

MECHANISM FOR FOLLOW-UP ON THE
IMPLEMENTATION OF THE INTER-AMERICAN
CONVENTION AGAINST CORRUPTION
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BELIZE

FINAL REPORT

(Adopted at the March 31, 2006 plenary session)



**COMMITTEE OF EXPERTS OF THE MECHANISM FOR FOLLOW-UP ON THE
IMPLEMENTATION OF THE INTER-AMERICAN CONVENTION AGAINST
CORRUPTION**

**FINAL REPORT ON IMPLEMENTATION IN BELIZE OF THE CONVENTION
PROVISIONS SELECTED FOR REVIEW IN THE FRAMEWORK OF THE FIRST
ROUND¹**

INTRODUCTION

1. Legal-institutional framework²

The legal-institutional system in Belize was born out of the British Colonial experience. Accordingly, its legal system is essentially English in character. For example, Section 2 of the Imperial Laws (Extension) Act, Chapter 2, provides that, “*2(1) Subject to the provision of this or any other Act, the common law of England and all Acts in abrogation or derogation or in any way declaratory of the common law passed prior to 1st January 1899, shall extend to Belize.*”

In 1981 Belize became independent and adopted a new Constitution, which became the supreme law of Belize by virtue of Section 2 of the Belize Constitution.

Under the Constitution, the legal-institutional system can be described as follows:

The Executive: Part IV of the Belize Constitution provides that the Head of State in Belize is Her Majesty Queen Elizabeth II, who is represented in Belize by the Governor-General of Belize. The Governor-General acts in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet except when he is required by the Constitution or any other law to act in accordance with the advice of any person or authority or in his own deliberate judgment. The Prime Minister is required to keep the Governor-General fully informed concerning the general conduct of the government of Belize (Sections 30 to 35 of the Belize Constitution).

The policy functions of the executive in Belize are formulated by a Cabinet of Ministers (Section 44), which is collectively responsible to the Legislature, and which is made up of the Prime Minister (Section 37), the Deputy Prime Minister (Section 38), and other Ministers (Section 40), who are given portfolios of responsibility by the Governor-General acting on the advice of the Prime Minister (Section 41). Ministers are assisted in the performance of their functions by Ministers of State (Section 45) and senior public officers called Chief Executive Officers (Section 48), who are not members of Cabinet.

The Legislature consists of a bi-cameral parliament called “the National Assembly”, made up of a Lower House called the House of Representatives and an Upper House called the Senate. (Part VI of the Constitution). The Legislature is responsible for the enactment of all primary legislation (Section 68).

The twelve members of the Senate are appointed by the Governor-General as follows: six on the advice of the Prime Minister; three on the advice of the Leader of the Opposition; one on the advice

¹ 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.

² Response of Belize to the questionnaire, Introduction. pp. 1 and 2.

of the Belize Council of Churches and Evangelical Association of Churches; one on the advice of the Belize Chamber of Commerce and Industry and the Better Business Bureau and one on the advice of the National Trade Union Congress and the Civil Society Steering Committee.

The Judiciary is made up of (a) the Magistrates Court, (b) the Supreme Court, (c) the Court of Appeal, and (d) the Judicial Committee of the Privy Council in London. It is hoped that sometime this year, the Privy Council will be replaced by the Caribbean Court of Justice as the final appellate court in Belize. In interpreting the law and passing judgments, the Belizean judiciary largely uses British cases and cases from other Commonwealth Caribbean States as judicial precedents (Sections 94 to 104).

Other independent bodies include the Director of Public Prosecutions, who is appointed under Section 108 of the Belize Constitution. He can only be removed from office for cause. The Director of Public Prosecutions is responsible for the prosecution of offences in Belize, and in performing those functions the Director of Public Prosecutions does not act under the authority of control of any person (Section 50).

The Auditor General is appointed under Section 109 of the Belize Constitution, and may only be removed from office for inability to perform the functions of his office or for misbehavior. The Auditor General is responsible for auditing the accounts of all monies from the Consolidated Revenue Fund of Belize established under Section 114 of the Belize Constitution. The detailed functions of the Auditor General are found in the Finance and Audit Act, Chapter 15 of the Laws of Belize (www.belize.gov.bz).

The Services Commissions, consisting of the Public Services Commission, the Judicial and Legal Services Commission, and the Security Services Commission, independently regulate the public service, the judicial and legal service, and the security service. (Part VIII, Section 105 – 111).

These Commissions have the authority to appoint officers that fall under their jurisdiction, as well as regulate the conditions of their service and exercise disciplinary control, including the ability to remove these officers from their posts.

The Integrity Commission implements the financial disclosure requirements for persons in public life and makes such inquiries as necessary into alleged violations of the Prevention of Corruption in Public Life Act.

The Advisory Council is an independent Council established under Section 54 of the Belize Constitution, to advise the Governor-General on various issues, and to determine appeals by public officers.

The Elections and Boundaries Commission is an independent Commission under Section 88 of the Constitution to deal with matters related to the holding and conducting of elections to political offices.

2. Ratification of the Convention and adherence to the Mechanism

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.

I. SUMMARY OF INFORMATION RECEIVED

The Committee wishes to acknowledge the cooperation of Belize throughout the entire review process, in particular the Office of the Solicitor General of the Attorney General Ministry, which was evident, *inter alia*, in its response to the questionnaire and its willingness to clarify or complete the information contained in its response. Furthermore, together with its response, Belize sent the relevant provisions and documents listed in the appendix of this report.

For its review the Committee 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.

No documents or data were received from civil society.

II. REVIEW OF THE IMPLEMENTATION BY BELIZE OF THE SELECTED PROVISIONS

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

1.1. CONFLICTS OF INTEREST

1.1.1. Existence of provisions in the legal framework and/or other measures and enforcement mechanisms

Belize has a set of standards of conduct contained in Section 121 of its Constitution and laws that apply to all persons who perform public functions:

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

This Code of Conduct provides that all public officers shall conduct themselves in such a way as not to: i) place themselves in positions in which they have or could have a conflict of interest; ii) compromise the fair exercise of their public or official functions and duties; iii) use their office for private gain; iv) demean their office or position; v) allow their integrity to be called into question; or vi) endanger or diminish respect for, or confidence in, the integrity of the Government. (Section 121 of the Constitution)

Mention should also be made of Sections 281 – 312, Chapter 101 of the Criminal Code, which refers to crimes related to the conduct of public officers.

The Prevention of Corruption in Public Life Act also includes a Code of Conduct in Part IV, which provides that public officers shall not use their office for private gain, receive bribes, or accept gifts or benefits of any kind on account of anything done or omitted to be done by them in the discharge of their duties. It also establishes restrictions on loans, the use of public funds, and public officers acquiring or having a holding in companies that do business with the government. Specific laws

also contain similar provisions, such as Section 11 of the Police Act, which prohibits a police officer from any other employment or office without the consent of the Commissioner of Police.

