



BELIZE

**DRAFT PLAN OF ACTION
FOR THE IMPLEMENTATION OF THE
RECOMMENDATIONS FORMULATED BY THE COMMITTEE
OF EXPERTS OF MESICIC
FOR THE
INTER-AMERICAN CONVENTION AGAINST CORRUPTION**

June 2009

INTRODUCTION

In 1996, the OAS member states adopted the **Inter-American Convention Against Corruption**.¹ The Convention, which was the first international legal instrument to address this issue, specifically includes in its rationale the recognition of the international importance of corruption and the need for an instrument to promote and facilitate inter-country cooperation to combat it. Consequently, with that motivation, it set forth two goals. The first goal was to promote and strengthen the development by each of the States Parties, of the mechanisms needed to prevent, detect, punish, and eradicate corruption. The second goal was to promote, facilitate, and regulate cooperation among the States Parties to ensure the effectiveness of measures and actions to prevent, detect, punish, and eradicate corruption in the performance of public functions and acts of corruption specifically related to such performance.

The Convention identifies acts of corruption to which it applies and creates binding obligations under international law. It provides for institutional development, requirements for the criminalization of specified acts of corruption and articles on extradition, seizure of assets, mutual legal assistance, and technical assistance where acts of corruption occur or have effect in one of the Parties. It also highlights the importance of preventative measures.

The Follow-up Mechanism for the Implementation of the **Inter-American Convention against Corruption** (MESICIC) is an instrument that allows the Member States of the OAS who have ratified the Convention to promote its implementation and follow up on the commitments agreed to in the Convention. It also facilitates technical cooperation activities; the exchange of information, experiences and best practices; and the harmonization of legislation. The Mechanism is guided by the purposes and principles established in the **Charter of the Organization of American States**. It thus takes into account the principles of sovereignty, nonintervention, and the juridical equality of the states, as well as the need to respect the Constitution and the fundamental principles of the legal system of each State Party. The MESICIC, headquartered at the Organization of American States, is an intergovernmental

¹ Taken from the website of the Organization of American States' Secretariat for Legal Affairs at <http://www.oas.org/juridico/english/fightcur.html>.

mechanism. It is impartial and objective in its operation and in the conclusions that it reaches; operates on the basis of consensus and cooperation; guarantees a fair application and equal treatment among States Parties; does not employ sanctions; and establishes an appropriate balance between the confidentiality and transparency of its activities. States Parties to the **Convention** that sign on to the Mechanism participate therein.

The MESICIC consists of two bodies: the **Conference of States Parties** and the **Committee of Experts**. The Conference of States Parties is the main body of the Mechanism, responsible for determining the general guidelines and directions of the Mechanism within the framework of the purposes and basic principles contained in paragraphs 1 and 2 of the **Report of Buenos Aires**.

The Conference of States Parties has the authority and overall responsibility of supervising implementation of the Mechanism and to adopt the decisions it deems appropriate to achieve its objectives, in accordance with Article 2 of its Rules of Procedure. The Committee of Experts is comprised of experts designated by each States Party. This Committee is responsible for technical analysis of the implementation of the Convention, as well as facilitating the activities of technical cooperation within the framework of the Mechanism. Secretariat services are carried out by the Secretariat General of the OAS through the **Office of Legal Cooperation** of the **Department of International Legal Affairs**.

In accordance with the Report of Buenos Aires, the Committee shall be responsible for the technical analysis of the implementation of the Convention by the States Parties. In performing this function, the Committee shall undertake the following:

- a. Adopt its annual working plan, for which the Secretariat will develop a draft in conformity with the provisions in article 9 (a) of these Rules;
- b. Select, from among the provisions of the Convention, those whose implementation by all of the States Parties shall be reviewed, seeking to include both preventive measures and other provisions contained in the Convention, and determine the length of time it shall devote to this task, which shall be known as a "round".
- c. Adopt a methodology for the review of the implementation of the provisions of the Convention selected to be reviewed in each round that is designed to ensure that sufficient reliable information is obtained. The adoption of this methodology shall comply with the procedure described in article 18 of these rules;

- d. Adopt a questionnaire on the provisions selected for review in each round, based on OAS document CP/GT/PEC-68/00 rev. 3 "Questionnaire on Ratification and Implementation of the Inter-American Convention against Corruption" and in accordance with article 18 of these rules;
- e. Select, in each round, an impartial methodology (such as presentation on a voluntary basis, in chronological order of ratification of the Convention or by lot) for setting the dates for review of the information on each State Party;
- f. Determine the composition of each subgroup, to be comprised of experts from two States Parties in accordance with article 20 of these Rules, which shall review, with support from the Secretariat, the information on the State Party they have been assigned to review;
- g. Adopt the country reports in regard to each of the States Parties and a Hemispheric Report at the end of each round, in accordance with articles 21 to 25 of these rules;
- h. Promote and facilitate co-operation among the States Parties, within the framework of the Convention and in accordance with the Report of Buenos Aires and article 37 of these rules.
- i. Approve a yearly activity report, which shall be forwarded to the Conference of States Parties;
- j. Review periodically the operation of the Follow-up Mechanism and propose any recommendation(s) it considers pertinent to the Conference of States Parties regarding the Convention and the Report of Buenos Aires;
- k. Request the assistance and guidance from the Conference of States Parties, when it considers it necessary or convenient in fulfilling its responsibilities.

NATIONAL PLAN OF ACTION

During the First Round meetings of the MESICIC Committee of Experts, countries expressed the importance of receiving support to fully develop and implement the selected provisions of the Convention and, in particular, the recommendations contained in the country reports adopted by the Committee.

To that end, the OAS General Secretariat, with the financial support of the Canadian International Development Agency (CIDA), carried out a pilot project to create national Plans of Action to implement the Committee's recommendations. During the pilot project the OAS General Secretariat worked with the first four countries reviewed by the Committee in the First Round of review (Argentina, Colombia, Nicaragua and Paraguay).

In September of 2006, with a contribution from the United States, the General Secretariat set up the Anti-Corruption Fund to extend this initiative to other countries participating in MESICIC. Each national Plan of Action was designed to address the following areas:

- (a) Specific actions necessary to implement the recommendations of the MESICIC Committee of Experts;
- (b) Institution, entity or government agency responsible for implementation;
- (c) Estimated costs and resources needed;
- (d) Time frame for execution;
- (e) Indicators that measure the expected results and means of verification

Each country was to prepare a draft Plan of Action, with the assistance of a consultant and the institutions designated by the government in the framework of the MESICIC. A national workshop was to be held in which representatives from civil society, government agencies, the judiciary, legislature, private sector, and international funding agencies discuss the draft Plan of Action. The Plan of Action was then to be modified and finalized by incorporating the input from the National Workshop.

According to the official register of the OAS General Secretariat, Belize ratified the Inter-American Convention against Corruption on August 2, 2002, and deposited its instrument of ratification on September 6 of that year. In addition, Belize signed the Declaration on the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption on June 9, 2003.

The General Secretariat of the Organization of American States (GS/OAS) and the Attorney General's Ministry of Belize signed a Memorandum of Understanding to carry out a technical cooperation Project intended to help Belize implement the recommendations from the Committee of Experts of the Follow-up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) concerning the provisions of the Inter-American Convention against Corruption (IACAC) selected for review in the framework of the first and second rounds of Review (as set out in the Committee's report on the country: http://www.oas.org/juridico/english/mesicic_com_expertos.htm). Following is a draft of the results of this technical cooperation project.

SECTION I. RECOMMENDATIONS FROM FIRST ROUND OF REVIEW

For its review and in the formulation of these recommendations, the Committee of Experts took into consideration the information provided by Belize up to August 20, 2005 and that which was requested by the Secretariat and the members of the subgroup for analysis, to carry out its functions in keeping with its Rules of Procedure and other Provisions.

1. STANDARDS OF CONDUCT AND MECHANISMS TO ENFORCE COMPLIANCE (ARTICLE III, PARAGRAPHS 1 AND 2 OF THE CONVENTION)

Recommendation 1.1: Belize should consider strengthening the implementation of the provisions on conflicts of interest, and ensure that the laws on this matter are applicable to all public officials and employees, so as to permit the practical and effective application of a public ethics system.

Measure A: Establish a standard 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 and an official's or family member's financial interests or her/his outside activities or negotiations for future private employment arrangements. Such a standard could include recusal, request by the person that perform public functions for permission to continue to act, request by the official for a transfer of duties (if appropriate), or direction by an appropriate authority for divestiture/resignation when the conflict is pervasive.

Legal action required to adopt measure: As noted in its response in the *Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round*², Belize public officers are already governed by a code of conduct, which is established in both the Constitution of Belize³ and in the Public Service Regulations. Such provisions have been further addressed and defined in other pieces of legislation, such as in the Prevention of Corruption Act, Chapter 105 of the Laws of Belize, R.E. 2000-2003; the Criminal Code, particularly sections 281 to 312⁴; and most recently, in

² See the Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round, at pp. 1-2. This report was adopted by the Committee in accordance with the provisions of Article 3(g) and 26 of its Rules of Procedure and Other Provisions, at the plenary session held on March 31, 2006, at its ninth meeting, held at OAS Headquarters in Washington D.C., United States, March 27 to April 1, 2006.

³ The Constitution Act, Chapter 4 of the Laws of Belize, R.E. 2000-2003.

⁴ Chapter 101 of the Laws of Belize, R.E. 2000-2003.

the Prevention of Corruption Act of 2007, which has been in force since February 2007. This latter Act has established standards that address the issue of conflicts that can occur between a public official's performance of his duties with his outside activities or future negotiations. This Act creates the offence of corruption and provides at s.1 of Part I of the Third schedule (pursuant to s.22), that a person commits an act of corruption if, inter alia,

(h) he acquires, or becomes a partner, associate or shareholder in, or a director of a firm or company which has a contract with the Government or with the public body of which such person is a member or employee unless the person makes a disclosure of such partnership, association, shareholding or other interest to the Commission;

(i) He illegally uses official influence in support of any scheme, or in furtherance of any contract or proposed contract or other matter in regard to which he has an interest;

Additionally, at s. 25 of the Act, it provides that:

(1) Every person who, subject to subsection (2), acquires or holds a private interest in any contract, agreement or investment emanating from or connected with the public body in which he or she is employed or which is made on account of that conviction to a fine of not less than ten thousand dollars.

(2) Subsection (1) does not apply to a person:

- (a) who acquires or holds such interest as a shareholder of a listed company;
- (b) whose conditions of employment do not prohibit him or her from acquiring or holding such interest; or
- (c) in the case of a tender process, a public officer who acquires a contract, agreement or investment through a tender process and whose conditions of employment do not prohibit him from acquiring or holding such interest through an independent tender process; or
- (d) unless the person makes a disclosure of such interest to the relevant public body within thirty days of acquiring or holding such interest.

The Committee of Experts opined that the standards incorporated in the Prevention of Corruption Act of 2007 are relevant for advancing the purposes of the Convention. However, 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. Therefore, the Committee recommends that Belize establish a standard 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 and an official's or family member's financial interests or his outside activities or negotiations for future private employment arrangements. Such a standard could include recusal, request by the person that perform public functions for permission to continue to act, request by the official for a transfer of duties (if appropriate), or direction by an appropriate

authority for divestiture/resignation when the conflict is pervasive. Such an amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General's Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature

Studies, plans or programs needed to implement measure: No specific studies, plans or programs required to implement measure.

Any similar or alternative measure adopted: Prevention of Corruption Act of 2007

Entities, authorities or agencies responsible for adopting the measure: Any amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General's Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature. .

Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Service Commission, the Public Service Union and the Belize Senate would be have to be involved in the decision to adopt or enhance the measure.

Entities, authorities or agencies responsible for designing, preparing or Implementing studies, plans projects, programs or any other actions needed to implement the measure: No further studies needed.

Time needed to consider, adopt or implement the measure: Any amendment to the Prevention of Corruption Act of 2007 would require a six month time frame.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Approval of the amendment by the Prime Minister's Cabinet and passage by the Belize Legislature via circular memorandum;
- d) Use of the amendment by the Ministry of the Public Service, the Public Services Commission and the Integrity Commission in the performance of their duties.

Approximate cost of implementing the measure: The cost of drafting and passing such an amendment in terms of time spent and logistics is approximately US\$5,000 .

Possible funding sources (national and international) for implementing the measure:
Drafting such amendment is usually handled locally in the national budget.

Measure B: Establish 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, restrictions on dealing with former government body in which they served.

Legal action required to adopt measure: As noted in its response in the *Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round*, there are no set of written restrictions on persons entering or leaving the public service vis a vis their private interests and participation. Therefore, an amendment to the Prevention of Corruption Act of 2007 to include restrictions for persons who leave the public service would have to be made.

Studies, plans or programs needed to implement measure: Any amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General's Ministry and proposed to Cabinet for presentation to the Belize Legislature for passage.

Any similar or alternative measure adopted: No similar measure has been adopted except for persons serving or who have served as members of the Public Service Commission. The Prevention of Corruption Act s. 105 states:

(3) No person shall be qualified to be appointed as a member of the Commission if he is a member of the National Assembly or, save in respect of the *ex officio* members, if he holds or is acting in any public office.

(4) Save in respect of the *ex officio* members, a person shall not, while he holds or is acting in the office of a member of the Commission or within a period of two years commencing from the date on which he last held or acted in that office, be eligible for appointment to any public office.

Entities, authorities or agencies responsible for adopting the measure: The Attorney General's Ministry would be the agency responsible for drafting the new amendment to the Prevention of Corruption Act 2007, the Belize Legislature (House and Senate) would be responsible for passing the new amendment and the Public Services Commission and the Integrity Commission would be responsible for implementing the new amendment.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Service Union and the Belize Senate would be involved in the decision to amend the current Prevention of Corruption Act to include said measure.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any other amendments to the Prevention of Corruption Act of 2007 will have to be drafted by the Attorney General's Ministry and approved by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately six months would be needed to amend and approve the amendment to the Prevention of Corruption Act to include the measure being recommended.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Belize Legislature;
- d) Use of the amendment by the Public Services Commission and the Integrity Commission to sanction offenders.

Approximate cost of implementing the measure: The estimated cost for such drafting including logistics is approximately US\$8,000

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

Recommendation 1.2: Strengthen implementation of laws and regulatory systems on the proper conservation and use of public resources.

Measure A: Strengthen implementation of laws and regulatory systems on the proper conservation and use of public resources.

Legal action required to adopt measure: In the Belize Final Report for Round II of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th in Washington, D.C., the Committee of Experts stated that they consider that this recommendation has been fulfilled with the enactment of the Finance and Audit (Reform) Act of 2005 and of the Prevention of Corruption Act of 2007, both of which establish proper frameworks for ensuring that public resources are properly used and conserved. No further legal action required.

Studies, plans or programs needed to implement measure: No studies or plans required.

Any similar or alternative measure adopted: The Finance and Audit Act of 2005 and the Prevention of Corruption Act of 2007.

Entities, authorities or agencies responsible for adopting the measure: Not applicable.

Entities, authorities or agencies involved in adopting the measure: Not Applicable.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Not Applicable.

Entities, authorities or agencies necessary for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Not Applicable

Time needed to consider, adopt or implement the measure: Not applicable.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Not applicable.

Approximate cost of implementing the measure: Expenses already undertaken by the Belize national budget.

Possible funding sources (national and international) for implementing the measure: Not Applicable.

Recommendation 1.3: Develop and strengthen mechanisms requiring public officials to report to appropriate authorities' acts of corruption in the performance of public functions of which they are aware

Measure A: Establish standards and mechanisms that require public servants to report to appropriate authorities, acts of corruption in the performance of public functions of which they are aware. This should be complemented by measures that protect public servants who report acts of corruption in good faith.

Legal action required to adopt measure: At the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008, in Washington, D.C., the Belize Final Report for Round II, the Committee of Experts stated that they consider that this recommendation has been fulfilled with the enactment of the Prevention of Corruption Act of 2007 which facilitates compliance with the measure. In light of the foregoing, the Committee agreed with Belize's assessment that this recommendation has been fulfilled.

Studies, plans or programs needed to implement measure: No further studies, plans or programs required to adopt measure needed

Any similar or alternative measure adopted: This Prevention of Corruption Act was passed in 2007

Entities, authorities or agencies responsible for adopting the measure: Not applicable

Entities, authorities or agencies involved in adopting the measure: Not applicable

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Not applicable

Time needed to consider, adopt or implement the measure: Not applicable

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: The main indicator to objectively gauge progress in the actions proposed for implementing this measure would be the number of successful prosecutions under the measure.

Approximate cost of implementing the measure: Costs of adopting and implementing measure has already been borne by the Government of Belize.

Possible funding sources (national and international) for implementing the measure: Costs of adopting and implementing measure has already been borne by the Government of Belize.

Measure B: Facilitate compliance with this obligation by such measures as it deems appropriate

Legal action required to adopt measure: At the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008, in Washington, D.C., the Belize Final Report for Round II, the Committee of Experts stated that they consider that this recommendation has been fulfilled with the enactment of the Prevention of Corruption Act of 2007 which facilitates compliance with the measure.

Studies, plans or programs needed to implement measure: Not applicable.

Any similar or alternative measure adopted: On February 6, 2008, the Prevention of Corruption Act, No. 21 of 2007 (“the POCA”), came into effect. In addition to the protective measures highlighted above, the POCA also makes the failure to comply with the disclosure requirements in s. 30 an offence which attracts a fine of not less than ten thousand dollars (BZ\$10,000.00) or imprisonment of up to one year.⁵

Entities, authorities or agencies responsible for adopting the measure: Not applicable.

Entities, authorities or agencies involved in adopting the measure: Not applicable.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: No further action needed to implement measure

Time needed to consider, adopt or implement the measure: Measure has already been implemented.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: The main indicator to objectively guage progress in the actions proposed for implementing this measure would be the number of successful prosecutions under the measure.

Approximate cost of implementing the measure: Costs of adopting and implementing measure has already been borne by the Government of Belize.

Possible funding sources (national and international) for implementing the measure: Costs of adopting and implementing measure has already been borne by the Government of Belize

⁵ Section 30(3) of the Prevention of Corruption Act, 2007 (“the POCA”).

2. SYSTEMS FOR REGISTERING INCOME, ASSETS AND LIABILITIES (ARTICLE III, PARAGRAPH 4 OF THE CONVENTION)

Recommendation 2: Consider strengthening the systems for registering income, assets, and liabilities.

Measure A: Consider taking necessary steps to enforce the current financial declaration requirements for those to whom the Prevention of Corruption in Public Life Act law currently applies, including implementing penalties for those who fail to file and establishing penalties for late filing.

