

OBSTACLES TO THE PREVENTION OF CORRUPTION IN BELIZE

Belize like many of its neighbours, having accepted the need to confront and eliminate corruption in public functions, now faces the daunting challenge of charting an appropriate course to achieving that most elusive objective. The challenge requires that we identify the obstacles to the prevention of corruption in public functions, devise appropriate measures for dealing with them and then taking the steps required to implement those measures. While such an approach appears simple enough, the task is indeed a daunting one in Belize because it requires the making of principled decisions which inevitably fly in the face of political self preservation, and indeed, in the face of what may now well constitute a number of cultural norms in Belizean society. In typical Caribbean fashion instead of confronting and addressing the issue squarely, the preference is to pay lip service to it, while refusing to create and empower the necessary institutions obviously needed to achieve required changes. This disposition is a significant obstacle to the prevention of corruption in Belize.

This is readily illustrated by reference first to the report of the Attorney General on behalf of the Government of Belize of December, 2010, to Mesicic. I Quote:

“ Since becoming a Party to the Inter-American Convention against Corruption (“the Convention”) in 2002 and joining the Mechanism for Follow-Up on the Implementation of the Convention (MESICIC) in 2003, Belize has been steadfast in its fight against corruption. It has repeatedly shown in no uncertain terms that it is committed to fight corruption domestically and to use its best efforts to assist its fellow countries to fight this plague, which has no regard for international boundaries.

In March 2008, the present Government of Belize was brought to power on a heavy campaign against corruption. Between June 2008 and December, 2010, the period covered by the present Report, the Government of Belize has undertaken a number of positive actions and measures to fight corruption in general, and to implement a number of Recommendations and Measures suggested by the Committee of Experts of the MESICIC during the first two Rounds of review.

These include:

- Adoption/Amendment of *Legislation*:

1. ***Prevention of Corruption Act, 2007***, which, *inter alia*, makes provisions for strengthening measures to prevent and combat corruption and corrupt activities, provides for the offence of corruption and offences relating to corrupt activities, provides for investigative measures in respect of corruption and related corrupt activities, and provides measures for establishing probity, integrity and accountability in public life;

2. ***Belize Constitution (Sixth Amendment) Act, 2008***, which, *inter alia*, sought to enlarge the membership of the Senate to ensure that Senators nominated by the Opposition and nongovernmental organizations together constitute the majority, sought to extend the powers and functions of the Senate to enable them to initiate and conduct public enquiries into mismanagement or corruption by persons in the central government of public statutory bodies, and provides for the expeditious submission of reports by the Auditor General to the National Assembly;

3. ***Freedom of Information (Amendment) Act, 2008***, which, *inter alia*, was passed to invalidate secrecy provisions in public contracts, to reduce the categories of exempt documents, to penalize unreasonable refusal or failure to provide access to public documents;

4. ***Finance and Audit (Reform) (Amendment) Act, 2010***. This amendment is presently a Bill. It seeks, *inter alia*, to enhance transparency in the tendering process for the Government procurement and sale contracts, and to restore the Financial Orders and Stores Orders to their original status of subsidiary legislation.

- Adoption and dissemination of a ***National Plan of Action for the implementation of the Recommendations of the MESICIC for Belize.***

- Providing the widest measure of ***legal assistance*** requested by other countries to assist them in their investigations and prosecution of acts of corruption.”

The centerpiece of the Government’s legislative effort to combat corruption ,which was listed first in the report and referred to numerous occasions

thereafter as having met one or other of the requirements of the Plan of Action to fight corruption adopted by Belize, is the Prevention of Corruption Act, 2007. That Act provides for the appointment of an Integrity Commission which is charged with responsibility to implement the provisions of the Act.

The members of the commission are to be appointed in accordance with the advice of the Prime Minister. The Prime Minister has for a number of years now neglected to give the requisite advice to enable the appointments to be made. There is accordingly to date no appointed Integrity Commission that can enforce the provisions of the Act, two of the Prime Minister's most recent appointments to the post having promptly resigned rather than subject their own finances to public scrutiny. In fairness it should also be recognized that because the majority of the Integrity Commission is appointed by the government, even when a commission is appointed it usually sits paralyzed unwilling to act.

Not surprisingly the provisions of the Act are routinely ignored by the vast majority of the members of the House of Representatives who fail annually to make the requisite disclosures as to their personal finances to the Commission. This has led one political party to publicly call for the repeal of the relevant provisions of the Act given that they are routinely ignored with impunity.