The Public Service and Services Commission regulations apply to judicial and legal officers, security service officers, and general public officers. They define the terms and conditions of service of these officers and prescribe certain conduct as corrupt practices. Sections 20(d), 28, and 35 of the Public Services Regulations, include the obligation of public officers not to accord preferential treatment or benefits to any person by reason of a personal relationship to that person, as well as limitations on their participation in electoral campaigns. By the same token, Sections 23 to 42 of these Regulations also contain provisions that punish such conduct.

The Prevention of Corruption in Public Life Act also forbids retired public officers, after retirement or for as long as they continue to receive a pension financed with public funds, from accepting more than one remunerated position as a director or an employee of a company controlled or owned by the government or a public authority, or from receiving any other remuneration of public funds in addition to those mentioned (Section 20).

As regards mechanisms to enforce compliance with these standards, in its response to the questionnaire, Belize mentions the following:

- The sanctions contained in Title XVI of the Criminal Code of Belize for certain crimes relating to public offices,³ such as corruption, as well as other offences committed in the exercises of judicial or public functions (Sections 284 and 290 to 293).

- The authority of the Integrity Commission to sanction those guilty of contravening the Code of Conduct and to publish financial declaration certificates in the Gazette. According to section 24 of the Prevention of Corruption in Public Life Act, when the Commission finds that the conduct of a person contravenes the Code of Conduct, the following measures may be taken: severe reprimand, fine and seizure of any property acquired through abuse or corruption of office. In addition, the Commission has the authority to recommend to the appropriate authority the removal of the person or any other disciplinary measure. None of the above precludes the officer from being subject to penalties that may be imposed under any other law where the conduct is considered a criminal offense.

- The Services Commission Regulations⁴ contain disciplinary procedures whereby each of the three Services Commissions is given powers to charge and discipline public officers accused of corruption and to sanction them with severe reprimand, suspension, surcharges from salaries, or dismissal.

- The Public Services Commission established under section 105 of the Belize Constitution has the power to appoint persons to hold or act in offices in the public service, other than the offices in the judicial and legal services and the security services, including the power to transfer or confirm appointments, and, subject to the provisions of section 111 of this Constitution, the power to exercise disciplinary control over such persons and the power to remove such persons from office.

- The Security Services Commission established under section 110C of the Belize Constitution has power to appoint persons to hold or act in offices in the security services, including the power to make appointments, and to deal with all matters relating to the conditions of service of such officers and the power to exercise disciplinary control over persons holding or acting in such offices and the

³ Chapter 101 of the Laws of Belize, Revised Edition 2000-2003.

⁴ Chapter 4 of the Subsidiary Laws of Belize, Revised Edition 2003.

power to remove such persons from office. In terms of section 110D (2), “security Services” is defined as service in the Belize Police Department and in the Belize Defence Force.

- The Judicial and Legal Services Commission established under section 110E of the Belize Constitution has powers to review the suitability of applicants to the judicial and legal services, to appoint persons to act or hold offices in the judicial and legal services, to make appointments, promotions, transfers, to confirm appointments, and to deal with all matters relating to the conditions of service of such judicial and legal officers, including the power to exercise disciplinary control over such persons, and to remove such persons from office.

- The functions of the Contractor-General include, *inter alia*, the following: monitor the award and the implementation of public contracts with a view to ensuring that such contracts are awarded impartially and that the circumstances in which each contract is awarded or, as the case may be, terminated, do not involve any impropriety or irregularity; investigate any fraud, mismanagement, waste or abuse in connection with public contracts; develop policy guidelines, evaluate program performance and monitor actions taken by a public body with respect to the award, execution and termination of contracts; and monitor the grant, issue, suspension or revocation of any prescribed license, with a view to ensuring that they do not involve impropriety or irregularity (Contractor General Act, Chapter 6, Sections 14 and 15, of the Substantive Laws of Belize, Revised Edition 2000 – 2003, Revised Edition 2003-2003).

- The functions of the Ombudsman, who is a parliamentary commissioner. His work complements the work of the Contractor-General, and, according to the response of the state, he has been a very valuable mechanism in fighting corruption in Belize. He presents annual Reports on his work to the Legislature. (Ombudsman Act, Chapter 5 of the Substantive Laws of Belize, Revised Edition 2000-2003).

- The system of surcharges in the Finance and Audit Act designed to prevent corruption by public officers, whereby corrupt public officers, or public officers who are negligent in the collection, receipt or handling of public funds or property, are required to pay into the Consolidated Revenue Fund an amount equivalent to the amount lost as a result of their negligence or corrupt practices (Sections 18 and 19).

1.1.2 Adequacy of the legal framework and/or other measures and enforcement mechanisms

The legal provisions on conflicts of interest and on mechanisms for their enforcement that have been reviewed by the Committee are relevant for advancing the purposes of the Convention. In this regard, the Committee considers it appropriate to make the following observations on the advisability of developing and supplementing a number of the legal standards to which these provisions refer.

The Committee notes the existence of standards and rules on conduct in the exercise of public service which are generally applicable, with the exceptions mentioned below, to all public officers. According to the response of Belize, both the Constitution and the Services Regulations were designed to prevent conflicts of interest in the performance of public functions. However, the standards of both the Constitution and the Services Regulations do not specifically describe what might constitute a conflict of interest. Rather, these standards prohibit public officials from “place[ing] themselves in positions in which they have or could have a conflict.” Without more guidance, the Committee considers this test to be less than adequate and will formulate an appropriate recommendation (See recommendation 1.1(a) in Chapter III of this Report).

The Committee also notes an absence of conflict of interest standards regulating the activities in which former public servants may engage after leaving government service. The Committee will formulate the appropriate recommendation (See recommendation 1.1(b) in Chapter III of this Report).

1.1.3 Results of the legal framework and/or other measures and enforcement mechanisms

In its response to the questionnaire, Belize notes that, “*The Contractor General has published several reports and presented them to the National Assembly. These reports, however, did not find any conflict of interest. The Integrity Commission publishes the financial assets and liabilities of members of the National Assembly in the Gazette.*”⁵

The limited nature of the information available to the Committee precludes a comprehensive analysis of results in this field. Consequently, the Committee will formulate the appropriate recommendations. (See general recommendations 7.1 - 7.3 in Chapter III of this Report).

1.2. STANDARDS OF CONDUCT AND MECHANISMS TO ENSURE THE PROPER CONSERVATION AND USE OF RESOURCES ENTRUSTED TO GOVERNMENT OFFICIALS

1.2.1. Existence of legal framework and/or other measures and enforcement mechanisms

Belize has a series of standards of conduct that govern the conservation and proper use of resources entrusted to public officials in the performance of their functions, including the following:

The Prevention of Corruption in Public Life Act, which prohibits, *inter alia*, the use of public funds in a manner contrary to the financial regulations that govern them (Section 18).