Legal action required to adopt measure: In the Belize Final Report for Round II from the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th in Washington, D.C., the Committee of Experts stated that they consider that this recommendation has been fulfilled with the enactment of the Prevention of Corruption Act of 2007 which facilitates compliance with the measure.

Studies, plans or programs needed to implement measure: No further studies are necessary.

Any similar or alternative measure adopted: On February 6, 2008, the Prevention of Corruption Act, No. 21 of 2007 (“the POCA”), came into effect. Section 10(1) of the POCA requires persons in public life, namely Members of the House of Representatives (including the Speaker), Members of the Senate (including the President) and Members of the Town and City Councils, to file sworn declarations of assets, income and liabilities of him/herself, his/her spouse, children and agents in the manner prescribed by the Act.

Additionally, the Belize Integrity Commission may require further information from a declarant, or where it considers it necessary, may advise the Governor General to set up a Tribunal to enquire into the fullness or accuracy of a filed declaration.

The Commission is also mandated to publish information in the Gazette, regarding the failure of a person in public life to file a declaration, which includes failure to disclose any material fact in the declaration⁹, without reasonable cause, or failure to furnish further particulars required by the Commission pursuant to s.13, and to submit a report to the Director of Public Prosecutions for appropriate action.

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 one year on a second and subsequent offence. In addition, such offenders will be liable to pay the Commission an administrative fine of one hundred dollars for each day that the declaration or explanation remains outstanding.

If the offence includes non-disclosure of property corruptly acquired while in public office, in addition to the penalties highlighted in the preceding paragraph, the property shall be forfeited to the Government if such property is found in Belize. If the property is abroad, the offender shall pay to the Government the equivalent of the value of such property, as assessed by the Courts. If the property has been acquired by a bona fide purchaser for value without notice, the property shall not be forfeited, but the offender shall pay to the Government an amount equivalent to the value of the property or the price paid by the purchaser, whichever is greater. The Government can take necessary proceedings to recover the sums from the offender as a debt due to the Government.

The Act also creates the offence of filing false declarations, which attracts a fine of between one and five thousand dollars and/or imprisonment for six months.

Entities, authorities or agencies responsible for adopting the measure: Alternate measure already adopted.

Entities, authorities or agencies involved in adopting the measure: Alternate measure already adopted.

Entities, authorities or agencies necessary for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Alternate measure is already implemented.

Time needed to consider, adopt or implement the measure: Alternate measure already in place.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure:

- a. Number of declarations filed;
- b. Percent of declarations filed from possible population universe;
- c. Number of sanctions taken against non-filers;
- d. Number of prosecutions.

Approximate cost of implementing the measure: The cost of implementing the measure has already been borne by the Government of Belize.

Possible funding sources (national and international) for implementing the measure:

The cost of implementing the measure has already been borne by the Government of Belize.

Measure B: Identify positions not currently covered by the Act which have duties where the potential for conflict of interest is substantial and require the individuals holding those positions to file financial declarations.

Legal action required to adopt measure: In the Belize Final Report for Round II from the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th in Washington, D.C., Belize stated that the Prevention of Corruption Act of 2007 makes provisions for the National Assembly to extend the application of this Act to any public servant or class of public servants⁶.

Studies, plans or programs needed to implement measure: As noted in its response in the *Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round*, Belize states that the Prevention of Corruption Act of 2007 makes provisions for the National Assembly to extend the application of this Act to any public servant or class of public servants. However, Belize notes that it will have to engage in public consultations with representatives of civil society, organizations and other interested persons and bodies as deemed necessary in order to obtain public opinion on the matter; and to give public servants reasonable opportunity to express their views on the matter and to give due consideration to such views.

Any similar or alternative measure adopted: The Prevention of Corruption Act of 2007 went into effect in 2008. At the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th in Washington, D.C. the Belize Final Report for Round II, the Committee of Experts stated that they consider that this recommendation has been fulfilled with the enactment of the Prevention of Corruption Act of 2007 which facilitates compliance with the measure.

⁶ See page 32

Entities, authorities or agencies responsible for adopting the measure: Any revisions to the Prevention of Corruption Act of 2007 will have to be done by the Attorney General's Ministry and approved by the Belize National Assembly.

Entities, authorities or agencies involved in adopting the measure: Belize notes that it will have to engage in public consultations with representatives of civil society, organizations and other interested persons and bodies as deemed necessary in order to obtain public opinion on the matter; and to give public servants reasonable opportunity to express their views on the matter and to give due consideration to such views. Therefore, public consultation with the Integrity Commission, The Public Services Commission, members of the House of Representatives will have to be done and will have to involve the business community, non-governmental organizations, the public service union, and members of the public services of Belize.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Such public consultations will have to be organized by the Attorney General's Ministry but can be undertaken by the University of Belize or non-governmental organizations such the Society for the Promotion of Education and Research (SPEAR).

Time needed to consider, adopt or implement the measure: Six months of preparation and implementation time would be necessary for the public consultations and six months would be necessary for the Attorney General to draft and for the National Assembly to adopt the necessary revisions to the Prevention of Corruption Act of 2007.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure:

- a) The new public servants actually included in the draft amendment to the Prevention of Corruption Act of 2007 as a percentage of those requested by the civil society national consultations;

- b) Passage of the amendment to the Prevention of Corruption Act of 2007 with the requisite inclusion of public servants as requested by the civil society national consultations.

Approximate cost of implementing the measure: The National Consultations would cost approximately US\$20,000 and drafting would cost approximately \$8,000.

Possible funding sources (national and international) for implementing the measure: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the national consultations.

Measure C: Use the financial declarations not only to detect actual violations of law and conflicts of interest, but to also serve as a basis for providing counseling on the prevention of conflicts of interest.

Legal action required to adopt measure: No legal action required

Studies, plans or programs needed to implement measure: The certificate of declaration should be used as a part of a training program in public accountability and prevention of conflict of interest.

Any similar or alternative measure adopted: As noted in its response in the *Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round*, Belize states that the Prevention of Corruption Act of 2007 makes provisions for the reports on the enquiries of the Commission to be sent to the Director of Public Prosecutions (“the DPP”) and to the Attorney General. If the DPP is satisfied that the evidence before him is sufficient to substantiate the commission of an offence under the act, he may institute criminal proceedings against such person. Where the person suspected of the commission of an offence is the DPP, the Attorney General may institute proceedings against him⁷.

⁷ See s. 37 of the Act

Entities, authorities or agencies responsible for adopting the measure: This measure would have to be adopted as part of a training program organized by the Ministry of the Public Service's Training Unit.

Entities, authorities or agencies involved in adopting the measure: Training or sensitization programs such as those suggested by this measure are organized by the Ministry of the Public Service in conjunction with the Department or Ministry under which the relevant personnel works (in this case it would be all government departments or ministries) and would be carried out by the Training Unit of the Ministry of the Public Service or the University of Belize (which administers a Bachelor program in Public Management).

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: As mentioned above such programs would be organized by the Training Unit of the Ministry of the Public Service or a university such as the University of Belize.

Time needed to consider, adopt or implement the measure: Approximately six months.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure:

1. Training or sensitization program designed;
2. Training program adopted and funded;
3. Percent of government ministries who have signed on to the program;
4. Percent of senior and middle level public servants who have completed the program;

Approximate cost of implementing the measure: Such training programs would cost approximately US\$20,000 to develop and undertake.

Possible funding sources (national and international) for implementing the measure: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the national consultations

Measure D: Consider making the reports public where appropriate.

Legal action required to adopt measure: As noted in its response in the *Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round*, Belize states that the Prevention of Corruption Act of 2007 (POGA), pursuant to s. 12 of the POCA, the Integrity Commission is required to examine all financial declarations submitted by declarants and to publish Certificates of Declaration in the Belize Government Gazette, if satisfied that the declarations have been fully made. Once the Certificates have been published, any person may make a written complaint to the Commission with respect to any of these Certificates, and the Commission shall review such complaints for appropriate action. If the Commission considers that a full disclosure has not been made, it may – request further information from the declarant; or require him to attend before the Commission; or conduct independent enquiries and investigations; or summon witnesses and require them to produce documents; or summon the complainant to appear before them to hear from him and any of his witnesses in support of his complaint. If, after concluding its investigations into the matter, the Commission considers that the complaint is groundless or has not been substantiated, it is required to publish a statement to that effect in the Gazette. Additionally, if there is evidence that an offence has been committed either by the complainant or the declarant, the Committee is mandated to report the matter to the DPP. Therefore, no further legal action is required to effectuate this measure.

Studies, plans or programs needed to implement measure: No additional studies, plans or programs are necessary to implement this measure.

Any similar or alternative measure adopted: No other similar or alternative measure was adopted.

Entities, authorities or agencies responsible for adopting the measure: Not applicable.

Entities, authorities or agencies involved in adopting the measure: Not applicable.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Not applicable

Time needed to consider, adopt or implement the measure: Measure already adopted.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure:

1. Percent of the total possible certificates of financial disclosures that have actually been published in the Government of Belize's Gazette in the time period mandated.

Approximate cost of implementing the measure: Cost has already been borne by the Government of Belize.

Possible funding sources (national and international) for implementing the measure:
Not applicable

3. OVERSIGHT BODIES FOR THE SELECTED PROVISIONS (ARTICLE III, PARAGRAPHS 1, 2, 4 AND 11 OF THE CONVENTION)

Recommendation 3: Strengthen, and when appropriate create, oversight bodies in particular in the area of functions to enforce compliance with the matters covered by the provisions of Article III, paragraphs 1, 2, 4, and 11 of the Convention; provide them with the necessary resources to enable them to carry out their functions in full; and establish mechanisms necessary to permit effective institutional coordination.

In the Belize Final Report for Round I from the 9th Meeting of the MESICIC Committee of Experts on March 27th to April 1st 2006 in Washington, D.C., the Committee of Experts stated that Belize has in place oversight bodies for enforcement of the measures covered in paragraphs 1, 2 and 4 of Article III of the Convention. They did not provide additional measures.

As noted in its response in the *Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round*, Belize introduced a Bill which seeks to amend the Constitution of Belize by, inter alia, establishing a time-frame and penalties for failure by the Auditor General to table the required reports to the General Assembly. It must be noted that the Finance and Reform Act, No. 12 of 2005 directs the Auditor General to “audit the accounts of all Accounting Officers and of all persons entrusted with the collection, receipt, custody, issue or payment of public moneys, or with the receipt, custody, issue, sale, transfer or delivery of any stamps, securities, stores or other Government property of any kind whatsoever” and to ascertain that all reasonable precautions for the collection of public monies have been taken and all laws, instructions and directions thereon have been duly observed; all expended public monies have been spent in accordance with proper authority and for the purposes intended; therefore; that all reasonable precautions have been taken to safeguard the receipt, custody, issue and proper use of all Government property have been taken and that all relevant laws, directions and instructions thereon have been duly observed⁸. The Bill enhances the Integrity Commission with the creation

⁸ See s. 12 of the Audit and Finance (Reform) Act, 2005.

of a Secretariat, a legal adviser, an independent budget, and wide powers, including Police and investigative powers, to enable the performance of its duties. Most importantly, however, the Bill also establishes a monitoring procedure to ensure transparency and accountability on the part of the Commission in the performance of its duties.

Belize engaged in national consultations on the new Bill designed to fulfill the above recommendation and Belize notes that the results of national consultations that were conducted was that the wider public, so far, have expressed their complete satisfaction with what they term “tremendous legislative improvement and transparency of process”, which this Bill seeks to accomplish⁹. The Bill was passed into law as the Prevention of Corruption Act of 2007.

4. MECHANISMS TO PROMOTE THE PARTICIPATION BY CIVIL SOCIETY AND NONGOVERNMENTAL ORGANIZATIONS IN EFFORTS TO PREVENT CORRUPTION (ARTICLE III, PARAGRAPH 11 OF THE CONVENTION)

Recommendation 4.1: Consider whether the recommendations related to specific mechanisms referred to below indicate a need for Belize to strengthen its general approach to encouraging civil society and non-governmental organizations in efforts to prevent corruption.

As noted in its response in the *Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round* (2006), Belize’s history of Civil Society participation is etched in the very Constitution of Belize, the supreme law of the land, and is reflected at the highest level of governance in the country – in the composition of the Senate. The recent United Democratic Party administration has introduced a bill to amend the constitution of Belize to allow for a 13th member of the Senate appointed from civil society to allow for the balance of power to shift from the incumbent party to a combination of representatives from civil society and the opposition party.

⁹ See *Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round* (March 27th to April 1st 2006 in Washington, D.C.).

Recommendation 4.2: Strengthen the mechanisms on access to information

Measure A: Conduct a comprehensive review of the rules and regulations that provide exceptions to the right of access to public information, in order to ensure that they do not obstruct the exercise of the right to information as an effective mechanism in efforts against corruption, in accordance with the observations in section 4.2.2 of this report¹⁰.

Legal action required to adopt measure: The Attorney General's Ministry would have to commission that such a review of the Belize Freedom of Information Act of Belize be implemented¹¹.

Studies, plans or programs needed to implement measure: Such a comprehensive review as that described by the proposed measure would have to be undertaken as a consultancy as the Attorney General's Ministry does not have the human resources or the time to undertake such a comprehensive review on its own.

Any similar or alternative measure adopted: Freedom of Information Act.

Entities, authorities or agencies responsible for adopting the measure: The measure would have to be adopted and implemented under the auspices of the Attorney General's Ministry but would also have to involve the Ministry of Youth, Sports, Information and Communication and the Ministry of the Public Service under whose auspices the Governance unit (which provides access to public information) is housed. .

¹⁰ In the *Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round* (March 27th to April 1st 2006 in Washington, D.C), Belize stated, “The general difficulty with respect to the recommendation of the honorable Committee of Experts on this matter is the complexity of engaging in comprehensive reviews and evaluations of systems, legislation and mechanisms. Some of these complexities are posed by the time-frame required to successfully carry out such evaluations, as well as the extremely limited resources, including financial and human, with which small countries like ours operate under. In light thereof, Belize humbly requests the Committee to consider removing these recommendations.

¹¹ Belize has a set of provisions related to mechanisms for access to information, in particular the Freedom of Information Act, which provides that each ministry has the obligation to publish all rules and procedures used in making decisions, as well as a list of the categories of documents under its jurisdiction in the *Gazette*. An omission of this duty in connection with a document that concerns an administrative rule or practice will mean that a member of the public shall not be subjected to any prejudice by reason of the application of that rule or practice (Section 8, Freedom of Information Act).

Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman and the Integrity Commission would also have to be involved in adopting such a measure along with the Attorney General's Ministry and the Ministry of Youth, Sports, Information and Communication and the Ministry of the Public Service under whose auspices the Governance unit (which provides access to public information) is housed.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: The Comprehensive review suggested by the measure would have to be undertaken as an independent consultancy under the auspices of the Attorney General's Ministry.

Time needed to consider, adopt or implement the measure: Such a comprehensive review would take approximately four to six months to complete.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: The indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

1. The terms of reference for the consultancy to review the rules and regulations that provide exceptions to the right of access to public information, in order to ensure that they do not obstruct the exercise of the right to information as an effective mechanism in efforts against corruption has been issued;
2. The consultancy has been completed;
3. Recommendations from the consultancy have been accepted by the Attorney General's Ministry and the Ministry of Public Utilities, Transport, Communications and Emergency Management.

Approximate cost of implementing the measure: The cost of undertaking such a consultancy would be approximately US\$10,000.

Possible funding sources (national and international) for implementing the measure: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the comprehensive review.

Measure B: Strengthen systems that ensure public access, as appropriate, to information on public administration bodies and their program-related and financial activities, in particular as regards those bodies concerned with the issues covered in this report; and improve, where possible, the use of modern technologies to that effect

Legal action required to adopt measure: In the *Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round* (2006), Belize noted the passage of the Freedom of Information Act and the fact that information can be accessed from the website www.governmentofbelize.gov.bz in which reports from the Office of Governance are posted as indicators that the suggested measure has been successfully implemented. In the Belize Final Report for Round II from the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th in Washington, D.C., the Committee of Experts concurred that Belize had successfully implemented this measure.

Studies, plans or programs needed to implement measure: Measure already implemented

Any similar or alternative measure adopted: Measure already implemented

Entities, authorities or agencies responsible for adopting the measure:
Measure already implemented

Entities, authorities or agencies involved in adopting the measure: Measure already implemented

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Measure already implemented

Time needed to consider, adopt or implement the measure: Measure already implemented

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure could include:

1. Existence of topic areas on website dealing with efforts to combat corruption;
2. Existence of topic areas on website dealing with financial disclosures;

3. Number of hits on these topic areas of the website;

Approximate cost of implementing the measure: Measure already implemented.

Possible funding sources (national and international) for implementing the measure: Measure already implemented

Measure C: Carry out a comprehensive evaluation of the use and effectiveness of mechanisms for access to information, and, based on the results of that evaluation, consider the adoption of measures to promote, facilitate, and consolidate the effectiveness of these mechanisms.

Legal action required to adopt measure: The Attorney General's Ministry would have to seek the acquiescence of the Ministry of Youth, Sports, Information and Communication and the Ministry of the Public Service under whose auspices the Governance unit (which provides access to public information) is housed to undertake such an examination and to consider the adoption of measures to promote, facilitate, and consolidate the effectiveness of these mechanisms.

Studies, plans or programs needed to implement measure: Such a evaluation would have to be undertaken as a consultancy as the Attorney General's Ministry does not have the human resources or the time to undertake such a comprehensive review on its own.

Any similar or alternative measure adopted: Freedom of Information Act

Entities, authorities or agencies responsible for adopting the measure: The measure would have to be adopted and implemented under the auspices of the Attorney General's Ministry but would also have to involve Ministry of Youth, Sports, Information and Communication and the Ministry of the Public Service under whose auspices the Governance unit (which provides access to public information) is housed.

Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman and the Integrity Commission would also have to be involved in adopting such a measure along with the Attorney General's Ministry and the Ministry of Youth, Sports, Information and Communication and the Ministry of the Public Service under whose auspices the Governance unit (which provides access to public information) is housed.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: The evaluation suggested by the measure would have to be undertaken as an independent consultancy under the auspices of the Attorney General's Ministry.

Time needed to consider, adopt or implement the measure: Such a comprehensive review would take approximately four to six months to complete.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: The indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

1. The terms of reference for the consultancy to comprehensively evaluate the use and effectiveness of mechanisms for access to information has been issued;
2. The consultancy has been completed;
3. Recommendations from the consultancy have been accepted by the Attorney General's Ministry and the Ministry of Public Utilities, Transport, Communications and Emergency Management for adoption.

Approximate cost of implementing the measure: The cost of undertaking such a consultancy would be approximately US\$10,000.

