

Conflict Assessment of Oil Exploration in Southern Belize

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Abstract

This thesis examines oil exploration in the Toledo District of Southern Belize, the site of a complex natural resource conflict where economic interests and cultural values are tied to the same tract of land and natural resources. The analysis focuses on tensions surrounding oil exploration in Sarstoon-Temash National Park, an area traditionally used and occupied by indigenous Maya and Garifuna communities. Oil exploration in the park is the focal point of conflict between the Government of Belize, US Capital Energy Belize, and Maya rights activists for whom oil exploration symptomatizes the inequities of the Belizean development paradigm. The research uses stakeholder analysis as a research tool to analyze the economic, political, and social context of the conflict, depict the interests, values, and positions of the disputing parties, as well as the cultural, psychological, and institutional barriers that impede conflict resolution.

Abbreviations

DAVCO	District Association of Village Councils
DOE	Department of the Environment
EIA	Environmental Impact Assessment
EITI	Extractive Industries Transparency Initiative
IACHR	Interamerican Commission on Human Rights
ICMM	International Council on Mining and Minerals
MAB	Mayors' Association of Belize
MLA	Maya Leaders Alliance
NAVCO	National Association of Village Councils
NGO	Non-governmental organization
OGP	Association of Oil and Gas Producers
PSA	Production Sharing Agreement
SATIIM	Sarstoon-Temash Institute for Indigenous Management
TAA	Toledo Alcaldes Association
TCGA	Toledo Cacao Growers Association
TIDE	Toledo Institute for Development and Environment
TMCC	Toledo Maya Cultural Council
UNESCO	United Nations Educational, Scientific, and Cultural Organization
VPs	Voluntary Principles on Security and Human Rights

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Chapter 1 – Introduction

Natural resource conflicts are often far more complex than disagreements regarding the use of scarce resources. For indigenous people, resource conflicts simultaneously encompass struggles over identity, meaning, social inequality, and national exclusion (Sawyer 1997, 13). In Latin America, national development models are based on a movement toward privatization and natural resource exploitation, which present significant challenges to the autonomy, territory, and identity of indigenous peoples (Santoyo 2002, 3). However, there is no single formula to guide complex natural resource decisions in a pluralistic society that encompasses distinct value systems and worldviews (Stoll-Kleemann and Welp 2006, 4). Each decision option has the potential to interfere with a set of interests and values tied to the land, particularly where its resources are concurrently valued as untapped natural capital, uncommodifiable cultural symbols, and essential sources of physical survival (Grimble et al. 2004, 1; Stoll-Kleeman and Welp 2006, 5; Moore 1996, 128; Escobar 2006, 8).

Indigenous communities are increasingly responsive to natural resource decisions that threaten to alter traditional ways of life and introduce scarcity where noneconomic assumptions traditionally govern lives (Escobar 2006, 6; Rajagopal 2003, 201). In Latin American indigenous social movements, land and identity are related concepts, which prompts these social movements to forge deep, multifaceted challenges to the meaning of development, politics, and representation (Escobar and Alvarez 1992). However, these struggles concerning indigeneity do not always fit neatly into a post-development agenda seeking to reverse all forms of modernization (Van Ausdal 2001; Wainwright 1998).

These struggles are unfolding in the Toledo District of southern Belize, where natural resource extraction and state-led development projects have fueled tension between the indigenous Maya and Government of Belize for decades. The Maya have developed deep skepticism toward the promises tied to development projects that have yet to generate capital at the local scale (Ausdal 2001, 600; Shoman 1994). Forestry, roadway, agricultural, and oil developments have utilized Maya lands, yet the preponderance of literature chronicling economic progress in Belize speaks of considerable inequities in the distribution of development benefits among administrative districts and ethnic groups.

In 1982, Maya activists established the Toledo Maya Cultural Council (TMCC) to assert control over the development process and mobilize around Maya land rights (Van Ausdal 2001, 600; Wainwright 1998; TMCC and Toledo Alcaldes Association [TAA] 1997). Following its formation, the TMCC organized political and legal responses to state development plans centered around logging, road paving, commercial agricultural expansion, and oil development (Wainwright 1998; *Maya Indigenous Communities of the Toledo District v Belize* 2004). The TMCC was the most politically active of several Maya organizations also working to counteract the cultural erosion and loss of traditional lands at that time (Wainwright 1998). The TMCC itself has since disassembled, yet its mission built momentum for the Maya movement that remains intact today.

Maya social action currently focuses on Sarstoon-Temash National Park (Sarstoon-Temash) in Toledo where US Capital Energy Belize (US Capital) is preparing to conduct exploratory oil drilling. Sarstoon-Temash comprises 41,989 acres of land that were used freely by the indigenous Maya for subsistence agriculture, hunting, fishing, and medicinal plant collection

prior to its designation as a national park in 1994¹. In January 2001, the Government of Belize and US Capital signed a production sharing agreement (PSA), which granted the company exclusive rights to carry out petroleum operations on 759,678 acres in the Toledo and Stann Creek Districts, including land in Sarstoon-Temash (*SATIIM v Forest Department 2006*). The Maya Leaders Alliance (MLA), Toledo Alcaldes Association (TAA), and Sarstoon-Temash Institute for Indigenous Management (SATIIM) now spearhead legal, political, and media campaigns in an effort to strengthen the indigenous Maya voice.

This thesis examines oil exploration in Toledo as a complex natural resource conflict where economic interests and cultural values are tied to the same tract of land and resources. The analysis focuses on tensions surrounding oil exploration in Sarstoon-Temash and the resulting conflict between US Capital, the Government of Belize, and vocal Maya activists who are not yet recognized as a legitimate stakeholder group. While focused on this particular case, the analysis also recognizes that oil exploration in Sarstoon-Temash represents only one state-led development decision that deeply concerns Maya activists. This conflict is symptomatic of how the Maya leaders interpret the Belizean development paradigm and builds upon a complex history in which stakeholders relationships are characterized by deep mistrust.

1.1 Methodological and Theoretical Framework

1.1.1 Stakeholder Analysis

This study uses stakeholder analysis, otherwise referred to as a conflict assessment, as an overarching research methodology supported by multiple theories. The theoretical limitations of stakeholder analysis has lead researchers to propose that it is best applied as a research tradition

1. The Garifuna community in the village of Barranco sits adjacent to Sarstoon-Temash National Park. The Garifuna have used the land continuously since settling in Barranco, and have thus acquired traditional knowledge and a sense of ownership over park lands. However, the Garifuna have not organized a collective response to assert their traditional rights to the land.

informed by multiple theories. This essentially frees researchers to select and apply relevant theories to address questions that underlie the tradition (Treviño and Weaver 1999, 224). This is particularly important given that no single academic discipline holds a monopoly on valuable insights into situations of conflict (Mnookin 1993, 249)

Despite its limitations, stakeholder analysis is among the most commonly used frameworks to assess natural resource issues (Billgren and Holmèn 2007, 552). It is a flexible, context-specific framework that is often applied to complex scenarios where natural systems cut across political, economic, and social boundaries and where multiple actors use the same resources for distinct purposes (Chevalier 2001; Reed et al. 2009, 1935; Grimble and Chan 1995, 115-117, Grimble and Wellard 1997, 178-179). Stakeholder research also recognizes that stakeholders may differ drastically in their perceptions of the same environmental problems, preferred solutions, and criteria for analyzing alternatives (Grimble and Wellard 1997, 182-183).

Stakeholder analysis is rooted in business management literature, which proposes that the management function of an organization is to optimize benefits to all identified stakeholders, irrespective of their relative power or interests (Stoll-Kleemann and Welp 2006, 23). The premise behind stakeholder theory in this context is that for business to thrive, managers must understand the needs, interests, and concerns of stakeholder groups, respond to increasingly complex social arrangements, and recognize the benefit of decisions informed by perspectives beyond a narrow pool of stockholders (Grimble and Wellard 1997, 183; Mikalsen and Jentoft 2001, 282; Chevalier 2001).

Stakeholder literature applies the term stakeholder quite broadly. Particularly in the context of natural resource, nearly everyone and everything counts (Billgren and Holmèn 2007, 553). Stakeholders can include individuals, groups, organizations, institutions, societies, policymakers,

planners, government officials, and businesses, as well as broad categories such as future generations, the national interest, and wider society (Grimble et al. 1994, 4; Grimble and Wellard 1997, 176; Mitchell et al. 1997, 855).

Many stakeholder classifications use binary divisions (Chevalier 2001) to explain how stakeholders relate to a system, event, process, or change (Gass et al. 1997, 122). Common classifications include primary and secondary, macro and micro, active and passive, and directly and indirectly affected, either positively or negatively (Clarkson 1995, 106-107; Grimble et al. 1994; Grimble and Wellard 1997, 176; Grimble and Chan 1995, 114; Buanes et al. 2004, 211; Gass et al. 1997, 122). Irrespective of how stakeholder groups are constructed, it is important that group interests, boundaries, and representation not be interpreted rigidly (Chevalier 2001).

Stakeholder theorists suggest that a normative base underpins all stakeholder analyses, as no social science practice is free of values (Freeman 1999, 234; Grimble and Wellard 1997, 183; Jones and Wicks 1999, 213; Phillips and Reichart 2000, 1985). This normative thread recognizes the intrinsic value of stakeholder interests (Donaldson and Preston 1995, 66-74; Treviño and Weaver 1999, 225) and focuses on inclusivity, transparency, and equity in decision-making to legitimize and empower groups that are marginalized by a power imbalance (Reed et al. 2009, 1935; Chevalier 2001; Friedman and Miles 2002, 3). Normative approaches may also strive to articulate the interests of marginalized groups while also acknowledging that project success hinges upon balancing multiple interests and objectives (Grimble and Chen 1995, 115; Grimble and Willard 1997, 184).

The normative base of stakeholder research is complemented by instrumental and empirical analyses. Instrumental approaches support decision-making processes by unlocking stakeholder values, interests, objectives, and relationships to understand what drives conflict and identify

opportunities and barriers to collaborative dialogue and joint action (Stoll-Kleeman and Welp 2006; Grimble and Chan 1995, 122; Grimble and Wellard 1997, 188; Reed et al. 2009, 1944).

Some instrumental analyses seek to identify opportunities for cooperation among stakeholders, identify common ground for compromise, and recommend actions for improved engagement (Grimble and Chan 1995, 121-122; Reed 2009, 1947). Conversely, they may identify underlying issues that are so fundamental and deeply embedded that they preclude the possibility for collaboration and compromise (Grimble and Wellard 1997, 185-186). Even where the analysis does not establish a platform for negotiation, it may generate other instrumental outcomes, such as to facilitate learning among stakeholders so that they recognize the legitimacy of alternative points of view (Reed et al. 2009, 1935-1936; Forester 1999).

Empirical stakeholder theories focus on why decision-makers acknowledge or exclude particular individuals or groups. According to one theory of stakeholder salience, stakeholders are identified, prioritized, and included based on their relative power, urgency, and legitimacy (Mitchell et al. 1997, 855). Legitimacy is the critical component in this framework, as it forms the basis for who and what counts as a stakeholding group (Mitchell et al. 1997, 866). Legitimacy refers to “the perception that stakeholder interests and concerns are particularly appropriate, justifiable, desirable and valuable” based on a set of socially accepted structures or actions (Buanes et al. 2004, 211). Legitimacy may be based upon contractual relationships, moral claims where stakeholder rights have been violated, legal title to assets or property, as well as human, financial, or other value-based risk (Mitchell et al. 1997, 861-866). Importantly, defining the boundaries of a legitimate stakeholding interest can create conflict in itself (Susskind and Ozawa 1983, 274).

1.1.2 Supporting Theories

Conflict Theory

Conflict theory is a particularly useful complementary framework that has helped shape stakeholder research. In particular, conflict theory allows researchers to characterize the nature of conflicts and the barriers that exist amongst stakeholder groups. Some strands of conflict theory use rational choice as the basis for analysis. These models focus on tradeoffs, which assumes that people are able and willing to place an economic value on a set of resources to then compare and trade them in a negotiation. These approaches may set a high price for sacred resources and issues to help make them fungible (Thompson and Gonzales 1997, 85). Other conflict theories question whether conceptions of utility derived from neoclassical economics applies to all conflict scenarios. While material interests are subject to trade, they are nonetheless based on understandings of utility and welfare shaped by culture and class (Grimble and Wellard 1997, 175). It is therefore difficult to transact, or negotiate, across different utility universes (Ayruch 2006, 571).

To help distinguish these theoretical threads, conflict theorists separate conflicts of interests from conflicts of values. Interest and values-based conflicts lie along a continuum, ranging from purely focused on interests to purely driven by values (Harinck and de Dreu 2004, 608). Interests represent desires tied to neoclassical concepts of utility whereby actors seek satisfaction through the accumulation of material goods (Ayruch 2006, 572). Interest-based conflicts concern the distribution of concrete material resources, such as money, time, benefits, or natural resources (Harinck et al. 2000, 330; Harinck and De Dreu 2004, 595; Kouzakova et al. 2012, 798; Menkel-Meadow 2012, xi) and may be resolved through negotiated resource allocation (Kouzakova et al. 2012, 799).

Values-based conflicts deal with central aspects of identity, norms, ideology, and worldviews. In natural resource disputes, ideological conflicts may surface between frontier economics and deep ecology² (Thompson and Gonzales 1997, 98). These conflicts cannot be resolved through tradeoffs and compromise since deeply held values and beliefs outweigh economic interests (Atran et al. 2007, 1039; Avruch 2006, 575; Harinck et al. 2000, 300; Kouzakova et al. 2012, 798; Korper et al. 1986, 415; Kouzakova et al. 2012, 799; Thompson and Gonzales 1997, 85; Wade-Benzoni et al. 2002, 44).

Values-based conflicts raise questions as to what constitutes an appropriate and just outcome, for which there is no single demonstrably correct answer (Harinck et al. 2000, 330; Harinck and De Dreu 2004, 595; Kouzakova et al. 2012, 798). Values conflicts are often identified as intractable (Avruch 2006, 575) and can exacerbate conflicts that involve competing territorial claims (Korper et al. 1986, 415). Divergent values also create conflict because parties differ in how they conceptualize the situation (Thompson and Gonzales 1997, 82).

Values are not always entirely separate from material interests (Atran et al. 2007, 1039). In some cases, expressed interests are heartfelt and shaped by underlying values. At other times, values are calculated, designed predominantly to advance material concerns (Thompson and Gonzales 1997, 92). The interplay between interests and values is particularly relevant in environmental disputes, which may involve both scarce resources and ideological clashes (Thompson and Gonzales 1997, 83). In this type of mixed conflict, it can be difficult to separate the role of values and interests (Kouzakova et al. 2012, 798).

2. Sustainability and resources constraints are not a concern in frontier economics, whereas deep ecology sees that nature has intrinsic value and the right to exist outside human hegemony (Massachusetts Institute of Technology [MIT], n.d.).

Conflict theory also constructs a number of distinct barriers to conflict resolution. This includes structural, psychological, cultural, and institutional factors (Watkins 2000; Mnookin 1993; Moonkin and Ross 1995 in Arrow et al.) that have the potential to reinforce one another to create a vicious cycle of conflict (Watkins 2000, 20).

Structural barriers refer to issues that arise when disputing parties convene. This includes scenarios in which parties lack appropriate communication channels or remain locked in incompatible positions where there is no clear area of agreement (Watkins 2000, 3). Repeated and prolonged interaction between interests and values can intensify structural barriers by polarizing parties and solidifying their positions on issues deriving from distinct values systems (Druckman et al. 1988). Furthermore, deciding which parties have a legitimate place in negotiations can generate conflict in itself (Susskind and Ozawa 1983, 274).

Psychological barriers deal with biases in the way people interpret information, situations, and one another (Watkins 2000, 1-8; Mnookin 1993, 238-240). Conflicts perpetuate when parties develop partisan perceptions or emotionally driven associations and expectations that shape interpersonal attitudes and relationships (Watkins 2000, 8). In consequence, parties engage in reactive devaluation, whereby they continually question the intentions and motives of others (Mnookin 1993, 238-240). In this scenario, parties depersonalize and vilify outsiders, treating even a “conciliatory gesture” with suspicion (Watkins 2000, 10). Psychological barriers relate closely to culturally-based obstacles, which naturally shape peoples’ worldviews and value systems (Watkins 2000, 15). Divergent values and ideologies can also create conflict because parties differ markedly in how they conceptualize the situation (Thompson and Gonzales 1997, 82).

Lastly, institutional barriers can include internal group politics, differing legal and governance systems, and principal-agent problems wherein the interests of group representatives differ from the interests of the party that agent represents (Watkins 2000, 13-14; Mnookin and Ross 1995, 20). Challenges often arise in identifying an appropriate group representative, particularly where this is internal dissension (Menken-Meadow 2012, xiv).

Discourse Theory

Discourse theory provides deeper analysis of concepts articulated in stakeholder and conflict literature. Discourse theory is particularly concerned with the role of discourse³ in shaping social realities, identities, and relationships (Alvesson and Karreman 2000, 1126; Jorgensen and Phillips 2002, 67). It is therefore useful in deconstructing stakeholders' perceptions of conflict and examining the complexities of stakeholder group construction and representation.

The various threads of discourse theory share several underlying premises. The starting point of discourse theory is that reality is produced by individual perceptions, which means that the world cannot be treated as an objectively verifiable truth. Second, discourse theory treats perception, knowledge, and identity as historically and culturally contingent: none is entirely fixed nor transitory. Third, it emphasizes the role of social interaction in shaping common truths and perceptions, recognizing that different actors use discourse to guide social action according to their respective interpretations of the world and events (Jorgensen and Phillips 2002, 47). Finally, discourse theory recognizes the fluidity and complexity of group formation and

3. The term discourse has myriad definitions (Alvesson and Karremon 2000, 1127) but may be defined as “*a particular way of talking about and understanding the world*” (Jorgensen and Phillips 2002, 1).

representation and accepts groups as simultaneously represented and constructed⁴ (Jorgensen and Phillips 2002, 45). In essence, discourse theory understands the “heterogeneity and plurality” of social actors as a fundamental feature of mass mobilization (Rajagopal 2003, 241).

1.2 Research Methods and Purpose

1.2.1 Methods

This analysis uses stakeholder research methodology and supporting theories to characterize and analyze the conflict between the Maya movement leaders and macro level stakeholders, which include the Government of Belize and US Capital. Although these three groups do not comprise the full spectrum of stakeholders, I focus on the movement leaders and macro groups given that the dispute between them is highly active and requires substantial analysis.

Nonetheless, the interests, values, and concerns expressed by stakeholders also warrant serious consideration if project developers wish to achieve inclusive and equitable stakeholder representation.

The analysis combines the normative, instrumental, and empirical approaches to stakeholder analysis to examine multiple dimensions of conflict. Like many stakeholder analyses, this study is built upon a normative base, which recognizes the Maya movement as a legitimate stakeholding group with legal and moral claims as well as human and value-based risk. Yet I also recognize that the individual actors comprising all three stakeholder groups hold legitimate stakes that must be balanced if they are to reach a valid agreement.

4. This relates to social movement theory where movements become “complex sets of groups, organizations and actors that may have different goals as well as strategies for reaching their aims” (Giugni in Giugni et al. 1999, xx). The theory recognizes that this heterogeneity presents challenges with regards to representing the interests of social movements. As social movement leaders pursue new channels of participation, they also strive to be accepted as legitimate spokespersons for the group they represent (Amenta and Young in Giugni 1999, 24-25).

