

**BELIZE: COUNTRY PRESENTATION**

**5<sup>th</sup> Annual Commonwealth Caribbean Association of Integrity Commissions & Anti-Corruption Bodies (CCAICACB) Conference**

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**Grand Cayman Marriott Beach Resort**

Lord John Dalberg Acton said in 1887 in a letter to the Anglican Bishop Mandell Creighton, ***“Power tends to corrupt, and absolute power corrupts absolutely. Great men are almost always bad men.....”*** To put this in milder terms, a person's sense of morality lessens as his or her power increases. This holds true to today in spite of the many advancements of mankind. In our small nation of Belize, the scourge of corruption is easily recognizable and has its roots embedded in both the public and private sectors.

The Integrity Commission of Belize was established in the year 1994, but has been non-functional for most of its existence. The Commission was re-activated in the year 2017 after approximately 8 years of non-performance, but shortly after its re-activation saw the resignation of its then Chair in early January of 2018, with the Commission then going on a brief hiatus until August of 2018.

As a part of the Government of Belize's good governance agenda, it repealed the Prevention of Corruption in Public Life Act and replaced it with the Prevention of Corruption Act (hereinafter referred to as the “PCA”) which became law in the year 2007. The Integrity Commission comprises of seven members - a Chairperson and six (6) members appointed by His Excellency the Governor General in accordance with Section 3 of the PCA. Section 3 reads in part:

*“(1) There is established for the purposes of this Act, a body to be known as the Integrity Commission which shall consist of a Chairperson who shall be an attorney-at-law with not less than five years standing and six other members who shall be persons of integrity and high national standing.*

*(2) Two members of the Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given with the concurrence of the Leader of the Opposition and the other members of the Commission including the Chairperson shall be appointed by the Governor General acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition.”*

The mandate of the Commission is to investigate corrupt activities by persons in public life and to ensure that those persons in public life (presently limited to members of the House of Representatives including the Speaker, Members of the Senate including the President of the Senate; and members of local authorities), remain compliant with their duty to file a declaration of financial affairs dating to the thirty-first of December of each year.

These activities are specifically outlined in Section 4 of the PCA as follows:

- (a) to examine and retain all declarations filed with the Secretariat under this Act;
- (b) make such inquiries as it considers necessary in order to verify or determine the accuracy of the declarations filed under this Act;
- (c) investigate complaints regarding non-compliance with or breach of the provisions of this Act; and
- (d) perform such other functions as it is required by this Act to perform.

Section 5 goes on to state:

“In the exercise of its functions under this Act, the Commission is not subject to the direction or control of any other person or authority.”

Though the Act refers to the independence of the Commission there are still internal issues which remain a challenge for the Commission as it continues to operate with only an Administrative Secretary and Office Assistant in a cramped space on the 3<sup>rd</sup> Floor of the National Assembly. It is the aim of the Commission to have its offices relocated to more

spacious and suitable accommodations in the near future but budgetary and financial constraints are of concern.

It is, nonetheless, the view of the Commission that the appointment of an Accounting Officer will assist with the expeditious performance of the Commission's tasks and objectives. The Commission engaged in rigorous discussions surrounding the appointment of a suitable individual to act as its Senior Accounts Clerk to assist with its accounting functions, now being performed by the Clerk of the National Assembly. Several applications have been received and the Commission intends on interviewing those persons in short order. This addition would certainly boost the Commission administrative functions as it strives to achieve the attainment of its statutory obligations. The Commission certainly realizes that competencies of its employees are a crucial part of the Commission's productivity and on-going improvement.

Other useful appointments for the better functioning of this Office, would include a Legal Advisor to the Commission and a Special Investigator, on an as needed basis. The Commission is at times in need of legal advice and any request to be made to the Attorney General's Ministry could potentially lead to a conflict of interest situation.

Despite that and in furtherance of the promotion of its good governance agenda and of great significance is the fact that Belize acceded to the United Nations Convention against Corruption (UNCAC) on December 12<sup>th</sup>, 2016 pledging to *"assess the legal and institutional framework in Belize, with the aim of identifying and strengthening anti-corruption regimes in Belize"*.