Possible funding sources (national and international) for implementing the measure: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the comprehensive review

Recommendation 4.3: Strengthen existing mechanisms and consider creating other ones as part of their efforts to combat corruption.

Measure A: Strengthen consultation mechanisms to enable civil society and nongovernmental organizations to generate opinions and proposals to be taken into account in preventing, detecting, investigating, and punishing corruption.

Legal action required to adopt measure: In the *Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round* (2006), Belize notes that the Minister of the Public Service is aided by three advisory bodies, each of which enjoy participation by civil society (Belize also notes that the membership of each of the below-mentioned Committees include the Chief Executive Officers and Heads of Department of key Ministries and of the Financial Secretary):

The Human Resource Development Committee

This Committee's terms of reference are to provide transparency in the areas of training and development of human resources of the Public Service by, inter alia, strengthening the process for selection of nominees for merit and external scholarship awards. Its functions include advising the Minister of the Public Service on policy goals and strategies regarding training and development of human resources in the Public Service as well as on the priority of training needs and scholarship programs, and to ensure the development, implementation and monitoring of human resource policy and strategy for the Public Service.

The Council on Good Governance and Public Sector Modernization

This Committee was created "pursuant to the mutual commitment of the Government of Belize and other partners to a collaborative approach and increased cooperation on good governance and public sector initiatives." Its responsibilities include, inter alia, making recommendations on good governance initiatives; providing guidance in the implementation of improvement initiatives in public sector administration; serving as forum for interface between the Government of Belize and its social partners for the sharing of ideas and information arising from modernization and governance endeavours; and making recommendations on modernization initiatives to improve service delivery and enhance structures. Members of this Committee are persons of integrity and leaders from the public, private and social sectors. This Committee was tasked with the preparation of an annual report on their work and accomplishments.

The Joint Staff Relations Council

This Committee advises on matters of human resource development and management and among its duties is seeking improved conditions of work for public officers.

In the Belize Final Report for Round II from the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th in Washington, D.C., the Committee of Experts concurred that Belize had successfully implemented this measure with the Committees as constituted but may consider strengthening their terms of reference to specifically address the issue of corruption.

Any similar or alternative measure adopted: None

Entities, authorities or agencies responsible for adopting the measure: Measure already adopted

Entities, authorities or agencies involved in adopting the measure: Measure already adopted

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Measure already adopted

Time needed to consider, adopt or implement the measure: Measure already adopted

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure:

1. Agenda and minutes of Committee meetings highlighting the issue of prevention corruption as a topic area of discussion;
2. Number of actions taken by Committee addressing the issue of prevention of corruption.

Approximate cost of implementing the measure: Measure already adopted

Possible funding sources (national and international) for implementing the measure: Measure already adopted.

Measure B: Design and implement programs to publicize consultation mechanisms and, as appropriate, provide training and instruments to officials necessary for effective implementation of those mechanisms.

Legal action required to adopt measure: In the Belize Final Report for Round II from the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts concurred that Belize had successfully implemented this measure through the creation of the Committees mentioned above.

Studies, plans or programs needed to implement measure: Measure successfully implemented.

Any similar or alternative measure adopted: Measure successfully implemented.

Entities, authorities or agencies responsible for adopting the measure: Measure successfully implemented.

Entities, authorities or agencies involved in adopting the measure: Measure successfully implemented.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Measure successfully implemented.

Time needed to consider, adopt or implement the measure: Measure successfully implemented.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure:

1. Agenda and minutes of Committee meetings highlighting the issue of prevention corruption as a topic area of discussion;
2. Number of actions taken by Committee addressing the issue of prevention of corruption

Approximate cost of implementing the measure: Measure successfully implemented.

Possible funding sources (national and international) for implementing the measure: Measure successfully implemented.

Recommendation 4.4: Implement mechanisms to encourage civil society and nongovernmental organizations to participate in public administration.

Measure A: Develop standards and procedures to establish, maintain and strengthen mechanisms to encourage participation by civil society and nongovernmental organizations in public administration as part of their efforts to prevent corruption.

Legal action required to adopt measure: In the Belize Final Report for Round II from the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted that there is no mandatory requirement for government ministries to consult with civil society when developing rules and regulations. Such a requirement would necessitate a requirement from the Prime Minister's Office by means of a Circular Memorandum to all Ministries mandating them to consult with civil society when developing rules and regulations.

Studies, plans or programs needed to implement measure: No studies, plans or programs needed.

Any similar or alternative measure adopted: No similar measure has been adopted.

Entities, authorities or agencies responsible for adopting the measure: The Prime Minister's Office would be responsible for drafting and issuing the circular memorandum with input from the Integrity Commission, the Ministry of the Public Service and the Services Commission and with the approval of the Prime Minister's Cabinet.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Service Commission and the Integrity Commission would be consulted by the Prime Minister's Office.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: No studies needed.

Time needed to consider, adopt or implement the measure: Approximately three months would be needed for consultation, drafting and issuing the circular memorandum.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of a requirement that comports with the measure;
- b) Approval of the requirement by relevant stakeholders;
- c) Issuing of the requirement via circular memorandum by the Belize Prime Minister's Office;

- d) Number of uses of the government ministries in developing new rules and regulations.

Approximate cost of implementing the measure: The estimated cost for such consultation and drafting is approximately US\$5,000

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

Measure B: Promote public awareness of available corruption prevention mechanisms.

Legal action required to adopt measure: In the Belize Final Report for Round II from the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts concurred that Belize had successfully implemented this measure with the creation of the Government of Belize portal [www.governmentofbelize.gov.bz..](http://www.governmentofbelize.gov.bz)

Studies, plans or programs needed to implement measure: Measure successfully implemented.

Any similar or alternative measure adopted: Measure successfully implemented

Entities, authorities or agencies responsible for adopting the measure: Measure successfully implemented

Entities, authorities or agencies involved in adopting the measure: Measure successfully implemented

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Measure successfully implemented

Entities, authorities or agencies necessary for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Measure successfully implemented

Time needed to consider, adopt or implement the measure: Measure successfully implemented

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure:

1. Existence of topic areas on website dealing with efforts to combat corruption;
2. Existence of topic areas on website dealing with financial disclosures;
3. Number of hits on these topic areas of the website;

Approximate cost of implementing the measure: Measure successfully implemented

Possible funding sources (national and international) for implementing the measure: Measure successfully implemented.

5. ASSISTANCE AND COOPERATION (ARTICLE XIV of the Convention)

Recommendation 5.1: Design and implement a comprehensive program of dissemination and training specifically geared to the competent authorities and officials, to ensure they are familiar with and can apply the provisions in force on mutual legal assistance for investigation and prosecution of acts of corruption in the Convention and in other treaties signed by Belize.

Measure A: No measure recommended

Legal action required to adopt recommendation: In its “Report of Belize on the Implementation of Belize of the Recommendations of the Committee of Experts in the

First Round”¹², Belize notes that it is party to a bilateral treaty with the United States of America on Mutual Legal Assistance in criminal matters and is presently negotiating a similar treaty with Mexico, its northernmost neighbor. Additionally, Belize is a Party to a regional treaty on the subject-matter with its CARICOM counterparts; and to a number of multilateral treaties, like the present Convention, and including the United Nations Convention against Transnational Organized Crime and the United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which make wide provisions for mutual legal assistance among Member States. Therefore, the legal action required to implement the recommendation is in place.

Studies, plans or programs needed to implement recommendation: In its “Report of Belize on the Implementation of Belize of the Recommendations of the Committee of Experts in the First Round” (2006), the Committee of Experts stated that Belize has not developed specific comprehensive programs to train its competent authorities and officials on the implementation of the country’s mutual legal assistance obligations with regard to investigative and prosecution of acts of corruption. However, the country and its officials have benefitted from several training opportunities under the auspices of relevant international organizations, which have been held both at home and abroad. For example, the United Nations Office on Drugs and Crime (“the UNODC”) organized and hosted a one week training program in Belize City which counted with the participation of, inter alia, representatives from the Police Department, the Office of the Director of Public Prosecutions, the Ministry of Foreign Affairs, the Attorney General’s Ministry and the Bench. A follow-up session is presently being discussed with the UNODC. A number of officers have also received training abroad. Therefore, a specific training program is needed to be implemented in this area of specificity for Belize.

Any similar or alternative recommendation adopted: No similar measure adopted.

Entities, authorities or agencies responsible for adopting the recommendation: The training program would have to be organized under the auspices of the Ministry of the Public Service with input from the Attorney General’s Ministry and the Ministry of National Security.

Entities, authorities or agencies involved in adopting the recommendation: As mentioned above, the training program would have to be organized under the auspices of the Ministry of the Public Service with input from the Attorney General’s Ministry and the Ministry of National Security

¹² See the Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round (2006), at p. 17

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: The program could be designed by the Training Unit of the Ministry of the Public service but would probably have to be with input from experts of an agency such as the United Nations Office on Drugs and Crime (UNODC).

Entities, authorities or agencies necessary for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: The University of Belize is in an excellent position to institutionalize such a training program as part of its Bachelor's degree in public management program.

Time needed to consider, adopt or implement the recommendation: Six months would probably be needed to institutionalize such a program.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the recommendation:

1. Training or sensitization program designed;
2. Training program adopted and funded;
3. Percent of government ministries who have signed on to the program;
4. Percent of senior and middle level public servants who have completed the program;

Approximate cost of implementing the recommendation: Such a training program would cost about US\$20,000 to develop and implement.

Possible funding sources (national and international) for implementing the recommendation: The Inter-American Development Bank's Belize Public Sector Reform Project, the United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the development and implementation of the training program recommended.

Recommendation 5.2: Identify and ascribe priority to specific areas in which it deems it could need or it could be useful for it to receive technical cooperation from other States Parties in order to further strengthen its capacity to prevent, detect, investigate and punish corruption.

In its “Report of Belize on the Implementation of Belize of the Recommendations of the Committee of Experts in the First Round (2006), Belize notes that the country recognizes that it is in need of further training of its competent authorities and officials for a more effective collaboration with its counterparts and states that training in the investigative field and exchange of information on best practices are a priority.

Measure A: No measure recommended

Legal action required to adopt recommendation: In its “Report of Belize on the Implementation of Belize of the Recommendations of the Committee of Experts in the First Round”¹³, Belize notes that it is party to a bilateral treaty with the United States of America on Mutual Legal Assistance in criminal matters and is presently negotiating a similar treaty with Mexico, its northernmost neighbor. Additionally, Belize is a Party to a regional treaty on the subject-matter with its CARICOM counterparts; and to a number of multilateral treaties, like the present Convention, and including the United Nations Convention against Transnational Organized Crime and the United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which make wide provisions for mutual legal assistance among Member States. Therefore, the legal action required to implement the recommendation is in place.

Studies, plans or programs needed to implement recommendation: In its “Report of Belize on the Implementation of Belize of the Recommendations of the Committee of Experts in the First Round” (2006), Belize notes that the country recognizes that it is in need of further training of its competent authorities and officials for a more effective collaboration with its counterparts and states that training in the investigative field and exchange of information on best practices are a priority. Therefore, a specific training program is needed in this area of specificity for Belize.

Any similar or alternative recommendation adopted: No similar measure adopted.

Entities, authorities or agencies responsible for adopting the recommendation: The training program would have to be organized under the auspices of the Ministry of the Public Service with input from the Attorney General’s Ministry and the Ministry of National Security.

¹³ See the Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round (2006), at p. 17

Entities, authorities or agencies involved in adopting the recommendation: As mentioned above, the training program would have to be organized under the auspices of the Ministry of the Public Service with input from the Attorney General's Ministry and the Ministry of National Security

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: The program could be designed by the Training Unit of the Ministry of the Public service but would probably have to be with input from experts of an agency such as the United Nations Office on Drugs and Crime (UNODC).

Entities, authorities or agencies necessary for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: The University of Belize is in an excellent position to institutionalize such a training program as part of its Bachelor's degree in public management program.

Time needed to consider, adopt or implement the recommendation: Six months would probably be needed to institutionalize such a program.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the recommendation:

1. Training or sensitization program designed;
2. Training program adopted and funded;
3. Percent of government ministries who have signed on to the program;
4. Percent of senior and middle level public servants who have completed the program;

Approximate cost of implementing the recommendation: Such a training program would cost about US\$20,000 to develop and implement.

Possible funding sources (national and international) for implementing the recommendation: The Inter-American Development Bank's Belize Public Sector Reform Project, the United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the development and implementation of the training program recommended.

Recommendation 5.3: Strengthen efforts to exchange technical cooperation with other States Parties on the most effective ways and means to prevent, detect, investigate, and punish corruption.

Measure A: No measure recommended

Legal action required to adopt recommendation: In its “Report of Belize on the Implementation of Belize of the Recommendations of the Committee of Experts in the First Round”¹⁴, Belize notes it is engaged in identifying the most effective “best practices” regarding prevention; detection; investigation and punishment of corruption from within and from its counterparts in other countries, which it hopes, will greatly assist the country’s zero tolerance policy with respect to corruption and corrupt practices.

Studies, plans or programs needed to implement recommendation: A comparative study of best practices would have to be undertaken by Belize with regards to detection; investigation and punishment of corruption from within and from its counterparts in other countries.

Any similar or alternative recommendation adopted: No similar measure adopted.

Entities, authorities or agencies responsible for adopting the recommendation: The comparative study would have to be organized under the auspices of the Attorney General’s Ministry with input from the Ministry of Finance and the Ministry of National Security.

Entities, authorities or agencies involved in adopting the recommendation: As mentioned above, the comparative study would have to be organized under the auspices of the Attorney General’s Ministry with input from the Ministry of Finance and the Ministry of National Security

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: The comparative study would have to be a consultancy with input from experts of an agency such as the United Nations Office on Drugs and Crime (UNODC).

¹⁴ See the Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round” (2006), at p. 18

Entities, authorities or agencies necessary for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: The UNODC and CARICOM would be in excellent positions to assist in this endeavor.

Time needed to consider, adopt or implement the recommendation: Six months would probably be needed to carry out such a consultancy.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the recommendation:

1. The terms of reference for the consultancy to comprehensively examine the most effective “best practices” regarding prevention; detection; investigation and punishment of corruption from within and from its counterparts in other countries has been issued;
2. The consultancy has been completed;
3. Recommendations from the consultancy have been accepted by the Attorney General’s Ministry for adoption

Approximate cost of implementing the recommendation: Such a consultancy would cost about US\$8,000 to carry out.

Possible funding sources (national and international) for implementing the recommendation: The Inter-American Development Bank’s Belize Public Sector Reform Project, the United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the development and implementation of the training program recommended.

6. CENTRAL AUTHORITIES (ARTICLE XVIII of the Convention)

Recommendation 6.1: Formalize the designation of the Solicitor General as the Central Authority provided for in Article XCIII of the Convention for the purposes of international assistance and cooperation envisaged in that treaty, and communicate that designation to the Secretariat of the OAS in accordance with the procedures provided to that end.

Measure: No measure recommended

Legal action required to adopt recommendation: In the Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round¹⁵, Belize notes that “A decision on the matter will be forthcoming in the very near future since one view is that the Attorney General be designated as the Central Authority for Belize for the purposes of international assistance and cooperation anticipated in the present Convention. The Attorney General is the designated Central Authority under the Treaty with the United States of America and under the CARICOM Treaty, which are the most recent. As soon as the matter is resolved, it shall be duly communicated to the Secretariat of the OAS”. Therefore, no additional legal action is needed.

Studies, plans or programs needed to implement recommendation: No additional studies are needed.

Any similar or alternative recommendation adopted: No similar measure adopted.

Entities, authorities or agencies responsible for adopting the recommendation: The Attorney General’s Ministry is the entity responsible for adopting the measure.

Entities, authorities or agencies involved in adopting the recommendation: The matter resides in the Attorney General’s Ministry.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: No additional studies necessary.

Entities, authorities or agencies necessary for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: No additional studies necessary

Time needed to consider, adopt or implement the recommendation: The recommendation will be implemented immediately once the decision is made.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the recommendation.

1. The Attorney General’s Ministry communicates with the Secretariat of the OAS its decision to formalize the designation of the Solicitor General as the Central Authority provided for in Article XCIII of the Convention for the purposes of international assistance and cooperation envisaged in that treaty in accordance with the procedures provided to that end.

¹⁵ See the Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round (2006), at p. 18-19.

Approximate cost of implementing the recommendation: No cost implications are expected to implement this recommendation.

Possible funding sources (national and international) for implementing the recommendation: No additional funding necessary.

Recommendation 6.2: Ensure that said authority has sufficient resources to enable it to carry out its functions.

First Measure: No measure recommended

Legal action required to adopt recommendation: In the Report of Belize on the Implementation of Belize of the Recommendations of the Committee of Experts in the First Round¹⁶, Belize notes that this recommendation “is one of the special considerations weighing in the final determination of the matter regarding the Central Authority discussed above.” It goes on to state, “In practice, however, the requests for legal assistance from other countries have been addressed by the Attorney General’s Ministry with its existing staff and budget.”

Studies, plans or programs needed to implement recommendation: No additional studies are needed.

Any similar or alternative recommendation adopted: No similar measure adopted.

Entities, authorities or agencies responsible for adopting the recommendation: The Attorney General’s Ministry is the entity responsible for adopting the measure.

Entities, authorities or agencies involved in adopting the recommendation: The matter resides in the Attorney General’s Ministry.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: No additional studies necessary.

Entities, authorities or agencies necessary for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: No additional studies necessary

¹⁶ See the Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round (2006), at p. 19.

Time needed to consider, adopt or implement the recommendation: The recommendation will be implemented immediately once the decision is made.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the recommendation.

1. The Attorney General's Ministry communicates with the Secretariat of the OAS its decision to formalize the designation of the Solicitor General as the Central Authority provided for in Article XCIII of the Convention for the purposes of international assistance and cooperation envisaged in that treaty in accordance with the procedures provided to that end.
2. Funding for the Secretariat has been placed in the Attorney General's Ministry's budget.

Approximate cost of implementing the recommendation: Cost implications associated with this recommendation are expected to be borne by the Attorney General's Ministry.

Possible funding sources (national and international) for implementing the recommendation: No additional funding necessary.

7. GENERAL RECOMMENDATIONS

Recommendation 7.1: Design and implement, where appropriate, training programs for public servants responsible for application of the systems, standards, measures and mechanisms included in this report, in order to ensure their appropriate acquaintance, management, and application.

First Measure: No measure recommended

Legal action required to adopt recommendation: No legal action required

Studies, plans or programs needed to implement recommendation: Training program should be developed by the Training Unit of the Ministry of the Public Service.