This study was carried out following the procedures outlined in *The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement*. The text provides practical approaches for analyzing and addressing stakeholder conflict and outlines a six-phase methodology that combines desktop research and confidential interviews carried out by a neutral outsider:

1. *PHASE 1- INTRODUCTIONS* focuses on preparatory work completed prior to contacting interviewees. This includes an historical review of the conflict and relevant parties, interviewee identification, and preparation of an introductory letter and interview protocol.
2. *PHASE 2 - INFORMATION GATHERING* relies on semi-structured in-person interviews, guided by open ended questions outlined in the protocol. While flexible in nature, the interviews aim to understand the history of the conflict, identify key issues, and assess stakeholders' perceptions of other relevant groups.
3. *PHASE 3 - ANALYSIS* involves synthesizing information gathered through desktop research and interviews. The analysis summarizes the opinions of stakeholders in a way that maintains their confidentiality, anticipates barriers to collaboration, and identifies opportunities for collaboration and mutual gain based on the relative importance of issues identified by each stakeholder group.
4. *PHASE 4 - PROCESS DESIGN* creates a blueprint for consensus building in the event that this process is deemed viable. This phase documents the goals, agenda of issues, procedures for selecting participants, ground rules for dialogue, and logistical considerations such as selecting an appropriate facilitator.

5. *PHASE 5 - REPORT WRITING* introduces the conflict assessment, presents the analysis, and recommends whether to proceed with consensus building, documenting the rationale and, if appropriate, outlining the process.
6. *PHASE 6 - REPORT DISTRIBUTION* ensures stakeholders are able to review the results of the analysis and process design, where applicable.

To carry out this assessment, I traveled through Belize in July and August 2013. Prior to my departure from the United States, I researched the legal history of the conflict and selected and contacted interview candidates with a formal interview request letter. I selected interview candidates who met two or more selection criteria. Government interviewees were identified based on their role in the National Environmental Appraisal Committee (NEAC), which reviews and approves environmental impact assessments (EIAs)⁵, administering relevant land use, petroleum, and environmental policy, and Maya lands rights cases. Maya organizations were selected based on their role in managing Sarstoon-Temash National Park, filing legal cases with respect to Maya land rights and oil exploration, and representing Maya social and cultural interests. I subsequently contacted US Capital representatives through referrals from government contacts. None of the interviews was recorded. Thus, the text that follows contains no direct quotes from these private discussions.

I spent the majority of July stationed in the capital city of Belmopan, during which time I interviewed government officials and sifted through the national archives for documentation on the history of the oil industry and land rights in Belize. At the end of July, I moved to the town of Punta Gorda where the US Capital and Maya offices are located. During this time, I interviewed leaders of the Maya movement and accompanied US Capital and government employees on a

5. The NEAC primarily includes public officials, while reserving two seats for the private sector or nongovernmental organizations (NGOs).

two-day tour of the drilling operations in Sarstoon-Temash National Park, where they guided me through the equipment staging area, seismic testing lines, and drill pad. On the second day of the tour, they also brought me to the computer center at the Ministry of Education in Punta Gorda to demonstrate the type of labs the company has financed in some of the Maya villages.

Two events fortuitously coincided with my stay in Punta Gorda. First was the *alcaldes* assembly organized by the MLA and TAA following the court decision on the government appeal of the 2010 Supreme Court decision that declared customary land rights exist for all Maya villages in Toledo. To organize this gathering, the MLA and TAA bused *alcaldes* and chairmen to Julian Cho Technical High School to communicate the ruling. The second event was the annual Toledo District Association of Village Councils (DAVCO) meeting in August where the newly elected village council members elect and swear in a new district level executive committee and pass resolutions for government lobbying. Both events offered valuable glimpses into the divisions that exist among the Maya with respect to oil development and the land rights movement.

I also had the opportunity to speak with local environmental organizations as well as village chairmen and *alcaldes* in communities adjacent to the park. Although my discussions with these individuals are not the focus of this analysis, their observations offered deeper insight into the strained relationship between civil society and government and the concern that local communities express with respect to oil development.

1.2.2 Questions

The chapters that follow structure the analysis around four main sets of questions, which begins by contextualizing the conflict and ends with an analysis of opportunities for stakeholder collaboration:

1. *CONTEXT* - What are the geographic and historical contexts of this conflict? What factors helped shape the conflict as it exists today?
2. *STAKEHOLDER PROFILES* - What are the characteristics, values, interests, objectives, and positions of the Maya leaders, the Government of Belize, and US Capital? Where do they agree and disagree on key issues?
3. *STAKEHOLDER RELATIONSHIPS* - How do the macro groups and Maya leaders interact and relate? What are the barriers to collaboration among them?
4. *STAKEHOLDER COLLABORATION* - Is collaboration possible despite these barriers?

1.3 Limitations

First and foremost, it is important to establish that I do not speak as an authority on this issue. It is a complex and sensitive conflict that taps into deeply held convictions that a researcher cannot fully grasp in two months. The only individuals with intimate knowledge of this conflict are those who experience it firsthand as part of their professional work and personal lives.

Furthermore, despite my relative success in accessing representatives of all three stakeholder groups, I was unable to connect with each individual whose perspective warrants consideration in this analysis. To compensate for this shortcoming, I supplemented information acquired through interviews with public statements. However, these supplementary quotes should not be interpreted as indicators of which individuals or groups declined to be interviewed.

I would also suggest that this analysis simply be considered a snapshot in time that inherently reflects the interaction between myself and my interviewees. Interviewee responses reflect not only their personal interpretations of the conflict but also the specific information they were able and willing to offer an outsider in that particular moment.

Maintaining the confidentiality of interviews also presents a challenge communicating research results. In his study of the political ecology of southern Belize, Joe Wainwright remarked that just as it would be “incorrect to treat the state as monolithic, it would be wrong to assume that there is a single dominant conception of land amongst the Mayas of southern Belize” (Wainwright 1998, 117). Although the analysis aims to capture the plurality of the Toledo Maya villagers and macro-level stakeholders, I may portray the individuals and entities comprising the three groups as more homogenous than they are in practice. This is largely due to my efforts to maintain confidentiality, which requires that I conceal individual identities.

To conclude this section, I would like to address the underlying normative values that inform this thesis. While *The Consensus Building Handbook* suggests that a neutral outside conduct stakeholder analyses, I approach the concept of neutrality with caution. I am neutral insofar as I have no personal stake in the project. Nevertheless, as previously stated, I believe the Maya movement justifiably seeks to correct deeply embedded social inequities and that they deserve recognition as legitimate stakeholders. Consequently, my analysis and conclusions are not entirely neutral even if I recognize all expressed interests, values, and concerns as legitimate.

Chapter 2 – Context

Values-based disputes involving societal issues, such as the environment and civil rights, require an analysis of contextual factors. This includes the social institutions and norms that bound or influence individual behavior and potentially impede negotiation and dispute resolution (Wade-Benzoni et al. 2002, 42-47). To fulfill this dimension of the analysis, I review the physical geography, political landscape, and human geography of Belize and Toledo, the history of economic development in Belize, the landholding system that has shaped Maya land rights since British colonization, and the legal history that marks out key milestones in this conflict.

2.1 National Context

2.1.1 Geographic Location and Climate

Belize is located on the Caribbean Coast of Central America, bordered by Mexico to the north, Guatemala to the west and south, and the Caribbean Sea to the east (Figure 1). It has a total area of 8,867 square miles, comprising 8,806 square miles of land and 62 square miles of water. Ninety-five percent is registered mainland, and five percent is distributed among more than 1,060 island cayes. Its terrain is characterized largely by flat, swampy coastal plains, with low mountains in the southern part of the country (Central Intelligence Agency [CIA] 2014, United Nations Department of Social and Economic Affairs [UNDESA] and United Nations Development Program [UNDP] 2014., 5).



Figure 1. Location Map of Belize

Belize has a tropical climate with a rainy season that spans from May to November and dry season from February to May (CIA 2014). The mean annual temperature is 79 degrees Fahrenheit, with a mean annual humidity level of 83 percent. Rainfall is varies spatially in

Belize, with the most abundant rainfall in the south, and the least amount in the north.

Approximately 69 percent of land in Belize is forested, of which 65 percent is broadleaf forest, with another 14 percent covered by pine, thicket, scrub, mangrove, coastal strands, and swamps (Wainwright 1998). The Government of Belize designated around 52 percent as protected areas, but deforestation has reduced this rate to 34 percent (Young and Horwich 2007, 123).

2.1.2 Population

Although Belize has the smallest land area of North and Central American countries, it has a very low population density and abundant open space (Wainwright 1998). The 2010 national census counted 324,528 residents in Belize, with a 2.65 percent average annual growth rate between 2000 and 2010 and a population density of 36 residents per square mile. The 2010 census reports that 45 percent of the population lives in urban areas, and 55 percent are rural. Belize City is the largest population center, as it is home to 49,456 residents, which represents 15 percent of the total population (Statistical Institute of Belize 2013, 1-11).

Belize is a multiethnic country, with 53 percent of the population identifying as Mestizo, followed by Creole as the second largest ethnic group at 26 percent. Maya comprise 11 percent of the population, followed by 6 percent Garifuna, 4 percent East Indian, 4 percent Mennonite, 1 percent Caucasian, and 1 percent Asian⁶ (Statistical Institute of Belize 2013, 20).

6. Mestizo is a Spanish word referring to individuals with a mixed indigenous American and European ancestry. Creole is associated with a mixed African and European ancestry (Medina 1997, 758). Garifuna people are descendents of Carib Indians and Black African who lived on the island of Saint Vincent (National Garifuna Council 2011). Mennonites are farmers of Dutch and German descent, who arrive in Belize from Mexico to form prosperous agricultural colonies (Minority Rights Group International, 2014; Wilk and Chapin 1988, 3).

2.1.3 State and Local Government

Belize is a parliamentary democracy⁷ and a Commonwealth realm that gained independence from the United Kingdom in 1981 (CIA 2014; US and Foreign Commercial Service and US Department of Commerce 2010). Belize has two levels of government, which comprises state government, including the administrative districts, and a single tier local system (Government of Belize 2014). Belize also has six administrative districts, which include Belize, Cayo, Corozal, Orange Walk, Stann Creek, and Toledo (Figure 2).

7. Parliamentary democracy is form of the British constitutional monarchy, with the queen of the British Commonwealth as the head of state.

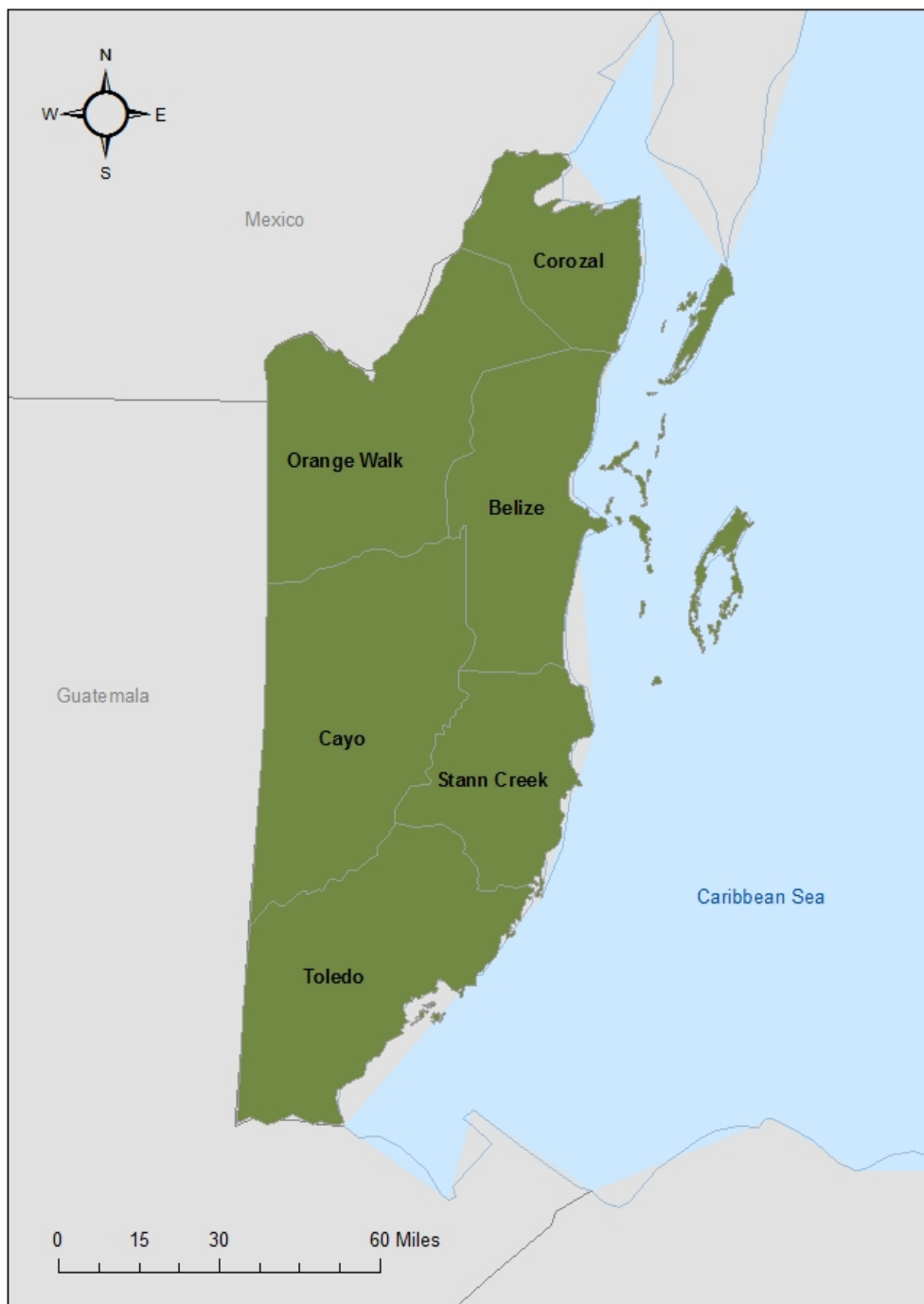


Figure 2. Administrative Districts of Belize

Queen Elizabeth II is the titular head of state, represented by the resident Governor General. The Cabinet, comprising the Prime Minister and Ministers, directs government policy and is responsible for the bicameral National Assembly, inaugurated in 1970 during the period of

limited independence from the British before full independence in 1981 (National Assembly of Belize 2014). The National Assembly now comprises a 12-seat Senate appointed by the Governor General, with advice from the Prime Minister, opposition leader, and committees representing religious, business, commercial, trade, and general civil society interests, as well as an elected 31-member House of Representatives (Michigan State University 2014). The Governor General also appoints the Cabinet per the advice of the Prime Minister (CIA 2014).

Belize has one of the most stable political environments in the region, holding “relatively peaceful and transparent democratic elections” since independence (US Department of State 2013). However, perceived levels of corruption in Belize have increased in recent years. In 2003, the Transparency International Corruption Perceptions Index (CPI) ranked Belize 46th among 133 countries with a score of 4.5, with 0 denoting high levels of perceived corruption and 10 denoting low levels. The ranking and score for Belize declined to 99th of 180 countries in 2007 and 109th of 180 in 2008, with respective scores of 3.0 and 2.9 (Transparency International 2014a).

Local government is administered by elected city, town, community, and village councils, and in the Toledo District and other parts of southern Belize, the *alcaldes* system operates along with the village councils (Government of Belize 2014). City and town councils are run by an elected mayor who consults with the other council members and city or town administrator to allocate specific responsibilities to members (Government of Belize 2014). City and town councils are responsible for a range of activities, including environmental protection, zoning, tourism, and recreation. Community councils may form in areas outside cities, towns, and villages and subsequently recognized through ministerial order (Commonwealth Local Government Forum [CLGF] 2014, 30-31).

The village council system began in the 1950s, and with the passage of the Village Councils Act in 1999, councils officially became the “decision-making machinery for local community affairs” (Palacio 1996, 17) in communities with at least 200 voters (Government of Belize 2014). The act granted village councils with power to create bylaws concerning village services and infrastructure and to regulate village houses, lots, and common recreational grounds (Village Councils Act, Chapter 88, Part IV). By the 1970s, some councils had become strong advocates for community interests. However, these efforts were reportedly thwarted as politicians began using village councils to promote their national political party agenda, thereby minimizing grassroots decision-making (see Palacio 1996, 17).

Alcaldes are recognized by the Inferior Courts Act as local magistrates with jurisdiction to maintain law and order and judge petty crime (CFLG 2013, 31). Per the Act, the *alcaldes* may hear civil disputes on damage claims up BZ\$100 and criminal offenses involving disorderly conduct, assault, trespassing, larceny, customs evasion, and wanton acts, with associated damages valued at less than BZ\$25 (Inferior Courts Act, Chapter 94, Part VII).

There are also three national associations of local government, including the Mayors’ Association of Belize (MAB), the National Association of Village Councils (NAVCO) comprising each of the six District Association of Village Councils (DAVCO), and the TAA (CFLG 2013, 31-32).

2.1.4 Legal System

The legal system of Belize follows English common law. The Constitution of Belize establishes the Belize Supreme Court of Judicature and the Court of Appeal as the superior courts of Belize. The constitution provides the Supreme Court with “unlimited original jurisdiction to hear and determine any civil or criminal proceedings” (Belize Constitution, art.

95, part VII, cl. 1) and the Court of Appeal with “jurisdiction and powers to hear and determine appeals in civil and criminal matters” (Belize Constitution, art. 100, part VII, cl. 1). In 2005, Belize replaced the Judicial Committee of the Privy Council in London with the Caribbean Court of Justice to adjudicate final appeals (CIA 2014).

The Supreme Court Chief Justice is appointed by the Governor General on the advice of the Prime Minister and National Assembly opposition leader. The Governor General also appoints other Supreme Court judges with advice from the Judicial and Legal Services Section of the Public Services Commission, and confirms this decision with the Prime Minister after consultation with the National Assembly opposition leader. The Court of Appeal President and Justices are appointed by the Governor General on the advice of the Prime Minister after consultation with the National Assembly opposition leader. Supreme Court Justices are appointed with tenure, holding office until age 62, subject to removal due to “inability or misbehavior” while Justices of Appeal hold office until expiration of their appointment, resignation, or removal (Ministry of the Attorney General 2014).

Between 2011 and 2012, Belize was ranked 98th among 142 countries in Judicial Independence in Belize between 2011 and 2012, with a score of 3.1 out of 7, with 1 representing a heavily influenced judiciary, and 7 indicating full independence (Transparency International 2014b).

2.2 Toledo District

2.2.1 Geography

The Toledo District is the southernmost administrative district in Belize. It comprises 1,707 square miles of land bounded by Guatemala to the west, the Caribbean to the east, and the Cayo and Stann Creek districts to the north (Emch et al. 2005, 256). Toledo is situated on southern side

of the Maya Mountains, an area characterized by its rugged and densely forested terrain (Van Ausdal 2001, 580). The natural topography divides Toledo into upland and lowland areas, where uplift and erosion created a rugged inland area bordered by a low, flat coastal shelf. The swampy lowlands have precluded much settlement, with the exception of a few higher points along the coast (Wilk and Chapin 1998, 8-9).

The Maya Mountains are flanked by limestone hills that provide parent material for fertile soils (Heyman and Kjerfve 1999, 231). The climate in Toledo is humid and tropical with a short dry season occurring in March and April. Annual rainfall varies by location, with an average of more than 118 inches (Wilk and Chapin 1988, 9). The combination of high rainfall and limestone supports a biologically productive ecosystem which is conducive to local farming practices (Wainwright 1998). Maya farming is centered around the Maya Mountain foothills, especially in areas with free draining soils and average yearly rainfall that exceeds 150 inches (Wright et al. 1959, 29). However, frequently heavy rains can impede life in Toledo. Travel can be dangerous, and it is difficult for farmers to preserve their crops. Wooden homes inhabited by the Maya rot quickly and must be built from specific local materials (Wilk and Chapin 1998, 9).

