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# **Recommendations from the Plan of Action for Belize: Implementation Status and Future Prospects**

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# *Introduction*

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- 1. Belize ratified Inter-American Convention Against Corruption on August 02, 2002.**
- 2. The Belizean Attorney General's Ministry and the OAS signed an MOU to develop the National Plan of Action Against Corruption in June of 2007.**
- 3. The Draft Plan of Action was produced in June 2009 and can be found at [www.belizelaw.org](http://www.belizelaw.org).**
- 4. Since then Belize completed a Third and Fourth Round of the the Conference of States Parties of the MESICIC**

# ***Belize's Legal System***

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- **Belize's legal-institutional system was borne out of the British colonial experience.**
- **Section 2 of the Imperial Laws (Extension) Act, Chapter 2, provides that,**

***“2(1) Subject to the provision of this or any other Act, the common law of England and all Acts in abrogation or derogation or in any way declaratory of the common law passed prior to 1st January 1899, shall extend to Belize.”***

## Belize has anti-corruption laws measures in its constitution

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- The Belize Constitution contains a **Code of Conduct** which applies to the Governor-General, members of the National Assembly, members of the Services Commissions, public officers, members of statutory corporations and government agencies, and such other officers as may be prescribed by law. (*Section 121 of the Constitution*)

## **Belize has anti-corruption measures in its constitution**

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**This Code of Conduct provides that all public officers shall conduct themselves in such a way as not to:**

- i) place themselves in positions in which they have or could have a conflict of interest;**
- ii) compromise the fair exercise of their public or official functions and duties;**
- iii) use their office for private gain;**

## **Belize has anti-corruption laws measures in its constitution**

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**iv) demean their office or position;**

**v) allow their integrity to be called into question;**

**or**

**vi) endanger or diminish respect for, or confidence in, the integrity of the Government.**

***(Section 121 of the Constitution)***

## **Belize also has anti-corruption laws on its books**

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**The *Prevention of Corruption in Public Life Act* of 2007 also includes a Code of Conduct in Part IV, which provides that public officers shall not use their office for private gain, receive bribes, or accept gifts or benefits of any kind on account of anything done or omitted to be done by them in the discharge of their duties.**

## **Belize also has anti-corruption laws on its books**

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**The Prevention of Corruption in Public Life Act also forbids retired public officers, after retirement or for as long as they continue to receive a pension financed with public funds, from accepting more than one remunerated position as a director or an employee of a company controlled or owned by the government or a public authority.**

## Belize has anti-corruption laws on its books

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# The Plan of Action

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- **Builds upon the legislation already in place with a view to strengthening them;**
- **First Draft of Belize National Plan of Action against Corruption was completed in June 2009;**
- **A National Workshop on the First Draft was held in Belize City at the Radisson Fort George Hotel and Marina on March 11th and 12th 2010.**
- **Recommendations from the workshop were then incorporated into the final draft of the Plan of Action**

# First Set of Recommendations

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## **Strengthen the implementation of the provisions on conflicts of interest including:**

- **Establishing standards for separating a public official's responsibilities and his or his family's financial interests;**
- **Establishing suitable restrictions for persons who leave public service, such as prohibitions on participation as a representative of a private interest in ongoing specific matters in which they had participated in an official capacity, or for a reasonable time (2 years), restrictions on dealing with former government bodies in which they served;**

# Second Set of Recommendations

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**Develop and strengthen mechanisms requiring public officials to report to appropriate authorities acts of corruption of which they become aware in the course of performance of their public functions:**

- **Complemented by measures that protect public servants who report acts of corruption in good faith;**
- **Office of the Ombudsman should be broadened to a Civil Commission that includes NGO representation and other civil society members;**
- **Public education/sensitization as to what offices are available for public officers and others to report acts of corruption and what legal protection the Prevention of Corruption Act delivers;**
- **Currently, no laws provide protection to public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality.**

# Third Set of Recommendations

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**Enforce the current financial declaration requirements for those to whom the Prevention of Corruption in Public Life Act currently applies, including implementing penalties for those who fail to file and establishing penalties for late filing:**

- **Includes Members of the House of Representatives (including the Speaker), Members of the Senate (including the President) and Members of the Town and City Councils;**
- **Failure to file a declaration or to provide further particulars to the Commission or the Tribunal may attract a fine of not less than three thousand dollars on a first offence, and a fine of not less than five thousand dollars and/or imprisonment for six months or to both**

# Fourth Set of Recommendations

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**Strengthen, and when appropriate create, oversight bodies in particular in the area of functions to enforce compliance with the existing laws on preventing corruption in government:**

- **NGOs, civil society and the media must be included in government sponsored oversight commissions, tribunals and committees for them to be effective;**
- **The Integrity Commission and the Public Accounts Committee must be re-activated and provided with secretariats;**
- **The Auditor General's Office, the Office of the Contractor General and the Office of the Director of Public Prosecution must be properly resourced;**

# Integrity Commission Secretariat

## *Prevention of Corruption Act (revised 2008)*

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- **An Executive Director**
- **An Administrative Secretary**
- **A Senior Accounts Clerk**
- **An in-house Legal Advisor**
- **A Special (forensic) Investigator who is highly skilled and experienced to conduct investigations relating to financial crimes**
- **Any other personnel reasonably necessary to carry out the functions of the Commission**

# Corruption Offences

## *Prevention of Corruption Act (revised 2008)*

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### **On summary conviction:**

- **In the case of the first offense, to a fine not less than ten thousand dollars**
- **In the case of the second offense, to a fine not less than twenty thousand dollars or to imprisonment not exceeding two years or both**

### **On conviction on indictment:**

- **In the case of a first offense, to a fine not exceeding twenty five thousand or imprisonment for a period not exceeding two years or both;**
- **In the case of a second or subsequent offense, to a fine not**

# Fifth Set of Recommendations

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## **Public Access to Information**

- The law provides for public access to documents of a ministry or prescribed authority upon written request, although it protects a number of categories, such as documents from the courts or those related to national security, defense, or foreign relations.
- By law, the government must supply to the office of the Ombudsman a written reason for any denial of access, the name of the person making the decision, and information on the right to appeal.
- However, more public outreach or training relating to public access to information needs to be undertaken.



## Moving Ahead

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- **Already existing laws need to be enforced**
- **Already existing institutions need to be fully functional and properly resourced**
- **More training in this area needs to be provided across the board**
- **Implementation will have to be done in a manner that adheres to transparency but at the same time does not hinder**