Part IV of The Finance and Audit Act provides that the Financial Secretary shall surcharge any person who is or was a public officer for the amount of Government money or property not collected, improperly paid, deficient, lost, or destroyed by him.⁶

Sections 29, 30, 143, 150 to 153, and 166 of the Public Services Regulations also govern the proper conservation and use of resources assigned to public servants in the performance of their functions, and set out provisions that restrict the use of official vehicles, residences, furniture, chattels, office equipment and materials, as well as the receipt, safekeeping, and expenditure of public funds. Those Sections also mention the possibility, in certain circumstances, of a surcharge for public officers for damage to public property brought about by their negligence.

Among the mechanisms in place in Belize to enforce the provisions that govern matters in this area, the following should be mentioned⁷:

⁵ Response of Belize to the questionnaire, p. 8.

⁶ Section 21, Chapter 15 of the Laws of Belize, Revised Edition 2000-2003.

⁷ Belize states in its response to the questionnaire that: “*Belize is committed to make efforts to maintain and strengthen the Code of Conduct to ensure proper conservation and use of resources entrusted to public officials in the performance of their functions, and mechanisms to enforce compliance, in accordance with article III (1) and (2) of the Convention. To achieve this objective, Belize has prepared a modern Finance & Audit Bill to*

- The authority of the Integrity Commission under the Prevention of Corruption in Public Life Act to impose punishment for those guilty of contravening the Code of Conduct. Punishment may include severe reprimand, fines, seizure and forfeiture of property acquired in abuse or corruption of office, removal from office, and other disciplinary measures. There are also mechanisms that provide for surcharges under the Finance & Audit Act and there are disciplinary procedures under the Public Services Regulations.

- The activities of the Contractor General, who is an administrative official appointed by the Governor-General independent of the direction or control of any person or authority, and whose functions include monitoring the award and the implementation of public contracts with a view to ensuring that such contracts are awarded impartially and that the circumstance in which each contract is awarded or terminated does not involve corruption, impropriety or irregularity; investigating cases of fraud, mismanagement, waste, or abuse in connection with public contracts; developing policy guidelines, evaluating program performance and monitoring actions taken by a public body with respect to the award, execution and termination of contracts; and monitor the grant, issue, concession, suspension or revocation of any prescribed license, with a view to ensuring that they do not involve impropriety or irregularity (Contractor General Act, Chapter 6, Sections 14 and 15 of the Substantive Laws of Belize, Revised Edition 2000 – 2003).

In performing his functions, the Contractor General has access to books of account, records, documents and stores belonging to public authorities. The Contractor General is also given the power to investigate, if he considers it necessary, the selection of contractors or tender procedures adopted in respect of public contracts, and the implementation of such contracts (Contractor General Act, Chapter 6 Sections 14(2), 15 and 29 of the Substantive Laws of Belize, Revised Edition 2003-2003).

- The duties of the Public Accounts Committee of the House of Representatives. This Committee has the duty of considering and examining the accounts showing the appropriation of the sums granted by the Legislature to meet the public expenditure of Belize and other accounts referred to it by the Legislature or under any law, or the report of the Auditor General. The Public Accounts Committee also has the power, in respect of all matters assigned to it, to hold meetings on its own initiative, to send for persons to appear before it as witnesses and to produce documents, accounts and record, and to call on Ministers of Government to appear before it and explain the financial state of the Ministries. (Standing Order 74(1:01) and (2), established by Standing Order 72(1)(k) of the Belize Constitution, Chapter 4, Ch. 4S) in terms of Standing Order 74(1)(11)).

- The functions of the Auditor-General who, on behalf of the National Assembly, audits the accounts of all public authorities and ascertains that all reasonable precautions were taken to safeguard the collection of public funds; all public funds disbursed were expended for the purposes for which they were disbursed; and all reasonable precautions were taken to safeguard the receipt, custody, issue and proper use of Government property (Section 13 of the Finance and Audit Act).

Under Sections 14, 15, and 16 of the Finance and Audit Act, the Auditor General is authorized in conducting an audit, to call upon any public officer for an explanation and information in respect of the receipt, custody, and disposal of Government property and funds; to search for any books, records, and accounts and to make extracts therefrom for his use; to seek interpretations of the law from the Attorney General where he is uncertain of the legal basis of his authority in any case; to

regulate government procurement and government sales.” Response of Belize to the questionnaire, page 10. This Bill was passed in 2005 as the Finance and Audit (Reform) Act (No.10 of 2005).

report to the Minister any detected fraud, losses or misappropriation of Government property or stores; and to prepare a true statement of the public accounts of Belize within six months of the close of each financial year and to lay them before each House of the Legislative through the Minister.

- The standards contained in the Financial and Stores Orders on the receipt, handling and custody of public property or funds, which, under the Finance and Audit Act, are applicable to public officers and which, according to the response of Belize to the questionnaire, have been very useful in preventing corruption.

1.2.2 Adequacy of the legal framework and/or other measures and enforcement mechanisms

The standards and mechanisms for proper conservation and use of public resources that have been reviewed by the Committee, based on the information at its disposal, are relevant for promoting the purposes of the Convention.

The Committee notes that the provisions in force in this area could be strengthened and improved. For example, the provisions do not appear to prohibit the use of government funded or contracted for other than official purposes. The Committee will formulate the appropriate recommendation (See recommendation 1.2 in Chapter III of this Report).

1.2.3 Results of the legal framework and/or other measures and enforcement mechanisms

In its response to the questionnaire Belize notes that, *“Several public officers who have misused government property have been surcharged under the Finance and Audit Act, and some have been dismissed following disciplinary proceedings under the Services Commission Regulations.”*⁸

The data available to the Committee precludes a comprehensive analysis of the legal framework and/or other measures and enforcement mechanisms. Accordingly, the Committee will formulate the appropriate recommendations. (See general recommendations 7.1 - 7.3 in Chapter III of this Report.

1.3. MEASURES AND SYSTEMS REQUIRING GOVERNMENT OFFICIALS TO REPORT TO APPROPRIATE AUTHORITIES ACTS OF CORRUPTION IN THE PERFORMANCE OF PUBLIC FUNCTIONS OF WHICH THEY ARE AWARE

1.3.1. Existence of provisions in the legal framework and/or other measures and enforcement mechanisms

Belize notes in its response to the questionnaire that *“Public officials must report to the appropriate authorities acts of corruption in public office of which they are aware when they are called to do so.”*⁹ Belize also mentions the powers of the Integrity Commission and the Public Accounts Committee of the House of Representatives to summon witnesses to give evidence.

As regards enforcement mechanisms for these standards, Belize’s response to the questionnaire notes that *“Persons who refuse to comply with a summons to attend and give evidence or produce documents shall be guilty of an offence and shall be liable for fine and/or imprisonment. See Section*

⁸ Response of Belize to the questionnaire, p. 9.