2.2.2 Population

Toledo is the least densely populated district in Belize (Wilk and Chapin 1988, 8). It has nearly 31,000 residents, which represents 10 percent of the total national population. The annual rate of population growth in Toledo between 1960 and 1991 was 2.7 percent, which is just above the 2.4 percent national growth rate for that same period. Approximately 83 percent of the population lives in rural areas, dispersed among more than 50 villages in the district (Statistical Institute of Belize 2013, 8; Halcrow 2012, 222). The remaining 17 percent lives in Punta Gorda,

the administrative capital of Toledo, situated immediately due west of the Amatique Bay in the Gulf of Honduras.

Toledo is the most ethnically diverse region in Belize. It is home to the Mopan and Kekchi Maya, Garifuna, Creole, Mestizo, and East Indian populations, each of whom have distinct languages, lifestyles, and governance structures (De Vries et al. 2003). Nearly two-thirds (approximately 18,700) of the population are Mopan and Kekchi Maya, while the remainder is split between Mestizos, Garifuna, Creole, and East Indian populations (Halcrow Group Limited 2012, 222; Statistical Institute of Belize 2013, 78).

There are 39 Maya villages in Toledo. The majority of Maya villages are exclusively Kekchi, and several are mixed Mopan and Kekchi⁸ (TMCC and TAA 1997). The Mopan originally settled in upland areas with gentle terrain, while the Kekchi inhabited riverside locations along upland edges or drier lowland areas. The Toledo Mopan are now located primarily around San Antonio, while the Kekchi inhabit accessible communities in northern Toledo and isolated areas in the south (Wilk and Chapin 1988, 9-18) near Sarstoon-Temash National Park. The Maya community populations range from 40 to 1,200 (Wilk Aff. 41). The Maya people of Toledo are economically, politically, and religiously heterogeneous. They have different “class, gender, access to education, religion, and political party affiliation” and historically face struggles with respect to political tensions between the Mopan and Kekchi (Wainwright 1998).

Poverty rates in Toledo are the highest in Belize. Although Toledo has only 10 percent of the total population, more than one third of all indigent households in the country reside in the

8. The 2010 census counted three times the number of Kekchi Maya as compared to Mopan (Statistical Institute of Belize 2013). The census also included the Yucatec Maya as a distinct Maya group. However, counts by the Maya and eminent anthropologists who work alongside them exclude the Yucatec as a deculturated group that lack cohesion and identity (see the TMCC and TAA 1997; Wilk and Chapin 1988).

district (Devoto 2006). Fifty percent of the population is indigent⁹ and 65 percent is poor. The Toledo poverty gap¹⁰ is highest of all districts at 44 percent, followed by 9 percent in Orange Walk (Devoto 2006, 22). Poverty rates are also highest among the Maya. Fifty-one percent of Maya are indigent, and 68 percent are poor (Halcrow Group Limited 2012, 224).

2.2.3 Sarstoon-Temash National Park

Toledo has the highest concentration of protected areas in Belize (Caddy 2006, 12). Among the largest is Sarstoon-Temash National Park, which comprises 41,898 acres of land located 12 nautical miles south of Punta Gorda. The Amatique Bay is due east of the park, while the Sarstoon River and international border with Guatemala delineate its southern boundary (Lichtenstein 2013). Figure 3 depicts protected areas, including Sarstoon-Temash National Park and buffering communities.

9. The Household Indigence Line represents the minimum cost to support a healthy diet for an adult male. Households with expenditures below this amount are indigent, critically poor, or severely poor (see Halcrow 2012, 48).

10. The poverty gap, or intensity of poverty, is defined as the difference between income or expenditure and the poverty line.

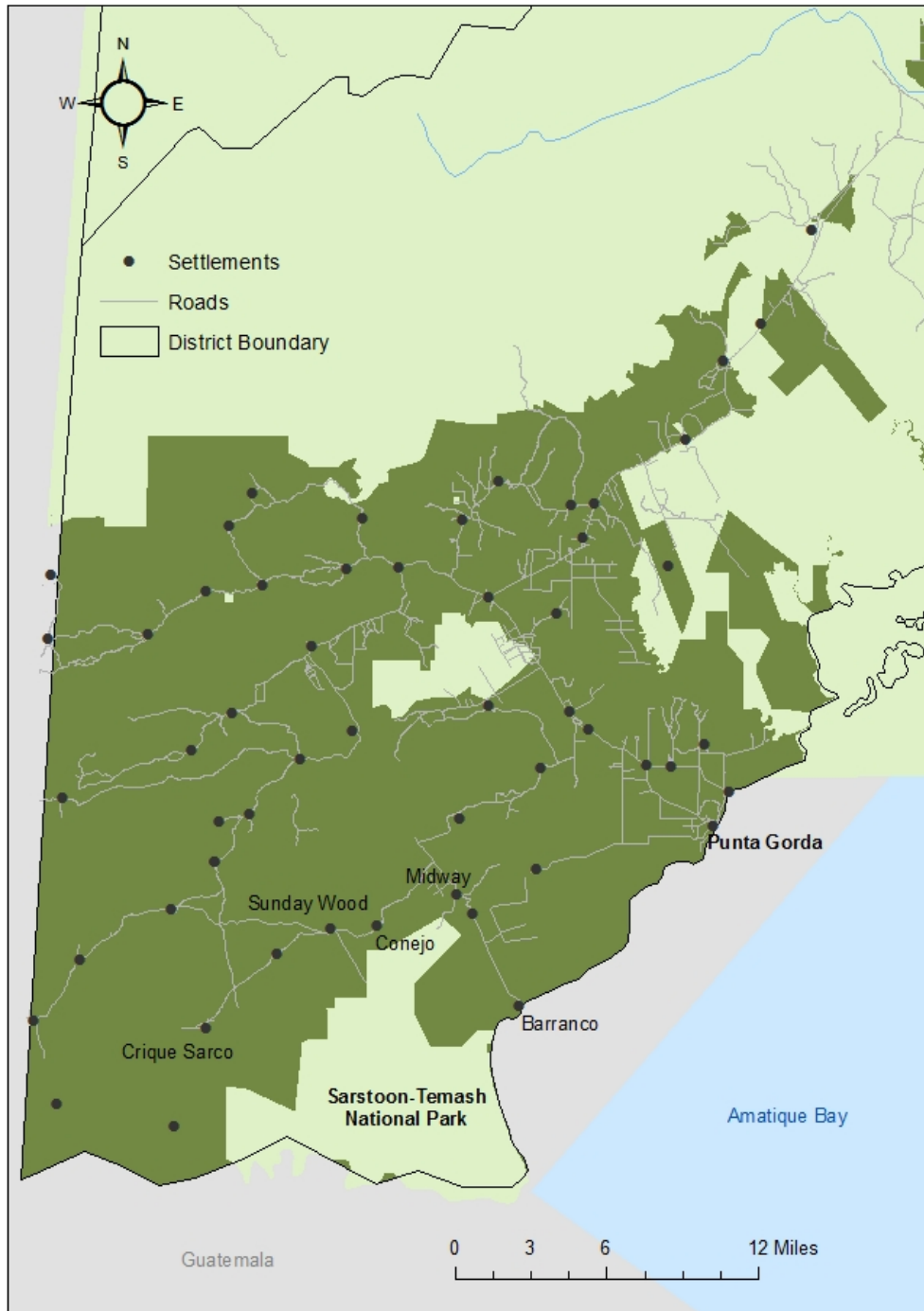


Figure 3. Sarstoon-Temash National Park and Buffering Communities¹¹

¹¹ .Village, Settlements, and Roadways derived from the Biodiversity and Environmental Resource Data System of Belize: <http://www.biodiversity.bz/mapping/warehouse/>.

Sarstoon-Temash is designated as a Wetland of International Importance under the Ramsar Convention on Wetlands (*SATIIM v Forest Department* 2006). There are thirteen distinct terrestrial ecosystems in the park, and it has the largest stand of undisturbed red mangrove (*Rhizophora mangle*) in Belize and the only stands of comfra palm (*Manicaria saccifera*). Sarstoon-Temash is home to a number threatened and vulnerable species, including the black howler monkey (*Alouatta pigra*), hickatee turtle (*Dermatemys mawii*), tapir (*Tapirus bairdii*), West Indian manatee (*Trichechus manatus*), morelett's crocodile (*Crocodylus moreletti*), and jaguar (*Panthera onca*). It also contains a lowland sphagnum moss bog that is unique in Central America (Lichtenstein 2013).

The park comprises land traditionally used and occupied by Maya and Garifuna communities (*SATIIM v Forest Department* 2006). There are five villages that border Sarstoon-Temash, which includes the Kekchi Maya villages of Midway, Conejo, Sunday Wood, and Critique Sarco and the Garifuna¹² village of Barranco. Two smaller Kekchi settlements, Graham Creek and Lucky Strike, are also located near the park, although these two communities are not yet part of the national census.

The government legally established Sarstoon-Temash as a national park in 1994 under the National Park Systems Act¹³ (Anaya 2008; *SATIIM v Forest Department* 2006). Before this time, local villagers acquired medicinal plants, building material, and food from the area without restriction (*SATIIM v Forest Department* 2006; Lichtenstein 2013). The act significantly restricts

12. The Garifuna traditionally farmed, fished, hunted, and gathered in coastal areas. Barranco used parklands as fishing grounds and to collect timber, bush sticks, palm leaves, and vines (Conservation International 2011, 29).

13. The act defines national parks as an area established for the “protection and preservation of natural and scenic values of national significance for the benefit and enjoyment of the general public” (National Parks System Act, Chapter 215, Part I [2]).

permissible activities in the park. No individual may reside in the park, damage or remove its flora, hunt, fish, clear and cultivate land, or graze livestock without ministerial permission. The act permits the Forest Department to arrest, question, and recover compensation from individuals who unlawfully cause damage (National Park Systems Act, Chapter 215, Part II).



Figure 4. Restricted Use Sign for Sarstoon-Temash National Park

In 2003, SATIIM signed an agreement with the Forest Department to comanage Sarstoon-Temash. Between 2003 and 2005, SATIIM developed a management plan that included steps to document park biological resources and capture indigenous ecological knowledge and use. As part of the plan, SATIIM drafted a zoning system that included conservation, low impact recreation, and multiple use areas to allow for traditional resource extraction practices. The Forest Department rejected the proposal on the grounds that the extraction zone was not among the exemptions that allow legal park entry, which include education, recreation, and scientific research. SATIIM responded by lobbying higher levels of government on the merits of the plan, which ultimately led to its approval by the Minister of Natural Resources and Environment (Caddy 2006, 14-19; Ch'oc 2011, 34).

There are now several challenges with administering the park management plan. First, only Midway and Conejo villages have continued traditional extraction, by virtue of their proximity to the indigenous extraction zones. Second, illegal logging by Guatemalans challenges the efficacy of park monitoring and protection. Third, potential oil reserves were discovered within park boundaries in 2005, soon after the management plan was approved (Caddy 2006, 20).

2.3 Economic Development in Belize

Belizean state development has historically focused on converting natural capital into marketable resources. In the modern state, industrial production is limited, which government officials attribute to the small domestic market, minimal foreign investment, and inadequate technical human resources. Belizean state development is marked by four distinct periods: the *Precolonial Governance* period from settlement to 1862, the *Crown Colony* period from 1862 to 1960, the *Limited Independence* period from 1960 to 1981, and the *Post-Colonial* period from 1981 to the present. Each stage has shaped the political and economic structure of the modern Belizean state (Wainwright 1998).

Precolonial Governance began in 1638 when British buccaneers settled on the cayes before moving inland to collect logwood and mahogany (Wainwright 1998). Belize thus originated as an English timber colony, remaining as such for the first two centuries of British settlement, until the 1850s when the British asserted their sovereignty, secured land titles, and began converting Belize to an agricultural exporter¹⁴ (Shoman 1994, 111; Van Ausdal 2001, 582). The precolonial British buccaneers moved inland and settled along navigable waterways to facilitate transport of logwood and mahogany from forest interiors (Wainwright 1998). The original emphasis on forestry production consolidated large land holdings among a small number of settlers and

14. Although the Spanish claimed land rights in Belize prior to British settlement, they made few attempts to establish colonies in the area (Wainwright 1998).

deemphasized agricultural production (Ashcraft 1973, 26; Palacio 1996, 12-13). At the time, southern Belize was not attractive to private capitalization due to the rugged terrain, scarcity of accessible lumber, and Maya resistance. Consequently, the colony became the “*de facto* land manager, which set the stage for the post-colonial state to act as the steward of the forests in southern Belize” (Wainwright 1998).

Forestry magistrates in the *Crown Colony* period dominated the economy until the early 1960s. During this time, logging operations exceeded the productive capacity of forests, which laid the foundation for Belize to become dependent upon agricultural exports in the 1960s, with a particular emphasis on sugar (Wainwright 1998; Palacio 1996, 8). Researchers from the Crown colony recommended that the Crown begin institutionalizing conservation and reforestation programs and focus on roadway development (Palacio 1996, 8; Wainwright 1998).

Belize underwent a period of decolonization between 1960 and 1981, with limited self-governance beginning in 1964. In the *Limited Independence* period, the nascent state laid the foundation for a new nation in which it saw a pivotal role for the private sector (Palacio 1996, 8-15). The emphasis on private sector development foreshadowed the now shrinking role of the post-colonial state, where the private sector “calls the shots” as state planning functions are guided by the market (Shoman 1994, 294).

Private sector activities were primarily centered around natural resource exploitation through agriculture, forestry, and fishing. The government focused mainly on expanding agricultural exports at this time, without entirely abandoning its forestry tradition (Palacio 1996, 15; Wainwright 1998). Secondary private sector activities included largely manufacturing and some processing, while the tertiary sector focused largely on trade, restaurants, and hotels (Palacio 1996, 12). Overall, the results of private sector development were mixed during this time

(Palacio 1996, 15). The Belizean economy experienced high growth rates in the 1970s as a result of high sugar prices, which fell sharply in the early 1980s when major developed economies experienced a recession (Shoman 1994, 288).

Sugar became the primary source of export revenue in 1961 just before the government implemented import substitution policies between 1970 and 1980 (Ashcraft 1973, 53; Palacio 1996, 8). By 1980, sugar comprised 60 percent of domestic export earnings, and by 1992, sugar, citrus, and banana comprised 70 percent (Shoman 1994, 289). Development plans focused on agricultural exports, devoting far fewer resources to producing and marketing crops for local consumption. *Milpa* cultivation among the Maya accounted for much of the staple corn, rice, and bean production (Palacio 1995, 13). Overall, Toledo produced a significant proportion of the beans and grains consumed in the country, but government-imposed price controls limited the income available to local farmers (Palacio 1996, 13). Currently, nearly all corn, rice, and beans produced in Toledo is consumed domestically, while modest amounts of honey, cocoa, and citrus are exported (Wilk and Chapin 1988, 10).

Belize achieved independence in 1981 when the economy was stressed by increasing state expenses, worsening terms of trade, and expanding debt service (Wainwright 1998). The economic decline prompted agreements between Belize, the International Monetary Fund (IMF), and US Agency for International Development (USAID) to implement a series of structural adjustments. This shaped government policy to favor unregulated markets, trade liberalization, privatization of government assets, foreign investment, and export-based growth. As a result of these adjustments, public debt increased to US\$266 million by 1990 and to US\$318 million in 1993 (Shoman 1994, 288-289). Public debt in 2007 reached US\$1.1 billion, or 88 percent of gross domestic product (GDP) (Central Bank 2012).

In 1998, the government reformed its monetary and fiscal policies to strengthen revenue collection, broaden its tax base, and improve expenditure monitoring and control (Central Bank 2012). Nonetheless, in 2012, Belize nearly defaulted on its sovereign debt after failing to make a US\$23.1 million interest payment on its only bond, which prompted negotiations between the government and creditors to restructure the national debt (Wells and Burne 2012).

Exports of citrus, bananas, maize, seafood, and unrefined oil as well as tourism comprise 60 to 65 percent of GDP (Standard and Poor's [S&P] 2013, 5-6). Entry into tourism in the 1990s offered another "higher value-added source of foreign exchange to the cyclical agricultural commodities" that are vulnerable to severe weather (S&P 2013, 6). Between 1980 and 2005, sugar decreased in relative export share from around two-thirds of exports to just under one-fifth, representing a 35 percent decline (Pisani 2007, 57-58). Recent investments in sugar production could double exports, but this growth is "unlikely to offset" the decline in oil exports, which will widen the account deficit (S&P 2013, 8-11). The economic climate in Belize has also generated concerns that efforts to recover will "force an intensive and unsustainable use of natural resources" (UNDESA and UNDP 2014, 23).

2.3.1 Oil in the Belizean Economy

Oil revenue reached 3.1 percent of GDP in the 2011-2012 fiscal year (Central Bank 2012). The government derives revenues from petroleum through royalties, government production share, working interest, and income tax. The minimum threshold for royalties is 7.5 percent, and the production share is set at according to a sliding scale that increases with production (Ministry of Energy Science and Technology and Public Utilities (MESTPU] 2014). After initial oil discoveries, Belize increased the petroleum industry tax rates from 25 to 40 percent and introduced a surcharge based on a sliding scale percentage that increases with the price per barrel

(United States and Foreign Commercial Service and United States Department of Commerce 2010). However, according to Standard and Poor's (S&P), oil exports have had yielded limited economic benefits since their discovery. Belize imports refined oil at higher cost, and most foreign exchange and revenue from oil are "directed to external debt service, inhibiting the accumulation of a foreign reserve buffer" (S&P 2013, 6).

The first commercial oil discovery occurred in 2005 in Spanish Lookout, a Mennonite community in the Cayo District, where the production rate is 2,100 barrels per day. In 2008, exploration yielded another discovery in Never Delay, which produces 16 barrels, a decline from the previous 500 barrel rate. Belize Natural Energy (BNE) operates these two production sites, which are the only two commercially viable oil fields in Belize (Geology and Petroleum Department 2014a).

Between the 1930s and 2000, the Government of Belize licensed exploratory drilling for 34 onshore wells. There are currently eight private companies (Figure 5) licensed to carry out seismic surveys and exploratory drilling (Geology and Petroleum Department 2014b), although private sector interest in exploration is waning (Central Bank of Belize 2012). As of January 2014, proven oil reserves totaled 10,000,000 barrels (US Energy Information Agency [EIA] 2013). The government estimated that active oil fields could be exhausted within 7 to 8 years at the current rate of production (Steiner 2011, 5) and BNE production forecasts predict that oil revenue will begin to decline (Central Bank 2012).