The report also highlighted the passage of the Belize Constitution (Sixth Amendment) Act. There was however no mention that notwithstanding the passing of the Belize Constitution (Sixth Amendment) Act providing for the appointment of the thirteenth senator, the Prime Minister has refused to make the necessary appointment and has publicly declared that he will not be doing so. This notwithstanding having gained office on a campaign promise so to do.

The foregoing readily demonstrates that while the Government of Belize is ready and able to pass laws designed to combat corruption, there is a tendency to refuse to create and empower the necessary institutions to give those laws effect. The laws therefore remain but words on paper.

Accordingly the complaint to the Integrity Commission about the sale of visas by a sitting Minister of State continues to languish in a state of purgatory before an Integrity Commission which exists on paper only, and the effort led by opposition senators to have a senate Inquiry into the recent issue of a Belize passport to a Korean national in a Taiwan jail was voted down in the Senate by government appointed senators notwithstanding support by all civil society appointed senators.

Albeit a lack of political will to establish and empower the institutions necessary to combat corruption is a significant obstacle to the prevention of corruption in Belize, it is by no means the only or even a primary one. That lack of political will is supported by a culture of tolerance for the lack of accountability and transparency in government by a significant proportion of the voting public. After all, politicians can survive in office only with the tolerance of the voting public.

While there indeed appears to be a growing intolerance for corruption in the voting public, it appears not to have yet reached a required tipping point in Belize. I believe this culture of tolerance derives from poverty, a lack of education, a decline in moral values and a culture of political tribalism, all of which constitute primary obstacles to the prevention of corruption in Belize and none of which are easily confronted or dealt with.

There is a significant proportion of the Belizean public now living below the poverty line and are concerned on a day to day basis with meeting basic needs. These people will gladly accept handouts from politicians or anyone else for that matter and do not care at all if the handout is a product of corruption.

There is also a fair proportion of the population who do not enjoy any significant formal education. To them understanding the benefits to society as a whole to be derived from the elimination of corruption may prove difficult to accept. They prefer to accept what they can get for themselves even if derived from corruption at the expense of the whole.

There is also undoubtedly a significant decline in moral values in Belize. This may well be directly related to growing poverty and a lack of

education. Lying , cheating and stealing are, however, apparently becoming acceptable to many where manifest need justifies it. In response to a recent survey by a local radio station soliciting views as to the propriety of members of the public removing for personal use gravel placed on public streets for planned street repairs, a number of persons publicly expressed the view that it was okay because the people needed it and could not get it otherwise. It did not matter that it was being stolen nor that it was placed there with a view to benefitting society as a whole.

Finally there is a culture of political tribalism which mandates that your political party be supported regardless of any wrongs committed it. This is cultivated through years of political affiliations lasting often over generations. While the proportion of Belizeans who subscribe to this approach to political decision-making are on the decline, their numbers remain significant.

All of these very significant problems play some part in preventing the elimination of corruption in Belize and are problems that will take generations to address in any meaningful way. That of course does not mean that we should not make an honest effort.

In a report on an interview in October last year by CNN of Ron Liao, Senior Program Coordinator of Hong Kong Independent Commission Against Corruption, Mr Liao explained Hong Kong's success in transforming itself from one of the most corrupt cities in the world to now ranking before the United States and the United Kingdom in Transparency International's Corruption Perceptions Index. It was there explained and I quote:

“ Change came to the former British Colony following mass street protests after Peter Godber, the then police superintendent, fled the territory while being investigated for alleged corruption.

The outcry led to the formation of the Independent Commission Against corruption, a government body with wide investigative powers. But the changes weren't only aimed at officials.

They adopted a three-pronged approach, that means punishment, education and prevention, Liao said.

The education starts at local kindergarten, where characters created by the ICAC present children with ethical dilemmas and stories where the honest one always wins.

We don't teach them about the laws but we teach them about the values, said Monica Wu, Executive Director of the Hong Kong Ethics Development Center, an ICAC division.

Two generations after adopting this approach against skirting the rules, Yu says there's evidence of a major cultural shift in the attitude of the local Chinese population.

We measure the tolerance level of the people to corruption, from a scale of zero to 10. Zero means total intolerance and 10 means total tolerance. For the last decade or so, the average was 0.8, 0.7 or so, Yu said.

And this drew Yu to the following conclusion" Nowadays in Hong Kong, people will never tolerate corruption.

She says the lack of tolerance for rule breaking reinforces ethical behavior, both in private and public shperes, as violators are named and shamed by their peers. ..."

It may therefore be high time that we embark on a similar approach to combat the culture of tolerance for corruption we see in Belize. It may well be that the Brauer Anansi stories being fed to our children over generations have taken root to instill misguided values in our adults. Leaders over the years have certainly sought to practice the philosophy of this trickster hero.

