when most of the available land in their area is Green Belt."

"Recently, the House of Commons' Select Committee on the Housing Bill 2004 recommended to the government that only the re-introduction of the statutory duty on local authorities to provide authorised camping sites would remedy the situation."

45 - ref: **Prejudicial enforcements**: Prejudicial enforcements is a term coined by H. W. McNeill in his capacity as Secretary General of the European Committee on Romani Emancipation (ECRE) and a member of the UK Committee on Romani Emancipation (BCRE) in specific relation to the abuse of Article 178 of the Town & Country Planning Act (see above) under which councils can organize evictions without using competitive tenders so that quite often fees charged can be exorbitant. In 1994 a Conservative government repealed the provisions Caravan Act of 1968 and introduced guidelines encouraging members of the Romany and Traveller communities to purchase their own land. However, this ended up as a trap for many. Without having broken any law many families were faced with a discriminatory rate of planning application refusal, up to ten time the rate of normal applications. In most cases local councils did not provide guidance as to how to satisfy requirements but used Article 178 to organize elaborate and excessively expensive evictions employing private security firms. This resulted in land being confiscated "to pay for the eviction and costs" and the families concerned losing all of their assets and their children being disinherited.

This constitutes a basis for a class action against British local councils on the part of all families affected in this way.

81 - ref: **Lowering costs by expanding access to juries**. The Civil Jury in Canada, Bogart, W. A. in World Jury Systems, Edited by Neil Vidmar (OUP, 2000) and citations contained therein to the reports of the Ontario Law Reform Commission, Canada.

92 - ex: **Decision analysis:** Decision analysis is a methodology to help decision-makers select a preferable option to achieve a stated objective. Decision analysis ensures that essential information is collected and assessed in terms of quality and relevance and then analysed to identify options taking into account state of the art methods, practice and technology.

The decision analysis cycle: An idealised summary of the decision analysis process was produced by Ronald A. Howard of Stanford University in "*An introduction to Decision Analysis"*, Matheson J.E. & Howard R.A., Decision Analysis Group, Stanford Research Institute, 1968. This can be summarized as the decision analysis cycle and in diagrammatic form is presented below:

The cycle involves three phases or steps before a decision might be taken:

- deterministic
- probabilistic
- informational

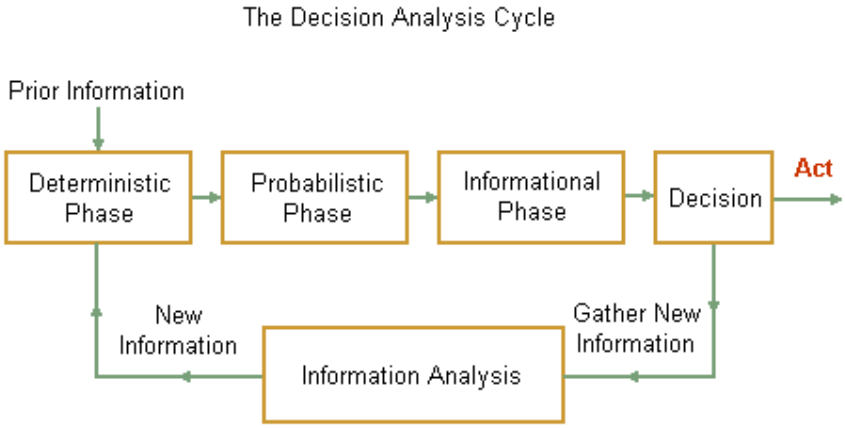


Diagram from *"an Introduction to Decision Analysis"*, McNeill, H.W., SEEL, March, 2007, GBI, wa.

Deterministic: The deterministic phase involves a review the ways to achieve objectives is undertaken where the production/process functions to be applied are defined. This is based on state of the art methods, practice and technology.

Probabilistic: The probabilistic phase involves an assessment of the likelihood that the assumptions made and the options produced would produce the outcomes expected. Where there is a lack of confidence on the ability of an option to achieve the objective required then there is a need to collect more precise and specific information.

Informational: The information phase involves the collection and analysis of additional information on those aspects of relationships and functions used in identifying and designing options to address the decision objectives.