Any similar or alternative recommendation adopted: No similar measure adopted although “the United Nations Office on Drugs and Crime (“the UNODC”) organized and hosted a one week training program in Belize City which counted with the participation of, inter alia, representatives from the Police Department, the Office of the Director of Public Prosecutions, the Ministry of Foreign Affairs, the Attorney General’s Ministry and

the Bench. A follow-up session is presently being discussed with the UNODC. A number of officers have also received training abroad.”¹⁷

Entities, authorities or agencies responsible for adopting the recommendation: This recommendation would have to be proposed by the Attorney General’s Ministry (as the proposed Secretariat) and adopted by the Ministry of the Public Service as part of their Training Unit’s program.

Entities, authorities or agencies involved in adopting the recommendation: Training or sensitization programs such as those suggested by this recommendation are organized by the Ministry of the Public Service in conjunction with the Department or Ministry under which the relevant personnel works (in this case it would be all government departments or ministries) and would be carried out by the Training Unit of the Ministry of the Public Service or the University of Belize (which administers a Bachelor program in Public Management).

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: As mentioned above, such programs would be organized by the Training Unit of the Ministry of the Public Service or a university such as the University of Belize.

Time needed to consider, adopt or implement the recommendation: Approximately six months.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the recommendation:

1. Training or sensitization program designed;
2. Training program adopted and funded;
3. Percent of government ministries who have signed on to the program;

¹⁷ See the Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round (2006), at p. 18.

4. Percent of senior and middle level public servants who have completed the program;

Approximate cost of implementing the recommendation: Such training programs would cost approximately US\$20,000 to develop and undertake.

Possible funding sources (national and international) for implementing the recommendation: The Inter-American Development Bank's Public Sector Reform project, the United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the national consultations.

Recommendation 7.2: Select and develop procedures and indicators, as appropriate, for verifying follow-up of the recommendations contained in this report, and notify the Committee accordingly through the Technical Secretariat. For said purposes, Belize could take into account the list of broader indicators applicable to the Inter-American system that were available for election, as necessary, by Belize, and which have been published by the Technical Secretariat of the Committee on the OAS Internet web site. Belize could also take into account any information arising from the review of mechanisms developed pursuant to recommendation 7.3 below.

Legal action required to adopt recommendation: No legal action required

Studies, plans or programs needed to implement recommendation: Consultancy to develop procedures and broad indicators via a work-plan for the implementation of the National Plan of Action being developed.

Any similar or alternative measure adopted: No similar measure adopted although a National Plan of Action is being developed by Belize.

Entities, authorities or agencies responsible for adopting the recommendation: This measure would have to be proposed and developed by the Attorney General's Ministry (as the proposed Secretariat) as a consultancy under their auspices.

Entities, authorities or agencies involved in adopting the recommendation: A consultancy would have to be implemented to develop a work-plan based on the National Plan of Action developed by the Attorney General's Ministry (the proposed Secretariat). A national workshop involving stakeholders as participants would have to be undertaken as part of the consultancy.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: The proposed work-plan would have to be developed as a consultancy under the auspices of the Attorney General's Ministry.

Time needed to consider, adopt or implement the recommendation: Such a consultancy would take approximately six months.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the recommendation:

1. The terms of reference for the consultancy to develop a workplan to accompany the National Plan of Action has been issued;
2. The consultancy has been completed;
3. Recommendations from the consultancy have been accepted by the Attorney General's Ministry and the Prime Minister's cabinet for adoption

Approximate cost of implementing the recommendation: Such consultancies would cost approximately US\$8,000 to develop and undertake.

Possible funding sources (national and international) for implementing the recommendation: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) or the Organization of American States (OAS) are possible sources for funding for the development of the workplan.

Recommendation 7.3: Implement the recommendations contained in this report and develop, as appropriate and where none exist, procedures to review the mechanisms mentioned herein.

Legal action required to adopt recommendation: The recommendations would have to be developed as part of a National Plan of Action that is:

1. adopted by the Attorney General's Ministry;
2. taken to the Prime Minister's Cabinet for its approval;
3. implemented through the Attorney General's Ministry as the Secretariat.

SECTION II. RECOMMENDATIONS FROM SECOND ROUND OF REVIEW

1. SYSTEMS OF GOVERNMENT HIRING AND PROCUREMENT OF GOODS AND SERVICES (ARTICLE III (5) OF THE CONVENTION)

Recommendation 1.1 - Consider strengthening the systems of government hiring.

Measure A: Develop, through the relevant legislative and/or administrative procedures, the different stages that comprise the process of selecting and appointing candidates to posts in the Public Service, by adopting provisions and clearly defined criteria that ensure entry to the public service, always taking into account the principles of openness, equity and efficiency as provided in the Convention.

Legal action required to adopt measure: In the Belize Final Report for Round II of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted that the revised Belize Constitution¹⁸ provides for several provisions dealing with accountability and transparency in the hiring process in the public service including:

- Constitutional provisions, such as those which establish the Public Services Commission (Section 105); and the Judicial and Legal Services Commission (Section 110E); and which also provide that in the performance of their functions, the Commissions shall not be subject to the control of any other person or authority (Sections 105(12) and 115E(12), respectively). Pursuant to Section 106(1) of the Constitution, the Public Services Commission has the power to appoint individuals to hold or act in offices in the public service, with the exception of those offices within the judicial and legal service² and the security service.³ Section 106(3)(c) authorizes the Governor-General, acting in accordance with the advice of the Minister or Ministers, and following public consultation, to make regulations on the formation of schemes for recruitment to the public service;⁴ Section 107 grants the Public Services Commission the power to appoint high ranking public officers;⁵ and Section 106(5) authorizes the Public Service Commission to delegate its powers,⁶ on the conditions it deems fit, to any one or more of its members, or with the consent of the Prime Minister, to any public officer. With respect to the Judicial and Legal Services Commission, Section 110F(1) of the Constitution grants the Commission the power, inter-alia, to review the suitability of applicants, as well as appoint individuals to hold or act in offices in the judicial and legal services, including the power to make appointments, promotions, transfers, and to

¹⁸ See The Belize Constitution, CAP 4 of the Substantive Laws of Belize, Revised Edition 2000-2003

confirm appointments; and Section 110F(5) authorizes the Judicial and Legal Service Commission to delegate its powers.

- Statutory provisions, such as the Public Service Regulations, which contain provisions related to the government hiring system, and which apply to all of the above-referenced Service Commissions, pursuant to Regulations 2 and 3 thereof, and to all public officers and offices,^{8,i} subject to the following exceptions specified in Regulation 2(2): the offices of the Prime Minister or other Ministers, Ministers of State, Speaker or Deputy Speaker or member of the House of Representatives, President or Vice President or Senator, member of the Belize Advisory Council, or any Commission established under the Constitution, or the Clerk, Deputy Clerk or staff of the National Assembly, or the Ombudsman or the Contractor-General. In addition, Regulation 3 provides that the Public Service Regulations do not apply to: an office of a Justice of appeal; an officer to whom section 110B of the Constitution applies; an open vote worker to whom the Government (Open Vote) Workers Regulations apply; an ambassador or High Commissioner; offices to which sections 107, 108 and 109 of the Constitution apply; an office of a Justice of the Supreme Court; and any other category or class of officers where special Regulations are made in respect of that category or class of officers.
- With respect to access to the public service through a merit-based system, Regulation 6 provides that the educational or professional qualifications and other requirements for appointment to permanent posts in the Public Service shall be determined by the Chief Executive Officer, Ministry of the Public Service, after consultation with the appropriate Ministry. In addition, Regulation 11(2) provides that the promotion of officers to fill vacancies shall be approved by the relevant Commission, and that the Commission shall base its decision on the following three factors, in descending order of importance: (a) Performance/Merit; (b) Integrity/Professionalism; and (c) Experience/Employment History.
- With respect to vacancies in the public service, Regulation 7 provides that when a vacancy arises, the Chief Executive Officer of the Ministry shall report it to the Chief Executive Officer of the Ministry of the Public Service and state his recommendations for filling the post. Finally, Regulation 11(1) provides, inter-alia, that no officer shall be appointed to a post for which he is not qualified. In addition to the above-cited Regulations, Circular Memorandum No. 7 of 2008, establishes a new procedure for the creation of new posts and for the filling of vacant posts in the Public Service, and provides at paragraph 2, that all requests to fill vacant posts shall be submitted to the Ministry of the Public Service, and must be accompanied by “a detailed justification for the filling of the vacancy including; date vacancy occurred, cause of vacancy and proposed date for filling of the post.”
- With respect to methods for challenging selection decisions, the Supreme Court Rules of 2005, at Part 56, allows applications for judicial review to be submitted to the Supreme Court.¹¹ Part 56.1(3) provides that the Court may provide the following remedies: (a)

certiorari, for quashing unlawful acts; (b) prohibition; or (c) mandamus, for requiring performance of a public duty; while Part 56.1(4) also empowers the Court to grant an injunction; restitution or damages, or an order for the return of property. In addition, Section 12(1) of the Ombudsman Act grants the Ombudsman the authority to investigate matters, where he or she has a reasonable cause to believe that (a) an authority or an officer or member of an authority has been guilty of corruption or other wrongdoing; or (b) any person or body of persons as or may have sustained injustice injury or abuse as a result of an action taken by an authority or an officer or a member of such authority.

Additionally, Section 12(4) grants the Ombudsman the power to investigate any reports made to the Governor-General or to the Public Services Commission, in respect of the appointment, removal, promotion, disciplinary control or other personnel matters in relation to any person. Section 22(1) provides that when the Ombudsman's investigation evidences a breach of duty, misconduct, or a criminal offense, the matter shall be referred to the person or entity responsible for taking disciplinary or other appropriate action, and submit a special report to the National Assembly, which, pursuant to Section 22(2), may, among other actions and when the report discloses a criminal violation, forward the matter to the Director of Public Prosecutions for appropriate action.

- Statutory provisions, such as the Belize Constitution (Government Open Vote Workers) Regulations, which, pursuant to Article 2 thereof, applies to "*employees of any Government Department whose post is not provided for under any Personal Emoluments item of any Head of Expenditure in the Estimates*" Article 3 classifies workers in two categories: Category A, which includes workers engaged for any permanent year round service, as well as workers who have service for 5 years or more and whose employment is not intended to be permanent year round service, including workers whose employment is intended to be for a particular project only; and Category B, which includes workers with less than five years of service whose employment is not intended to be permanent round the year service, including workers whose employment is intended to be for a particular project only. Article 4 provides that the Head of Department shall engage all workers through the employment exchange of the Labor Department where such a service exists, and also requires the Head of Department to lay out the terms of employment in writing.
- Statutory provisions, such as the National Assembly Staff Act, Chapter 14 of the Laws of Belize Re 2000-3003, which at Section 3 establishes the National Assembly Staff Committee, consisting of (a) the Speaker of the House of Representatives, or in his absence the Deputy Speaker, (b) three members of the House of Representatives nominated by the House, (c) the President of the Senate and one other member of the Senate nominated by the Senate, and (d) one member of the staff of the National Assembly nominated by the Staff of the National Assembly or one other person who is not a member of staff nominated by the Staff of the National Assembly; Section 6 grants the National Assembly Staff Committee the power, inter-alia, to appoint and confirm appointments, and to exercise disciplinary control over National Assembly Staff. Section 6 also provides that appeals from decisions of the Committee can be made to the Belize

Advisory Council, in respect of Staff of the National Assembly. In addition, the National Assembly Staff (Conditions of Service) Regulations, 2003, provide at Section 3, that the National Assembly Staff Committee makes all permanent appointments in the National Assembly; Section 5 requires the Clerk of the National Assembly to publish the professional qualifications and other requirements for appointment to permanent posts in the National Assembly, after consultation with the Committee; Section 9 requires the Clerk to report vacancies that arise to the Committee, together with his recommendations for filling the post; Section 15(1) provides that no officer shall be appointed or promoted to a post for which he is not qualified an, while Section 15(2) provides that the promotion of officers to fill vacancies shall be approved by the Governor-General or the Committee, and that the decision shall be based on the following factors, in descending order of importance: (a) Performance Track Record; (b) Integrity; and (c) Experience; and Section 18 allows officers who are qualified for a post pursuant to Section 15, to be appointed to act in a vacant post for up to a year, or in a post that is not vacant for a specified period.

The Committee of Experts notes that the constitutional and legal provisions that refer to the principal systems of government hiring that the Committee has examined, based on the information available to it, constitute, as a whole, a body of measures relevant to promoting the purposes of the Convention. However, with regard to the systems of hiring, the Committee also notes that Regulation 7 of the Public Services Regulations requires the Chief Executive Officer of each respective Ministry to report her/his recommendation for filling vacancies in that Ministry to the Chief Executive Officer of the Ministry of the Public Service, and while Circular 7 of 2008 requires a detailed justification of the need for the vacancy, there is no requirement, in those cases where a Chief Executive Officer's recommendation with regard to a vacancy is also accompanied by an identification of the person she/he recommends to fill the post, for a justification of the reason for that identification. Therefore, the Committee considers that the government hiring process may benefit from the adoption of provisions which impose such a requirement. Thus, an amendment to Regulation 7 by means of a Circular Memorandum to include a justification for the reason of the reason for the identification of the recommended person would have to be put in place.

Studies, plans or programs needed to implement measure: Such an amendment would have to be drafted by the Attorney General's Ministry, discussed with stakeholders such as the Public Services Union and the Public Services Commission and then approved by the Prime Minister's Cabinet and the Belize Legislature.

Any similar or alternative measure adopted: No similar measure has been adopted:

Entities, authorities or agencies responsible for adopting the measure: As was stated above, such an amendment would have to be drafted by the Attorney General's Ministry,

discussed with stake –holders such as the Public Services Union and the Public Services Commission and approved by the Prime Minister’s Cabinet and the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General’s Ministry, the Ministry of the Public Service, the Public Service Union and the Prime Minister’s Cabinet and the Belize Legislature would be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General’s Ministry and approved by the Prime Minister’s Cabinet and the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately six months would be needed to amend and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Prime Minister’s Cabinet and the Belize Legislature;
- d) Use of the amendment by the Public Services Commission to sanction offenders.

Approximate cost of implementing the measure: The estimated cost for such drafting is approximately US\$8,000

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

Measure B: Examine the existing job descriptions and classifications, in order to determine whether it would be useful to have a single Job Description or Job Classification Manual containing all generic public sector posts.

Legal action required to adopt measure: In the Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C. Committee of Experts noted that although Circular Memorandum No. 17 of 2007 contains educational and experience requirements for certain categories of posts, there are many public sector posts for which there is no readily available description of those requirements. Accordingly, the Committee considers that it might be useful for Belize to examine the existing job descriptions and classifications, with a view to determining whether having a single document containing the job specification for all generic public sector posts, such as a Job Description or Job Classification Manual, would be useful. Therefore, an amendment to Regulation 7 by means of a Circular Memorandum to include a justification for the reason for the identification of the recommended person would have to be put in place.

Studies, plans or programs needed to implement measure: Such a development of job descriptions and job specifications would have to be undertaken as a consultancy by the Ministry of the Public Service.

Any similar or alternative measure adopted: In the Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C. Committee of Experts noted that at the December 5, 2008 meeting of the Review Subgroup, Belize informed the Committee that the Ministry of the Public Service has embarked upon a general review of the public service, which includes public consultation. Therefore, the time might be right for the development of such a consultancy.

Entities, authorities or agencies responsible for adopting the measure: The measure would have to be adopted and implemented under the auspices of the Ministry of the Public Service and the Public Services Commission with the acquiescence of the Ministry of Finance.

Entities, authorities or agencies involved in adopting the measure: The Ministry of the Public Service and the Ministry of Finance will have to be involved, well as the Public Service Commission and the Public Service Union.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: The evaluation suggested by the measure would have to be undertaken as an independent consultancy under the auspices of Ministry of the Public Service.

Time needed to consider, adopt or implement the measure: Such a comprehensive review would take approximately six to eight months to complete.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: The indicators necessary to objectively guage progress in the actions proposed for implementing the measure are:

1. The terms of reference for the consultancy to comprehensively evaluate the use and effectiveness of mechanisms for access to information has been issued;
2. The consultancy has been completed;
3. Recommendations from the consultancy have been accepted by the Ministry of the Public Service for adoption.

Approximate cost of implementing the measure: The cost of undertaking such a consultancy would be approximately US\$10,000.

Possible funding sources (national and international) for implementing the measure: The Inter-American Development Bank's Belize Public Sector Reform Project, the United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the comprehensive review

Measure C: Adopt, through the appropriate legislative and/or administrative procedures, provisions and mechanisms that contain clearly defined criteria for the advertisement of hiring opportunities or vacancies in the public service, as well as the time frame in which they should be advertised, and which take into account the use of the mass media, such as newspapers with national circulation and/or websites, among others.

Legal action required to adopt measure: In the Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C. Committee of Experts noted that they observed an absence of provisions which require the publication of vacancies that occur in the Belize public service. In this regard, the response of Belize notes that "*There are no provisions requiring the advertisement of*

vacancies. We understand from relevant human resources personnel within the Public Services Commission that there is a preference to advertise vacancies within the public service, especially for technical positions, but sometimes the posts are filled by internal promotions or transfers, or from existing applications kept on file; and in those instances, there is no advertisement.¹⁹ Therefore, an amendment to Regulation 7 to include a requirement that all vacancies must be identified would have to be drafted by the Attorney General's Ministry and put in place by the Minister of the Public Service and the Public Services Commission and approved by the Prime Minister's Cabinet.

Studies, plans or programs needed to implement measure: No special studies are necessary.

Any similar or alternative measure adopted: No similar measure has been adopted:

Entities, authorities or agencies responsible for adopting the measure: As was stated above, such an amendment would have to be drafted by the Attorney General's Ministry and put in place by the Minister of the Public Service and the Public Services Commission and approved by the Prime Minister's Cabinet.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Ministry of the Public Service, the Public Service Commission and the Public Service Union would have to be involved and the Prime Minister's Cabinet would have to agree to the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: No studies necessary.

Time needed to consider, adopt or implement the measure: Approximately six months would be approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;

¹⁹ Response of Belize to the Questionnaire for the Second Round, at p. 5.

- c) Passage of the amendment by the Prime Minister's Cabinet via circular memorandum;
- d) Number of uses of the amendment by the Ministry of the Public Service and the Public Services Commission to advertise all vacancies.

Approximate cost of implementing the measure: The estimated cost for an amendment in time is approximately US5,000.

Possible funding sources (national and international) for implementing the measure: Drafting such amendment is usually handled locally in the national budget.