⁹ Response of Belize to the questionnaire, p. 10.

27 of the Prevention of Corruption in Public Life Act.”¹⁰

1.3.2 Adequacy of the legal framework and/or other measures and enforcement mechanisms

The standards and mechanisms connected with the provisions requiring public officers to report acts of corruption in the performance of public functions of which they are aware, which the Committee has examined, based on the information at its disposal, are relevant to the purposes of the Convention. However, the provisions are limited in that a public official need not report anything, unless asked to do so.

The Committee believes that Belize could consider broadening the provisions in force by making them mandatory for all persons in public functions; adopting norms that facilitate the lodging of complaints; and including measures of protection from any reprisals or other negative consequences that a public servant might incur as a result of performing that duty. The Committee will formulate the appropriate recommendations (See recommendations 1.3(a) and 1.3(b) in Chapter III of this Report).

1.3.3 Results of the legal framework and/or other measures and enforcement mechanisms

In its response to the questionnaire, Belize notes that *“No one has been prosecuted pursuant to Section 27 of the Prevention of Corruption in Public Life Act. However, the Commissions appointed under the Commissions of Inquiry Act have produced valuable reports which have contributed to good governance, reduced irregularities and prevented the occurrence or continued occurrence of corruption.”*¹¹

The limited nature of the information available to the Committee precludes a comprehensive assessment in this regard. In light of the foregoing, the Committee will formulate the appropriate recommendations. (See general recommendations 7.2 and 7.3 in Chapter III of this Report).

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

2.1. Existence of provisions in the legal framework and/or other measures

Belize has in place a set of provisions on systems for declaring income, assets, and liabilities, among which the following should be noted:

The duty of certain government officials to furnish a declaration is currently governed by Part III, Sections 6 to 13 of the Prevention of Corruption in Public Life Act.

Section 6 (1) provides that this duty applies to *“every person in public life”*. The first Section of the Act includes in the definition of a *“person in public life”*: i) members of the House of Representatives, including the Speaker; ii) members of the Senate, including its President; and iii) members of local authorities.

¹⁰ Response of Belize to the questionnaire, p. 10.

¹¹ Response of Belize to the questionnaire, p. 11.

Under Section 10 (1) of the Act, the National Assembly may by resolution apply this Act to any public appointee, following, to that end, the procedure described in that Section. To date, the National Assembly has not exercised this authority.

With respect to the contents of declarations, Section 7(1) of the Act provides that they should include in particular, the income, assets, and liabilities of the declarant, his spouse, and of his children, as well as those acquired, held or incurred by any other person acting as their agent or on their behalf. The Second Schedule of the Act includes the form on which declarations are to be presented. The purpose of filing the declaration is to enable the Integrity Commission to look for conflicts of interests and any other issues of concern.

Declarations of income, assets, and liabilities are presented to the Integrity Commission. Pursuant to Sections 6(4), 8(1), and 9 of the Act, the Commission examines every declaration it receives and conducts such investigations as it deems necessary. The Act accords the Commission broad powers to request any documents or information it considers necessary, summon the person in public life to appear before it, summon witnesses, etc.

When the Integrity Commission is satisfied that the declaration has been fully made, it is required to publish a certificate in the *Gazette*, in the form prescribed by Form B in the Second Schedule of the Prevention of Corruption in Public Life Act. Any person may make a written complaint to the Commission in relation to that information (Section 8 (2) and (3)). The Commission may, upon good cause being shown to its satisfaction, allow the complainant to have access to the declaration. If the Commission is satisfied that the complaint is groundless, it is obliged to publish a statement in the *Gazette* to that effect.

The confidentiality of the contents of these declarations is guaranteed in Sections 11 and 12 of the Act. The former establishes the obligation for every member of the Commission and every other person having an official duty under the Act, or being employed in the administration of the Act, to deal with all documents and information, and all other matters relating to a declaration, as secret and confidential, and they must submit a sworn affidavit to that effect before a Magistrate or a Justice of the Peace. Section 11 also provides penalties which may be applied to anyone who violates this obligation. Section 12 protects the confidentiality of the records of the Commission and any information revealed by the evidence of a witness in an investigation, other than to such extent as may be necessary for the purposes of proceedings relating to a charge under Sections 11 and 13 of the Act or under the law relating to perjury.

Belize law provides three times when declarations must be submitted: i) a first initial declaration within three months of becoming a person in public life; ii) an update on December 31 of each year; and iii) a final declaration on the first anniversary of the date on which he ceases to be a person in public life (Section 6 (2)).

The Prevention of Corruption in Public Life Act punishes any person who fails to furnish a declaration, or who provides any incomplete or false declarations or explanations requested by the Commission, with a fine not exceeding BZ\$10,000 and/or to a prison term not exceeding three years.

2.2. Adequacy of the legal framework and/or other measures

Based on the information at the Committee's disposal, the standards and mechanisms that the Committee has reviewed concerning systems for disclosing income, assets and liabilities are pertinent for promoting the objectives of the Convention.

As regards the subject scope of application of this instrument, the Committee notes that members of the National Assembly and Town and City Councils are required to submit a financial declaration under the Prevention of Corruption in Public Life Act. The Committee understands that in practice, the members of the Town and City Councils have not filed and no enforcement actions have been initiated. The Committee will formulate the appropriate recommendation. (See recommendation 2(a) in Chapter III of this Report).

Additional, Section 10(1) of this Act, which empowers the National Assembly to apply this Act to any public appointee as described in the foregoing Section of this report has not been exercised. The Committee believes that there are additional positions within a government where the potential for conflict of interest is substantial and that individuals holding those positions should also be required to make financial declarations. The Committee will formulate the appropriate recommendation. (See recommendation 2(b) in Chapter III of this Report).

Further, the Committee notes that the provisions in force give the Integrity Commission broad powers to examine and evaluate declarations. However, based on the information at the Committee's disposal, it is not clear if in practice the examinations performed by the Integrity Commission constitute a mechanism to prevent as well as to detect conflicts of interests or other illicit activities or acts. This may be in part the result of a lack of specific conflicts of interest standards. The Committee will formulate the appropriate recommendation. (See recommendation 2(c) in Chapter III of this Report).

The Committee also notes that while certificates are published in the *Gazette* the financial declarations that are currently filed are generally not fully available for public inspection. The Committee believes that this system of confidentiality may be respected so long as an adequate internal review process is in place. The Committee will formulate the appropriate recommendation. (See recommendation 2(d) in Chapter III of this Report).

2.3 Results of the legal framework and/or other measures

In its response, Belize states that “*The disclosures made to date have been found to be in compliance with the requirements of the Prevention of Corruption in Public Life Act.*”¹² The absence of further information precludes a comprehensive assessment by the Committee of the results in this area. Based on the foregoing, the Committee will formulate the appropriate recommendations. (See general recommendations 7.2 and 7.3 in Chapter III of this Report).