Decision: If decision-makers are satisfied with the quality of information and the relationships and functions used to identify options then a decision can be taken.

If the decision-makers do not have enough confidence to take decisions then the required information to improve confidence would be gathered, analysed and input to the identification of the options by improving the deterministic, probabilistic and informational phases.

103 - ex: **Representative pay package and allowances.** With some 65,000 voters/constituency, the annual levy to pay for a representative would depend upon the proposed salary, costs of an office, allowances for travel and communications. The table below shows the annual charges per voter necessary to provide different annual packages. A good level of representative support could be obtained for around £5.00/annum/voter or around 10 pennies a week/voter

Salary	Allowance	**Annual levy/voter**
£100,000	£200,000	£4.60
£125,000	£200,000	£5.00
£150,000	£200,000	£5.38

£175,000	£200,000	£5.77

104 - ex: **Decision Analysis Brief (DAB).** This is a document or report with sections which, when completed according to the appropriate standards, will contain all of the essential information analysing a proposition, the objectives, the optional ways to achieve these, analysis of the options to indicate preferable options in terms of cost or convenience or some other agreed criteria. The DAB would be prepared in plain English with definitions of all terms used and detailed annexes containing basis, assumptions and methods for all calculations. See Decision analysis in Note 92.

105 - ex: **Devolutionary modes for national disaggregation into specific sub-communities**. Forms of disaggregation. Seven levels of disaggregation have been proposed simply because they are the most evident. These levels can serve as a community within which a specific option for a policy might be applied within the community as follows.

- Communion - whole of the United Kingdom on the basis of a single centralized policy
- National - operating within the boundaries of the nations of England, Northern Ireland, Scotland or Wales
- Regional - operating within the administrative regions such as South East, South West
- County - based upon the original county areas of all nations
- Multi-locality - based upon communities made up of the cooperation of different local authorities
- Locality - based solely on communities within single local authorities
- Multi-community or multi-ward - based upon communities in different combinations of wards within constituencies.

Within each community established at any of the above levels of disaggregation of the national territory the purpose would to enable support of policy actions, where desired, through revenue raising and expenditure within each of these communities. In this way it in possible to open up the possibility of adaptation to local preferences for control and management.

106 ex: **The financial formula for the Communion Right**. The financial formula for funding the Communion Right is based upon statistics of the incidence of types of cases in specific people's lives.

Total expected annual cost of the provision per individual each year during an average lifetime is

$$(n \times p \times d \times c \times 12)/P \times L$$

where

n is the number of jury cases per person using juries
p is the number of people who make use of juries
d is the number of jury days required
c is the cost per jury day
12 is the number of jurors
P is the total population
L is the average life expectancy

107 - ex: **Opportunity cost of not having juries** - another basis for calculating the financial dimension of the Communion Right.

The value of justice to an individual is what might happen if there were no jury present. This is known as the opportunity cost. Thus the opportunity cost of not having a jury present if the decision is arbitrary (unfair) and harms an innocent person, then this represents a low administrative cost but high cost for the individual. The opportunity cost is equal to the cost of the possible miscarriages of justice, loss of earnings, assets, land, home and even family resulting from inconvenience, stress possible break-up. This then provides an objective basis for calculating the potential value of having a jury present. This would be equivalent to the amount of money one might wish to guarantee on the basis of something like an insurance provision. However, in statistical terms few people ever need juries so that the overall cost calculated on this basis is likely to exceed the value arrived at using the financial formula (106) discussed in the previous paragraph/section. The financial formula previously discussed is probably a sufficient basis to launch the Communion Right scheme and this can be refined as experience with its administration is gained.

108 - obs: **Patrick Arthur Devlin.** Baron Devlin**,** (1905 - 1992) was a British lawyer, judge, and jurist.