Measure D: Adopt, through the appropriate legislative and/or administrative procedures and in keeping with the principle of due process, provisions for the establishment of administrative challenge mechanisms to clarify, modify or revoke substantial acts that are part of the recruitment and selection procedures in the Public Service, ensuring a timely, objective, impartial, and effective procedure

Legal action required to adopt measure: In its Reply to the QUESTIONNAIRE ON THE PROVISIONS OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION SELECTED IN THE SECOND ROUND AND FOR FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND – MEETING OF THE MESICIC²⁰, Belize stated that “The Laws of Belize do not specifically address ways to challenge decisions made in the selection of public servants. There are, however, the usual recourses of judicial review via the courts; complaints to the Ombudsman if there are allegations of abuse of power by government officials; and complaints to the relevant Minister or the complainant’s local area representative”.²¹ Therefore, the implementation of this measure would have to include an amendment to the laws of Belize to include such legislative and administrative procedures.

Studies, plans or programs needed to implement measure: No special studies are necessary.

Any similar or alternative measure adopted: No similar measure has been adopted:

²⁰ See <http://www.oas.org/juridico/english/blz.htm>

²¹ See Response of Belize to the Questionnaire for the Second Round at Page 5.

Entities, authorities or agencies responsible for adopting the measure: Such an amendment would have to be drafted by the Attorney General's Ministry approved by the Prime Minister's Cabinet and passed by the Belize Legislature and put in place by the Minister of the Public Service and the Public Services Commission.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Ministry of the Public Service, the Public Service Commission and the Public Service Union would have to be involved and the Prime Minister's Cabinet would have to agree to the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: No studies necessary.

Time needed to consider, adopt or implement the measure: Approximately six months would be needed to approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- e) Drafting of an amendment that comports with the measure;
- f) Approval of the amendment by relevant stakeholders;
- g) Approval of the amendment by the Prime Minister's Cabinet and passage by the Belize Legislature via circular memorandum;
- h) Number of uses of the amendment by the Ministry of the Public Service and the Public Services Commission to advertize all vacancies.

Approximate cost of implementing the measure: The estimated cost for an amendment in time is approximately US\$5,000.

Possible funding sources (national and international) for implementing the measure: Drafting such amendment is usually handled locally in the national budget.

Measure E: Strengthen the legal provisions regarding the Service Commissions, so that these authorities have the competence to revoke or take other corrective measures when it is found that an appointment process was, among other things, irregular, improper, or made through a fraudulent competition.

Legal action required to adopt measure: In the Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted that there are no provisions which empower the Service Commissions, as the entities responsible for the government hiring system, to take corrective action in the event that an appointment process was, among other things, irregular, improper, or made through a fraudulent competition.²² Therefore, an amendment to Regulation 7 that provides the Services Commission with the competence to revoke or take other corrective measures when it is found that an appointment process was, among other things, irregular, improper, or made through a fraudulent competition will have to be drafted by the Attorney General's Ministry with input from the Ministry of the Public Service and the Services Commission and by the Prime Minister's Cabinet and the Belize Legislature.

Studies, plans or programs needed to implement measure: Any amendment to the Regulation 7 would have to be drafted by the Attorney General's Ministry and with input from the Ministry of the Public Service and the Services Commission and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Any similar or alternative measure adopted: No similar measure has been adopted.

Entities, authorities or agencies responsible for adopting the measure: The Attorney General's Ministry would be the agency responsible for drafting the new amendment with input from the Integrity Commission, the Ministry of the Public Service and the Services Commission, the Belize Legislature (House and Senate) would be responsible for passing the new amendment and the Public Services Commission and the Integrity Commission would be responsible for implementing the new amendment.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Service Union and the Belize Senate would be involved in the decision to amend the current Prevention of Corruption Act to include said measure.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any other amendments to the Prevention of Corruption Act of 2007 will have to be drafted by the Attorney General's Ministry and approved by the Prime Minister's Cabinet and passed by Belize Legislature.

²² See page 7

Time needed to consider, adopt or implement the measure: Approximately six months would be needed to amend and approve the amendment to the Prevention of Corruption Act to include the measure being recommended.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- e) Drafting of an amendment that comports with the measure;
- f) Approval of the amendment by relevant stakeholders;
- g) Passage of the amendment by the Belize Legislature;
- h) Number of uses of the amendment by the Public Services Commission and the Integrity Commission to sanction offenders.

Approximate cost of implementing the measure: The estimated cost for such drafting is approximately US\$8,000

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

Measure F: Develop, through the appropriate legislative and/or administrative procedures, the different stages that comprise the process of selecting and appointing workers governed by the Belize Constitution (Government Open Vote Workers) Regulations, by adopting provisions and clearly defined criteria that ensure access to this category of service, and establishing a time limit for the duration of their employment, always taking into account the principles of openness, equity and efficiency as provided in the Convention.

Legal action required to adopt measure: In the Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted that with respect to the system of hiring of workers who are governed by the Belize Constitution (Government Open Vote Workers) Regulations, although these workers are neither a part of the public service, nor are they appointed by one of the service commissions, inasmuch as these workers are government employees and also public servants for the purposes of the Convention, the Committee notes that this category of employee includes employees who are carrying out essentially permanent functions²³. Similarly, the Committee observes an absence of time limits for the duration of an open vote worker's employment. Accordingly, the Committee recommended that Belize considers the advisability of establishing criteria which

²³ See page 8

adequately develop the hiring system for this category of employee, and establish time limits for the duration of their employment, based on the principles of openness, equity and efficiency enshrined in the Convention. Such a recommendation requires an amendment to the laws of Belize regarding additional rules and regulations for Open Vote Workers and has to be drafted by the Attorney General's Ministry with input from the Ministry of the Public Service, the Services Commission, and approved by the Prime Minister's Cabinet and the Belize Legislature.

Studies, plans or programs needed to implement measure: Any amendment to the laws of Belize regarding Open Vote Workers would have to be drafted by the Attorney General's Ministry and with input from the Ministry of the Public Service and the Services Commission and approved by the Prime Minister's Cabinet and the Belize Legislature for passage.

Any similar or alternative measure adopted: No similar measure has been adopted.

Entities, authorities or agencies responsible for adopting the measure: The Attorney General's Ministry would be the agency responsible for drafting the new amendment with input from the Public Services Commission, the Ministry of the Public Service, and the Public Service Union. The Prime Minister's Cabinet would be responsible for approving such an amendment and the Belize Legislature (House and Senate) would be responsible for passing the new amendment.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Service Union, the Belize Cabinet and the Belize House and Senate would be involved in the decision to amend the laws of Belize regarding rules and regulations for Open Vote Workers.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any other amendments to the laws of Belize regarding rules and regulations for Open Vote Workers will have to be drafted by the Attorney General's Ministry and approved by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately six months would be needed to amend the laws of Belize regarding rules and regulations for Open Vote Workers.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Belize Legislature;
- d) Number of uses of the amendment by the Public Services Commission and the Ministry of the Public Service in upholding the rules and regulations regarding Open Vote Workers.

Approximate cost of implementing the measure: The estimated cost in time for such drafting is approximately US\$8,000

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

Measure G: Develop, through the appropriate legislative and/or administrative procedures, the different stages that comprise the process of selecting and appointing National Assembly staff, by adopting provisions and clearly defined criteria that ensure access to those positions, always taking into account the principles of openness, equity and efficiency as provided in the Convention.

Legal action required to adopt measure: In the Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted that the system of hiring of staff of the National Assembly does not appear to clearly identify and define the different stages of recruitment and selection in the process, which would ensure the openness, equity and efficiency of the process. Accordingly, the Committee recommended that Belize develop, through the appropriate legislative and/or administrative procedures, the different stages that comprise the process of selecting and appointing National Assembly staff, by adopting provisions and clearly defined criteria that ensure access to those positions, always taking into account the principles of openness, equity and efficiency as provided in the Convention. Such a recommendation requires an amendment to the laws of Belize and has to be drafted by the Attorney General's Ministry with input from the Ministry of the Public Service and the Services Commission and approved by the Prime Minister's Cabinet and the Belize Legislature.

Studies, plans or programs needed to implement measure: Any amendment to the laws of Belize regarding National Assembly Workers would have to be drafted by the Attorney General's Ministry and with input from the Ministry of the Public Service and the Services Commission and approved by the Prime Minister's Cabinet and the Belize Legislature for passage.

Any similar or alternative measure adopted: No similar measure has been adopted.

Entities, authorities or agencies responsible for adopting the measure: The Attorney General's Ministry would be the agency responsible for drafting the new amendment with input from the Public Services Commission, the Ministry of the Public Service, and the Public Service Union. The Prime Minister's Cabinet would be responsible for approving such an amendment and the Belize Legislature (House and Senate) would be responsible for passing the new amendment.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Service Union, the Belize Cabinet and the Belize House and Senate would be involved in the decision to amend the laws of Belize regarding rules and regulations for Open Vote Workers.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any other amendments to the laws of Belize regarding rules and regulations for National Assembly workers will have to be drafted by the Attorney General's Ministry and approved by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately six months would be needed to amend the laws of Belize regarding rules and regulations for National Assembly Workers

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;

- c) Passage of the amendment by the Belize Legislature;
- d) Number of uses of the amendment by the Public Services Commission and the Ministry of the Public Service in upholding the rules and regulations regarding National Assembly workers.

Approximate cost of implementing the measure: The estimated cost in time for such drafting is approximately US\$8,000

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

Measure H: Adopt, through the appropriate legislative and/or administrative procedures, provisions which provide that the selection and recruitment process for staff of the National Assembly to be based on merit.

Legal action required to adopt measure: In the Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted that with respect to the system of hiring staff of the National Assembly, the present system does not appear to clearly identify and define the different stages of recruitment and selection in the process, which would ensure the openness, equity and efficiency of the process²⁴. The Committee therefore recommends that Belize considers adopting, through the appropriate legislative and/or administrative procedures, provisions which provide that the selection and recruitment process for staff of the National Assembly be based on merit. Such a recommendation requires an amendment to the laws of Belize regarding additional rules and regulations for the hiring of staff of the National Assembly has to be drafted by the Attorney General's Ministry with input from the Ministry of the Public Service and the Services Commission, and approved by the Prime Minister's Cabinet and the Belize Legislature.

Studies, plans or programs needed to implement measure: Any amendment to the laws of Belize regarding additional rules and regulations for the hiring of staff of the National Assembly has to be drafted by the Attorney General's Ministry with input from the Ministry of the Public Service and the Services Commission and approved by the Prime Minister's Cabinet and the Belize Legislature for passage.

Any similar or alternative measure adopted: No similar measure has been adopted.

²⁴ See page 8.

Entities, authorities or agencies responsible for adopting the measure: The Attorney General's Ministry would be the agency responsible for drafting the new amendment with input from the Public Services Commission, the Ministry of the Public Service, and the Public Service Union. The Prime Minister's Cabinet would be responsible for approving such an amendment and the Belize Legislature (House and Senate) would be responsible for passing the new amendment.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Service Union, the Belize Cabinet and the Belize House and Senate would be involved in the decision to amend the laws of Belize regarding additional rules and regulations for the hiring of staff of the National Assembly.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any other amendment to the laws of Belize regarding additional rules and regulations for the hiring of staff of the National Assembly will have to be drafted by the Attorney General's Ministry, approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately six months would be needed to amend the laws of Belize regarding additional rules and regulations for staff of the National Assembly

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Belize Legislature;
- d) Number of uses of the amendment by the Public Services Commission and the Ministry of the Public Service in upholding the rules and regulations regarding Open Vote Workers.

Approximate cost of implementing the measure: The estimated cost in time for such drafting is approximately US\$8,000

Possible funding sources (national and international) for implementing the measure:

Such legal drafting is usually handled locally in the national budget.

Measure I: Adopt, through the appropriate legislative and/or administrative procedures, provisions which require the publication of staff vacancies that arise in the National Assembly.

Legal action required to adopt measure: In the Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted that although Section 5 of the Staff (Conditions of Service) Regulations, 2003 requires publication of the qualification and other requirements for appointment to posts, there is no requirement that vacancies be publicized²⁵. Therefore, an amendment by means of a Circular Memorandum to provide for the requirement that all National Assembly staff vacancies must be identified would have to be put in place by the Minister of the Public Service and the Public Services Commission and approved by the Prime Minister's Cabinet.

Studies, plans or programs needed to implement measure: No special studies are necessary.

Any similar or alternative measure adopted: No similar measure has been adopted:

Entities, authorities or agencies responsible for adopting the measure: As was stated above, such an amendment would have to be drafted by The Minister of the Public Service and discussed with the Public Services Commission before passage.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Ministry of the Public Service, the Public Services Commission and the Public Service Union would have to be involved and the Prime Minister's Cabinet would have to agree to the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: No studies necessary.

Time needed to consider, adopt or implement the measure: Approximately six months would be needed to approve such an amendment.

²⁵ See page 8.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Prime Minister's Cabinet via circular memorandum;
- d) Number of uses of the amendment by the Ministry of the Public Service and the Public Services Commission to advertise all National Assembly staff vacancies.

Approximate cost of implementing the measure: The estimated cost for an amendment in time is approximately US\$5,000.

Possible funding sources (national and international) for implementing the measure: Drafting such amendment is usually handled locally in the national budget.

Measure J: Adopt, through the appropriate legislative and/or administrative procedures and in keeping with the principle of due process, provisions for the establishment of administrative challenge mechanisms to clarify, modify or revoke substantial acts that are part of the recruitment and selection procedures for the National Assembly, ensuring a timely, objective, impartial, and effective procedure.

Legal action required to adopt measure: In the Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted an absence of provisions in the regulations which would allow for administrative challenges to be made by unsuccessful applicants with respect to the decisions taken in the process of appointing National Assembly staff²⁶.

In its Reply to the QUESTIONNAIRE ON THE PROVISIONS OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION SELECTED IN THE SECOND ROUND AND FOR FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND – MEETING OF THE MESICIC, Belize stated that “The Laws of Belize do not specifically address ways to challenge decisions made in the selection of public servants. There are, however, the usual recourses of judicial review via the courts; complaints to the Ombudsman if there are allegations of abuse of power by government officials; and complaints to the relevant Minister or the complainant’s local area representative”.²⁷ Therefore, the implementation of this measure

²⁶ See page 8

²⁷ See Page 5.

would have to include an amendment to the laws of Belize to include such legislative and administrative procedures.

Studies, plans or programs needed to implement measure: No special studies are necessary.

Any similar or alternative measure adopted: No similar measure has been adopted:

Entities, authorities or agencies responsible for adopting the measure: As was stated above, such an amendment would have to be drafted by The Minister of the Public Service and discussed with the .Public Services Commission before passage.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Ministry of the Public Service, the Public Services Commission and the Public Service Union would have to be involved and the Prime Minister's Cabinet would have to agree to the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: No studies necessary.

Time needed to consider, adopt or implement the measure: Approximately six months would be approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Prime Minister's Cabinet via circular memorandum;
- d) Number of uses of the amendment by the Ministry of the Public Service and the Public Services Commission to implement the new administrative procedures.

Approximate cost of implementing the measure: The estimated cost for an amendment in time is approximately US5,000.

Possible funding sources (national and international) for implementing the measure:

Drafting such amendment is usually handled locally in the national budget.

Measure K: Consider disaggregating the results provided by the Ombudsman on complaints received and their resolution, in order to indicate how many of those complaints were based on challenges to the government hiring and selection process.

Legal action required to adopt measure: In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts opined that, considering the wide scope of the Ombudsman's responsibility, which encompasses complaints regarding not only hiring, but also promotions, disciplinary actions, dismissals, as well as corruption and abuse of authority, the Committee considers that it would be useful for these results to be broken down in order to indicate the number of complaints which specifically relate to the government hiring and appointment process. Such a revision would have to be agreed to and done internally by the Ombudsman's Office.

Studies, plans or programs needed to implement measure: No studies, plans or programs needed.

Any similar or alternative measure adopted: No similar measure adopted.

Entities, authorities or agencies responsible for adopting the measure: The Ombudsman's Office would be responsible for adopting the measure.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: No studies needed.

Time needed to consider, adopt or implement the measure: Approximately three months would be needed. .

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- A. Report with disaggregated results indicating how many of those complaints were based on challenges to the government hiring and selection process

Approximate cost of implementing the measure: The estimated cost revising the report is approximately US\$1,000.

Possible funding sources (national and international) for implementing the measure: Such revising would be handled by the Ombudsman's Office. .

Recommendation 1.2 - Consider strengthening the government systems for the procurement of goods and services.

Measure A: Adopt provisions which define the different stages that constitute the procurement process, and which include selection criteria, time frames, and which identify the entity responsible for making contract award decisions.

Legal action required to adopt measure: In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted that, overall, the provisions and measures which refer to the principal government systems for the procurement of goods and services by Belize that the Committee has examined, based on the information made available to it, constitute a set of relevant measures for the promotion of the purposes of the Convention. However, it also noted that, with regard to the different methods of public contracting provided for by the Finance and Audit (Reform) Act 2005, there is not clear definition of the different stages that constitute the procurement process, particularly as regards selection criteria, timeliness, or the entity responsible for making the final decision to award a contract to a particular contractor. Therefore, it recommends that Belize adopt provisions which define the different stages that constitute the procurement process, and which include selection criteria, time frames, and which identify the entity responsible for making contract award decisions. Such an amendment to the Finance and Audit Act of 2005 would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Studies, plans or programs needed to implement measure: No studies, plans or programs needed.

Any similar or alternative measure adopted: The Finance and Audit Act of 2005.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Finance and Audit Act of 2005 adopting provisions which define the different stages that constitute the procurement process, and which include selection criteria, time frames, and which identify the entity responsible for making contract award decisions would have to be drafted by the Attorney General's Ministry with input from the Ministry of the Public Service and the Public Services Commission, discussed with stake –holders such as the Public Services Union and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of Finance, the Contractor General's Office, the Prime Minister's Cabinet and the Belize Legislature would be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately six months would be needed to amend and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- e) Drafting of an amendment that comports with the measure;
- f) Approval of the amendment by relevant stakeholders;
- g) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- h) Number of uses of the provisions by the Contractor General in evaluating the integrity of contracts. .

Approximate cost of implementing the measure: The estimated cost for such drafting in time is approximately US\$8,000.

Possible funding sources (national and international) for implementing the measure:

Such legal drafting is usually handled locally in the national budget.

Measure B: Adopt provisions which establish objective selection criteria in the evaluation of bids.

Legal action required to adopt measure: In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted that although the Belize Finance and Audit (Reform) Act of 2005 contains provisions which provide for three different means of procurement, as well as specific criteria to be included in the respective invitations to tender, there do not appear to be provisions which provide clear criteria upon which the eventual selection will be made, such as, for instance, a requirement that for open tenders, the lowest technically acceptable offer will be awarded the contract. The Committee recommended that Belize considers adopting provisions which establish objective selection criteria in the evaluation of bids because having these criteria in place would help to ensure that selection decisions are not discretionary, arbitrary, or subjective, and would help to achieve the impartiality, transparency and equality required by the Convention. Such an amendment to the Finance and Audit Act of 2005 would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Studies, plans or programs needed to implement measure: No studies, plans or programs needed.