The Government of Belize has reported that although our country is considered as a country with an *"economy in transition, as such, any plans and programmes to combat corruption has to be measured in line with Belize's capacity financially, technically and otherwise."*

In this territory, we can assess some of the main risks of corruption as follows:

- (a) Lack of proper funding /resources - there is a lack of appreciation for the cost-benefits of a "clean" administration and of the fact that an effective Agency needs proper funding;
- (b) Person in Public life not providing full information on their financial affairs;
- (c) Policies, procedures, mechanisms for reporting are non-existent, unclear or not adequately enforced;
- (d) No standards or mechanisms are in place that would enable public servants or citizens to report to the Commission acts of corruption which have come to their attention during the performance of their public or private functions. This should be complemented by measures that protect public servants who report acts of corruption in good faith;
- (e) No sensitization campaign effected with the assistance of the AG's Ministry and the Ministry of Public Service;
- (f) Supervision and performance management are inadequate; with those in power having high levels of discretion in their decision-making; and
- (g) Accepted ethical standards are lacking with the Belizean culture tolerable of rule breaking and short cuts.

We are fully aware that the lack of responsible and accountable governance leads to corruption and which ultimately lends itself to social ills such as poverty, migration and political unrest, to name a few.

In recognizing corruption as a worldwide phenomenon, strides must be made to combat it by fostering the necessary advancement and change. Time and time again our third world nations are ranked on the Corruption Perception Index based on varying indicators sighting us as highly corrupt or measurably corrupt and with these third world nations struggling for a better ranking, forcing us to take not only notice but also action.

The following questions can now be posed – (1) Is Belize as a nation ready to start the fight against unethical behaviour? (2) Are we ready to eliminate and eradicate the poisonous and treacherous acts of illicit behaviour and gains that have infected our very social fibre? We say a resounding YES but the inevitable question is – How can this be achieved?

In Belize, and since the re-activation of the Integrity Commission, persons in public life, have been compliant for the most part with the asset disclosure regime as per the Prevention of Corruption Act, but there is much more to be done.

It is our hope that the Integrity Commission of Belize will be viewed as autonomous, promoting integrity, investigating and exposing corruption and misconduct in public administration.

Notably, a Secretariat to the Commission has been established and there has been the enforcement of the collection of administrative fines of \$100 per day for each day that a person in public life fails to file a declaration or give such information or explanation as required in filing with the Commission.

In progressing this gargantuan feat of eradicating corruption, the Government of Belize through the Attorney General's Ministry, is the designated and central authority for the United Nations Convention against Corruption. We must strive as a Commission to work hand in hand with other agencies to install and enforce preventative measures in this fight against corruption.

The citizens of our nation too must take an active role and assume responsibility in empowering themselves to become fearless and to challenge each other to improve in thinking and behaviour.

Educating one's populace about anti-corruption in general and our laws in force may improve one's decision making with the beginning of the change that we so desire. It must

be recognized that holding our persons in public life accountable after an election is a part of our civic responsibility as they have been elected to lead and represent us.

In promoting and facilitating inter-country cooperation (such as this event) and by developing a strong partnership with other nations we can together aid in preventing, detecting, punishing and eradicating corruption.

Our Belize legislation particularly vests the Commission with broad powers of investigations including the power to summon and examine witnesses, to call for the production of books, plans and documents. Failure to disclose any information duly required by the Commission is punishable by a fine and imprisonment. As well, there is “whistle-blower” protection where a person makes a complaint to the Commission in good faith that is not frivolous or vexatious reasonably believing that the complaint made and allegations contained in it, are substantially true and in the circumstances, it is reasonable for him or her to make the complaint, he or she shall not be liable to any form of reprisal or any suit, whether civil or criminal.

The accession to the Convention against corruption, the reactivation of our Integrity Commission is only the beginning, there is much more work to be done and everyone has their part to play. It is not a singular act nor can it be achieved with the wave of wand.

With a view to prevent corruption using a cost benefit analysis, the expected cost of acting in a corrupt manner must be increased relatively to and optimally outweigh the expected benefit. In particular, the probability of liability or conviction and the corresponding penalty or punishment must be increased.