109 - obs: **Conflicts of interest & unfortunate images**. Lord Levy is the leading fund raiser for the Labour Party, a private organization of which the Prime Minister is the leader. Lord Levy's role in fund raising is well known. It is therefore surprising that someone very much involved in the private "business" side of the Labour party should have been nominated by the Prime Minister to be his envoy in the Middle East, the world's most sensitive area in terms of foreign affairs. Such a combination of roles in one person risked creating an image of lack of propriety and the conveyance of confusing messages to those involved and observing such affairs of state. In terms of administrative decisions, the creation of an image of a conflict of interests was not one created by Lord Levy but rather by an inappropriate Prime Ministerial decision.

110 - ex: **Abuse of authority.** Prime Minister Tony Blair intervened to help an Indian businessman, Lakshmi Mittal, buy a giant Romanian steel company a month after Mr. Mittal had donated £125,000 to the Labour Party. Tony Blair did this by sending a letter to Romania's prime minister advising that selling his biggest state-owned enterprise to Lakshmi Mittal would enhance Romania's chances of joining the European Union. Clearly Blair's statement concerning the European Union was entirely misleading just as was his statement to MPs that Mr. Mittal's company was British. LNM Holdings, Mittal's company, was not British but was based in a Caribbean tax haven and operated almost entirely overseas and was even competing with the then British steelmaker Corus in Wales who were shedding thousands of jobs. Source: The Times newspaper.

111 - ref: *"Who exposed this colossal bribery? Why, the feral beast"* Jenkins, S., The Guardian Unlimited, wa, June 13 2007.

112 - ex: **Corporatism & political money laundering**. The growth of corporatism in the form of big business grew up largely as a result of the close collaboration of governments and arms manufacturers during the two major world wars. Retiring American president, Dwight D. Eisenhower, in his farewell address on 17th January 1961, warned the people of America about

the rise of influence of the military-industrial complex. He said: "... we have been compelled to create a permanent armaments industry of vast proportions. ... we must not fail to comprehend its grave implications .... In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together." (see McNeill, H.W., *"Media and civil liberties - Part 1"*, wa, Real News, of May, 2006). It was always notable how the political establishment sought to ignore Eisenhower's warning. Large corporations remain a means whereby politicians and political parties can gain advantage by involving corporations in times of peace in government-related contracts. Contracts can be used to launder public funds so as to receive back, directly, or more commonly indirectly, financial contributions to parties and individual politicians or through "facilitation". Facilitation includes the provision of all sorts of benefits including involving politician's children in side deals, establishing foundations, private pension funds, purchase of houses, free travel including free car hire of luxury limousines and many other benefits largely of kind but representing a good deal of monetary value. Corporations can build in cost plus excess profits into contracts and these funds, over and above the real costs of producing and delivering a product or service become available for "distribution" to those who "facilitated" the winning of a procurement contract a well as others. Even under so-called competitive tenders there can be a prior agreement between "competitors" as to who will win and what the others will gain for not reporting the corruption of the process (ACMFO Archives, Brazil, 1970/1995).

Under multilateral funding schemes, for example under the European Union initiatives, political parties in Eastern Europe set up commercial consortia who pay commissions to politicians and parties on winning a contract through a ministry projects office. Since the project office managers know who these consortia are nothing has to be stated since if the consortia do not win the managers are likely to be replaced (ACMFO Archives, Hungary, Romania, 2003/2007). In very large projects, such as road construction, political consortia win most contracts under a tacit agreement between the political parties that that the consortium associated with the political party in power will win 60% of the business and, to prevent contestation, the opposition consortium will always get 40%. This dishonest collusion is common between apparently "rival" political parties (ACMFO Archives, Hungary, 2003).

In the case of the Saudi Arabian Al-Yamamah contract the "system" has continued non-stop no matter which party has been in power (UK Press and wa media).