Any similar or alternative measure adopted: The Finance and Audit Act of 2005.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Finance and Audit Act of 2005 adopting provisions which establish objective selection criteria in the evaluation of bids would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office, approved by the Prime Minister's Cabinet and passed by the Belize Legislature

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry Finance, the Contractor

General's Office, the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendment will have to be drafted by the Attorney General's Ministry with direct input from the Ministry of the Finance and the Contractor General's Office, approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately six months would be needed to amend and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- d) Number of uses of the provisions by the Contractor General in evaluating the integrity of government contracts.

Approximate cost of implementing the measure: The estimated cost for such drafting in time is approximately US\$8,000.

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

Measure C: Review Section 20 of the Finance and Audit (Reform) Act of 2005, in order to ensure that in those instances where limited tendering is used, that the government sees to it that there are an adequate number of potential suppliers to ensure competition, as required by Section 20(1) thereof.

Legal action required to adopt measure: In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted, that, with respect to Section 20 of the Act, which inter-alia, provides guidelines for an instance of selective tendering, Section 20(3) allows the Government, in the event that a permanent list of qualified suppliers is maintained, to

select the supplier from that list and award the contract accordingly. The Committee noted concern that this provision would appear to allow for the direct award of a contract to a particular supplier without competition, and would seem to contradict with Section 20(1), which requires the Government to ensure that the number of applicable suppliers is sufficient to ensure competition. Therefore, the Committee recommended a review of Section 20 of the Finance and Audit (Reform) Act of 2005, in order to ensure that in those instances where limited tendering is used, that the government sees to it that there are an adequate number of potential suppliers to ensure competition, as required by Section 20(1) thereof. The Attorney General's Ministry would have to commission that such a review of the Finance and Audit Act be implemented.

Studies, plans or programs needed to implement measure: Such a review as that described by the proposed measure would have to be undertaken as a consultancy as the Attorney General's Ministry does not have the human resources or the time to undertake such a review on its own.

Any similar or alternative measure adopted: No similar measure adopted.

Entities, authorities or agencies responsible for adopting the measure: The measure would have to be adopted and implemented under the auspices of the Attorney General's Ministry but would also have to involve the Ministry of Finance and the Contractor General's Office.

Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman and the Integrity Commission would also have to be involved in adopting such a measure along with the Attorney General's Ministry and the Ministry of Finance and the Contractor General's Office.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: The review suggested by the measure would have to be undertaken as an independent consultancy under the auspices of the Attorney General's Ministry.

Time needed to consider, adopt or implement the measure: Such a comprehensive review would take approximately six months to complete.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: The indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

1. The terms of reference for the consultancy to review the rules and regulations that provide exceptions to the right of access to public information, in order to ensure that they do not obstruct the exercise of the right to information as an effective mechanism in efforts against corruption has been issued;
2. The consultancy has been completed;
3. Recommendations from the consultancy have been accepted by the Attorney General's Ministry, the Ministry of Finance and the Contractor General.

Approximate cost of implementing the measure: The cost of undertaking such a consultancy would be approximately US\$10,000.

Possible funding sources (national and international) for implementing the measure: The Inter-American Development Bank's Belize Public Sector Reform Project and/or the Central American Integration System (SICA) are possible sources for funding the comprehensive review.

Measure D: Examine the need to adopt provisions which either: require a justification of the decision to resort to limited tendering based on extreme urgency or public interest, as provided for by Sections 21(1)(d) of the Finance and Audit (Reform) Act of 2005, or national emergency, as provided for by Section (21)(1)(h)(i) of the same law; or which define those terms.

Legal action required to adopt measure: In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted that, with respect to the limited tendering procedure provided for by Section 21 of the Finance and Audit (Reform) Act, there is no requirement to justify a decision to resort to limited tendering based on "extreme urgency" or "the public interest" as used in Section 21(1)(d); nor of "national emergency", as used in Section 21(1)(h)(i). At the same time, there is no definition of those terms in the Finance and Audit (Reform) Act of 2005. Therefore, they recommend that Belize examine the need to adopt provisions which either: require a justification of the decision to resort to limited tendering based on extreme urgency or public interest, as provided for by Sections 21(1)(d) of the Finance and Audit (Reform) Act of 2005, or national emergency, as provided for by Section (21)(1)(h)(i) of the same law; or which define those terms. Such an amendment to the Finance and Audit Act of 2005 would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance

and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature

Studies, plans or programs needed to implement measure: No studies, plans or programs needed.

Any similar or alternative measure adopted: The Finance and Audit Act of 2005.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Finance and Audit Act of 2005 adopting provisions which establish objective selection criteria in the evaluation of bids would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of Finance, the Contractor General's Office, the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Ministry of the Public Service and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately six months would be needed to amend and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;

- d) Number of uses of the provisions by the Contractor General in evaluating the integrity of contracts.

Approximate cost of implementing the measure: The estimated cost for such drafting in time is approximately US\$8,000.

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

Measure E: Adopt provisions which provide clear selection procedures where the limited tendering procedure is used, and which also require a written justification for the use of this procurement method.

Legal action required to adopt measure: In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted that, with respect to the limited tendering procedure provided for by Section 21 of the Finance and Audit (Reform) Act, there was an absence of provisions which require that a decision to use this procedure be justified in writing. The Committee considers that such a requirement would help ensure transparency in the process as well as reduce the opportunity for discretionary use of this procurement procedure. Therefore, they recommend that Belize adopt provisions which provide clear selection procedures where the limited tendering procedure is used, and which also require a written justification for the use of this procurement method. Such an amendment to the Finance and Audit Act of 2005 would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Studies, plans or programs needed to implement measure: No studies, plans or programs needed.

Any similar or alternative measure adopted: The Finance and Audit Act of 2005.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Finance and Audit Act of 2005 adopting provisions which provide clear selection procedures where the limited tendering procedure is used, and which also require a written justification for the use of this procurement method would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of Finance, the Contractor General's Office, the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately six months would be needed to amend and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- d) Number of uses of the provisions by the Contractor General in evaluating the integrity of contracts.

Approximate cost of implementing the measure: The estimated cost for such drafting in time is approximately US\$8,000.

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

Measure F: Adopt provisions which clarify what is meant by day-to-day operations of government, as used in Section 21(1)(h)(ii) of the Finance and Audit (Reform) Act of 2005, in order to ensure that goods and services related to recurring expenses are procured competitively, where appropriate.

Legal action required to adopt measure: In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted that subparagraph 21(1)(h)(ii) of the Finance and Audit Act of 2005 provides for goods or services used for day-to-day government operations to be acquired through limited tendering. However its also noted that there was an absence of a definition of what constitutes day-to-day government operations, may allow for too much discretion as to when this type of procurement procedure is used for this purpose. In addition, while certain small purchases may need to be acquired by the government as the need arises, the Committee recommended that it might be preferable for other recurring expenses, such as the case of office supplies, to be acquired through competitive means. Therefore, the Committee recommended Belize adopt provisions which clarify what is meant by day-to-day operations of government, as used in Section 21(1)(h)(ii) of the Finance and Audit (Reform) Act of 2005, in order to ensure that goods and services related to recurring expenses are procured competitively, where appropriate. Such an amendment to the Finance and Audit Act of 2005 would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature

Studies, plans or programs needed to implement measure: No studies, plans or programs needed.

Any similar or alternative measure adopted: The Finance and Audit Act of 2005.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Finance and Audit Act of 2005 adopting provisions which clarify what is meant by day-to-day operations of government, as used in Section 21(1)(h)(ii) of the Finance and Audit (Reform) Act of 2005, in order to ensure that goods and services related to recurring expenses are procured competitively, where appropriate, would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of Finance, the Contractor General's Office, the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately six months would be needed to amend and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- d) Number of uses of the provisions by the Contractor General in evaluating the integrity of contracts.

Approximate cost of implementing the measure: The estimated cost for such drafting in time is approximately US\$8,000.

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

Measure G: Adopt provisions which require publication of tender opportunities, including the conditions for participation therein, and the time, method and place for the submission of bids.

Legal action required to adopt measure: In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted an absence of provisions in the Finance and Audit Act of 2005 which require publication of tender opportunities in the appropriate media, the conditions for participation therein, and the time, method and place for the submission of bids. Therefore, the Committee recommended that Belize adopt provisions which require publication of tender opportunities, including the conditions for participation therein, and the time, method and place for the submission of bids. Such an amendment to the Finance and Audit Act of 2005 would have to be drafted by the

Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Studies, plans or programs needed to implement measure: No studies, plans or programs needed.

Any similar or alternative measure adopted: The Finance and Audit Act of 2005.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Finance and Audit Act of 2005 adopting provisions which require publication of tender opportunities, including the conditions for participation therein, and the time, method and place for the submission of bids, would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of Finance, the Contractor General's Office, the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately six months would be needed to amend and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;

- c) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- d) Percentage of tender opportunities published annually.

Approximate cost of implementing the measure: The estimated cost for such drafting in time is approximately US\$8,000.

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

Measure H: Examine the possibility of publishing, when appropriate, pre-bidding terms and conditions so that interested parties can find out about them and submit comments thereon

Legal action required to adopt measure: In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts opined that, in order to enhance transparency in the procurement process, Belize may wish to consider the possibility, when appropriate, of publishing pre-bidding terms and conditions so that interested parties can find out about them and submit comments thereon. Therefore, the Committee recommended that Belize examine the possibility of publishing, when appropriate, pre-bidding terms and conditions so that interested parties can find out about them and submit comments thereon. Such an amendment to the Finance and Audit Act of 2005 would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Studies, plans or programs needed to implement measure: No studies, plans or programs needed.

Any similar or alternative measure adopted: The Finance and Audit Act of 2005.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Finance and Audit Act of 2005 adopting provisions which require publishing, when appropriate, pre-bidding terms and conditions so that interested parties can find out about them and submit comments thereon, would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of Finance, the Contractor General's Office, the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately six months would be needed to amend and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- d) Percentage of contract pre-bidding terms and conditions published annually.

Approximate cost of implementing the measure: The estimated cost for such drafting in time is approximately US\$8,000.

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

Measure I: Consider the introduction of electronic procurement systems, on an incremental basis, so that goods and services may be acquired through those means.

Legal action required to adopt measure: In its Reply to the QUESTIONNAIRE ON THE PROVISIONS OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION SELECTED IN THE SECOND ROUND AND FOR FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND – MEETING OF THE MESICIC²⁸, Belize stated that “There are no systems in place for electronic methods and no information systems for government procurement. In practice, however, the Ministry of Works used to keep a register of qualified contractors. It is our understanding that such practice was discontinued overtime. However, from its files, the Tendering Committee has knowledge of all tenderers who usually submit tenders, and due to their small numbers, it is not difficult to keep a mental record thereof²⁹.

In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted Belize’s response above and opined that that the use of electronic methods and information systems for government procurement assists in adequately informing the public and ensuring openness, and therefore considers that Belize could consider the use of electronic means to provide information regarding procurement, including the status of bids and awards and the progress of major projects. Additionally, the Committee considers that use of an electronic procurement system in order to carry out the contracting needs of the State might be advantageous. Such a system would have to be implemented at the Ministry of Finance and approved the Prime Minister’s Cabinet.

Studies, plans or programs needed to implement measure: A consultancy for the development of a electronic procurement system in the Ministry of Finance would have to be undertaken.

Any similar or alternative measure adopted: No similar measure adopted.

Entities, authorities or agencies responsible for adopting the measure: The Ministry of Finance would have to undertake the introduction of such a system and the Prime Minister’s Cabinet would have to approve it.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Ministry of Finance is

²⁸ See <http://www.oas.org/juridico/english/blz.htm>

²⁹ See page 9.

the primary entity involved in adopting the measure but the Contractor General's Office would have to be consulted and the Prime Minister's Cabinet would have to approve it.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: The development of the procurement system would have to be done as a consultancy under the auspices of the Ministry of Finance with input from the Contractor General's Office.

Time needed to consider, adopt or implement the measure: Approximately one year would be needed to develop and incrementally implement such an electronic procurement system.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

1. The terms of reference for the consultancy to develop and monitor the incremental implementation of an electronic procurement system in the Ministry of Finance has been issued;
2. The consultancy has been completed;
3. Recommendations from the consultancy have been accepted by the Ministry of Finance and the Contractor General's Office and approved by the Prime Minister's Cabinet;
4. Use of the system by the Ministry of Finance in 90% of the bidding process for contracts.

Approximate cost of implementing the measure: The estimated cost for a consultancy to develop and implement such an electronic procurement system is approximately US\$50,000.

Possible funding sources (national and international) for implementing the measure: The Inter-American Development Bank's Belize Public Sector Reform Project or the Central American Integration System (SICA) are possible sources for funding the development and implementation of such a procurement system under their Public Sector Reform projects.

Measure J: Strengthen and increase the scope of use of electronic forms of communication, such as the internet, for publicizing the tender and consulting opportunities, status of bids and awards and the progress in the execution of major projects.

Legal action required to adopt measure: The Government of Belize has already been using its website to publish vacancies in the public service and for tender opportunities. Therefore, this recommendation has been successfully implemented.

Studies, plans or programs needed to implement measure: No additional studies, plans or programs are necessary to implement this measure.

Any similar or alternative measure adopted: No other similar or alternative measure was adopted.

Entities, authorities or agencies responsible for adopting the measure: Not applicable.

Entities, authorities or agencies involved in adopting the measure: Not applicable.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Not applicable

Time needed to consider, adopt or implement the measure: Measure already adopted.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure:

1. Percent of all tenders and bids published on the Government website in one year.

Approximate cost of implementing the measure: Cost has already been borne by the Government of Belize.

Measure K: Establish a national registry of contractors of goods and services, of mandatory use by all State bodies, which contemplates the possibility of ensuring that the registry also include a list of sanctioned contractors, in order to foster the principles of openness, equity and efficiency provided for in the Convention.

Legal action required to adopt measure: In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts opined that the country under review should consider the advisability of creating a centralized registry of contractors of works, goods and services. This registry should be compulsory for all State bodies and dependencies, its purpose being to foster the principles of openness, equity and efficiency provided for in the Convention. The Committee also suggests that the country under review consider granting to a public body the authority to exclude and/or sanction any contractor, for a certain period of time, from the proposed registry, as circumstances may warrant. There could, for example, be provisions outlining the reasons for an intended exclusion or sanction. This body should also maintain a list of sanctioned contractors. Such an amendment to the Finance and Audit Act of 2005 would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Studies, plans or programs needed to implement measure: No studies, plans or programs needed.

Any similar or alternative measure adopted: The Finance and Audit Act of 2005.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Finance and Audit Act of 2005 adopting provisions for the establishment of a national registry of contractors of goods and services, of mandatory use by all State bodies, which contemplates the possibility of ensuring that the registry also include a list of sanctioned contractors, in order to foster the principles of openness, equity and efficiency provided for in the Convention, would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of Finance, the Contractor General's Office, the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and approved by the Prime Minister's Cabinet and passed by the Belize Legislature. Also, the development of the national registry would have to be undertaken by the Contractor General's Office.

Time needed to consider, adopt or implement the measure: Approximately three months would be needed to develop the registry and six months to amend and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Development of the National Registry;
- b) Drafting of an amendment that comports with the measure;
- c) Approval of the amendment by relevant stakeholders;
- d) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- e) Use of the provisions in the government bidding process and in the evaluation of contract bidding processes by the Contractor General's Office.

Approximate cost of implementing the measure: The estimated cost for developing the registry and for drafting the amendment in time is approximately US\$11,000.

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

Measure L: Implement provisions that require prior planning sufficiently in advance of the launch of large-scale or specialized procurement process, such as the preparation of studies, designs and technical evaluations..

Legal action required to adopt measure: In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts observes that there are no provisions in place which require prior planning sufficiently in advance of the launch of large-scale or specialized procurement processes, such as the preparation of studies, designs and technical evaluations. The Committee considered that the adoption of provisions that require prior planning would help to ensure the openness, equity and efficiency of the procurement system. Such an amendment to the Finance and Audit Act of 2005 would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature

Studies, plans or programs needed to implement measure: No studies, plans or programs needed.

Any similar or alternative measure adopted: The Finance and Audit Act of 2005.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Finance and Audit Act of 2005 adopting provisions that require prior planning sufficiently in advance of the launch of large-scale or specialized procurement process, such as the preparation of studies, designs and technical evaluations, would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of Finance, the Contractor General's Office, the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance and the Contractor General's Office and approved by the Prime Minister's Cabinet and passed by the Belize Legislature. Also, the development of the national registry would have to be undertaken by the Contractor General's Office.

Time needed to consider, adopt or implement the measure: Approximately three months would be needed to develop the registry and six months to amend and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- d) Use of the provisions in the evaluation of contract bidding processes by the Contractor General's Office.

Approximate cost of implementing the measure: The estimated cost for drafting the amendment in time is approximately US\$8,000.

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

Measure M: Adopt provisions that facilitate and encourage the participation of citizen oversight mechanisms in monitoring the execution of contracts where their nature, importance, or magnitude so warrants.

Legal action required to adopt measure: In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts notes an absence of provisions allowing for the establishment of citizen oversight mechanisms to monitor the execution of contracts where their nature, importance, or magnitude so warrants. Such an amendment to the Finance and Audit Act of 2005 would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance, the Contractor General's Office and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Studies, plans or programs needed to implement measure: No studies, plans or programs needed.

Any similar or alternative measure adopted: The Finance and Audit Act of 2005.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Finance and Audit Act of 2005 adopting provisions that require the participation of citizen oversight mechanisms in monitoring the execution of contracts where their nature, importance, or magnitude so warrants, would have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance, the Contractor General's Office and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of Finance, the Contractor General's Office, the Integrity Commission, the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance, the Contractor General's Office and the Integrity Commission and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately six months would be required to amend and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- d) Use of the provisions in the government bidding process.

Approximate cost of implementing the measure: The estimated cost for drafting the amendment in time is approximately US\$8,000.

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

Measure N: Adopt provisions which regulate, in keeping with the principle of due process, administrative challenge mechanisms relating to the substantive acts of the tendering process, such as the basis for the tender or bid, the rejection of bidders, and the designation of the winner, which are designed to clarify, modify, or revoke such acts.