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

3.1. Existence of provisions in the legal framework and/or other measures

Belize has in place oversight bodies for enforcement of the measures covered in paragraphs 1, 2 and 4 of Article III of the Convention.

In its response, Belize notes the activities in connection with these provisions carried out by the Integrity Commission, the Contractor-General, the Public Accounts Committee, the Ombudsman, and the Commissions of Inquiry (created on an ad hoc basis).¹³ The functions of these bodies are described in Sections 1.1.1, 1.2.1, and 2.1 of this Report.

¹² Response of Belize to the questionnaire, p. 12.

¹³ Response of Belize to the questionnaire, pp. 12 and 13.

3.2. Adequacy of the legal framework and/or other measures

The standards in place in Belize with respect to oversight bodies charged with responsibility for ensuring compliance with the provisions stated in paragraphs 1, 2 and 4 of Article III of the Convention satisfy those provisions, particularly given the existence of bodies with general or specific competence to ensure compliance, which constitutes progress in implementation of the Convention.

The Committee found that the Ombudsman can take complaints from any member of the public or undertake his own investigations with regard to the mismanagement or denied requests under the Freedom of Information Act. However, the Ombudsman does not appear to have any oversight generally over mechanisms for the participation of civil society.

With respect to the aforementioned bodies (charged with enforcement of the provisions contained in paragraphs 1, 2 and 4 of Article III of the Convention), the Committee considers that Belize could strengthen those bodies by providing them with the necessary support and resources to enable them fully to carry out their functions with respect to the aforementioned provisions; and with mechanisms necessary to permit effective coordination, as well as continuous evaluation and monitoring, of the measures they adopt. Bearing in mind the foregoing, the Committee will formulate the appropriate recommendation. (See recommendation in Section 3 of Chapter III of this Report).

3.3. Results of the legal framework and/or other measures

In its response to the questionnaire, Belize notes that, “*Reports have been prepared but are in hard copy. Basically, the reports have been very useful in combating corruption.*”¹⁴

The absence of detailed information precludes an assessment by the Committee of objective results in this area. In light of this circumstance, the Committee will formulate the appropriate recommendations. (See general recommendations 7.2 and 7.3 in Chapter III of this Report).

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

4.1. GENERAL PARTICIPATION MECHANISMS

4.1.1. Existence of provisions in the legal framework and/or other measures

Belize has provisions and measures in place with respect to general participation mechanisms, in particular the activities of the Integrity Commission established under the Prevention of Corruption in Public Life Act. The Integrity Commission consists of seven members, one of whom must be a member of the Institute of Chartered Accountants of Belize (Section 4(1) of the Prevention of Corruption in Public Life Act).

To encourage public participation in the process of governance, the Standing Committees of the House of Representatives were given broad consultative powers with anyone (including civil society) over any matter within their portfolio. As part of the lawmaking process, a public notice is issued by the General Assembly inviting the general public to make representation in person or in writing to the

¹⁴ Response of Belize to the questionnaire, p. 13.

Standing Committee in each of the Upper and Lower Houses. The public notice is issued in the written press and by radio and television at least one week before the debates are scheduled to take place.

Additionally, civil society representation and consultation is further assured by the very composition of the Senate which includes three senators appointed from within civil society (out of a total of twelve members in the Senate).

The Committee observes however that there is no mandatory requirement for government ministries to consult with civil society when developing rules and regulations.

4.1.2. Adequacy of the legal framework and/or other measures

Based on the information at its disposal, the Committee observes that Belize has certain standards and measures, such as those mentioned in the foregoing Section, with respect to the participation of civil society and nongovernmental organizations in public activities, which, in principle, seek to stimulate or have the effect, directly or indirectly, of facilitating the prevention of corruption.

In spite of the foregoing and bearing in mind the classification contained in the methodology for the review of the implementation of Article III, paragraph 11 of the Convention,¹⁵ in each of the respective Sections the Committee will express a number of observations and in the final chapter will formulate a number of specific recommendations with respect to this field. (See recommendation 4.1 in Chapter III of this Report).

4.1.3. Results of the legal framework and/or other measures

In its response to the questionnaire, Belize notes, “*There is currently no information available on results that have been obtained in implementing the above standards and mechanisms.*”¹⁶

The absence of further information precludes a comprehensive assessment by the Committee of the results in this area. Based on the foregoing, the Committee will formulate the appropriate recommendations. (See general recommendations 7.2 and 7.3 in Chapter III of this Report).

4.2 MECHANISMS FOR ACCESS TO INFORMATION

4.2.1 Existence of provisions in the legal framework and/or other measures

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).

The Act broadly governs the right of access to public information for every person (Section 9); sets out the formalities and procedures to be observed in relation to requests (Section 12); identifies the

¹⁵ Methodology for the review of the implementation of the provisions of the Convention selected within the framework of the first round, Chapter V, D, (SG/MESICIC/doc.21/02).

¹⁶ Response of Belize to the questionnaire, p. 13.

forms of access to information (Section 17); sets the time limits within which formal requests are to be decided (Section 16); provides general principles for determining the cost of this access (Section 43); determines the form in which the administration must notify the applicant of its decision (Section 21); provides the exceptions to this right (Section 22 *et seq.*); and describes the mechanisms to which a person has recourse should they feel their right of access has been violated (Sections 35 *et seq.*).

4.2.2 Adequacy of the legal framework and/or other measures

The standards and measures related to access to information which the Committee has examined, based on the information at its disposal, are relevant for promoting the purposes of the Convention.

The list of documents that are exempt from disclosure under the Freedom of Information Act includes Cabinet documents, as well as documents whose disclosure would, or would be reasonably likely to prejudice an investigation of a legal or administrative breach (Sections 23 (1) and 24). A number of additional exemptions exist that could limit unnecessarily access to information. The Committee will formulate the appropriate recommendation. (See recommendation 4.2 (a) in Chapter III of this Report).

The Committee also notes that Section 35 of the Freedom of Information Act provides for an appeals process to an Ombudsman regarding denials of certain requests for information. In addition, Sections 45 (1) and 46 (1) of the Act require that a Minister be responsible for administration of the Freedom of Information Act and requires him to present an official annual report to the National Assembly. Finally, Section 43 provides that citizens may appeal to the Supreme Court if they are not happy with the Ombudsman's final determination.

Furthermore, the Committee notes the existence of standards that expressly refer to the obligation of Ministries to make public the information related to their functions (Section 6 *et seq.* of the Freedom of Information Act).

In this connection, the Committee considers that, within the bounds of feasibility, it would be advisable to strengthen compliance with this rule by encouraging disclosure of the program-related and financial activities of public administration bodies, in particular of those concerned with the issues covered in this report, by means of modern technology, such as the Internet. The Committee will formulate the appropriate recommendation. (See recommendation 4.2 (b) in Chapter III of this Report).