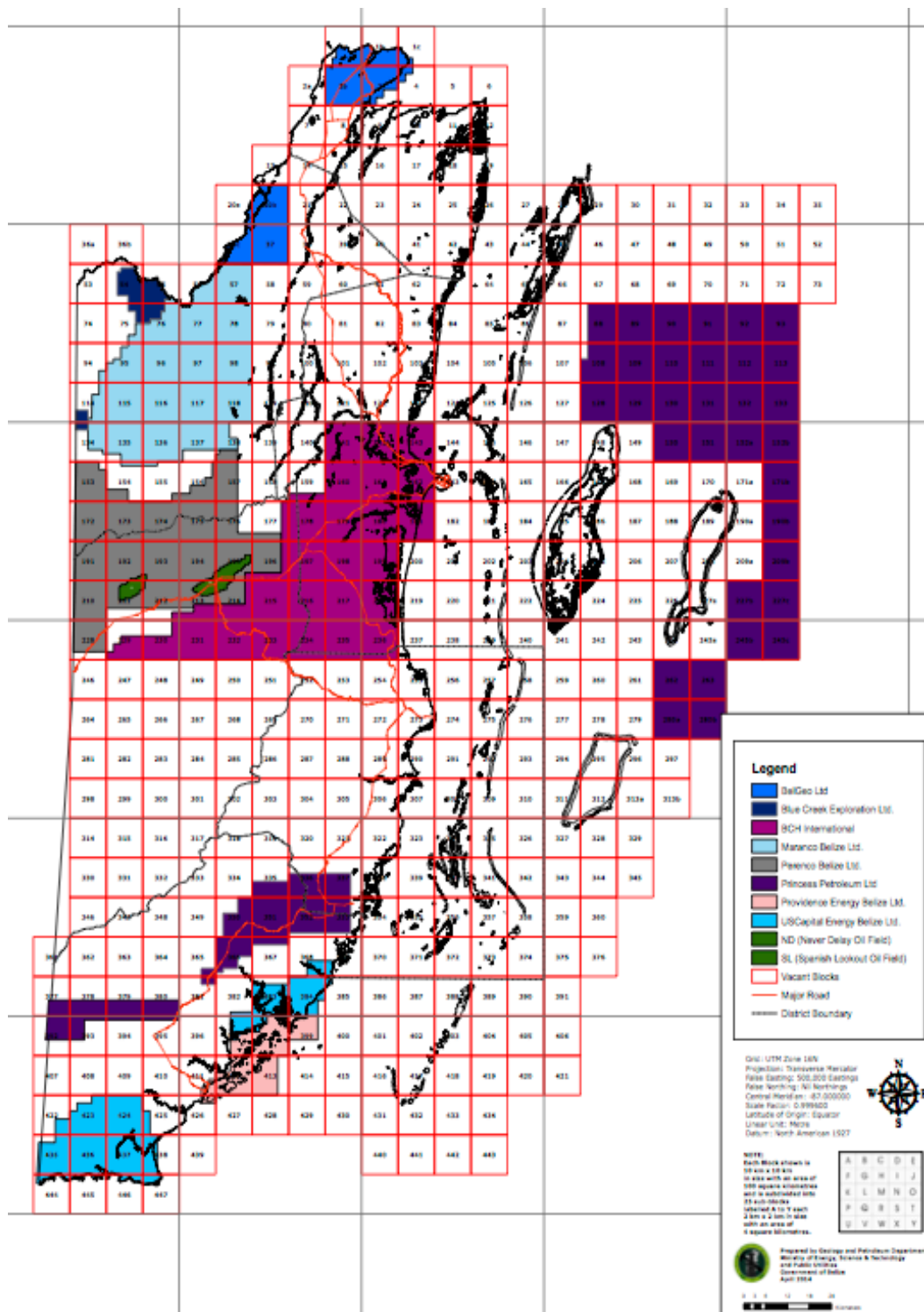


Figure 5. Belize Petroleum Contracts Map¹⁵

15. Contracts map downloaded from the Ministry of Energy, Science and Technology and Public Utilities.

Oil exploration is ongoing in protected inland areas as well as offshore. This includes Sarstoon-Temash National Park and the Belize Barrier Reef System, which is a recognized United Nations Educational, Scientific, and Cultural Organization (UNESCO) World Heritage Site (Steiner 2011, 5). Oil exploration is not a new phenomenon in the lands in and around Sarstoon-Temash. In 1977, Esso Corporation opened and quickly capped wells near the village of Crique Sarco, and in 1998, the government licensed A&B Energy Limited to explore for oil in a large tract of Toledo (Caddy 2006, 21). The government now has a PSA with US Capital for exploration in park and non-park lands in Toledo and Stann Creek.

2.3.2 Critiques of Postcolonial Development in Belize

Overall, economic growth in postcolonial Belize is described as slow and uneven. Critics believe that the state “lacks a coherent development agenda” that distributes benefits equally among regions and populations (Wainwright 1998). State efforts to address fiscal deficits has not facilitated capital accumulation at the local scale, and there is little coordination between local and state development efforts (Wainwright 1998; Palacio 1996, 51). Despite rapid growth between 1986 and 1990, the majority of Belizeans have not benefited (Shoman 1994, 291). There is a high level of wealth concentrated among a minority of individuals, coupled with increasing level poverty and marginalization among those who lack “capital, land, or resources that could be converted into financing” (Palacio 1996, 10).

Critics blame both direct action and neglect by the government for stagnated development among the Maya and Toledo District more generally. Toledo is often referred to as the Forgotten District, a term which connotes spatial and racial inequalities and the state failure to correct systematic inequality. Government policy has bifurcated Belize into developed and underdeveloped systems, the latter of which include subsistence production, such as *milpa*

cultivation used by the Maya (Palacio 1996, 48-51). This contributes to the low economic status of the Maya who “experience significant negative effects from the new economic order” (Shoman 1994, 296). Toledo has also been described as a class example of boom and bust cycles, where capitalist pursuits arrive and exploit an area, leaving behind only workers attracted by the jobs (Wilk 1991, 65-66).

2.4 Relationship between Civil Society and the State

The literature that examines civil society in Belize highlights the ebbs and flows that civil society organizations experience in their relationship with government, as well as in their role in development. NGOs proliferated after independence in 1981 to carry out development programs, with a particular focus on environmental issues. After a period of conflict between civil society and government in the 1980s, government-civil society relations improved in 1989 following a change in government, a new policy which recognized “some role for CSOs”, as well as pressure from local organizations and international financial institutions. Civil society mobilized and lobbied for broad political reform in the late 1990s, which led to the formation of the Political Reform Commission in 1999 and the NGO Act in 2000 to legally define and recognize NGOs. The momentum it created brought about civil society representation on government bodies to address specific policy issues, and in 1999, civil society organizations were reported more welcome in the public arena as compared to 10 years prior (Witter 2004, 20-27).

However, the relationship between government and civil society in Belize is generally characterized as both cooperative and conflicted (Witter 2004, 13). Government-civil society cooperation is limited by mistrust and the “suspicion” each places on the motives of the other. An NGO official described the government as “notoriously ambivalent about NGOs. They see NGOs are interfering, [but some agencies] are happy to offload responsibilities on them” (De

Vries et al. 2003). According to one study of civil society in Belize, there is “understandable uncertainty on the part of government officers about the accountability and legitimacy of civil society representatives” and “deep-seated and widespread skepticism [among civil society] about government’s intentions” (Witter 2004, 31). The participatory position afforded to civil society and NGOs is thought to be a token of good governance rather than an authentic shift in relations (Nottwotny 2007)

2.5 Maya Land Use, Management, and Tenure in Belize

2.5.1 Land Use and Management

The Maya use a form of slash-and-burn agriculture, also referred to as swidden, shifting, or *milpa* cultivation, in which a combination of crops are grown in fields cleared from forestland. The forests are cut (slashed) and burned to produce arable fields. The ash then acts as fertilizer for crops that are planted at the start of the rainy season. The *milpa* (cornfield) is cultivated for several years before left to lie fallow and regain fertility (Bridgewater 2012, 153-154). The fallow period is four to 10 years, depending on population density (Wilk Aff. 48).

Both the Mopan and Kekchi practice *milpa* subsistence farming and grow cash crops (Wilk and Chapin 1988, 9-18). Their economy has changed over the past 200 years in response to market opportunities and living expenses such as schools fees, medical costs, and manufactured products. Their main cash crop is rice, but they also sell cattle, pigs, bananas, honey, corn, and other crops in large quantities. Cocoa production has expanded recently among villages, and the traditional land tenure system has responded to developments that “alienate large areas of land from the community commons and convert them into ‘private’ property in the form of cacao groves” by developing new “regulations that preserve the principles of equity and fair access to common resources that lie at the base of traditional land use” (Wilk Affidavit Paragraph 45).

Villages have concentric zones of land use. The village zone of house lots is up to two square kilometers (494 acres) surrounded by the agricultural zone, which can extend 10 kilometers from the village center. Beyond the agricultural zone is primary rainforest used for hunting and gathering (Wilk Aff. 54-62). Farmers have the right to use land he cleared for agriculture. However, if the land is unused for several years without indication of future use, then the *alcalde* may allow another villager to use it. A farmer may also transfer property to his sons or sons-in-law who can also claim the land upon his death (Wilk Aff. 59). Although these patterns resemble private property, “usufruct rights of households do not permit individual farmers to sell single plots of land” (Wilk Aff. 60).

Population pressure and resulting land shortages affect Maya land use practices. Villages with abundant lands practice subsistence agriculture on a highly communal basis, whereby a field is cleared, burned, and planted by an adult male labor group. A low man-to-land ratio means that land fallowed for longer periods is close to the village site and that crop yields are high (Wilk 1984, 232). Pooling production among households enables households to combine low risk and high yield strategies, helping to secure a constant supply and protect against temporary shortages (Wilk 1984, 237).

As population density increases in villages, fallow cycles are shorter, which prevents sufficient regeneration (Bridgewater 2012, 153-154; Wilk 1984, 223). Different plots also acquire different value, depending on their proximity to the village and length of fallowing. With less available land, farmers must travel further from the village to find well-fallowed plots. Farmers then opt for more proximal areas with shorter fallowing that ultimately yield more per man-hour, given the increased travel distance of more productive plots. However, the yields from these low fallow areas tend to vary. This change in practice disrupts the communal

labor system, since high and low fallow areas require different schedules and techniques. This also affects the individual household, since farmers often need a pool of workers beyond the men in the immediate household (Wilk 1984, 235-237).

Administration of village lands is traditionally carried out by the elected *alcalde* (Wilk 1984, 221). The *alcalde* traditionally adjudicates issues related to land and other property, interpersonal conflict, exact small fines, and order short term imprisonment (Wilk Aff. 42). However, the current laws of Belize conflict with this traditional system of land management. The Village Councils Act allows for councils to submit recommendations to the Ministry of Labour, Local Government, and Rural Development regarding distribution of lots (Village Councils Act, Chapter, 88, Part VIII [47,1b]), and the Inferior Courts Act specifically states that *alcaldes* courts “have no power to hear and determine - (a) any action relating to possession of land or in which the title to any corporeal or incorporeal hereditament is in question” (Inferior Courts Act, Chapter 94, Part VII [70,2a]). The MLA advocates traditional land management by the *alcalde*, while other Maya believe that the village council should now hold this responsibility, as per Belizean law.

2.5.2 Tenure

The history of the Maya in Toledo is controversial. Archaeologist John Eric Sidney Thompson believed that the district was emptied by the Spanish in the 17th century, which has been cited by the government as evidence that the Maya are immigrants, rather than indigenous to Belize, and thus do not have rights to the land. To counter this argument, the Maya have retained other prominent anthropological scholars to demonstrate their linkages to the deportees and survivors (Van Ausdal 2001, 580).

The Maya people have captured *de facto* usufruct rights, as most land in southern Belize is claimed by the state. The term “Maya land” remains a highly problematic, as the land is not legally owned by the Maya in the Belizean land system (Wainwright 1998) despite Supreme Court rulings that recognized indigenous customary land rights as defined by international law.

The British marked the majority of land in the Toledo District as Crown territory, including land inhabited by the Maya. Around the late 19th or early 20th century, the British established a system of Maya reservations, which expanded periodically until 1962 (Anaya 2008, 570; Shoman 1994, 296). Establishing reservations may have been part of efforts to replace Maya *milpa* farming with more productive and efficient permanent cash crops. A government document issued in 1932 recommended additional reservations in Toledo to expand “control of the Maya Indian shifting cultivation” and improve their living conditions (Berkey 1994, 24-25).

Government records of the reservation system are inconsistent and imprecise, which precludes accurate delineation of reservation boundaries¹⁶ (Shoman 1994, 296; Berkey 1994). Government estimates of Maya reservations range from about 70,000 to 80,000 acres (Berkey 1994) covering roughly half of the Maya villages (Anaya 2008, 570). Although the Maya saw reservations as offering important cultural protections, their legal status was not strong and offered minimal tenure security (Berkey 1994, 30-34; Shoman 1994, 296) as the Crown Lands Ordinance of 1872 established reservations “under Crown jurisdiction, title and control” (Berkey 1994, 18).

The Crown Lands Ordinance created reservation lands based on annual permits and fees, whereby the Maya needed written permission to occupy the land (Berkey 1994, Palacio 1996, 27). The government had power to deny or withdraw a permit at will and determine who could live on reservations. The government could also lease, sell, grant license, and manage land in the

16. In 1997, the TMCC and TAA published the *Maya Atlas*, which depicts maps of village land boundaries in Toledo.

reservations without compensating the Maya. The Crown Lands Act was repealed in 1992 and replaced by the National Lands Act (Berkey 1994). Although by some accounts, this did not alter the legal status of the existing reservations (see Berkey 1994), the government presumes these reservations are now owned by the independent state of Belize (Anaya 2008, 570). Thus, the rules laid out in the Crown Lands Ordinance are reflected in contemporary land management practices in Toledo (Berkey 1994).

Privatization of communal land intensified with the passing of the 1992 National Lands Act, which reaffirmed state rights to exercise eminent domain in the reservations (De Vries et al. 2003; Van Ausdal 2001, 598). As privatization proliferated, Maya secured individual leases to protect their rights to the land (Caddy 2005, 32-33). Individual farmers, who may have otherwise favored the communal system, opted to lease their own parcel to avoid being left with inferior land or no land at all, and some villagers proposed that they should be able to purchase a plot to use as collateral for loans (Ausdal 2001, 599; Palacio 1996, 29). It is reported that the extent of land tenure security granted to the Maya has been through individual leases to 30-acre plots, and that leases are also often granted to non-Maya. This interrupts traditional rotational agriculture, hunting, and gathering, which require extensive areas, as well as the “social patterns and authority structures” that are integral to the communal tenure system (Campbell and Anaya 2008, 381).

A review of Maya land rights prepared for the TMCC in 1994 stated that the “precarious nature of Maya land tenure threatens the long-term survival of the Maya people. Land has value to the Maya people in an economic sense of course, but land also has deeper cultural and religious meanings in the Maya communities. The Toledo District is under growing pressure to be opened for...exploitation by outsiders. A secure, legally protected land base of sufficient size

to meet the needs of the Maya communities is needed in order to ensure their survival” (Berkey 1994). This statement came four years before the TMCC filed its first land rights petition.

2.6 Legal History of Oil Conflict in Toledo

In 1998, the TMCC petitioned the Inter-American Commission on Human Rights (IACHR) against the Government of Belize for violating their rights to life, equality, religious freedom, family, fair trial, political participation, and property under the Organization of American States (OAS) American Declaration of the Rights and Duties of Man resulting from logging and oil concessions granted in their traditional lands. In 2004, the IACHR issued a non-legally binding report that called for Belize to consult the Maya in establishing measures to demarcate and title their communal lands and repair damages resulting from development (Anaya 2008; I/A Commission H.R., *Maya Indigenous Communities of the Toledo District Belize*, Merits Report N° 40/04 of October 12, 2004, Case 12.053, para. 197).

A series of domestic cases followed the international petition, as the MLA, TAA, and SATIIM have filed claims to continue legal strategies begun by the TMCC. In 2006, SATIIM submitted a complaint to the Supreme Court of Belize against the Forest Department for unlawfully granting US Capital permission to conduct exploratory seismic surveys for oil in a contract area that included Sarstoon-Temash National Park. SATIIM claimed violations to the park comanagement agreement and national environmental legislation, without specific regards to proprietary, easement, or usufruct rights of the indigenous communities buffering the park.

The claim asserted that the permit violated the comanagement agreement between SATIIM and the Forest Department, as SATIIM was not involved in contracting with US Capital. SATIIM also claimed that the Chief Forest Officer did not have proper legal authority to permit seismic testing under the National Parks System Act and that oil operations were illegal, since no

EIA was completed as required under the Environmental Protection Act. In its decision issued in September 2006, Supreme Court Judge Awich found seismic testing to be unlawfully permitted under the Environmental Protection Act and terminated the permit barring completion of the environmental assessment (*SATIIM v Forest Department and US Capital* [2006] Supreme Court Claim 212).

In 2007, the *alcaldes* of Santa Cruz and Conejo villages¹⁷ filed domestic claims seeking court orders for the government to refrain from leasing, regulating, and granting concessions for Maya lands and resources without free and informed consent from the villages. The claims asserted that the government repeatedly violated Maya land rights that exist based on their traditional use and occupancy of the land. The Maya claimed that their customary rights should be afforded a level of constitutional protection equivalent to other forms property and that the absence of legal provisions was discriminatory. The claim asserted that the government had violated Maya constitutional rights to property, equality, life, liberty, and security.

Supreme Court Chief Justice Conteh issued his decision in October 2007, declaring that Santa Cruz and Conejo villages hold collective and individual rights to land and resources that they traditionally occupy and use. The Chief Justice ordered that the government abstain from acts that infringe upon their rights and demarcate and document their collective titles to village lands. The Chief Justice reviewed the obligations of Belize under international law and noted that the preamble to the Belize Constitution makes specific reference to the state's obligation to protect the rights of all Belizeans, including its indigenous peoples, with respect for international law¹⁸

17. The TAA indicates that these two communities were selected so that the claim included equal representation between Mopan and Kekchi Maya.

18. International Labor Organization (ILO) Convention 169 is currently the principal legally binding international instrument that addresses the rights of indigenous peoples (Anaya 2008).

and treaty obligations (*Maya Villages v Attorney General and Minister of Natural Resources and Environment* [2007] Supreme Court Claims 171, 172).

In 2008, the MLA and TAA filed a claim on behalf of the Maya villages of Toledo, along with 23 *alcaldes* acting on behalf of their respective communities. The contents of this claim reflected the concerns that Santa Cruz and Conejo articulated in 2007, while also seeking to extend the land rights declaration to all Toledo Maya villages. In July 2010, Chief Justice Conteh affirmed his prior orders, and extended customary land rights to all Toledo Maya villages. He concluded that the government had not acted in accordance with the rights declared in the 2007 ruling but that the court could not grant damage for constitutional rights violations, since the declaration was specific to the villages of Santa Cruz and Conejo (*MLA, TAA, and Maya Villages*

The Convention obliges states to “recognize, protect and respect indigenous cultural, social, religious and spiritual values and institutions, as well as their customary laws” (Charters 2008, 167). Despite its legally binding status, Convention 169 “does not expressly demand strict compliance” in that it acknowledges the need for international measures to be adapted the particular national context (Charters 2008, 166). ILO Convention 169 asserts that indigenous groups have the rights to natural resources in their territories, including the right to participate in their “use, management, protection and conservation” (Feiring 2009, 107). Concurrently, the Convention acknowledges that state constitutions often retain the rights to subsurface natural resources. Where this is the case, the Convention does not uphold indigenous customary rights to mineral or subsurface resources (Anaya 2005). Instead, it stipulates that indigenous peoples have the right to consultation, shared benefits, and compensation for damages incurred as a result of development (ILO 2009). There is room for interpretation regarding the type and degree of fair compensation (Charters, 2008).

The United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples (UNDRIP) in 2007. It is a progressive international instrument regarding indigenous rights that calls on states to establish mechanisms that “give legal recognition and protection to...lands, territories and resources...with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned” and to prevent and provide redress for actions that compromise their “cultural values or ethnic identities” or deprives them of their lands or resources (Universal Declaration on the Rights of Indigenous Peoples [13 September 2007], U.N.G.A A/RES/66/142 [2007]). Although the compliance it requires by states is “not strong” (Charters 2008, 168). However, the Supreme Court of Belize expressly acknowledged and applied the UNDRIP in 2007 and 2010 rulings.

v Attorney General and Minister of Natural Resources and Environment [2010] Supreme Court Claim 366).