Legal action required to adopt measure: In its Reply to the QUESTIONNAIRE ON THE PROVISIONS OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION SELECTED IN THE SECOND ROUND AND FOR FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND – MEETING OF THE MESICIC³⁰, Belize stated that “*...there are no specified or legislated ways to challenge a selection other than the usual recourse to the courts for judicial review, complaints to the Ombudsman regarding allegations of abuse of power. In practice, contractors have made recourse to the Contractor General with respect not only to the selection criteria, but also with regard to interpretation to provisions of the contract itself; while others have seen it fit to take their complaints to government Ministers, area representatives, and the media*³¹. ”

In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts opined that Belize would benefit from implementing provisions which allow for administrative challenge mechanisms Such an amendment to the Finance and Audit Act of 2005 would have to be drafted by the Attorney General’s Ministry with direct input from the Ministry of Finance, the Contractor General’s Office and the Integrity Commission and then approved by the Prime Minister’s Cabinet and passed by the Belize Legislature.

Studies, plans or programs needed to implement measure: No studies, plans or programs needed.

Any similar or alternative measure adopted: The Finance and Audit Act of 2005.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Finance and Audit Act of 2005 adopting provisions that would regulate, in keeping with the principle of due process, administrative challenge mechanisms relating to the substantive acts of the tendering process, such as the basis for the tender or bid, the rejection of bidders, and the designation of the winner, which are designed to clarify, modify, or revoke such acts, would have to be drafted by the Attorney General’s Ministry with direct input from the Ministry of Finance, the Contractor

³⁰ See <http://www.oas.org/juridico/english/blz.htm>

³¹ See page 9.

General's Office and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of Finance, the Contractor General's Office, the Integrity Commission, the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Ministry of Finance, the Contractor General's Office and the Integrity Commission and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately six months would be required to amend and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- d) Number of uses of the provisions by members of the public in challenging the government bidding and tendering process in a one year period.

Approximate cost of implementing the measure: The estimated cost for drafting the amendment in time is approximately US\$8,000.

Possible funding sources (national and international) for implementing the measure: Such legal drafting is usually handled locally in the national budget.

2. SYSTEMS FOR PROTECTING PUBLIC SERVANTS AND PRIVATE CITIZENS WHO IN GOOD FAITH REPORT ACTS OF CORRUPTION (ARTICLE III (8) OF THE CONVENTION).

Recommendation 2.1 - Adopt a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including protection of their identities, in accordance with the Constitution and the basic principles of its domestic legal system.

Measure A: Protection for persons who report acts of corruption subject to investigation in administrative or judicial proceedings;

Legal action required to adopt measure: In its Reply to the QUESTIONNAIRE ON THE PROVISIONS OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION SELECTED IN THE SECOND ROUND AND FOR FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND – MEETING OF THE MESICIC³², Belize stated that “.... *The country itself, however, does not count with an established witness protection system, exclusively for the purposes of protecting public officers or private citizens who in good faith report acts of corruption.*” In addition, Belize noted that *“it does not have any ONE elaborate mechanisms to protect servants and private citizens who, in good faith report acts of corruption. However, the existing procedures coordinated by the Police Department (which enjoys collaboration with Interpol) have proved sufficient to promote the purposes of the Convention*³³”.

In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts opined that the provisions, measures and mechanisms which refer to the principal systems for the protection of public servants and private citizens who, in good faith, report acts of corruption in Belize, that the Committee has examined, based on the information made available to it, are relevant to promoting the purposes of the Convention. However, it suggested that the current system in place could benefit from further development of the existing mechanisms. Therefore, the Committee recommends that Belize adopt a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including protection of their identities, in accordance with its Constitution and the basic principles of its domestic legal system and protection for persons who report acts of corruption subject to investigation in administrative or judicial proceedings. Such an amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney

³² See <http://www.oas.org/juridico/english/blz.htm>

³³ This information was provided by Belize in its comments on the Draft Preliminary Report prepared by the Technical Secretariat

General's Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Studies, plans or programs needed to implement measure: Such a comprehensive regulatory and legal framework would have to be adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize. This would then have to be researched as a consultancy through the Attorney General's Ministry and then drafted by such.

Any similar or alternative measure adopted: The Prevention of Corruption Act of 2007.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Prevention of Corruption Act of 2007 adopting a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including protection of their identities, in accordance with its Constitution and the basic principles of its domestic legal system and protection for persons who report acts of corruption subject to investigation in administrative or judicial proceedings, would have to be developed and drafted by the Attorney General's Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Services Commission, the Integrity Commission, the Public Services Union and the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be developed through a consultancy and then drafted by the Attorney General's Ministry with direct input from the Public Services Commission and the Integrity Commission and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately one year would be needed to develop, draft and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Development of a comprehensive regulatory and legal framework adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize.
- b) Drafting of an amendment that comports with the measure;
- c) Approval of the amendment by relevant stakeholders;
- d) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- e) Number of uses of the amendment in the protection of persons who report acts of corruption subject to investigation in administrative or judicial proceedings.

Approximate cost of implementing the measure: The estimated cost for research, development and drafting the amendment is approximately US\$25,000.

Possible funding sources (national and international) for implementing the measure: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the research and drafting of the amendment recommended.

Measure B: Protection of whistleblowers and their families, not only in relation to their physical integrity but also as it concerns the workplace, especially when the person is a public official and the acts of corruption involve superiors or co-workers;

Legal action required to adopt measure: In its Reply to the QUESTIONNAIRE ON THE PROVISIONS OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION SELECTED IN THE SECOND ROUND AND FOR FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND – MEETING OF THE MESICIC³⁴, Belize stated that “.... *“The country itself, however, does not count with an established witness protection system, exclusively for the purposes of protecting public officers or private citizens who in good faith report acts of corruption.”*³⁵.”

³⁴ See <http://www.oas.org/juridico/english/blz.htm>

³⁵ See page 10

In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts opined that the provisions, measures and mechanisms which refer to the principal systems for the protection of public servants and private citizens who, in good faith, report acts of corruption in Belize, that the Committee has examined, based on the information made available to it, are relevant to promoting the purposes of the Convention. However, it suggested that the current system in place this system could benefit from further development of the existing mechanisms. Therefore, the Committee recommends that Belize adopt a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including protection of whistleblowers and their families, not only in relation to their physical integrity but also as it concerns the workplace, especially when the person is a public official and the acts of corruption involve superiors or co-workers. Such an amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General's Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Studies, plans or programs needed to implement measure: Such a comprehensive regulatory and legal framework would have to be adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize.

Any similar or alternative measure adopted: The Prevention of Corruption Act of 2007.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Prevention of Corruption Act of 2007 adopting a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including protection of whistleblowers and their families, not only in relation to their physical integrity but also as it concerns the workplace, especially when the person is a public official and the acts of corruption involve superiors or co-workers, would have to be drafted by the Attorney General's Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Services Commission, the Integrity Commission, the Public Services Union and the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Public Services Commission and the Integrity Commission and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately one year would be required to develop, draft and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Development of a comprehensive regulatory and legal framework adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize;
- b) Drafting of an amendment that comports with the measure;
- c) Approval of the amendment by relevant stakeholders;
- d) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- e) Number of uses of the amendment in the protection of whistleblowers and their families, not only in relation to their physical integrity but also as it concerns the workplace, especially when the person is a public official and the acts of corruption involve superiors or co-workers.

Approximate cost of implementing the measure: The estimated cost for research, development and drafting the amendment is approximately US\$25,000. However, this cost could be combined with the cost of researching and drafting other parts of the same comprehensive legal and regulatory framework to reduce the overall cost.

Possible funding sources (national and international) for implementing the measure: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the research and drafting of the amendment recommended.

Measure C: Expand the existing mechanisms for reporting, such as anonymous reporting or protection of identity reporting, that guarantee the personal security and the confidentiality of the identity of public servants and private citizens who, in good faith, report acts of corruption;

Legal action required to adopt measure: In its Reply to the QUESTIONNAIRE ON THE PROVISIONS OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION SELECTED IN THE SECOND ROUND AND FOR FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND – MEETING OF THE MESICIC³⁶, Belize stated that “.... *The country itself, does not have any ONE elaborate mechanisms to protect servants and private citizens who, in good faith report acts of corruption. However, the existing procedures coordinated by the Police Department (which enjoys collaboration with Interpol) have proved sufficient to promote the purposes of the Convention.*³⁷ .”

In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts opined that the provisions, measures and mechanisms which refer to the principal systems for the protection of public servants and private citizens who, in good faith, report acts of corruption in Belize, that the Committee has examined, based on the information made available to it, are relevant to promoting the purposes of the Convention. However, it suggested that the current system in place could benefit from further development of the existing mechanisms. Therefore, the Committee recommends that Belize adopt a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including the expansion of the existing mechanisms for reporting, such as anonymous reporting or protection of identity reporting, that guarantee the personal security and the confidentiality of the identity of public servants and private citizens who, in good faith, report acts of corruption. Such an amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General’s Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister’s Cabinet and passed by the Belize Legislature.

Studies, plans or programs needed to implement measure: Such a comprehensive regulatory and legal framework would have to be adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize.

Any similar or alternative measure adopted: The Prevention of Corruption Act of 2007.

³⁶ See <http://www.oas.org/juridico/english/blz.htm>

³⁷ See page 10

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Prevention of Corruption Act of 2007 adopting a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including the expansion of the existing mechanisms for reporting, such as anonymous reporting or protection of identity reporting, that guarantee the personal security and the confidentiality of the identity of public servants and private citizens who, in good faith, report acts of corruption, would have to be drafted by the Attorney General's Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Services Commission, the Integrity Commission, the Public Services Union and the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Public Services Commission and the Integrity Commission and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately one year would be required to develop, draft, and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Development of a comprehensive regulatory and legal framework adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize;
- b) Drafting of an amendment that comports with the measure;
- c) Approval of the amendment by relevant stakeholders;
- d) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;

- e) Number of uses of the amendment in the protection of whistleblowers particularly in the public service, that guarantee the personal security and the confidentiality of the identity of public servants and private citizens who, in good faith, report acts of corruption.

Approximate cost of implementing the measure: The estimated cost for research, development and drafting the amendment is approximately US\$25,000. However, this cost could be combined with the cost of researching and drafting other parts of the same legal and regulatory framework to reduce the overall cost.

Possible funding sources (national and international) for implementing the measure: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the research and drafting of the amendment recommended.

Measure D: The creation of mechanisms to report any threats or reprisals against whistleblowers, stating the appropriate authorities to process protection requests and the bodies responsible for providing it.

Legal action required to adopt measure: In its Reply to the QUESTIONNAIRE ON THE PROVISIONS OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION SELECTED IN THE SECOND ROUND AND FOR FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND – MEETING OF THE MESICIC³⁸, Belize stated that “.... *The country itself, however, does not count with an established witness protection system, exclusively for the purposes of protecting public officers or private citizens who in good faith report acts of corruption.*”³⁹.

In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts opined that the provisions, measures and mechanisms which refer to the principal systems for the protection of public servants and private citizens who, in good faith, report acts of corruption in Belize, that the Committee has examined, based on the information made available to it, are relevant to promoting the purposes of the Convention. However, it suggested that the current system in place could benefit from further development of the existing mechanisms. Therefore, the Committee recommends that Belize adopt a comprehensive legal and regulatory framework that provides protection for public

³⁸ See <http://www.oas.org/juridico/english/blz.htm>

³⁹ See page 10

servants and private citizens who, in good faith, report acts of corruption, including the creation of mechanisms to report any threats or reprisals against whistleblowers, stating the appropriate authorities to process protection requests and the bodies responsible for providing it. Such an amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General's Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Studies, plans or programs needed to implement measure: Such a comprehensive regulatory and legal framework would have to be adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize.

Any similar or alternative measure adopted: The Prevention of Corruption Act of 2007.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Prevention of Corruption Act of 2007 adopting a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including the creation of mechanisms to report any threats or reprisals against whistleblowers, stating the appropriate authorities to process protection requests and the bodies responsible for providing it, would have to be drafted by the Attorney General's Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Services Commission, the Integrity Commission, the Public Services Union and the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Public Services Commission and the Integrity Commission and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately one year would be required to develop, draft and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Development of a comprehensive regulatory and legal framework adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize;
- b) Drafting of an amendment that comports with the measure;
- c) Approval of the amendment by relevant stakeholders;
- d) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- e) Number of uses of the amendment in the protection of whistleblowers and their families, by creating mechanisms to report any threats or reprisals against whistleblowers, stating the appropriate authorities to process protection requests and the bodies responsible for providing it.

Approximate cost of implementing the measure: The estimated cost for research and drafting the amendment in time is approximately US\$12,000. However, this cost could be combined with the cost of researching and drafting other parts of the same legal and regulatory framework to reduce the overall cost.

Possible funding sources (national and international) for implementing the measure: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the research and drafting of the amendment recommended.

Measure E: Witness protection mechanisms that offer witnesses the same guarantees as public servants and private citizens;

Legal action required to adopt measure: In its Reply to the QUESTIONNAIRE ON THE PROVISIONS OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION SELECTED IN THE SECOND ROUND AND FOR FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND – MEETING OF THE MESICIC⁴⁰, Belize stated that “.... *The country itself, however, does not count with an established witness protection system, exclusively for the purposes of protecting public officers or private citizens who in good faith report acts of corruption.*”⁴¹.”

In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts opined that the provisions, measures and mechanisms which refer to the principal systems for the protection of public servants and private citizens who, in good faith, report acts of corruption in Belize, that the Committee has examined, based on the information made available to it, are relevant to promoting the purposes of the Convention. However, it suggested that the current system in place this system could benefit from further development of the existing mechanisms. Therefore, the Committee recommends that Belize adopt a comprehensive legal and regulatory framework that provides the incorporation of witness protection mechanisms that offer witnesses the same guarantees as public servants and private citizens. Such an amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General’s Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister’s Cabinet and passed by the Belize Legislature.

Studies, plans or programs needed to implement measure: Such a comprehensive regulatory and legal framework would have to be adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize.

Any similar or alternative measure adopted: The Prevention of Corruption Act of 2007.

⁴⁰ See <http://www.oas.org/juridico/english/blz.htm>

⁴¹ See page 10

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Prevention of Corruption Act of 2007 adopting a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including the creation of mechanisms to report any threats or reprisals against whistleblowers, stating the appropriate authorities to process protection requests and the bodies responsible for providing it, would have to be drafted by the Attorney General's Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Services Commission, the Integrity Commission, the Public Services Union and the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be developed and drafted by the Attorney General's Ministry with direct input from the Public Services Commission and the Integrity Commission and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately one year would be required to develop, draft and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Development of a comprehensive regulatory and legal framework adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize;
- b) Drafting of an amendment that comports with the measure;
- c) Approval of the amendment by relevant stakeholders;
- d) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;

- e) Number of uses of the amendment in the protection of whistleblowers and their families, through the development of witness protection mechanisms that offer witnesses the same guarantees as public servants and private citizens,

Approximate cost of implementing the measure: The estimated cost for research and drafting the amendment is approximately US\$25,000. However, this cost could be combined with the cost of researching and drafting other parts of the legal and regulatory framework to reduce the overall cost.

Possible funding sources (national and international) for implementing the measure: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the research and drafting of the amendment recommended.

Measure F: Develop mechanisms to facilitate international cooperation on the foregoing matters, when appropriate, including the technical assistance and cooperation provided for by the Convention, as well as the exchanges of experiences, training, and mutual assistance.

Legal action required to adopt measure: In its Reply to the QUESTIONNAIRE ON THE PROVISIONS OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION SELECTED IN THE SECOND ROUND AND FOR FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND – MEETING OF THE MESICIC⁴², Belize stated that “....Additionally, if the offence includes a money laundering aspect, the person who reports the offence can also be treated as a participant or witness pursuant to the CARICOM Agreement Establishing the Regional Justice Protection Program, of which Belize is a Party and which has been given legislative authority by virtue of the Justice Protection Act, No. 48 of 2005 “. Therefore, precedent has been set for the establishment of mechanisms to facilitate international cooperation on the foregoing matters, when appropriate, including the technical assistance and cooperation provided for by the Convention, as well as the exchanges of experiences, training, and mutual assistance.

Studies, plans or programs needed to implement measure: Such agreements would have to be worked out through the Attorney General’s Ministry and the Ministry of Foreign Affairs.

Any similar or alternative measure adopted: The establishment of the Justice Protection Act, No. 48 of 2005

⁴² See <http://www.oas.org/juridico/english/blz.htm>

Entities, authorities or agencies responsible for adopting the measure: As discussed above, such agreements would have to be worked out through the Attorney General's Ministry and the Ministry of Foreign Affairs.

Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of Foreign Affairs, the Public Services Commission, the Integrity Commission, the Public Services Union and the Prime Minister's Cabinet and the Belize Legislature would have to be involved in adopting the measure.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such agreements would have to be worked out through the Attorney General's Ministry and the Ministry of Foreign Affairs.

Time needed to consider, adopt or implement the measure: Timeframes would depend on the nature of the agreements and may take a year to complete.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an agreement that comports with the measure;
- b) Approval of the agreement by relevant stakeholders;
- c) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature and signing of agreement;
- d) Use of agreement to facilitate international cooperation on the foregoing matters, when appropriate, including the technical assistance and cooperation provided for by the Convention, as well as the exchanges of experiences, training, and mutual assistance.

Approximate cost of implementing the measure: The estimated cost for pursuing such agreements in time and logistics such as travel is approximately US\$7,000.

Possible funding sources (national and international) for implementing the measure: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for pursuing such agreements.

Seventh Measure: Develop a simple whistleblower protection application process;

Legal action required to adopt measure: In its Reply to the QUESTIONNAIRE ON THE PROVISIONS OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION SELECTED IN THE SECOND ROUND AND FOR FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND – MEETING OF THE MESICIC⁴³, Belize stated that “*The country itself, however, does not count with an established witness protection system, exclusively for the purposes of protecting public officers or private citizens who in good faith report acts of corruption.*”⁴⁴.”

In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts opined that the provisions, measures and mechanisms which refer to the principal systems for the protection of public servants and private citizens who, in good faith, report acts of corruption in Belize, that the Committee has examined, based on the information made available to it, are relevant to promoting the purposes of the Convention. However, it suggested that the current system in place this system could benefit from further development of the existing mechanisms. Therefore, the Committee recommends that, as part of the further development of its comprehensive regulatory and legal framework, Belize develop a simple whistleblower protection application process. Such an amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General’s Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister’s Cabinet and passed by the Belize Legislature.

Studies, plans or programs needed to implement measure: Such a comprehensive regulatory and legal framework would have to be adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize.

Any similar or alternative measure adopted: The Prevention of Corruption Act of 2007.