4.2.3 Results of the legal framework and/or other measures

In its response in this regard, Belize says, "*A lot of requests for information have been received by the Government Departments and Ministries. Generally, information requested relates to Government contracts and the information has been furnished upon request.*"¹⁷ Nevertheless, as stated by Belize, no specific results are available.

Based on the information at its disposal, the Committee is unclear as to the usefulness and effectiveness of the mechanisms in force on access to information as an instrument to prevent corruption. Based on the foregoing, the Committee will formulate the appropriate recommendation. (See recommendation 4.2 (c) in Chapter III of this Report).

¹⁷ Response of Belize to the questionnaire, p. 15.

Bearing in mind the absence of any additional information, broken down in such a way as to allow a comprehensive assessment of the results of the standards and measures in this area, the Committee will formulate the appropriate recommendations (See general recommendations 7.2 and 7.3, in Chapter III of this Report).

4.3 MECHANISMS FOR CONSULTATION

4.3.1 Existence of provisions in the legal framework and/or other measures

According to its response to the questionnaire, Belize has certain provisions and measures related to mechanisms for consultation: *“Aside from provisions against disclosure of secret and confidential information, nothing prevents those who perform public functions from consulting with civil society and non-governmental organizations on matters within their sphere of competence, which can be used for the purpose of preventing, detecting, punishing, and eradicating public corruption.”*¹⁸

In addition, the work of the Standing Committees of the House of Representatives should be considered, as described in section 4.1.1 of this Report.

4.3.2 Adequacy of the legal framework and/or other measures

The standards and measures connected with mechanisms of consultation which the Committee has examined, based on the information at its disposal, are relevant for promoting the purposes of the Convention.

4.3.3 Results of the legal framework and/or other measures

On the subject of results of the legal framework, Belize notes that the most prominent example of public sector and civil society collaboration to prevent corruption relates to a recent case where a standing Judge was removed from office on corruption related charges that originated from letters of complaint from one individual and the Belize Bar Association.

Taking into account that the Committee does not have any additional information at its disposal, broken down in such a way as to allow a comprehensive assessment of the results of the standards and measures in this area, the Committee will formulate the appropriate recommendations. (See general recommendations 7.2 and 7.3, in Chapter III of this Report).

4.4 MECHANISMS TO ENCOURAGE PARTICIPATION IN PUBLIC ADMINISTRATION

4.4.1 Existence of provisions in the legal framework and/or other measures

Belize has certain provisions and measures related to the aforementioned mechanisms, including the following.

In its response to the questionnaire Belize mentions, *“The Integrity Commission facilitates, promotes, and obtains the active participation of civil society and non-governmental organizations in the process of public policy making and decision making, in order to meet the purposes of preventing, detecting, punishing and eradicating acts of public corruption.”*¹⁹ The Integrity Commission is

¹⁸ Response of Belize to the questionnaire, p. 15.

¹⁹ Response of Belize to the questionnaire, p. 15 and 16.

composed of seven members, with the Chairman being an attorney-at-law with not less than five year's standing. The other six members are persons of integrity and high national standing, with at least one of the being a member of the Institute of Chartered Accountants of Belize. Two members of the Commission are appointed by the Governor General acting in accordance with the advice of the Prime Minister with the concurrence of the leader of the opposition, and the other members including the Chairman shall be appointed by the Governor General with the advice of the Prime Minister after consultation with the leader of the opposition.

The response of Belize also mentions the Non-Governmental Organizations Act, which enables the easy registration of NGOs, some of which may have a mandate to deter corruption.²⁰ Through this act civil society is enabled to assume legal personality which then provides them with a legally recognized channel to make representation or for involvement in any issues of public concern, including matters related to the fight against corruption.

The country also provided information on the efforts of the Political Reform Commission, which has "*made several recommendations related to corruption eradication, most of which were implemented by the Government.*"²¹ The Political Reform Commission is composed of fourteen members representing political parties, the business sector, the Church, the labor movement, women organizations, the public service, the media, the legal profession, and several civil society organizations. As part of its work, the Political Reform Commission has undertaken wide public consultations throughout the country.²²

4.4.2 Adequacy of the legal framework and/or other measures

The measures adopted by the State under review in relation to mechanisms to encourage participation by civil society and nongovernmental organizations in public administration, noted in the foregoing Section, constitute progress in accomplishing the purposes of the Convention. However, the Committee notes that the Integrity Commission's primary responsibilities relate to financial disclosures, and not to the establishment of mechanisms for public participation in public administration. Similarly, the Committee notes that there is no formal requirement for government ministries to consult with civil society when developing rules and regulations.

In addition, the Committee notes that Belize has offered little information regarding standards and procedures to strengthen mechanisms that encourage the active participation of civil society and nongovernmental organizations in public administration as part of the efforts to prevent corruption. The Committee will formulate the appropriate recommendations. (See recommendations 4.4 (a) and (b) in Chapter III of this Report).

4.4.3 Results of the legal framework and/or other measures

In its response to the questionnaire, Belize says, "*There is currently no information available on results that have been obtained in implementing the above standards and mechanisms.*"²³

Taking into account that the Committee does not have sufficient information to allow a comprehensive assessment of the results of the standards and measures in this area, the Committee

²⁰ Response of Belize to the questionnaire, p. 15 and 16.

²¹ Response of Belize to the questionnaire, p. 15 and 16.

²² For additional information on the composition and mandate of the Commission please see :www.belize.gov.bz/library/political_reform/p1.html

²³ Response of Belize to the questionnaire, p. 15.

will formulate the appropriate recommendations. (See general recommendations 7.2 and 7.3, in Chapter III of this Report).

4.5 MECHANISMS FOR PARTICIPATION IN THE FOLLOW-UP OF PUBLIC ADMINISTRATION

4.5.1 Existence of provisions in the legal framework and/or other measures

In relation to mechanisms for participation in the follow-up of public administration, Belize mentions in its response to the questionnaire that, *“The Integrity Commission is currently the only mechanism in Belize to facilitate, promote, and obtain the active participation of civil society and non-governmental organizations in the follow-up of public administration, in order to meet the purposes of preventing, detecting, punishing and eradicating acts of public corruption.”*²⁴

4.5.2 Adequacy of the legal framework and/or other measures

The Committee notes that Belize has offered little information regarding standards and procedures to strengthen mechanisms that encourage the active participation of civil society and nongovernmental organizations in the follow-up of public administration as part of the efforts to prevent corruption. The Committee will formulate the appropriate recommendations. (See recommendations 4.5 (a) and (b) in Chapter III of this Report).

4.5.3 Results of the legal framework and/or other measures

In its response in this area, Belize notes that *“There is currently no information available on results that have been obtained in implementing the above standards and mechanisms.”*²⁵

Taking into account that the Committee does not have any additional information at its disposal, broken down in such a way as to allow a comprehensive assessment of the results of the standards and measures in this area, the Committee will formulate the appropriate recommendations. (See general recommendations 7.2 and 7.3, in Chapter III of this Report).