The government did not appeal the 2007 Supreme Court ruling that upheld the rights of the Conejo and Santa Cruz, which some officials attribute to the timing of the election year. However, the government appealed the 2010 decision that extended land rights to all Toledo Maya villages. The appeal challenged the basis for granting Maya legal customary title by asserting that prior evidence had not proven Maya indigeneity and that the Toledo Maya were immigrants from Guatemala. In July 2013, the Court of Appeal reaffirmed Maya land rights in Toledo, but reversed the prior injunction, as the Constitution does not obligate the government to affirmatively protect Maya land rights. In examining whether Chief Justice Conteh was correct in finding that the Constitution obliges the government to adopt affirmative measures to protect Maya rights, Justice Morrison stated:

In place of a finding that the respondents, or any of the persons represented by them, were subjected to discriminatory treatment within the meaning of section 16(3) [of the Constitution], Conteh CJ appears to have approached the matter on the basis that, by its failure to comply with his earlier judgment in the Maya Land Rights case, GOB had breached the constitutional proscription against discrimination. With the greatest of respect to the learned trial judge, I cannot regard this undoubtedly well-meaning attempt to, in effect, enforce the previous judgment of the court as a satisfactory substitute for carrying out an assessment of the evidence to determine whether this was a case in which GOB had violated the constitutional rights of the respondents by affording them different treatment, attributable wholly or mainly to their sex, race, place of origin, political opinions, colour or creed. For this reason, I cannot regard section 16 and the claim of discrimination as a secure basis for the relief sought by the respondents under this head (*Attorney General and Minister of Natural Resources and the Environment v MLA, TAA, and Maya Villages* [2010] Court of Appeal Civil Appeal 27).

Most recently, in 2013, SATIIM, along with four Kekchi villages near Sarstoon-Temash National Park, filed a claim against the government and US Capital to challenge the legality of oil drilling and road construction in the park under the National Parks System and Petroleum

Acts and without the free, prior, and informed consent (FPIC)¹⁹ of the claimant villages. In April 2014, Supreme Court Justices Sosa, Morrison and Alleyne reaffirmed Maya customary land rights, ruling that the government acted unlawfully by failing to obtain their free, prior, and informed consent. The court awarded costs to the claimants but did not nullify permits authorizing US Capital to operate in the park. The court opted to maintain the permits after bearing in mind not only the interests of the Maya but also those of the government, the oil company, and the nation as a whole (*SATIIM and Maya Villages v Attorney General, US Capital Energy Belize Limited, Minister of Forestry, Fisheries, and Sustainable Development, Minister of Energy, Science, and Technology and Public Utilities, and Administrator, Sarstoon-Temash National Park* [2014] Supreme Court Claim 394).

19. The right to FPIC by indigenous peoples has emerged through the narratives of the private investment and international development communities (Baker 2012, 673) and now appears in international, regional, and, increasingly, domestic law and practices (Tamang 2005). Project developers and banks use FPIC to mitigate environmental and social risks associated, while the international development community has a “moral imperative” behind their use of the term (Baker 2012, 676). Definitions of FPIC vary. Nonetheless, free may be generally understood as absent of coercion, manipulation, bribery, and intimidation, while prior and informed mean that participation is ongoing and iterative, offering communities clear and adequate information about potential impacts, mitigation, and compensation. Additionally, it is agreed that consent should be given prior to any formal project authorizations and contracting (Baker 2012, 690-691; Feiring 2009, 63; Laplante and Spears 2008, 88).

Chapter 3 – Stakeholder Profiles

This chapter characterizes each stakeholder group by outlining their values, interests, and positions on communal land rights, oil development, stakeholder engagement, and benefit-sharing. The information below is based upon public statements from individual stakeholders as well as information they provided through confidential interviews in the information gathering phase of this study.

3.1 Maya Movement Leaders

The TMCC was formed in 1982 by a group of Maya men seeking to contest state power, land, and development (Wainwright 1998). Establishing the TMCC signified the birth of the Maya movement and created a pan Mopan-Kekchi representative body²⁰ aiming to “safeguard and promote the economic, social, and educational interests of the Mayas” (TMCC and TAA 1997, 3). Their primary concerns were the dissolution of communal land tenure, culture, and political autonomy (Van Ausdal 2001, 595) resulting from natural resource concessions, privatization of Maya communal lands, and power granted to village councils that challenged the traditional village leadership system of *alcaldes* (Van Ausdal 2001, 595; TMCC and TAA 1997, 3). The TMCC described itself as an organization that aimed to collaborate with the state, but was instead forced into “oppositional politics” given efforts by the government to undermine and sideline its work (Wainwright 1998).

The TMCC did not operate in isolation, but it was the most politically active of three Maya organizations working on behalf of Maya interests at that time, including the TAA and Kekchi Council of Belize (KCB). The TAA became the leading cultural institution representing the

20. The TMCC established a policy aiming to balance Kekchi and Mopan membership in its executive council (Wainwright 1998).

Toledo *alcaldes*, while the KCB eventually split from the TMCC to focus specifically on Kekchi concerns (Wainwright 1998).

The MLA, TAA, and SATIIM are currently the three most proactive organizations mobilizing grassroots resistance to oil exploration and advocate communal land rights. Although the TAA is part of the MLA, it remains distinct as a cultural institution built upon traditional governance structures. The current executive director of SATIIM was also formerly part of the MLA, but tactical differences²¹ led to a change in the composition of the organization. Although SATIIM works independently of the MLA and TAA, each organization seeks to advance indigenous Maya land and resource rights²².

3.1.1 Maya Leaders Alliance

The MLA coalesced in 2000 when Prime Minister Said Musa requested that the Maya streamline the messages emanating from the various Maya groups. The MLA established itself as an umbrella organization comprising the TAA, NGOs, and civil society and has since assumed the work carried out by the TMCC. The MLA originally comprised the KCB, TMCC, and the Toledo Maya Women's Council, the latter two of which have disassembled. The MLA now also includes the Julian Cho Society (JCS) whose members often speak on behalf of the organization.

21. He reportedly met with the government independently and failed to communicate these discussions to other members of the MLA. Other members of the MLA also suspected he had political aspirations, which runs counter to their identity as an apolitical organization.

22. Although each entity is unique in its history, structure, resources, strategy, and scope of representation, the media, government, US Capital, and even Maya villagers do not always treat them as distinct. At the July 2013 *alcaldes* assembly, Antoinette Moore, attorney for the MLA and TAA, asked that the executive director of SATIIM be clear to the media that he speaks only on behalf of SATIIM.

3.1.2 Toledo Alcaldes Association

The TAA was established in 1992 as the legal representative of the Maya (TMCC and TAA 1997, 3). The TAA comprises 78 *alcaldes* in the Toledo District, which includes the first and second *alcaldes* across 39 Maya communities. The TAA lobbies the Government of Belize to advance issues related to Maya community development and to strengthen national and international recognition of the Maya system of governance. The TAA is currently lobbying the government to instate a salary for the *alcaldes* and working with other members of the MLA to advocate the passage of the Alcaldes Act, which clarifies the role of *alcaldes* and village councils.

The communities elect the TAA president and seven executive members to lead the association for a two-year term. The TAA executive committee is a conduit for knowledge and information among Maya communities and a resource to guide *alcaldes* in carrying out their roles. TAA executives encourage *alcaldes* exercise caution when approached by private companies who express an interest in developing Maya lands. They urge *alcaldes* to discuss each proposal with the executive group so that they may help determine whether the village should accept the offer, and if so, how to protect the community in the process. While the executives encourage *alcaldes* to work alongside them, *alcaldes* must first invite their support. Executives advise the *alcaldes* but do not make decisions on their behalf.

The TAA has learned from past experience that written contracts with developers are a necessary protective measure. A power company once approached San Miguel village, promising employment and development from their proposed hydropower dam. San Miguel approved their request for 50 acres of land, yet the company subsequently secured a government contract covering 500. The TAA sees evidence that these lessons have begun to shape how

communities respond to similar proposals. Recently, the village of San Jose voted nearly unanimously to bar a Canadian company from farming cacao and other crops on their land. The TAA views this as a positive example of effective Maya governance and leadership.

Although the TAA lobbies for government recognition and support, its executives maintain that *alcaldes* do not look to the central government as a source of power or legitimacy. The *alcaldes* derive power directly from the Maya communities. In essence, the people are the government, and the *alcaldes* act according to their will. This system of direct democracy is reflected in the positions *alcaldes* hold with respect to oil development. If 30 percent of the village is against oil and 70 percent is in favor, customary governance obliges the *alcalde* to approve the project on behalf of the community.

3.1.3 Sarstoon-Temash Institute for Indigenous Management

SATIIM registered with the Government of Belize in 1999, after emerging in response to the creation of Sarstoon-Temash National Park in 1994. Local communities learned of the park several years after its formation through media and government sources, which prompted them to seek a role in its management. After initial anger that the park threatened to their livelihoods, community members began to see park comanagement as an opportunity to improve land tenure security. In 1997, during a meeting between the state and civil society, a steering committee formed to officially register with the government as SATIIM (Caddy 2006, 14; De Vries et al. 2003). The SATIIM steering committee now comprises five buffer communities, including four Kekchi Maya villages and the Garifuna village of Barranco whose residents lost part of their customary lands that comprise the park. Although SATIIM also works with the Garifuna, the legal cases filed by its executive director focus exclusively on Maya customary rights. Its

program areas center around park environmental management but also include anti-oil advocacy and development of community based sustainable development (SATIIM 2013).

In 2003, SATIIM signed an official agreement with the Forest Department to comanage park lands and employed members of the buffer communities as park rangers. However, the status of the comanagement contract has been in flux for several years. The 2012 EIA prepared on behalf of US Capital describes SATIIM as the former comanager of the park that continues to engage in management activities (Nextera 2012). At the time of the assessment, the comanagement agreement had expired and was not yet renewed. Controversy with respect to their agreement peaked in July 2013, when the Forest Department issued a notice to SATIIM officially terminating their working relationship, as SATIIM reportedly failed to meet the deadline for signing the revised agreement²³.

3.1.4 Collaboration in the Maya Movement

The MLA, TAA, and SATIIM collaborate when possible, but work separately when their strategies and tactics do not align. The MLA and TAA executive committee currently have a strong partnership. Their leaders agree on how to steer the movement and share office space to work jointly on campaigns. Although SATIIM is also based in Punta Gorda, they work as independent advocates. Whereas SATIIM integrates both environmental and human rights law into their legal claims, the MLA and TAA focus on leveraging the human rights framework to support their cause. In 2006, SATIIM independently filed their lawsuit against the Forest Department. Although the MLA and TAA encouraged SATIIM to integrate customary land rights into the case, SATIIM declined since their attorneys felt the case was secure on

23. One government official speculated that SATIIM may have refused to sign the agreement due to changes that required more transparent financial reporting.

environmental grounds. The MLA and TAA concurrently organized a separate claim to assert Maya customary land rights.

The MLA and TAA also periodically congregate all 78 Toledo *alcaldes* to convey critical news and information. In July 2013, the MLA and TAA bussed the *alcaldes* to a central location in order to communicate the land rights decision issued by the Court of Appeals. During the assembly (see Figure 6), the MLA spokespersons, TAA executives, and MLA attorney distilled the lengthy Supreme Court decision into a clear and simple message: the court reaffirmed Maya customary rights without requiring the government to protect them. The MLA and TAA conveyed that the lack of protection means that communities should use customary law if they wish to enforce their rights.



Figure 6. July 2013 Alcaldes Assembly

3.1.5 Values, Interests, and Positions

The Maya movement originally built its discourse on cultural value systems and connectivity with the land. The TMCC and TAA established early on that the Maya find their origins. philosophy, science, and roots of the Maya dialect in Toledo. For the Maya, communal land

ownership would always be distinct from the capitalist world which uses land as a commodity. Although the TMCC historically shifted positions²⁴ with respect to Maya land rights, it was clear that the TMCC saw the future of Maya culture and the forests of southern Belize as inextricably linked (Wainwright 1998).

The MLA, TAA, and SATIIM closely echo these values in the context of present struggles over land and oil in Sarstoon-Temash National Park. The positions expressed by all three organizations reflect deep concern that the Maya people are being rapidly thrust into a capitalist system without due regard for their right to self-determination. For the MLA and TAA in particular, this project sets a precedent for the future of the Maya culture in Toledo, and symptomizes state discrimination against Maya customary land rights and systems of governance. The oil issue is therefore inseparable from their ongoing land rights struggle. They assert that the government treats them as squatters without rights to the land and excludes them from decisions that affect their lives and future generations. They learned about the terms of the PSA only after the government and US Capital signed their agreement.

The rise and persistence of the Maya movement also reflects deep skepticism as to whether the villages will benefit from development. Movement leaders are concerned that villagers will blindly accept all state-led actions as necessary and beneficial. Until they recognize the risks and learn to exercise their right to question the trajectory of development, the movement leaders are also concerned that the Maya are vulnerable, given the weak social protections in Belize. The EIA social impact analysis is weak in comparison to the environmental analysis, whereas both issues merit equal consideration.

24. The TMCC held three positions: to create a separate Maya state in Belize, a Maya Homeland to secure land tenure, and a Maya lands administration program with a Maya council that integrates household land ownership with community plots (DeVries et al. 2003; Wainwright 1998).

Discourse from Maya leaders sometimes suggests staunch opposition to all oil development. SATIIM dedicates a section of their website to anti-oil advocacy, and the MLA spokeswoman recently stated, “We were born here, we were raised here, we eat off this land, we will die on this land and if it is at the hands of US Capital, we will do so” (Clarke 2014). However, the Maya leaders do not oppose oil and the development paradigm in its entirety. The MLA and TAA are quite clear in stating that they do not reject oil but that they cannot condone an approach that lacks transparency, security, and equality.

Although the Maya do not treat land as a commodity, movement leaders discuss financial benefits as one way to help offset with the risks to their subsistence livelihoods posed by natural resource concessions. Movement leaders discuss multiple options for sharing oil benefits and do not stand clearly behind one mechanism for distribution. For instance, an equal share in oil revenue between the Maya and government may enable communities to improve their education and health systems, or alternatively, money could be distributed directly to Maya households. In either case, the Maya seek a partnership stake in negotiations with US Capital, which could be formalized in the PSA contract²⁵.

From the Maya perspective, community consultations should occur before the PSA is signed. The Maya could thereby exercise their right to free, prior, and informed consent after weighing the project costs and benefits based on clear and accurate information on its nature, duration, and impacts and employment opportunities. However, because the government is unwilling to discuss these issues, the Maya have responded by taking the government to court.

25. After learning that employment with US Capital is short term, some communities approached US Capital to request a monthly cash transfer to each household or a trust fund. US Capital responded by stating that the decision resides with the government, and that the demand cannot be met until the company generates revenue. Communities are beginning to wonder when they will see new roads and schools.

3.2 Government of Belize

The 2012 EIA reports on consultations with the Department of the Environment (DOE), the Geology and Petroleum Department, and Forest Department, which play central roles in enforcing the regulatory framework for natural resource, environmental, and petroleum management in Belize. The technical reviews and permits issued by these entities thereby directly affect the trajectory of oil development in Sarstoon-Temash National Park. The EIA points to the Geology and Petroleum Department and the DOE as central to oil operations in Belize, as they are the primary agencies responsible for enforcing the Petroleum and Environmental Protection Acts (see Nextera 2012, 50).

3.2.1 Department of the Environment

The DOE, housed in the Ministry of Forestry, Fisheries, and Sustainable Development, was established in 1989 and codified through the Environmental Protection Act in 1992 (DOE 2013), which grants DOE the authority to enforce the act and implement the 1995 regulations and 2007 amendments. The DOE oversees the environmental clearance process whereby the department screens applications to determine whether to issue an environmental clearance that permits a project to proceed, or to first request a limited level environmental study or a full EIA to be reviewed by the NEAC. Following environmental clearance, the DOE monitors compliance with conditions set forth in an environmental compliance plan, which essentially functions as a contract between DOE and the developer to prevent, mitigate, and control environmental impacts. The DOE is also responsible for public awareness and outreach, which positions them

as the primary agency responsible for identifying local stakeholders for community consultations²⁶.

3.2.2 Geology and Petroleum Department

The Geology and Petroleum Department, which is part of the Ministry of Energy, Science and Technology, and Public Utilities, was established in 1984 to administer petroleum and mineral development in Belize (Geology and Petroleum Department 2013). The director oversees the technical and administrative work of the department and acts as the inspector of petroleum, who is authorized to administer the Petroleum Act. The department issues permits for oil well drilling, conducts geological surveys and mapping, interprets seismic data, and oversees oil well development, production, and abandonment. The department also issues PSAs under the Petroleum Act, which is carried out through competitive bids or by approval of the Cabinet of Belize. Before the PSA is approved, the department completes a financial and technical review of the application.

3.2.3 Forest Department

The Forest Department, within the Ministry of Forestry, Fisheries, and Sustainable Development, was established in 1935 to manage forest resource development. The Chief Forest

26. The scope for consultations was narrowed to five communities and two NGOs, with the condition that consultations with all communities may ultimately be required (Nextera 2012, 189). This request was fulfilled through the public consultation on October 25, 2012 at the village of Sunday Wood, after the environmental statement was issued on August 31, 2012. Local villages were selected as consultative stakeholders based on their proximity to Sarstoon-Temash National Park. The report delineates the five primary buffer communities to include Sunday Wood, Crique Sarco, Conejo Creek, Midway, and Barranco, which are situated on the perimeter of the park within 14 kilometers of the two areas where exploratory drilling will occur. According to the report, these five communities have the greatest potential to benefit financially and to be impacted “socially, physically and environmentally” from the project (Nextera 2012, 164-165). The EIA recognizes SATIIM and the Toledo Institute for Development and Environment (TIDE) as two local environmental NGOs with respective natural resource management and conservation responsibilities in STNP and the Gulf of Honduras Marine Reserve and Paynes Creek National Park in southern Belize.

Officer is ultimately responsible for administering several pieces of legislation, including the Forest Act, National Parks Act, Private Forests Act, Protected Areas Conservation Trust Act, and Wildlife Protection Act (Forest Department 2010). The Forest Department issues permits for activities occurring within areas protected by the National Parks System Act and comanages protected areas in coordination with local environmental NGOs. In April 2013, the department issued a one-year permit allowing US Capital to conduct exploratory drilling in Sarstoon-Temash National Park. The permit was recently extended to allow oil operations to continue in the park (Clarke 2014).

3.2.4 Values, Interests, and Positions

The Government of Belize identifies itself as owners of all resources that lie in the subsurface, which drives state decisions with respect to oil development in Sarstoon-Temash National Park. Prime Minister Dean Barrow has stated publicly that he disagrees with Supreme Court decisions declaring that the Maya have communal rights to land in Toledo. From his perspective, it is clear that the constitution reserves subsurface minerals for the Government of Belize and the people in common, which supersedes the Supreme Court rulings that recognize Maya communal land rights²⁷.

The government will thus proceed as planned with oil exploration in the park. However, there are state officials who express that communal land rights symbolize the need for human

27. Section 9 of the constitution states that “Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes reasonable provision- (a) that is required in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development and utilisation of mineral resources or the development or utilisation of any property for a purpose beneficial to the community” (See Constitution of Belize in Attachment A).

protection. From their perspective, land rights can remind government officials that their actions have social consequences, and that the state should not make land use decisions without first consulting stakeholder groups.

Government employees who acknowledge the social value of communal land rights dampen their statements on two fronts. First, the right to free, prior, and informed consent should not be linked to communal rights since consent grants communities with the power to delay projects and hold the government to ransom. Instead, consultations are designed to collect local knowledge of the natural resources that merit protection and to document community concerns. Second, the land rights claim is illegitimate, since the Toledo Maya are immigrants from Guatemala.

Others officials acknowledge that the Supreme Court case granting land rights to Conejo and Santa Cruz still holds, since the government did not appeal the outcome of this case. Nonetheless, they believe that the ruling, issued by a chief justice who born outside Belize, did not consider the best interests of the nation nor the fact that Maya with individual plots would not want to transfer their titles to the villages.

Government positions with respect to distributing financial benefits of oil is similarly varied. The Prime Minister has emphasized that subsurface resources in southern Belize belong to the people in common and are not exclusively reserved for one ethnic group or district. Other government officials agree fully that oil is national patrimony, and that resource conflicts do not occur this way in the developed world. Instead, the Maya should recognize that government revenue will benefit the communities and bolster Forest Department resources to prevent illegal logging in Sarstoon-Temash.

