



The Conflict of Interest Regime in Belize: Proposals from the National Plan of Action

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Introduction

- 1. Belize ratifies 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.**
- 4. A Draft Plan of Action Workshop was held in March 2010 in Belize with a broad spectrum of stakeholders to review the Plan of Action and provide input.**

Introduction Continued

- **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 became independent in 1981.**

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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*)**

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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;**

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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)

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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.

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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.

Adequacy of the Legal Framework

- **The Committee of Experts noted the existence of standards and rules on conduct in the exercise of public service;**
- **They exist in the Belizean constitution, the Services Regulation and in the Prevention of Corruption Act of 2007;**

Adequacy of the Legal Framework Continued

- However, the Committee noted that standards of both the Constitution and the Prevention of Corruption Act do not specifically describe what might constitute a conflict of interest;
- Rather, these standards prohibit public officials from placing themselves in positions in which they have or could have a conflict;

The Committee also noted an absence of conflict of interest standards regulating the activities in which former public servants may engage after leaving government service.

Recommendations from the First Round of Review

Conflict of Interest Recommendations

- **Establish standards for addressing the conflicts that can occur between individual specific government matters in which those persons that perform public functions would be expected to act as a part of their responsibilities;**
- **Restrictions on those who leave the public service regarding contracts with the same public agency in which they serve for at least two years;**

Recommendations from the National Workshop

Conflict of Interest

- **Workshop Participants were overall very supportive of the recommendations.**
- **However, they stated that with the scarcity of trained human resources in Belize, it may be hard to implement.**
- **The participants suggested, therefore, that allowances will have to be made once the intention is made clear in writing a priori and an exception with justification is made publicly by the proper authorities.**

The National Plan of Action and Conflict of Interest

- **Workshop participants and the Attorney General's Ministry both expressed acceptance for the Recommendations offered;**
- **Final draft of Plan still being reviewed;**
- **Input from workshop recommended implementation but a case by case consideration given limited human resources in Belize.**



Moving Ahead

- **Major issue will be between conflict of interest regimes and making the best possible use of all available human resources.**
- **Implementation will have to be done in a manner that adheres to transparency but at the same time does not hinder effectiveness.**