5. ASSISTANCE AND COOPERATION (ARTICLE XIV OF THE CONVENTION)

5.1. MUTUAL ASSISTANCE

5.1.1. Existence of provisions in the legal framework and/or other measures

In its response to the questionnaire, Belize said, *“Belize is a party to treaties on Mutual Legal Assistance in criminal matters with the USA, and several other countries whereby it has consented to assist in processing requests from foreign States that seek assistance in the investigation and prosecution of criminal acts, which include acts of corruption. It is currently negotiating a similar treaty with the CARICOM.”*²⁶

²⁴ Response of Belize to the questionnaire, p. 16.

²⁵ Response of Belize to the questionnaire, p. 16.

²⁶ Response of Belize to the questionnaire, p. 17.

5.1.2. Adequacy of the legal framework and/or other measures

The provisions and measures mentioned in the foregoing Section may contribute to the purposes of the Convention of promoting and facilitating mutual assistance among the states party, and may serve its specific purposes in relation to investigating and prosecuting acts of corruption, to the extent they are used to that end.

The Committee considers that Belize could benefit from the design and implementation of 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 assistance for investigation or prosecution of acts of corruption provided in the Convention and in other treaties it has signed. The Committee will formulate the appropriate recommendation. (See recommendation 5.1 in Chapter III of this Report).

5.1.3. Results of the legal framework and/or other measures

In its response to the questionnaire, Belize informs that it “*has not presented and has not received requests for mutual assistance under this Convention.*”²⁷ The Committee will formulate the appropriate recommendation. (See recommendations 7.2 and 7.3 in Chapter III of this Report).

5.2. MUTUAL TECHNICAL COOPERATION

5.2.1. Existence of provisions in the legal framework and/or other measures

In its response to the questionnaire, Belize observes that it has mechanisms to permit the widest measure of mutual technical cooperation with other States Parties; and such technical cooperation mechanisms may be used to inform the most effective ways and means of preventing, detecting, investigating, and punishing acts of public corruption, including the exchange of experiences by way of agreements and meetings between competent bodies and institutions, and the sharing of knowledge on methods and procedures for citizen participation in the fight against corruption.²⁸

5.2.2 Adequacy of the legal framework and/or other measures

The mutual technical cooperation mechanisms reviewed by the Committee, based on the information at its disposal, are pertinent for promoting the purposes of the Convention.

In this connection, the Committee notes that Belize could benefit from strengthening its capacity to prevent, detect, investigate and punish acts of corruption, identifying and ascribing priority to specific areas in which it deems it could receive technical cooperation from other States and from financial agencies and institutions committed to international cooperation, and redoubling efforts to exchange technical cooperation with other states parties on more effective ways and means to fulfill the purposes of the Convention. The Committee will formulate the appropriate recommendations. (See recommendation 5 in Chapter III of this Report).

²⁷ Response of Belize to the questionnaire, p. 18.

²⁸ Response of Belize to the questionnaire, p. 18.

5.2.3. Results of the legal framework and/or other measures

Belize says that it has made no requests to other States Parties nor received requests from them for mutual technical cooperation under the Convention.²⁹

The absence of further information on the results of the legal framework precludes a comprehensive appraisal by the Committee in that respect. Consequently, the Committee will formulate the appropriate recommendations. (See general recommendations 7.2 and 7.3 in Chapter III of this Report).

6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)

6.1. Existence of provisions in the legal framework and/or other measures

In its response to the questionnaire Belize notes that, “*the Solicitor General is the designated central authority for the purposes of channeling requests for mutual assistance as provided under the Convention.*”³⁰ However, according to the information maintained by the General Secretariat of the OAS in this respect, that designation has not been communicated to said Secretariat via the formalities and channels provided for such purposes.

6.2. Adequacy of the legal framework and/or other measures

The standards and mechanisms in the area of central authorities reviewed by the Committee, based on the information at its disposal, are relevant for promoting the objectives of the Convention.

The Committee notes that Belize has adopted certain measures related to the fulfillment of Article XVIII of the Convention by the designation of the Solicitor General as the central authority for the purposes of international assistance and cooperation provided for in the Convention, and that formalization of that designation remains pending.

In this respect, the Committee encourages Belize to complete the appropriate steps and procedures with a view to formalizing and communicating to the General Secretariat of the OAS the designation of the above-mentioned entity as the central authority provided for in Article XVIII of the Convention for the purposes of international assistance and cooperation envisaged in that treaty. The Committee will formulate the appropriate recommendation. (See recommendations 6.1 in Chapter III of this Report).

Similarly, the Committee suggests that Belize, having appointed that authority, consider the possibility of providing it with sufficient resources to enable it to carry out its functions. Based on the foregoing, the Committee will formulate the appropriate recommendation. (See recommendation 6.2 in Chapter III of this Report).

6.3. Results of the legal framework and/or other measures

The absence of information on results in this area precludes a comprehensive assessment by the Committee in that respect. Accordingly, the Committee will formulate the appropriate recommendations (See general recommendations 7.2 and 7.3 in Chapter III of this Report).

²⁹ Response of Belize to the questionnaire, p. 19.

³⁰ Ibid p. 29.

III. CONCLUSIONS AND RECOMMENDATIONS

Based on the review in Chapter II of this report, the Committee offers the following conclusions and recommendations regarding implementation by Belize of the provisions of Article III, paragraphs 1 and 2 (standards of conduct and mechanisms to enforce them); Article III (4) (systems for registering income, assets, and liabilities); Article III (9) (oversight bodies, solely with respect to the exercise by such bodies of functions related to compliance with the provisions contained in Article III (1), (2), (4), and (11) of the Convention); III (11) (mechanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption); Article XIV (Assistance and Cooperation) and Article XVIII (Central Authorities) of the Convention, which were selected in the context of the first round.

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

1.1. Standards of conduct intended to prevent conflicts of interest and enforcement mechanisms

Belize has considered and adopted certain measures to establish, maintain, and strengthen standards of conduct designed to prevent conflicts of interest and mechanisms to enforce them, as noted in Section 1.1 of Chapter II of this report.

In light of the comments made in that Section, the Committee recommends that Belize 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. To comply with this recommendation, Belize could take into account the following measures:

- 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 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.
- 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.

1.2. Standards of conduct to ensure the proper conservation and use of resources entrusted to government officials in the performance of their functions and enforcement mechanisms

Belize has considered and adopted certain measures to establish, maintain, and strengthen standards of conduct designed to ensure the proper conservation and use of resources entrusted to government officials in the performance of their functions, in keeping with the considerations mentioned in Chapter II, Section 1.2 of this report.