World Bank procurement procedures are strict but technical devices can be used to circumvent controls. For example, in a survey project in the State of Mato Grosso, Brazil, a desk officer at the World Bank reduced the scale of the mapping project to one half and he reduced the budget by around 20% justifying this to the procurement office as an economy. What the World Bank procurement officers did not understand, and were therefore misled, was that reducing survey scales by one half reduces the total work to about one quarter of the original, that is a reduction in real costs in practical terms to around 30%. This meant that around 40% of the resulting contract had become unallocated funds (slush) and this enabled a politician in Mato Grosso skim off around $10 million (ref: ACMFO Archives, Brazil, 1995). The tendency during the last 20 years has been for elaborate schemes to be essentially linked to politicians and political party interests in terms of indirect funding from contracts by various circuitous

routes. Where claims concerning national security arise the issue at stake is often not national, nor is it that someone is receiving bribes or there is a slush fund paying some in-between, the essential issue is that politicians and political parties were using the "device" as a means of obtaining advantages either in the form of money or kind or guaranteeing some future benefits to be paid out over a sustained period (ref: ACMFO Archives, UK, 2006).

When a large-scale activity undertaken by government, for future planning, appears to be out of synchronization with the required timing, this can be a sign that the party in power wish to benefit in advance by receiving transfers of funds, indirectly, from those undertaking the "preparatory work". The highest concentration of money is to be ound in work in the nuclear energy or defence field so where such large systems are to be replaced/upgraded such anticipation in starting "preparatory work" is able to bind in future payments stretching out into the future (ref: ACMFO, UK, 2007).

113 - ex: **Australian Government dissolution**. On 11th November 1975, the Governor General dissolved the Australian Parliament applying an authority derived from Section 61 of the Australian Constitution that the executive power of the Commonwealth as vested in the Queen and exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth. The Governor General is appointed by the Queen, acting upon the advice of her Australian Prime Minister; his actions remain his own responsibility. Gough Whitlam, the Prime Minister was unable to obtain funds from the Senate. The Australian Chief Justice advised the Governor General, Sir John Kerr, that under the circumstances the Prime Minister was obliged to call a general election or resign." But Whitlam had refused to do either. Therefore, the Governor General wrote a letter to Gough Whitlam explaining the constitutional position and dismissed Gough and his ministerial colleagues. He then invited the Leader of the Opposition to form a caretaker government and to make no new appointments or dismissals, nor impose any policies until a general election had been held. The Leader of the Opposition called a general election and Whitlam's government was not returned.

114 - obs: The **Competition Commission** is an independent public body established by the Competition Act 1998. It replaced the Monopolies and Mergers Commission on 1 April 1999.

115 - ref: *"The Human Rights Court - not fit for purpose"* McNeill H.W., RNO, wa, June 2006.

116 - ref: **Imprisonment of Christians wishing to educate their children at home (Germany).** The American Home School Legal Defense Association, wa, said on 26 September 2006, that at least 40 home school families are currently in Court proceedings in Germany with others having fled. The European Court for Human Rights under heavy pressure from political parties upholds this treatment as opposed to seeking to uphold the individual human rights of such people.

The Briton's Quest for Freedom
Our unfinished journey …

Mid seventeenth century constitutional proposals to make people Free and happy saw universal suffrage as the basis to form Governments. The desire was for a supreme Parliament made up of faithful representatives reflecting the will of the people. After 350 years no part of the United Kingdom enjoys this state of affairs. Parliament is subservient to the Prime Minister and government of the day. Representation in Parliament is exclusively that of political parties. The free expression of the people as reflected in their preferences is effectively ignored. Party whips enforce double cross-assembly voting so that political parties with the support of less than 20% of the electorate can enforce their own legislative preferences on the majority.

The Briton's Quest for Freedom analyses how this happens. Some 50 significant constraints on individual freedom are identified including abuses in the areas of non-criminal law arising through a failure to apply juries. These failures deny the people of Britain a more open and direct freedom of expression. This has encouraged a disintegration of the unity of the United Kingdom heralding a diminishment in international power. This only serves the direct interests of all foreign state for it serves to enhance their own relative status with respect to Britain.

The Briton's Quest for Freedom identifies the missing constitutional elements, laws and principles as applies these to the electoral and legislative cycle to demonstrate how a supreme Parliament , reflecting the free will of the people, can be formed and how it would operate. The resulting system of governance is more responsive to national electorate preferences than existing devolved assemblies.

The minority principle is an original constitutional principle introduced by this book. It stops legislators ignoring electorate preferences and encourages a positive support for the individual freedom of all Britons no matter where they live on these Isles.