Nonetheless, the Prime Minister and other officials suggest that the Maya may be able to secure financial benefits even though they do not hold legal title to land in Sarstoon-Temash. In a public interview, Prime Minister Barrow expressed he may be willing to use a portion of revenues to finance a district-level trust fund managed equally by the government and Maya leaders (KREM 2012). Another official suggested that the Maya request the five percent royalty rate that Belizean law affords legal landowners, or that they request that US Capital duplicate the Charitable Trust Fund that BNE established outside the terms of its PSA to offer grant funding, student loans, and microenterprise credit. The fund could then be used to support development across Toledo²⁸. Other state employees believe that the PSA is the best point through which to address economic and social concerns. Stronger PSA terms would improve overall petroleum policy in Belize, but this type of decisions ultimately rest in the hands of politicians rather than with department-level staff.

3.3 US Capital Energy Belize

US Capital Energy Belize is a subsidiary of US Capital Energy Partners, LP, a US-based energy company headquartered in Corpus Christie, Texas that has been in business since 1989 with exploration projects in Florida, Colorado, Montana, North Dakota, Nebraska, Guatemala, and Belize (US Capital n.d.; Anaya 2014)

US Capital Energy Belize signed a PSA with the Government of Belize in January 2001, thereby granting the company exclusive rights to carry out petroleum operations in Block 19

28. There are discrepancies with respect to how the government describes royalties being distributed from Spanish Lookout. The Prime Minister stated that Spanish Lookout Mennonites do not receive payments as a community but rather due to their status as individual landholders (KREM 2012). However, by other accounts, there are four landowners in Spanish Lookout, which includes the community and three individual farmers. While the government has earned approximately BZ\$91 million from Spanish Lookout, these four groups have received around BZ\$4.5 million.

(*SATIIM v Forest Department* 2006). US Capital began conducting seismic tests in 2006 and has since constructed a roadway that links their staging area to the drill pad in Sarstoon-Temash.

(See Figures 7 through 10 for photographs of US Capital operations in the park.)



Figure 7. US Capital Staging Area



Figure 8. Road to Drill Pad



Figure 9. Drill Pad



Figure 10. Former Seismic Testing Line

3.3.1 Values, Interests, and Positions

US Capital maintains that the state retains rights to the subsurface and that the company will proceed as planned with exploratory drilling in Sarstoon-Temash. However, they intend to avoid Conejo and Santa Cruz lands, as the communal rights ruling for those two village still holds.

While some company employees recognize the value in land protection, they believe that

absolute protection is untenable, since designating an area for one use compromises the livelihoods of other groups. In the case of Sarstoon-Temash, the natural capital held in the environment needs to be released. There is little intrinsic value in the sphagnum moss in the park.

US Capital Energy Belize has an office in Punta Gorda, which staff use as a base for operations in Sarstoon-Temash. Much of their work in the office involves government permitting and community affairs. The company also uses its office as a meeting point with village chairmen and *alcaldes*, where they offer project updates, answer questions, and show images of the drill site and company operations.

US Capital communicates with villagers regarding the potential for economic development from oil. They place ads on the radio that encourage villagers to conceptualize the meaning of development. Because there is no Maya word for development, US Capital community affairs representatives communicate the concept by using the Kekchi Maya word for rising up. The company has also set aside a pool of donation funds, which they administer to invest in education and health and address communities' urgent needs. They receive a number of requests on a rolling basis for donations, scholarships, roadway improvements, and various other projects. The company prioritizes funding for what they consider to be reasonable and necessary requests. For instance, US Capital employees express that they did not hesitate to send water trucks in response to complaints of dirty water in Dolores and Crique Sarco villages. However, their donation fund has run out after six years of distribution.

Company employees also view the project as necessary for national development. The government is defaulting on the national debt and cannot acquire money for loans, thereby limiting its options to earning revenue through taxation, selling assets, or extracting natural

resources. The country could have been more effective in generating investments in the country, but the reality is that Belize now depends upon oil. They indicate that without the ongoing commercial extraction by BNE, the nation would be in even deeper economic trouble. It is common for nations to explore for their own oil reserves as they pursue economic growth and energy independence.

US Capital also sees oil as a critical opportunity to develop local capital. Before development increased the cost of living, the Maya could harvest their crops, sell them at the market, and earn enough money to cover their basic needs. Now the villagers need to pay school fees as well as water, electricity, and telephone bills. Without oil, it is unclear how the local Maya will find sufficient financial resources to meet their rising living costs. During seismic testing, there were many jobs available and quite a bit of money flowed into the communities. They recognize that villagers might want to see more benefits, but the project is not yet profitable and the donation fund is depleted. It is simply expected that they will help in this regard, and their investments have enabled them to build good will and work peacefully alongside the communities.

Company staff acknowledge that it may be possible for oil revenue to be transferred into a trust fund or that a percentage of government royalties be returned directly to the communities. However, they are clear that this decision resides with central government officials who will decide how to distribute government oil revenue.

Chapter 4 – Barriers to Collaboration

The preceding chapters have established the context of this resource conflict and captured the essential characteristics of stakeholder groups that are central to this analysis. In this chapter, I apply conflict theory to define the factors that have thus far precluded collaboration between the Maya movement and macro groups.

4.1 Conflicting Values and Systems for Land Use – Cultural Barrier

This conflict began with a clash of environmental paradigms that value land and resources in distinct ways. Whereas the state and private interests manage land and natural resources to extract revenue from their use, the Maya communal land tenure system does not treat land as a fungible commodity (Wilk Aff. 60).

Maya land tenure is based on usufruct rights, which grants community members the right of first use to farmland areas, which they return to the village for redistribution when the land is no longer in use (Wilk Aff. 53). This system of common resources and labor exchange denotes a distinct and intimate connection between Maya culture and land management, which the Maya describe as shaping and reinforcing their cultural identity. The linkage between culture and land has shaped the discourse of international indigenous rights emerging in the past two decades that recognize indigenous groups as “distinct peoples who have their own histories, territories, livelihood strategies, values and beliefs” (Feiring 2009, 117) and hold a unique relationship to their traditional lands that is fundamental to their “physical and cultural survival” (UNESA, n.d.).

Although up to leases to 30-acre plots have been granted to the Maya (Campbell and Anaya 2008, 381), this footprint does not secure the full extent of land that Maya traditionally use. As Richard Wilk, the eminent anthropologist working with the Toledo Maya, explained in his

affidavit, the village center alone can measure up to two square kilometers, or 494 acres). Furthermore, as the government issues concessions of village lands to private developers, the available land area diminishes, which has prompted the Maya leaders and their supports to question the security of future generations of Maya.

Some conflict theories suggests that a system of material tradeoffs cannot resolve a values-based environmental dispute, while rational choice conflict models suggest a high price must be set in order for sacred resources to become fungible. As it stands, the government may be willing to allocate financial benefits to the Maya, but remains steadfast that the state has no obligation to recognize and protect communal land rights. In this context, a negotiated trade focusing solely on material resources may address Maya financial interests, but fail to palliate concerns that their traditional governance and land uses systems are at risk and that there is no clear end in sight for the sale local resources to private interests. Thus, even if communities receive a percentage of oil revenue, there is no guarantee that cultural discrimination and erosion of traditional governance and land use practices would cease to be deeply problematic for the Maya leaders.

4.5 Land Rights Position – Structural Barrier

The demarcation and protection of communal land rights is a central issue for the Maya movement. Reaching agreement on this issue presents substantial challenges, given that the Maya leaders and Government of Belize remain polarized in their respective positions. As presented in the discussion above, the government uses two main arguments against the power and legitimacy of communal land rights. First, they assert that the constitution reserves subsurface rights for the state, and that this provision is supreme (see the Constitution of Belize in Attachment 1). Second, the government contends the Maya are not indigenous to Belize. In the civil appeal of the 2010 land rights ruling, Justice Manual Sosa identified Maya indigeneity

as central to the government appeal. As Sosa explained, the appellants' pleaded that "no ancestors of the present-day inhabitants of the villages represented by the respondents were in occupation of land in what is today the Toledo District" (*Attorney General and Minister of Natural Resources and the Environment v MLA, TAA, and Maya Villages* [2010] Court of Appeal Civil Appeal 27). Although the IACHR, Supreme Court, and Court of Appeal have issued four rulings that Maya have rights to the land, government officials continue to question Maya indigeneity and thus the basis for communal land rights.

4.6 Distrust – Psychological Barrier

Although changes in leadership have occurred in state and Maya leadership since the TMCC coalesced, the interaction between the two parties has historically been complex, contentious, and marked by mutual suspicion. Although US Capital is a more recent part of the dispute, their presence has opened new channels of conflict with comparable levels of skepticism.

The Maya leaders, along with their supporters within and outside the movement, define their relationship with macro groups largely by targeted suppression, unfulfilled promises, coercion and manipulation.

Since the birth of Maya activism, the Government of Belize has reportedly repressed the Maya voice. Anthropologist Richard Wilk describes the government as "unsupportive or hostile toward ethnic expressions of a political, economic, or territorial nature", choosing instead to repress cultural organizations or coopt them with support for small, simple projects. For instance, when the Maya first began lobbying for land rights, the government responded by offering money and equipment to videotape ritual dances" (Wilk 1995, 128).

Like the TMCC, the contemporary movement sees itself as forced into oppositional politics while the state is unwilling to engage the Maya in a discussion of oil and land rights and mediate

what they perceive as aggressive behavior from company staff toward the communities. The Maya leaders indicate that they are met with silence when attempting to engage government officials. The current administration refuses to schedule meetings with Maya leaders if oil and land rights are on the table for discussion. Although they describe the former administration under Prime Minister Said Musa as more responsive, his government nonetheless carried out only symbolic gestures to recognize Maya land rights. In 2000, Prime Minister Said Musa signed the Ten Points of Agreement, which stated that the “Maya People have rights to lands and resources in southern Belize based on their long-standing use and occupancy”. However, James Anaya, former United Nations Rapporteur on the Rights of Indigenous Peoples reported that the agreement yielded no concrete steps to recognize and protect these rights, and “active infringement of Maya land rights continued as before” (Campbell and Anaya 2008, 382). Additionally, the 2008 Maya land rights claim also stated that the after the Maya land rights decision:

... The government did issue a directive protecting lands in Toledo against interference. The government also indicated that it intends to create a framework for the demarcation and registration of customary title, and has initiated discussions with Maya representatives towards that end. Nevertheless, the government subsequently revoked that directive, and specifically stated that “existing licences, permits and concessions ... shall be permitted to resume *MLA, TAA, and Maya Villages v Attorney General and Minister of Natural Resources and Environment* [2010] Supreme Court Claim 366).

Exacerbating this issue is that the Maya leaders perceive US Capital as presenting substantial risks, which the government fails to mitigate. By their accounts, the company attempt to coerce and manipulate villagers and the Maya leaders themselves to undermine the legitimacy of the movement and garner support for oil development.

The company reportedly instills doubt among villagers regarding the integrity of movement leaders. Leaders within the Maya movement explain that following the 2006 Supreme Court

ruling, the company organized a protest against SATIIM, but pretended not to be involved. They fueled the demonstration by transporting villagers to the site, delivering food, and distributing placards. Their primary message was that the executive director of SATIIM stands in the way of development, thereby preventing other Maya from enjoying his wealthier lifestyle. They encouraged villagers to interpret his possessions as evidence of his greed and self-interest in order to detract from the core issues of concern to the movement.

Some of the Maya leaders also believe that the company exploits the low economic status of Maya villagers by strategically using material benefits to influence and divide them. They explain that US Capital plants false hope regarding future development and benefits for the Toledo Maya. When seismic testing began in 2006, the company organized football tournaments and offered prizes to demonstrate how life could improve. They promised employment at the start of seismic testing without explaining that the jobs involved short term manual labor. They have since developed poor quality roads, schools, health centers, and internet cafes, which are prominently labeled with company propaganda. Many communities are lured by these tactics, thinking primarily about their financial interests. They accept oil exploration as an essential part of how the government will develop Toledo, without considering the substantial tradeoffs to their livelihoods or the likelihood and longevity of benefits. (Figures 11 and 12 show US Capital community projects and donations.)



Figure 11. Community Health Post



Figure 12. Village Waste and Recycling Barrels

Maya leaders also suspect that the company intentionally offers support to communities that are in favor of oil in order to demonstrate the benefits of supporting US Capital and to divide the Maya by fomenting intercommunity envy and competition. To the Maya, there was no logic behind the decision to set up a computer lab in San Pedro Columbia, which is more than 20 miles from Sarstoon-Temash National Park.

Some leaders also report that US Capital has attempted to influence Maya elections and movement leaders themselves. In January 2013, the company attempted to sway the *alcalde* and TAA executive elections in favor of the Big Falls *alcalde* who supports oil development. Although campaigning is not part of the election process, US Capital developed a campaign message that other *alcaldes* lacked financial resources available to Big Falls. They offered money to Maya who voted for the village of Big Falls *alcalde* as the TAA President, which is not allowed in customary election practices. Although some *alcaldes* accepted the bribes, the majority stood firm and independently elected the current TAA president who has a strong relationship with the MLA.

The company also reportedly targets Maya leaders to undermine their unity. One example offered was that US Capital successfully convinced a former MLA leader to abandon his position and work directly for the company by offering a salary of BZ\$5,000 per month and a company vehicle. Since villagers began to more actively question the project, US Capital also attempted to meet privately with the TAA President, offering him employment, a state of the art office, air conditioning, and internet access²⁹.

The government and US Capital question the authenticity of the movement leaders, particularly as their human rights discourse intermixes with demands for financial compensation.

29. A project description by the former United Nations Special Rapporteur on the Rights of Indigenous Peoples indicates that “U.S. Capital Energy has responded to this opposition by attempting to foment division among the Maya and to corrupt and subvert the Maya traditional governance structures, the *alcaldes* system. U.S. Capital secured the support of a high-profile Maya leader through questionable means (shortly thereafter he appeared with a new pick-up truck), who subsequently began visiting Maya villages and campaigning for pro-oil candidates. Campaigning for election as *alcaldes* is not a part of the customary system, since leadership is supposed to be a duty and a burden rather than a desired position, so this interference in village politics was poorly received. After the *alcaldes* elections, the same U.S. Capital agent offered \$100 to each *alcalde* while asking them to vote for a particular candidate for the presidency of the Toledo Alcaldes Association” (Anaya 2014).

Government officials and US Capital are unable to separate the role of Maya cultural values and financial interests, and thus believe that indigenous rights rhetoric conceals purely financial motives.

From their perspective, the movement followed the advice of savvy international organizations and affixed land rights onto the issue of oil in order to profit from the fight. Furthermore, they believe that international funding to the Maya is predicated upon sustained conflict. As a result, the Maya leaders have no incentive nor intention to halt oil development, which explains their most recent position that they do not seek an end all work in Sarstoon-Temash. They perceive the Maya as unwilling to negotiate in good faith, instead choosing to voice their positions through public media and to discuss only financial benefits.

The government and company call attention to the wealth they believe Maya leaders accumulate from managing the park and fighting oil, which remains undistributed to communities they ostensibly represent. One government official remarked that SATIIM failed to use its comanagement funds to develop park infrastructure, which would generate tourism revenue for the benefit of local communities.

To compound this suspicion, US Capital and government officials accuse SATIIM of coercing villagers to support a fight that benefits only the movement leaders. They allege that the executive director threatens villagers who express opinions that do not align with his own, and as a result, villagers echo SATIIM in resisting oil either because they are brainwashed or because they fear the consequence of disagreeing. They speculate that SATIIM removed a communications system they previously installed in Sunday Wood, as retribution for the village choosing to support US Capital. They also indicate that SATIIM manipulated villagers to believe that detonations during seismic testing causes significantly more environmental damage than

reality demonstrates. To disprove the accusations, the government invited villagers to observe conditions following a seismic survey. They indicate that this allowed villagers to see firsthand that the environmental impacts were minor compared to the images circulated by SATIIM³⁰.

Mutual distrust between extractive industry representatives and local residents presents challenges to building social capital among parties, particularly where the government is perceived to be absent from the region of extraction (Leplante and Spear 2008, 97). Furthermore, the interaction of interests and values-based concerns has made it difficult to distinguish the two. As conflict theory suggests, this interaction between interests and values can contribute to the structure barrier previously discussed as parties settle more firmly into their positions (Druckman et al. 1988). Finally, conflict theory also suggests that while underlying issues of trust may be negligible in interest-based disputes, it may not be so where values are concerned (see Avruch 2006, 576).

4.7 Distinct Interpretations of the Conflict – Psychological Barrier

Stakeholder groups differ markedly in how they conceptualize the problem.

First, some of the government and US Capital employees do not perceive there to be a legitimate conflict. Instead, they define the situation as deriving from a subset of individuals who leverage the project to further their financial agendas. Thus, from their point of view, the problem lies outside the merits of the project itself.

Second, while the Maya seek to correct historical inequities, the Government of Belize and US Capital perceive their discourse as undue assertions that the Maya deserve preferential treatment. Because the current administration does not recognize the Maya as legal landowners,

30. The former United Nations Special Rapporteur writes that in February 2012, explosives from seismic testing ignited a fire that “destroyed a significant area” of Maya villages lands (Anaya n.d.)

they present financial offers as gifts. One official remarked that the Mennonite farmers in Spanish Lookout accepted compensation from oil development without legal resistance. However, this is not a parallel comparison from the Maya perspective, since the Mennonites have legally recognized land rights, whereas the Maya must fight for equal treatment and landownership.

Third, US Capital community development projects are a salient example of how Maya leaders, US Capital, and the government perceive the conflict in distinct ways. Whereas the Maya leaders view the schools, health posts, and internet cafes as facades covering shoddy infrastructure, the company believes their contributions are underappreciated. From their perspective, community projects are supported by a donation fund set aside even before oil is discovered and the project is profitable. Furthermore, US Capital perceives that villagers simply expect the company to help with community development. As a result, these efforts are necessary for building relationships with villagers and working peacefully alongside them. They do not represent attempts to buy support nor foment intercommunity tensions. The company maintains that projects are selected based strictly upon urgency, feasibility, and need.

Finally, US Capital indicates that they attempt to meet with Maya leaders individually so that they have the freedom to speak candidly, without pressure from their communities. To them, it is not an attempt to surreptitiously sway and destabilize the movement, as the Maya report.

4.8 Legitimate Representation – Institutional Barrier

The Maya leaders are not recognized as legitimate spokespersons for the villagers who question oil development. Deep mistrust of the Maya leaders compounds with two key institutional barriers to preclude them from being recognized as legitimate representatives. First

is internal group politics, and second is differing legal and governance systems, which in turn exacerbate tensions among the Maya communities.

The Maya leaders recognize that a divide exists among the Maya with respect to several key issues. Some villagers support individual land titles while others advocate land rights based on the traditional communal system. Some support oil, while others express concern for the welfare of their livelihoods and future generations. Finally, some support the traditional *alcaldes* system, while others move toward adopting the village council system as it is delineated in Belizean law.

The Government of Belize has used discord among the Maya with respect to land rights and oil to argue that the Maya leaders are not the authentic indigenous voice (see Caddy 2005, 34). Prime Minister Barrow has stated that he does not “subscribe to any notion that the so-called leaders speak for the majority of the Mayan people. I am told by our folks on the ground that when you actually get into the communities and if you were to do some sort of a poll that you would find the majority of Mayans do not subscribe to the position...that the leaders do with respect to a number of issues, including oil exploration and...community versus individual title” (KREM Radio 2012).