In light of the comments made in that Section, the Committee suggests that Belize consider the following recommendation:

- Strengthen implementation of laws and regulatory systems on the proper conservation and use of public resources.

1.3. Standards of conduct and mechanisms concerning measures and systems requiring government officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware

Belize has considered and adopted certain measures concerning mechanisms requiring public officials to testify before appropriate authorities regarding acts of corruption in the performance of public functions, as noted in Chapter II, Section 1.3 of this report.

In light of the comments made in that Section, the Committee suggests that Belize consider the following:

- a. Establish standards and mechanism 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.
- b. Facilitate compliance with this obligation by such measures as it deems appropriate.

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

Belize has considered and adopted measures to establish, maintain, and strengthen systems for registering income, assets, and liabilities of persons who perform public functions in certain posts that the law specifies, as noted in Section 2 of Chapter II of this report.

In light of the comments made in that Section, the Committee suggests that Belize consider strengthening the systems for registering income, assets, and liabilities. To implement this recommendation, Belize could take into account the following measures:

- 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 filings.
- 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.
- 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.
- d. Consider making the reports public, where appropriate.

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

As mentioned in Chapter II, Section 3 of this report, Belize has considered and adopted certain measures to establish, maintain, and strengthen oversight bodies in accordance with Article III, paragraphs 1, 2 and 4 of the Convention.

In light of the comments made in that Section, the Committee suggests that Belize 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, as well as periodic evaluation and monitoring, of the measures they adopt.

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

Belize has considered and adopted measures intended to establish, maintain and strengthen mechanisms to encourage the participation of civil society and nongovernmental organizations in efforts aimed at preventing corruption, as discussed in Part B, Chapter II, Section 4 of this report.

In view of the comments made in that Section, the Committee suggests that Belize consider the following recommendations:

4.1. General participation mechanisms

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

4.2 Mechanisms to ensure access to information

- Strengthen the mechanisms on access to information. To implement this recommendation, Belize could consider the following measures:
 - 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 report.
 - 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.
 - 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.

4.3 Mechanisms for consultation

- Strengthen existing mechanisms and consider creating other ones as part of their efforts to combat corruption. To implement this recommendation, Belize could give consideration to the following measures:
 - 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.
 - 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.

4.4 Mechanisms to encourage participation in public administration

- Implement mechanisms to encourage civil society and nongovernmental organizations to participate in public administration. To implement this recommendation, Belize could consider the following measures:
 - 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 the efforts to prevent corruption.
 - b. Design and implement specific programs to publicize mechanisms to encourage participation in public administration and, as appropriate, provide the necessary training and instruments to public officials for the effective implementation of those mechanisms.

4.5 Mechanisms for participation in the follow-up of public administration

- Strengthen mechanisms to encourage participation by civil society and nongovernmental organizations in the follow-up of public administration and to generate opinions and proposals to be taken into account in preventing, detecting, investigating, and punishing corruption.

To implement this recommendation, Belize could give consideration to the following measures:

- a. Promote, where appropriate, methods to facilitate civil society and nongovernmental organizations' efforts to engage in activities in the follow-up of public administration and prevention of corruption.
- b. Design and implement specific programs to publicize mechanisms to encourage participation in follow-up on public administration and, as appropriate, provide the necessary training and tools to public officials for the effective implementation of those mechanisms.

5. ASSISTANCE AND COOPERATION (ARTICLE XIV OF THE CONVENTION)

Belize has adopted measures in the area of mutual assistance and mutual technical cooperation, in accordance with the provisions of Article XIV of the Convention, as noted and reviewed in Chapter II, Section 5 of this report.

In light of the comments made in that Section, the Committee suggests that Belize consider the following recommendations:

- 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 assistance for investigation or prosecution of acts of corruption provided in the Convention and in other treaties signed by Belize.
- 5.2. Identify and ascribe priority to specific areas in which it deems it could need or it would 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.
- 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.

6. CENTRAL AUTHORITIES (ARTICLE XVIII OF THE CONVENTION)

Belize has adopted certain measures relative to the designation of the central authority referred to in Article XVIII of the Convention, as noted in Section 6, Chapter II of this report.

In light of the comments made in that Section, the Committee suggests that Belize consider the following recommendations:

- 6.1 Formalize the designation of the Solicitor General as the central authority provided for in Article XVIII of the Convention for the purposes of international assistance and cooperation envisaged in that treaty, and communicate that designation to the General Secretariat of the OAS in accordance with the procedures provided to that end.
- 6.2 Ensure that said authority has sufficient resources to enable it to carry out its functions.

7. GENERAL RECOMMENDATIONS

Based on the observations contained in this report, the Committee suggests that Belize consider the following recommendations:

- 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 proper acquaintance, management, and application.
- 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.
- 7.3. Implement the recommendations contained in this report and develop, as appropriate and where none exist, procedures to review the mechanisms mentioned herein.

8. FOLLOW-UP

The Committee will consider the periodic reports from Belize on its progress in implementing the above recommendations in the framework of the Committee's plenary meetings, as prescribed in Article 30 of the Rules of Procedure.

In addition, the Committee will analyze the progress made in implementing the recommendations made in this Report, in accordance with the provisions of Article 31 and, whenever appropriate, Article 32 of the Rules of Procedure.

ANNEX
TO THE FINAL REPORT ON IMPLEMENTATION IN BELIZE OF THE CONVENTION
PROVISIONS SELECTED FOR REVIEW IN THE FRAMEWORK OF THE FIRST ROUND

Together with its response, Belize sent attachments on the following provisions and documents:

Imperial Laws (Extension) Act, Chapter 2. Revised Edition 2000, showing the Law as at 31st December, 2000.

1. Finance and Audit Act, Chapter 15. Revised edition 2000, showing the law as at 31st December 2000.
2. Prevention of Corruption in Public Life Act, Chapter 12. Revised edition 2003, showing the subsidiary laws as at 31st October, 2003.
3. Contractor-General Act, Chapter 6. Revised Edition 2000, showing the law as at 31st December 2000.
4. Code of Judicial Conduct and etiquette.
5. Action 65. Supreme Court of Belize, A.D 2001, George Meerabux and The attorney General of Belize.
6. Criminal Code, Chapter 101. Revised Edition 2003, showing the substantive laws as at 31st May, 2003.
7. Commissions of inquiry Act, Charter 127. Revised Edition 2000, showing the law as at 31st December, 2000.
8. Commission of inquiry Act, chapter 127. Revised Edition 2003, showing the subsidiary laws as at 31st October 2003.
9. Freedom of information Act, Charter 13. Revised Edition 2000, showing the law as at 31st December, 2000.
10. Non-Governmental Organizations Act, Charter 315. Revised Edition 2000, showing the law as at 31st December, 2000.
11. Non-Governmental Organizations Act, Chapter 315. Revised Edition 2003, showing the subsidiary law as at 31st October, 2003