⁴³ See <http://www.oas.org/juridico/english/blz.htm>

⁴⁴ See page 10

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Prevention of Corruption Act of 2007 adopting a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including the creation of a simple whistleblower protection application process, would have to be drafted by the Attorney General's Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Services Commission, the Integrity Commission, the Public Services Union and the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be developed and drafted by the Attorney General's Ministry with direct input from the Public Services Commission and the Integrity Commission and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately one year would be required to develop, draft and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Development of a comprehensive regulatory and legal framework adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize;
- b) Drafting of an amendment that comports with the measure;
- c) Approval of the amendment by relevant stakeholders;
- d) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- e) Number of uses of the application process including number of applications received.

Approximate cost of implementing the measure: The estimated cost for research and drafting the amendment is approximately US\$25,000. However, this cost could be combined with the cost of researching and drafting other parts of the legal and regulatory framework to reduce the overall cost.

Possible funding sources (national and international) for implementing the measure: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the research and drafting of the amendment recommended.

Measure G: Provisions which provide for administrative and criminal sanctions for the failure to observe the rules and/or duties relating to protection.

Legal action required to adopt measure: In its Reply to the QUESTIONNAIRE ON THE PROVISIONS OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION SELECTED IN THE SECOND ROUND AND FOR FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND – MEETING OF THE MESICIC⁴⁵, Belize stated that “.... *The country itself, however, does not count with an established witness protection system, exclusively for the purposes of protecting public officers or private citizens who in good faith report acts of corruption.*”²⁸ In addition, Belize noted that *“it does not have any ONE elaborate mechanisms to protect servants and private citizens who, in good faith report acts of corruption. However, the existing procedures coordinated by the Police Department (which enjoys collaboration with Interpol) have proved sufficient to promote the purposes of the Convention*⁴⁶. ”

In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts opined that the provisions, measures and mechanisms which refer to the principal systems for the protection of public servants and private citizens who, in good faith, report acts of corruption in Belize, that the Committee has examined, based on the information made available to it, are relevant to promoting the purposes of the Convention. However, it suggested that the current system in place this system could benefit from further development of the existing mechanisms. Therefore, the Committee recommends that Belize adopt a comprehensive legal and regulatory framework that provides protection

⁴⁵ See <http://www.oas.org/juridico/english/blz.htm>

⁴⁶ This information was provided by Belize in its comments on the Draft Preliminary Report prepared by the Technical Secretariat

for public servants and private citizens who, in good faith, report acts of corruption, including provisions which provide for administrative and criminal sanctions for the failure to observe the rules and/or duties relating to protection. Such an amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General's Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature

Studies, plans or programs needed to implement measure: Such a comprehensive regulatory and legal framework would have to be adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize.

Any similar or alternative measure adopted: The Prevention of Corruption Act of 2007.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Prevention of Corruption Act of 2007 adopting a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including provisions which provide for administrative and criminal sanctions for the failure to observe the rules and/or duties relating to protection, would have to be drafted by the Attorney General's Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Services Commission, the Integrity Commission, the Public Services Union and the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Public Services Commission and the Integrity Commission and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately one year would be required to develop, draft and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Development of a comprehensive regulatory and legal framework adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize;
- b) Drafting of an amendment that comports with the measure;
- c) Approval of the amendment by relevant stakeholders;
- d) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- e) Number of uses of the amendment to sanction individuals for the failure to observe the rules and/or duties relating to protection.

Approximate cost of implementing the measure: The estimated cost for research and drafting the amendment in time is approximately US\$25,000. However, this cost could be combined with the cost of researching and drafting other parts of the legal and regulatory framework to reduce the overall cost.

Possible funding sources (national and international) for implementing the measure: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the research and drafting of the amendment recommended.

Measure H: Provisions that clearly delineate the respective competence of judicial and administrative authorities with respect to this area.

Legal action required to adopt measure: In its Reply to the QUESTIONNAIRE ON THE PROVISIONS OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION SELECTED IN THE SECOND ROUND AND FOR FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND – MEETING OF THE MESICIC⁴⁷, Belize stated that “.... *The country itself, however, does not count with an established witness protection system, exclusively for the purposes of protecting public officers or private citizens who in good faith report acts of corruption.*” In addition, Belize noted that *“it does not have any ONE elaborate mechanisms to protect servants and private citizens who, in good faith report acts of corruption. However, the*

⁴⁷ See <http://www.oas.org/juridico/english/blz.htm>

existing procedures coordinated by the Police Department (which enjoys collaboration with Interpol) have proved sufficient to promote the purposes of the Convention⁴⁸. ”

In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts opined that the provisions, measures and mechanisms which refer to the principal systems for the protection of public servants and private citizens who, in good faith, report acts of corruption in Belize, that the Committee has examined, based on the information made available to it, are relevant to promoting the purposes of the Convention. However, it suggested that the current system in place this system could benefit from further development of the existing mechanisms. Therefore, the Committee recommends that Belize adopt a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including provisions that clearly delineate the respective competence of judicial and administrative authorities with respect to this area. Such an amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General’s Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister’s Cabinet and passed by the Belize Legislature

Studies, plans or programs needed to implement measure: Such a comprehensive regulatory and legal framework would have to be adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize.

Any similar or alternative measure adopted: The Prevention of Corruption Act of 2007.

Entities, authorities or agencies responsible for adopting the measure: As discussed above, an amendment to the Prevention of Corruption Act of 2007 adopting a comprehensive legal and regulatory framework that provides protection for public servants and private citizens who, in good faith, report acts of corruption, including provisions that clearly delineate the respective competence of judicial and administrative authorities with respect to this area, would have to be drafted by the Attorney General’s Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister’s Cabinet and passed by the Belize Legislature.

⁴⁸ This information was provided by Belize in its comments on the Draft Preliminary Report prepared by the Technical Secretariat

Entities, authorities or agencies involved in adopting the measure: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Services Commission, the Integrity Commission, the Public Services Union and the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the measure: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Public Services Commission and the Integrity Commission and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately one year would be required to develop, draft and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Development of a comprehensive regulatory and legal framework adopted from a legal precedent in another Caribbean country or a country with a similar legal framework as Belize;
- b) Drafting of an amendment that comports with the measure;
- c) Approval of the amendment by relevant stakeholders;
- d) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- e) Number of uses of the amendment to protect whistleblowers from both the public and private sectors.

Approximate cost of implementing the measure: The estimated cost for research and drafting the amendment in time is approximately US\$25,000. However, this cost could be combined with the cost of researching and drafting other parts of the legal and regulatory framework to reduce the overall cost.

Possible funding sources (national and international) for implementing the measure: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the research and drafting of the amendment recommended.

3. ACTS OF CORRUPTION (ARTICLE VI(1) OF THE CONVENTION)

Recommendation 3.1 - Review Section 26(b) and 27(b) of the Prevention of Corruption Act, 2007, so as to make it more fully consistent with Article VI(1)(a) of the Convention, by incorporating therein, the words “directly or indirectly”.

Legal action required to adopt recommendation: In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted that, with respect to paragraphs (a) of Article VI(1) of the Prevention of Corruption Act (POCA) of 2007, while Section 3(1) of the Prevention of Corruption Act, Chapter 105 of the Substantive Laws of Belize, RE 2003, which criminalizes bribery, does not contain the words “directly or indirectly” as used by the Convention, it nonetheless includes that element, in that it makes reference to a person who solicits or receives a bribe “by himself or by or in conjunction with any other person”. Unlike the provisions of the 2003 POCA, the Committee considers that Sections 26(b) and 27(b) of the 2007 POCA, which also criminalize bribery committed by members of the National Assembly and members of public bodies, respectively, do not contemplate the element of “directly or indirectly”, as used by the Convention. Such an amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General’s Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister’s Cabinet and passed by the Belize Legislature.

Studies, plans or programs needed to implement recommendation: No studies necessary.

Any similar or alternative recommendation adopted: The Prevention of Corruption Act of 2003.

Entities, authorities or agencies responsible for adopting the recommendation: As discussed above, such an amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General’s Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister’s Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the recommendation: The Office of the Ombudsman, the Attorney General’s Ministry, the Ministry of the Public Service, the Public Services Commission, the Integrity Commission, the Public Services

Union and the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision to adopt the measure.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Public Services Commission and the Integrity Commission and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the recommendation: Approximately six months would be required to amend and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the recommendation: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- d) Number of uses of the amendment in the protection of persons who report acts of corruption subject to investigation in administrative or judicial proceedings.

Approximate cost of implementing the recommendation: The estimated cost for drafting the amendment in time is approximately US\$8,000.

Possible funding sources (national and international) for implementing the recommendation: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the research and drafting of the amendment recommended.

Recommendation 3.2 - Review Section 26(a) and 27(a) of the Prevention of Corruption Act, 2007, so as to make it more fully consistent with Article VI(1)(b) of the Convention, by incorporating therein, the words “directly or indirectly”.

Legal action required to adopt recommendation: In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted that, with respect to paragraph (b) of Article VI(1) of the Prevention of Corruption Act of 2007, :while Section 3(2) of the Prevention of Corruption Act, Chapter 105 of the Substantive Laws of Belize, RE 2003, which criminalizes bribery, does not contain the words “directly or indirectly” as used by the Convention, it nonetheless includes that element, in that it makes reference to a person who solicits or receives a bribe “by himself or by or in conjunction with any other person”. Also, unlike the provisions of the 2003 POCA, the Committee considers that Sections 26(a) and 27(a) of the 2007 POCA, which also criminalize bribery committed in respect of members of the National Assembly and members of public bodies, respectively, do not contemplate the element of “directly or indirectly”, as used by the Convention. Therefore, the Committee recommends that Belize review Section 26(a) and 27(a) of the Prevention of Corruption Act, 2007, so as to make it more fully consistent with Article VI(1)(b) of the Convention, by incorporating therein, the words “directly or indirectly”. Such an amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General’s Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister’s Cabinet and passed by the Belize Legislature

Studies, plans or programs needed to implement recommendation: No studies or plans necessary. .

Any similar or alternative recommendation adopted: The Prevention of Corruption Act of 2003.

Entities, authorities or agencies responsible for adopting the recommendation: Such an amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General’s Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister’s Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the recommendation: The Office of the Ombudsman, the Attorney General’s Ministry, the Ministry of the Public Service, the Public Services Commission, the Integrity Commission, the Public Services Union and the Prime Minister’s Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Public Services Commission and the Integrity Commission and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the measure: Approximately six months would be required to amend and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- d) Number of uses of the amendment in the protection of persons who report acts of corruption subject to investigation in administrative or judicial proceedings.

Approximate cost of implementing the measure: The estimated cost for drafting the amendment in time is approximately US\$8,000.

Possible funding sources (national and international) for implementing the measure: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the research and drafting of the amendment recommended.

Recommendation 3.3 - Review the definition of “public servant” contained in the Prevention of Corruption Act, 2007, by covering “a person who performs public functions”.

Legal action required to adopt recommendation: In its Belize Final Report of the 14th Meeting of the MESICIC Committee of Experts on December 8th to the 12th 2008 in Washington, D.C., the Committee of Experts noted that Section 1(c) makes specific reference to a bribe given to a “public servant” related to performance of the “public

servant's public functions." The Committee considers that because the definition of "public servant" does not include a person who performs public functions, as contemplated by Article VI(1)(b) of the Convention, this provision is insufficient to achieve the objectives thereof. Therefore, the Committee recommends that Belize review the definition of "public servant" contained in the Prevention of Corruption Act, 2007, by covering "a person who performs public functions." Such an amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General's Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature

Studies, plans or programs needed to implement recommendation: No studies or plans necessary.

Any similar or alternative recommendation adopted: The Prevention of Corruption Act of 2003.

Entities, authorities or agencies responsible for adopting the recommendation: An amendment to the Prevention of Corruption Act of 2007 would have to be drafted by the Attorney General's Ministry with direct input from Public Services Commission and the Integrity Commission and then approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Entities, authorities or agencies involved in adopting the recommendation: The Office of the Ombudsman, the Attorney General's Ministry, the Ministry of the Public Service, the Public Services Commission, the Integrity Commission, the Public Services Union and the Prime Minister's Cabinet and the Belize Legislature would have to be involved in the decision.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: Any such amendments will have to be drafted by the Attorney General's Ministry with direct input from the Public Services Commission and the Integrity Commission and approved by the Prime Minister's Cabinet and passed by the Belize Legislature.

Time needed to consider, adopt or implement the recommendation: Approximately six months would be required to amend and approve such an amendment.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the recommendation: Indicators necessary to objectively gauge progress in the actions proposed for implementing the measure are:

- a) Drafting of an amendment that comports with the measure;
- b) Approval of the amendment by relevant stakeholders;
- c) Passage of the amendment by the Prime Minister's Cabinet and the Belize Legislature;
- d) Number of uses of the amendment in the investigation of acts of corruption in Belize.

Approximate cost of implementing the recommendation: The estimated cost for drafting the amendment in time is approximately US\$8,000.

Possible funding sources (national and international) for implementing the recommendation: The United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding the research and drafting of the amendment recommended.

Recommendation 3.4 - Consider the convenience of harmonizing the provisions of the Prevention of Corruption Act, Chapter 105 of the Substantive Laws of Belize, Re 2003, with those of the Prevention of Corruption Act, 2007.

Legal action required to adopt recommendation: In its Reply to the QUESTIONNAIRE ON THE PROVISIONS OF THE INTER-AMERICAN CONVENTION AGAINST CORRUPTION SELECTED IN THE SECOND ROUND AND FOR FOLLOW-UP ON THE RECOMMENDATIONS FORMULATED IN THE FIRST ROUND – MEETING OF THE MESICIC⁴⁹, Belize noted that the Prevention of Corruption Act, which repealed the Prevention of Corruption in Public Life Act 2003, was enacted in 2007⁵⁰. Therefore, the Prevention of Corruption Act of 2007 stands as the substantive law of Belize regarding Corruption and the Prevention of Corruption in Public Life Act of 2003 no longer exists.

⁴⁹ See <http://www.oas.org/juridico/english/blz.htm>

⁵⁰ See page 22.

4. GENERAL RECOMMENDATIONS

Recommendation 7.1 - Design and implement, when appropriate, training programs for public servants responsible for implementing the systems, provisions, measures, and mechanisms considered in this report, for the purpose of ensuring that they are adequately known, managed, and implemented.

Legal action required to adopt recommendation: No legal action required

Studies, plans or programs needed to implement recommendation: Training program should be developed by the Training Unit of the Ministry of the Public Service.

Any similar or alternative measure adopted: No similar measure adopted although “the United Nations Office on Drugs and Crime (“the UNODC”) organized and hosted a one week training program in Belize City which counted with the participation of, inter alia, representatives from the Police Department, the Office of the Director of Public Prosecutions, the Ministry of Foreign Affairs, the Attorney General’s Ministry and the Bench. A follow-up session is presently being discussed with the UNODC. A number of officers have also received training abroad.”⁵¹

Entities, authorities or agencies responsible for adopting the recommendation : This measure would have to be proposed by the Attorney General’s Ministry (as the proposed Secretariat) and adopted by the Ministry of the Public Service as part of their Training Unit’s program.

Entities, authorities or agencies involved in adopting the recommendation: Training or sensitization programs such as those suggested by this recommendation are organized by the Ministry of the Public Service in conjunction with the Department or Ministry under which the relevant personnel works (in this case it would be all government

⁵¹ See the Report of Belize on the Implementation of the Recommendations of the Committee of Experts in the First Round (2006), at p. 18.

departments or ministries) and would be carried out by the Training Unit of the Ministry of the Public Service or the University of Belize (which administers a Bachelor program in Public Management).

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation: As mentioned above such programs would be organized by the Training Unit of the Ministry of the Public Service or a university such as the University of Belize.

Time needed to consider, adopt or implement the recommendation: Approximately six months.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the recommendation:

1. Training or sensitization program designed;
2. Training program adopted and funded;
3. Percent of government ministries who have signed on to the program;
4. Percent of senior and middle level public servants who have completed the program.

Approximate cost of implementing the recommendation: Such training programs would cost approximately US\$20,000 to develop and undertake.

Possible funding sources (national and international) for implementing the recommendation: The Inter-American Development Bank under its Belize Public Sector Reform project, the United Nations Office on Drugs and Crime (UNODC) or the Central American Integration System (SICA) are possible sources for funding such a training program.

Recommendation 7.2 - Select and develop procedures and indicators, when appropriate and where they do not yet exist, to analyze the results of the systems, provisions, measures, and mechanisms considered in this report, and to verify follow-up on the recommendations made herein.

Legal action required to adopt recommendation: No legal action required

Studies, plans or programs needed to implement recommendation: Consultancy to develop procedures and broad indicators via a work-plan for the implementation of the National Plan of Action being developed.

Any similar or alternative measure adopted: No similar measure adopted although a National Plan of Action is being developed by Belize.

Entities, authorities or agencies responsible for adopting the recommendation: This measure would have to be proposed and developed by the Attorney General's Ministry (as the proposed Secretariat) as a consultancy under their auspices.

Entities, authorities or agencies involved in adopting the recommendation: A consultancy would have to be implemented to develop a work-plan based on the National Plan of Action developed by the Attorney General's Ministry (the proposed Secretariat). A national workshop involving stakeholders as participants would have to be undertaken as part of the consultancy.

Entities, authorities or agencies responsible for designing, preparing or implementing studies, plans projects, programs or any other actions needed to implement the recommendation : The proposed work-plan would have to be developed as a consultancy under the auspices of the Attorney General's Ministry.

Time needed to consider, adopt or implement the recommendation: Such a consultancy would take approximately six months.

Indicators necessary to objectively gauge progress in the actions proposed for implementing the recommendation:

1. The terms of reference for the consultancy to develop a workplan to accompany the National Plan of Action has been issued;
2. The consultancy has been completed;
3. Recommendations from the consultancy have been accepted by the Attorney General's Ministry for adoption

Approximate cost of implementing the recommendation: Such consultancies would cost approximately US\$8,000 to develop and undertake.

Possible funding sources (national and international) for implementing the recommendation: The Inter-American Development Bank's Public Sector Reform project in Belize, the United Nations Office on Drugs and Crime (UNODC), the Central American Integration System (SICA) or the Organization of American States (OAS) are possible sources for funding for the development of the workplan.

Recommendation 7.3: Develop, as appropriate and where they do not yet exist, procedures designed to analyze the mechanisms mentioned in this report, and the recommendations contained in it.

Legal action required to adopt recommendation: The recommendations would have to be developed as part of a National Plan of Action that is:

1. adopted by the Attorney General's Ministry;
2. taken to the Prime Minister's Cabinet for its approval;
3. implemented through the Attorney General's Ministry as the Secretariat.