The government also drew attention to discord surrounding communal versus individual title in the Maya land rights civil appeal. They secured an affidavit from the chairman of the Toledo Cacao Growers Association (TCGA) who stated that communal land systems inhibit modern farming practices and economic progress in Toledo, given that farmers need access to credit, which is only available to legal titleholders. He added that the support for a subsistence lifestyle does not reflect the majority opinion of the Toledo Maya (*Attorney General and Minister of Natural Resources and the Environment v MLA, TAA, and Maya Villages* [2010] Court of Appeal Civil Appeal 27)

Dissention among the Maya is also fueled by confusion between the traditional *alcalde* leadership and the state-enacted village council system³¹. The 1999 Village Councils Act granted village councils with power to create bylaws concerning village services and infrastructure and to regulate village houses, lots, and common recreational grounds. This delegation of power conflicts with the customary system that the MLA and TAA advocate, in which the *alcalde* manages village lands. In some cases, the Maya village chairmen collaborate amicably with the *alcalde* in their village. However, conflicts and confusion arise when the chairman and *alcalde* cannot agree on their respective jurisdictions or the community position on oil development.

31. The Toledo DAVCO also lobbies national government independently of the TAA, MLA, and SATIIM. In August 2013, the DAVCO voted to lobby the government to distribute revenue from gold, petroleum, and other district resources equally among all communities in Toledo. This resolution passed amidst sentiments that it would be unfair for only the five buffer communities to benefit.

Chapter 5 – Opportunities

The final question this conflict assessment seeks to answer is whether collaboration is possible between the Maya movement, Government of Belize, and US Capital groups despite the barriers between them. If the answer is affirmative, then *The Consensus Building Handbook* calls for the assessor to outline the steps in a consensus building process tailored to the conflict under study. However, *The Handbook* also indicates that the assessor may forgo the process design phase when stakeholders hold mutually exclusive viewpoints on high priority issues or express deeply entrenched positions rooted in longstanding social attitudes or conflicting ideologies (Susskind 1999, 20). It is evident that stakeholder groups are entrenched in opposing positions regarding communal land rights, a values-based issue that remains central to this dispute. Furthermore, the degree of mistrust between parties has presented a significant challenge negotiated agreement for decades. I have thus opted not to include a blueprint for consensus building as part of this study.

There is, nonetheless, value in conflict assessments that omit the process design phase. *The Handbook* suggests that when “values conflict, assume the need for all parties to learn: about each other, about the issues at stake, about the practical options that lie before them” (Forester 1999, 478). As such, this concluding discussion applies concepts from conflict and discourse theories to reexamine the aforementioned barriers to conflict resolution and discusses key concepts emerging in extractive industry management and practice that can be applied in the context of southern Belize.

5.1 Reconceptualizing Conflict, Distrust, and Group Representation

Each actor has a distinct way of interpreting and communicating about this conflict, which is shaped by suspicions surrounding the motives of external parties and the extent to which Maya

leaders represent the Maya people. This combination of psychological and institutional barriers is particularly complex, especially as psychological barriers are depicted to be “one of the most powerful obstacles to conflict resolution” (Gayer et al. 2009, 952). Addressing these challenges is also especially relevant in the context of extractive industry projects, where community engagement practice is complicated by challenges in agreeing as to whom represents an affected community (Leplante and Spears 2008, 95). There are several concepts deriving from discourse and conflict theories that help deconstruct these barriers and offer ways in which they may become surmountable.

First, discourse theory indicates that stakeholders cannot prove their reality to be accurate and objective (see Stoll-Kleeman and Welp 2006, 29). If stakeholders accept instead that knowledge and reality are socially constructed, then it may become possible for each group to recognize that only a fine line separates a benefit offered in friendship and a bribe designed to influence and divide. As such, it is important for this line between the two to be decided, based upon a mutually agreed approach and scope for implementation to enable any future community projects to be perceived as sincere efforts to support local development. As it stands, there US Capital representatives who recognize that their actions could be misinterpreted as attempts to buy support, which signals opportunity for discussion on this particular issue.

Second, discourse theories help deconstruct the notion that stakeholder representatives speak on behalf of a clearly defined, static, and homogenous constituency. Although it may be “easy to overlook challenges in representing civil society with its complexities and internal conflicts” (Walzer 1992, 97), it is more accurate to understand social movements as heterogeneous groups, which require movement leaders to engage in “consensus mobilization” to build agreement among actors (Rajagopal 2003, 240). More realistically, representation is challenged by the

impermanence of identity, knowledge, and group affiliation, which may be swayed by the discourse of different social actors (Jorgensen and Phillips 2002, 112). Like other social movements, the Maya leaders recognize the heterogeneity of the Maya people. At the July 2013 assembly of *alcaldes*, they accepted discord as a natural part of their work in response to some villagers expressing opposition to communal land rights.

Nonetheless, disunity among the Maya challenged the perceived legitimacy of the movement. It appears that Maya movement discourse must represent the position of all Maya villagers before its leaders are to be accepted by other groups. However, given the inherent plurality among social actors, it may not be appropriate to delineate the boundaries of the movement strictly along culture lines. Instead, the Maya movement may be best understood as a stakeholder group comprising Maya who question the current trajectory of development in Belize, which may or may not be each individual Maya in Toledo.

5.2 Corporate Social Responsibility and Human Rights

Conflict theory also suggests that one way to unfreeze a dispute is to focus on demonstrating the losses associated with the status quo (Gayer et al. 2009, 969). In this context, the risk associated with conflict may be examined in light of corporate social responsibility (CSR) practices that originally emerged as a form of risk management. In recent years, risk assessments have increasingly focused on social factors, including stakeholder resistance. An analysis of extractive industry project delays showed that 73 percent of delays experienced by the 190 largest oil and gas projects resulted from political and social risks, as compared to 21 percent driven by technical factors. These non-technical risks have costed companies millions of dollars in revenue (Environmental Resources Management [ERM] 2012).

CSR has evolved from a first generation of “charitable philanthropy”, to a second generation³² of “social engagement” designed to protect against legal and reputational risk, and now to a third CSR model that views social engagement as a competitive advantage. This latest iteration further incorporates sustainable development³³ and FPIC concepts (Laplante and Spears 2009, 78-84).

FPIC is sometimes framed as the “next step in the evolution of the relationship between extractive industry companies and communities, as it is a model of stakeholder engagement with the potential to address the complex and dynamic root cause of community concern” (Laplante and Spears 2008, 71). As footnoted in the discussion above, definitions of FPIC vary. Nonetheless, free may be generally understood as absent of coercion, manipulation, bribery, and intimidation, while prior and informed mean that participation is ongoing and iterative, offering communities clear and adequate information about potential impacts, mitigation, and compensation. Additionally, it is agreed that consent should be given prior to any formal project authorizations and contracting (Baker 2012, 690-691; Feiring 2009, 63; Laplante and Spears 2008, 88).

32. Companies began to adopt explicit standards for managing the social risks associated with their work, engaging with NGOs and governments on addressing human right issues and corruption, which led to the Voluntary Principles on Security and Human Rights (VPs) and the Extractive Industries Transparency Initiative (EITI), and finally, trade associations developed guidelines such as the Sustainable Development Framework from the International Council on Mining and Minerals (ICMM), and the Association of Oil and Gas Producers (OGP) social and environmental impact guidelines (Laplante and Spears 2008, 81).

33. Many companies now use the Global Reporting Initiative (GRI) as a framework for sustainability reporting, and the majority of *Fortune* global top 250 mining and oil and gas companies issue triple bottom line³³ reports that incorporate environmental, social, and financial information in order to reduce social and environmental costs associated with their operations (Laplante and Spears 2008, 85).

The meaning of consent is problematic in the context of southern Belize. The distrust directed toward the Maya movement leaders challenges the process of operationalizing FPIC as the framework for community engagement. As it stands, some government officials interpret consent as granting communities the power to hold the government to ransom. However, there are alternative possible interpretations. The aforementioned interpretation expressed by government officials in Belize offers communities “full veto power”, which can sometimes be perceived as a challenge to national sovereignty (Laplante and Spears 2008, 92). The alternative definition translates consent into “consultation plus”, meaning that project developers engage in robust documented community consultations (Baker 2012, 687-688). Consent as “consultation plus” may be understood as a process and outcome whereby the developer and local communities jointly develop a “contractual framework” for engagement and consultation process, thereby providing communities with a place negotiations and active role in risk mitigation (Baker 2012, 694-699). This process could be used as an opportunity for all parties to establish a mutually agreed definition of FPIC.

While some CSR literature focuses on CSR initiatives and adoption of FPIC on a voluntary basis, others emphasize the role of the state and legal institutions. The emergence of international legal instruments on indigenous rights and FPIC have been integrated into national legislation, which is seen as “a crucial indicator of the extent to which the state recognizes indigenous peoples within its jurisdiction” (Campbell 2012, 11). Countries such as the Philippines, Malaysia, Australia, and Peru all have national FPIC legislation for indigenous populations (Campbell 2012, 11; Tamang 2005).

The Philippine government enacted a progressive piece of FPIC legislation in 1997 as part of its *Social Reform Agenda*. This law, known as Indigenous Peoples’ Rights Act (IPRA), a

progressive piece of legislation that recognizes indigenous rights to self-determination and provides mechanism to protect ancestral domains and resources, which includes lands, inland waters, coastal areas, and natural resources, including minerals. It also adopted the FPIC concept to mean the consensus of indigenous peoples and communities “determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community” (Philippines Republic Act 8371, Chapter II, Section 3[g]). The IPRA also established the National Commission on Indigenous Peoples (NCIP), comprising indigenous representatives, to issue certifications of ancestral lands and domain titles and certifications as a “pre-condition to the grant of permit, lease, grant or any similar authority for the disposition, utilization, management and appropriation by any private individual, corporate entity or any government agency” (Philippines Republic Act 8371, Chapter VII, Section 44[m]). Although implementation of FPIC was weak, the government subsequently allocated additional budget to NCIP to establish a quasi-judicial court to resolve IPRA issues and released new FPIC implementation rules, which provide indigenous people with the right to develop resolutions of consent or non-consent (Oxfam America 2013).

6 Reconciling Land Rights

Anthropologist Richard Wilk recognizes that each part must accept some degree of compromise with respect to land rights. He describes property as a bundle of divisible rights, and as such, the “concept of stakeholding would recognize that all rights to natural resources are partial and divisible. Management decisions must therefore take account of all stakeholders, and ideally, each should have a voice in the process. This of course includes various levels of

government, whose legal rights to regulate land and resource use constitute another set of stakes” (Wilk 1999, 373-374).

This bundle of rights can include the right to access and withdraw resources, exclude outsiders, lease, sell, or use land as collateral (alienation rights), defined duration as time-limited or perpetual, and guaranteed compensation if the state “revokes or reserves” those rights (Rights and Resources Initiative [RRI] 2012, 15). Commonly used instruments³⁴ for indigenous and traditional communities include land titling, which is most widely used in Latin America, land management agreements between governments and communities that transfer a particular set of rights to communities, and agreements allowing communities to reside within or participate in land management in conservation areas (RRI 2012, 25). The titling regime for communal lands in Bolivia, for example, “constitute the source of subsistence for their owners. They are inalienable, indivisible, irreversible, collective, cannot be used as collateral and are free from taxes” (RRI 2012, 26).

5.3 Interpreting Opportunities

This concluding analysis has shown that mixed values and interest-based natural resource conflicts are complex, but that the current wave of extractive industry practice emphasizes the need to address the risk associated with these disputes. The opportunities discussed above are not intended to be prescriptive, but rather to provide a menu of options available in the event that the conflicting parties choose to convene.

Decisions made at the national scale can have significant local effects, and the emergence of indigenous rights discourse at the international scale has provided a framework through which

34. In a survey of 27 countries with 75 percent of global tropical forests and a variety of legal traditions, 25 countries had national laws recognizing the rights of local and indigenous people (RRI 2012, 25).

the Maya movement challenges the development trajectory in Belize. While it may be some time before the government and US Capital view the movement as authentic, it may be worth taking the time to consider the options that may put an end to the series of claims filed in international and domestic courts.

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Attachment 1 - The Constitution of Belize (Chapter 4 of the Laws of Belize)

PART I

The State and The Constitution

1.-(1) Belize shall be a sovereign democratic State of Central America in the Caribbean region.

(2) Belize comprises the land and sea areas defined in Schedule 1 to this Constitution, which immediately before Independence Day constituted the colony of Belize.

2. This Constitution is the supreme law of Belize and if any other law is inconsistent with this Constitution that other law shall, to the extent of the inconsistency, be void.

PART II

Protection of Fundamental Rights and Freedoms

3. Whereas every person in Belize is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely-

(a) life, liberty, security of the person, and the protection of the law;

(b) freedom of conscience, of expression and of assembly and association;

(c) protection for his family life, his personal privacy, the privacy of his home and other property and recognition of his human dignity; and

(d) protection from arbitrary deprivation of property,
the provisions of this Part shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the rights and freedoms of others or the public interest.

4.-(1) A person shall not be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence under any law of which he has been convicted.

(2) A person shall not be regarded as having been deprived of his life in contravention of this section if he dies as the result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably justifiable-

(a) for the defence of any person from violence or for the defence of property;

(b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

(c) for the purpose of suppressing a riot, insurrection or mutiny; or

(d) in order to prevent the commission by that person of a criminal offence, or if he dies as the result of a lawful act of war.

5.-(1) A person shall not be deprived of his personal liberty save as may be authorised by law in any of the following cases, that is to say: -

(a) in consequence of his unfitness to plead to a criminal charge or in execution of the sentence or order of a court, whether established for Belize or some other country, in respect of a criminal offence of which he has been convicted;

(b) in execution of the order of the Supreme Court or the Court of Appeal punishing him for contempt of the Supreme Court or the Court of Appeal or of another court or tribunal;

(c) in execution of the order of a court made to secure the fulfilment of any obligation imposed on him by law;

(d) for the purpose of bringing him before a court in execution of the order of a court;

(e) upon a reasonable suspicion of his having committed, or being about to commit, a criminal offence under any law;

(f) under the order of a court or with the consent of his parent or guardian, for his education or welfare during any period ending not later than the date when he attains the age of eighteen years;

(g) for the purpose of preventing the spread of an infectious or contagious disease;

(h) in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community;

(i) for the purpose of preventing his unlawful entry into Belize, or for the purpose of effecting his expulsion, extradition or other lawful removal from Belize or for the purpose of restraining him while he is being conveyed through Belize in the course of his extradition or removal as a convicted prisoner from one country to another; or

(j) to such extent as may be necessary in the execution of a lawful order requiring him to remain within a specified area within Belize, or prohibiting him from being within such an area, or to such extent as may be reasonably justifiable for the taking of proceedings against him with a view to the making of any such order or relating to such an order after it has been made, or to such extent as may be reasonably justifiable for restraining him during any visit that he is permitted to make to any part of Belize in which, in consequence of any such order, his presence would otherwise be unlawful.

(2) Any person who is arrested or detained shall be entitled-

(a) to be informed promptly, and in any case no later than forty- eight hours after such arrest or detention, in a language he understands, of the reasons for his arrest or detention;

(b) to communicate without delay and in private with a legal practitioner of his choice and, in the case of a minor, with his parents or guardian, and to have adequate opportunity to give instructions to a legal practitioner of his choice;

(c) to be informed immediately upon his arrest of his rights under paragraph (b) of this subsection; and

(d) to the remedy by way of habeas corpus for determining the validity of his detention.

(3) Any person who is arrested or detained-

(a) for the purpose of bringing him before a court in execution of the order of a court; or

(b) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under any law, and who is not released, shall be brought before a court without undue delay and in any case not later than seventy-two hours after such arrest or detention.

(4) Where any person is brought before a court in execution of the order of a court in any proceedings or upon suspicion of his having committed or being about to commit an offence, he shall not be thereafter further held in custody in connection with those proceedings or that offence save upon the order of a court.

(5) If any person arrested or detained as mentioned in subsection (3)(b) of this section is not tried within a reasonable time, then without prejudice to any further proceedings that may be brought against him, he shall, unless he is released, be entitled to bail on reasonable conditions.

(6) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefore from that other person or from any other person or authority on whose behalf that other person was acting:

Provided that no person shall be liable for any act done in the performance of a judicial function for which he would not be liable apart from this subsection.

(7) For the purposes of subsection (1)(a) of this section a person charged before a court with a criminal offence in respect of whom a special verdict has been returned that he was guilty of the act or omission charged but was insane when he did the act or made the omission shall be regarded as a person who has been convicted of a criminal offence and the detention of a person in consequence of such a verdict shall be regarded as detention in execution of the order of a court.

6.-(1) All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.

(2) If any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.

(3) Every person who is charged with a criminal offence-

(a) shall be presumed to be innocent until he is proved or has pleaded guilty;

(b) shall be informed as soon as reasonably practicable, in a language that he understands, of the nature and particulars of the offence charged;

(c) shall be given adequate time and facilities for the preparation of his defence;

(d) shall be permitted to defend himself before the court in person or, at his own expense, by a legal practitioner of his own choice;

(e) shall be afforded facilities to examine in person or by his legal representative the witnesses called by the prosecution before the court, and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to witnesses called by the prosecution; and

(f) shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial, and except with his own consent the trial shall not take place in his absence unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable and the court has ordered him to be removed and the trial to proceed in his absence: Provided that the trial may take place in his absence in any case in which it is so provided by a law under which he is entitled to adequate notice of the charge and the date, time and place of the trial and to a reasonable opportunity of appearing before the court.

(4) A person shall not be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence that is severer in degree or description than the maximum penalty that might have been imposed for that offence at the time when it was committed.

(5) A person who shows that he has been tried by a competent court for a criminal offence and either convicted or acquitted shall not again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for that offence, save upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.

(6) A person who is tried for a criminal offence shall not be compelled to give evidence at the trial.

(7) Any court or other authority prescribed by law for the determination of the existence or extent of any civil right or obligation shall be established by law and shall be independent and impartial; and where proceedings for such a determination are instituted by any person before such a court or other authority, the case shall be given a fair hearing within a reasonable time.

(8) Except with the agreement of all the parties thereto, all proceedings of every court and proceedings for the determination of the existence or extent of any civil right or obligation before any other authority, including the announcement of the decision of the court or other authority, shall be held in public.

(9) Nothing in subsection (8) of this section shall prevent the court or other adjudicating authority from excluding from the proceedings persons other than the parties thereto and the legal practitioners representing them to such extent as the court or other authority-

(a) may by law be empowered to do and may consider necessary or expedient in circumstances where publicity would prejudice the interests of justice or in interlocutory proceedings or in the interests of public morality, the welfare of persons under the age of eighteen years or the protection of the private lives of persons concerned in the proceedings; or

(b) may by law be empowered or required to do in the interests of defence, public safety or public order.

(10) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of-

(a) subsection (3)(a) of this section to the extent that the law in question imposes upon any person charged with a criminal offence the burden of proving particular facts;

(b) subsection (3)(e) of this section to the extent that the law in question imposes reasonable conditions that must be satisfied if witnesses called to testify on behalf of an accused person are to be paid their expenses out of public funds; or

(c) subsection (5) of this section to the extent that the law in question authorises a court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force, so, however, that any court so trying such a member and convicting him shall in sentencing him to any punishment take into account any punishment awarded him under that disciplinary law.

(11) In the case of any person who is held in lawful detention the provisions of subsection (2) and paragraphs (d) and (e) of subsection (3) of this section shall not apply in relation to his trial for a criminal offence under the law regulating the discipline of persons held in such detention.

(12) In this section "criminal offence" means a criminal offence under a law.

7. No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

8.-(1) No person shall be held in slavery or servitude.

(2) No person shall be required to perform forced labour.

(3) For the purposes of this section, the expression “forced labour” does not include-

(a) any labour required in consequence of the sentence or order of a court;

(b) labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;

(c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service; or

(d) any labour required during any period of public emergency or in the event of any accident or natural calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that accident or natural calamity, for the purpose of dealing with that situation.

9.-(1) Except with his own consent, a person shall not be subjected to the search of his person or his property or the entry by others on his premises.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes reasonable provision-

(a) that is required in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development and utilisation of mineral resources or the development or utilisation of any property for a purpose beneficial to the community;

(b) that is required for the purpose of protecting the rights or freedoms of other persons;

(c) that authorises an officer or agent of the Government, a local government authority or a body corporate established by law for public purposes to enter on the premises of any person in order to inspect those premises or anything thereon for the purpose of any tax, rate or due or in order to carry out work connected with any property that is lawfully on those premises and that belongs to the Government or to that authority or body corporate, as the case may be; or

(d) that authorises, for the purpose of enforcing the judgment or order of the court in any civil proceedings, the search of any person or property by order of a court or entry upon any premises by such order.

10.-(1) A person shall not be deprived of his freedom of movement, that is to say, the right to move freely throughout Belize, the right to reside in any part of Belize, the right to enter Belize, the right to leave Belize and immunity from expulsion from Belize.

(2) Any restriction on a person's freedom of movement that is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes reasonable provision-

(a) for the imposition of restrictions on the movement or residence within Belize of any person or on any person's right to leave Belize that are required in the interests of defence, public safety or public order;

(b) for the imposition of restrictions on the movement or residence within Belize or on the right to leave Belize of persons generally or any class of persons in the interests of defence, public safety, public order, public morality or public health or, in respect of the right to leave Belize, of securing compliance with any international obligation of the Government;

(c) for the imposition of restrictions, by order of a court, on the movement or residence within Belize of any person or on any person's right to leave Belize either in consequence of his having been found guilty of a criminal offence under a law or for the purpose of ensuring that he appears before a court at a later date for trial of such a criminal offence or for proceedings preliminary to trial or for proceedings relating to his extradition or lawful removal from Belize;

(d) for the imposition of restrictions on the freedom of movement of any person who is not a citizen of Belize;

(e) for the imposition of restrictions on the acquisition or use by any person of land or other property in Belize;

(f) for the imposition of restrictions on the movement or residence within Belize or on the right to leave Belize of any officer in the public service that are required for the proper performance of his functions;

(g) for the removal of a person from Belize to be tried or punished in some other country for a criminal offence under the law of that other country or to undergo imprisonment in some other country in execution of the sentence of a court in respect of a criminal offence under a law of which he has been convicted; or

(h) for the imposition of restrictions on the right of any person to leave Belize that are required in order to secure the fulfilment of any obligation imposed on that person by law.

(4) If any person whose freedom of movement has been restricted by virtue of such a provision as is referred to in subsection (3)(a) of this section so requests at any time during the period of that restriction not earlier than twenty-one days after the order was made or three months after he last made such a request, as the case may be, his case shall be reviewed by an independent and impartial tribunal presided over by a person appointed by the Chief Justice from among persons who are legal practitioners.

(5) On any review by a tribunal in pursuance of subsection (4) of this section of the case of any person whose freedom of movement has been restricted, the tribunal may make recommendations concerning the necessity or expediency of the continuation of that restriction to the authority by whom it was ordered and, unless it is otherwise provided by law, that authority shall be obliged to act in accordance with any such recommendations.

11.-(1) Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) Except with his own consent (or, if he is a person under the age of eighteen years, the consent of his parent or guardian) a person attending any place of education, detained in any prison or corrective institution or serving in a naval, military or air force shall not be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion which is not his own.

(3) Every recognised religious community shall be entitled, at its own expense, to establish and maintain places of education and to manage any place of education which it maintains; and no such community shall be prevented from providing religious instruction for persons of that community in the course of any education provided by that community whether or not it is in receipt of a government subsidy or other form of financial assistance designed to meet in whole or in part the cost of such course of education.

(4) A person shall not be compelled to take any oath which is contrary to his religion or belief or to take any oath in a manner which is contrary to his religion or belief.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision which is reasonably required-

(a) in the interests of defence, public safety, public order, public morality or public health;

(b) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion without the unsolicited intervention of members of any other religion; or

(c) for the purpose of regulating educational institutions in the interest of the persons who receive or may receive instruction in them.

(6) References in this section to a religion shall be construed as including references to a religious denomination, and cognate expressions shall be construed accordingly.

12.-(1) Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes reasonable provision-

(a) that is required in the interests of defence, public safety, public order, public morality or public health;

(b) that is required for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts or regulating the administration or the technical operation of telephone, telegraphy, posts, wireless broadcasting, television or other means of communication, public exhibitions or public entertainments; or

(c) that imposes restrictions on officers in the public service that are required for the proper performance of their functions.

13.-(1) Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his interests or to form or belong to political parties or other political associations.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes reasonable provision-

(a) that is required in the interests of defence, public safety, public order, public morality or public health;

(b) that is required for the purpose of protecting the rights or freedoms of other persons;

(c) that imposes restrictions on officers in the public service that are required for the proper performance of their functions; or

(d) that is required to prohibit any association the membership of which is restricted on grounds of race or colour.

14.-(1) A person shall not be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. The private and family life, the home and the personal correspondence of every person shall be respected.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision of the kind specified in subsection (2) of section 9 of this Constitution.

15.-(1) No person shall be denied the opportunity to gain his living by work which he freely chooses or accepts, whether by pursuing a profession or occupation or by engaging in a trade or business, or otherwise.

(2) It shall not be inconsistent with subsection (1) of this section to require, as a condition for embarking upon or continuing work, the payment of professional fees, trade or business licence fees, or similar charges, or the possession of appropriate licences or qualifications.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes reasonable provision-

(a) that is required in the interests of defence, public safety, public order, public morality or public health;

(b) that is required for the purpose of protecting the rights or freedoms of other persons; or

(c) for the imposition of restrictions on the right to work of any person who is not a citizen of Belize.

16.-(1) Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

(2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person or authority.

(3) In this section, the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by sex, race, place of origin, political opinions,

colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(4) Subsection (1) of this section shall not apply to any law so far as that law makes provision-

(a) for the appropriation of public revenues or other public funds;

(b) with respect to persons who are not citizens of Belize;

(c) for the application, in the case of persons of any such description as is mentioned in subsection (3) of this section (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters which is the personal law of persons of that description; or

(d) whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any disability or restriction or may be accorded any privilege or advantage that, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable.

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes provision with respect to standards or qualifications (not being standards or qualifications specifically relating to sex, race, place of origin, political opinions, colour or creed) to be required of any person who is appointed to or to act in any office or employment.

(6) Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provision of law as is referred to in subsection (4) or subsection (5) of this section.

(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 9, 10, 11, 12 and 13 of this Constitution, being such a restriction as is authorised by section 9(2), paragraph (a), (b) or (h) of section 10(3), section 11(5), section 12(2) or section 13(2), as the case may be.

(8) Nothing contained in subsection (2) of this section shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.

17.-(1) No property of any description shall be compulsorily taken possession of and no interest in or right over property of any description shall be compulsorily acquired except by or under a law that-

(a) prescribes the principles on which and the manner in which reasonable compensation therefor is to be determined and given within a reasonable time; and

(b) secures to any person claiming an interest in or right over the property a right of access to the courts for the purpose of-

(i) establishing his interest or right (if any);

(ii) determining whether that taking of possession or acquisition was duly carried out for a public purpose in accordance with the law authorising the taking of possession or acquisition;

(iii) determining the amount of the compensation to which he may be entitled; and

(iv) enforcing his right to any such compensation.

(2) Nothing in this section shall invalidate any law by reason only that it provides for the taking possession of any property or the acquisition of any interest in or right over property-

(a) in satisfaction of any tax, rate or due;

(b) by way of penalty for breach of the law or forfeiture in consequence of a breach of the law;

(c) by way of taking a sample for the purposes of any law;

(d) as an incident of any deposit required to be made with the Government of a reasonable number of copies of every book, magazine, newspaper or other printed work published in Belize;

(e) where the property consists of an animal, upon its being found trespassing or straying;

(f) as an incident of a lease, tenancy, mortgage, charge, bill of sale or any other right or obligation arising under a contract;

(g) by way of requiring persons carrying on business in Belize to deposit money with the Government or an agency of the Government for the purpose of controlling credit or investment in Belize;

(h) by way of the vesting and administration of trust property, enemy property, the property of deceased persons, persons of unsound mind or persons adjudged or otherwise declared bankrupt or the property of companies or other societies (whether incorporated or not) in the course of being wound up;

(i) in the execution of judgments or orders of courts;

(j) in consequence of any law with respect to the limitation of actions;

(k) by reason of its being in a dangerous state or injurious to the health of human beings, animals or plants;

(l) for the purpose of marketing property of that description in the common interests of the various persons otherwise entitled to dispose of that property; or

(m) for so long only as may be necessary for the purpose of an examination, investigation, trial or enquiry or, in the case of land, the carrying out on the land-

(i) of work of soil conservation or the conservation of other natural resources; or

(ii) of agricultural development or improvement which the owner or occupier of the land has been required and has without reasonable and lawful excuse refused or failed to carry out.

18.-(1) In this Part “period of public emergency means any period during which -

(a) Belize is engaged in any war; or

(b) there is in force a proclamation by the Governor-General declaring that a state of public emergency exists; or

(c) there is in force a resolution of the National Assembly declaring that democratic institutions in Belize are threatened by sub-version.

(2) The Governor-General may, by proclamation which shall be published in the Gazette, declare that a state of public emergency exists for the purposes of this Part.

(3) A proclamation made by the Governor-General under subsection (2) of this section shall not be effective unless it contains a declaration that the Governor-General is satisfied-

(a) that a state of war between Belize and another State is imminent or that a public emergency has arisen as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease, or other similar calamity; or

(b) that action has been taken or is immediately threatened by any person or body of persons of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community, or any substantial portion of the community, of supplies or services essential to life.

(4) A proclamation made under subsection (2) of this section may be made so as to apply only to such part of Belize as may be specified in the proclamation (in this subsection called “the emergency area”), in which case regulations made under subsection (9) of this section shall except as otherwise expressly provided in such regulations have effect only in the emergency area.

(5) A proclamation made by the Governor-General for the purposes of and in accordance with this section-

(a) shall, unless previously revoked, remain in force for a period not exceeding one month;

(b) may be extended from time to time by a resolution passed by the National Assembly for further periods, not exceeding in respect of each such extension a period of twelve months; and

(c) may be revoked at any time by a resolution of the National Assembly.

(6) A resolution of the National Assembly passed for the purposes of subsection (1)(c) of this section shall remain in force for two months or such shorter period as may be specified therein: Provided that any such resolution may be extended from time to time by a further such resolution, each extension not exceeding two months from the date of the resolution effecting the extension; and any such resolution may be revoked at any time by a further resolution.

(7) A resolution of the National Assembly for the purposes of subsection (1)(c) of this section, and a resolution of the National Assembly extending or revoking any such resolution, shall not be passed unless it is supported by the votes of two-thirds of the members of the House of Representatives present and voting.

(8) Any provision of this section that a proclamation or resolution shall lapse or cease to be in force at any particular time is without prejudice to the making of a further such proclamation or resolution whether before or after that time.

(9) During any period of public emergency, the following provisions shall have effect-

(a) the Governor-General may make such regulations as are necessary or expedient for securing public safety, the defence of Belize, the maintenance of public order and the suppression of mutiny, rebellion and riot, and for maintaining supplies and services essential to the life of the community;

(b) any such regulations may empower such authorities or persons as may be specified in the regulations to make orders and rules for any of the purposes for which such regulations are authorised by this subsection to be made and may contain such incidental and supplementary provisions as are necessary or expedient for the purposes of the regulations;

(c) any such regulations or any order or rule made in pursuance of such regulations may amend or suspend the operation of any law and shall have effect notwithstanding anything inconsistent therewith contained in any law;

(d) in this subsection, "law" does not include this Constitution or any provision thereof or any law that alters this Constitution or any provision thereof.

(10) Nothing contained in or done under the authority of any law (including any regulations made under subsection (9) of this section) shall be held to be inconsistent with or in contravention of sections 5, 6, 8, 9, 10, 12, 13, 14, 15, 16, or 17 of this Constitution to the extent that the law in question makes in relation to any period of

public emergency provision, or authorises the doing during any such period of anything, that is reasonably justifiable in the circumstances of any situation arising or existing during the period for the purpose of dealing with that situation.

19.-(1) When a person is detained by virtue of a law that authorises the taking during a period of public emergency of measures that are reasonably justifiable for the purpose of dealing with the situation that exists in Belize during that period, the following provisions shall apply, that is to say-

(a) he shall, with reasonable promptitude and in any case not more than seven days after the commencement of his detention, be informed in a language that he understands of the grounds upon which he is detained and furnished with a written statement in English specifying the particulars of those grounds;

(b) not more than fourteen days after the commencement of his detention, a notification shall be published in the Gazette stating that he has been detained and giving particulars of the provision of law under which his detention is authorised;

(c) not more than one month after the commencement of his detention and thereafter during his detention at intervals of not more than three months, his case shall be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice from among persons who are legal practitioners;

(d) he shall be afforded reasonable facilities for private communication and consultation with a legal practitioner of his own choice who shall be permitted to make representations to the tribunal appointed for the review of the case of the detained person; and

(e) at the hearing of his case by the tribunal appointed for the review of his case he shall be permitted to appear in person or to be represented by a legal practitioner of his own choice.

(2) On any review by a tribunal in pursuance of this section of the case of a detained person, the tribunal may make recommendations concerning the necessity or expediency of continuing his detention to the authority by which it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

(3) Nothing contained in subsection (1)(d) or subsection (1)(e) of this section shall be construed as entitling a person to legal representation at public expense.

20.-(1) If any person alleges that any of the provisions of sections 3 to 19 inclusive of this Constitution has been, is being or is likely to be contravened in relation to him (or, in the case of a person who is detained, if any other person alleges such a contravention in relation to the detained person), then, without prejudice to any other action with respect to the same matter which is lawfully available, that person (or that other person) may apply to the Supreme Court for redress.

(2) The Supreme Court shall have original jurisdiction-

(a) to hear and determine any application made by any person in pursuance of subsection (1) of this section; and

(b) to determine any question arising in the case of any person which is referred to it in pursuance of subsection (3) of this section, and may make such declarations and orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of sections 3 to 19 inclusive of this Constitution:

Provided that the Supreme Court may decline to exercise its powers under this subsection if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law.

(3) If in any proceedings in any court (other than the Court of Appeal or the Supreme Court or a court-martial) any question arises as to the contravention of any of the provisions of sections 3 to 19 inclusive of this Constitution, the person presiding in that court may, and shall if any party to the proceedings so requests, refer the question to the Supreme Court unless, in his opinion, the raising of this question is merely frivolous or vexatious.

(4) Any person aggrieved by any determination of the Supreme Court under this section may appeal therefrom to the Court of Appeal:
Provided that no appeal shall lie from a determination of the Supreme Court under this section dismissing an application on the grounds that it is frivolous or vexatious.

(5) Where any question is referred to the Supreme Court in pursuance of subsection (3) of this section, the Supreme Court shall give its decision upon the question and the court in which the question arose shall dispose of the case in accordance with that decision or, if that decision is the subject of an appeal to the Court of Appeal or to Her Majesty in Council, in accordance with the decision of the Court of Appeal or, as the case may be, of Her Majesty in Council.

(6) Notwithstanding the validity of any law under section 9(2), 10(3), 11(5), 12(2), 13(2) or 16(4)(d) of this Constitution, any act or thing done under the authority of such law shall be unlawful if such act or thing is shown not to be reasonably required in the actual circumstances in which it is done.

(7) The Supreme Court shall have such powers in addition to those conferred by this section as may be conferred on it by the National Assembly for the purpose of enabling it more effectively to exercise the jurisdiction conferred on it by this section.

(8) The Chief Justice may make rules with respect to the practice and procedure of the Supreme Court in relation to the jurisdiction and powers conferred on it by or under this section (including rules with respect to the time within which applications may be brought and references shall be made to the Supreme Court).

21. Nothing contained in any law in force immediately before Independence Day nor anything done under the authority of any such law shall, for a period of five years after Independence Day, be held to be inconsistent with or done in contravention of any of the provisions of this Part.

22.-(1) In this Part, unless the context otherwise requires-

“contravention”, in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

“court” means any court of law having jurisdiction in Belize other than a court established by a disciplinary law, and includes Her Majesty in Council and in sections 4 and 8 of this Constitution a court established by a disciplinary law;

“disciplinary law” means a law regulating the discipline of any disciplined force;

“disciplined force means-

(a) a naval, military or air force;

(b) the Belize Police Department;

(c) a prison service; or

(d) any such other force or service as may be prescribed by the National Assembly;

“legal practitioner” means a person admitted and enrolled as an attorney-at-law under the laws of Belize;

“member”, in relation to a disciplined force, includes any person who, under the law regulating the discipline of that force, is subject to that discipline.

(2) In relation to any person who is a member of a disciplined force of Belize, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Part other than sections 4, 7 and 8 of this Constitution.

(3) In relation to any person who is a member of a disciplined force of a country other than Belize that is lawfully present in Belize, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Part.

PART III *Citizenship*

23.-(1) Every person born in Belize, immediately before Independence Day, shall become a citizen of Belize on Independence Day.

(2) Every person who, immediately before Independence Day, is a citizen of the United Kingdom and Colonies-

(a) having become such a citizen under the British Nationality Act 1948 by virtue of his having been naturalised in Belize as a British subject before that Act came into force; or

(b) having while resident in Belize become such a citizen by virtue of his having been naturalised or registered under that Act,
shall become a citizen of Belize on Independence Day.

(3) Every person born outside Belize, before Independence Day, shall become a citizen of Belize on Independence Day if his father or mother becomes, or would but for his death or the renunciation of his citizenship have become, a citizen of Belize by virtue of subsection (1) or (2) of this section.

(4) Every person born outside Belize before Independence Day shall become a citizen of Belize on Independence Day if one of his grandparents becomes, or would but for his death or renunciation of his citizenship have become, a citizen of Belize by virtue of subsection (1) or (2) of this section.

(5) Every woman shall become a citizen of Belize on Independence Day if immediately before Independence Day, she is married to a person who becomes or, but for his death or the renunciation of his citizenship, would have become a citizen of Belize by virtue of subsection (1), (2), (3) or (4) of this section.

(6) In this section, "the British Nationality Act 1948" includes any Act of the Parliament of the United Kingdom amending that Act.

24. Every person born in Belize on or after Independence Day shall become a citizen of Belize at the date of his birth:

Provided that a person shall not become a citizen of Belize by virtue of this section if at the time of his birth-

(a) neither of his parents is a citizen of Belize and his father or mother possesses such immunity from suit and legal process as is accorded to the envoy of a foreign sovereign power accredited to Belize; or

(b) his father or mother is a citizen of a country with which Belize is at war and the birth occurs in a place then under occupation by that country.

25. A person born outside Belize on or after Independence Day shall become a citizen of Belize at the date of his birth if, at that date, his father or mother is a citizen of Belize.

26.-(1) The following persons may, upon making application at any time after Independence Day, be registered as citizens of Belize -

(a) any person who is married to a citizen of Belize;

(b) any person who has been resident continuously in Belize for a period of five years immediately before the date of his application;

(c) any person who makes a substantial contribution to the economy and/or well being of Belize or who has rendered distinguished service to Belize.

(2) The National Assembly shall prescribe by law the procedure for making and determining applications, and the conditions to be fulfilled by persons making applications, for registration under this section.

(3) A person registered as a citizen of Belize under this section shall become a citizen of Belize on the date on which he is so registered.

27. A citizen of Belize by birth or descent who acquires the citizenship of any other country may, if the laws of the other country so permit and at his option, retain his citizenship of Belize.

28. The National Assembly may make provision, not inconsistent with this Part, in respect of citizenship, including provision for-

(a) the acquisition of citizenship of Belize by persons who are not eligible or who are no longer eligible to become citizens of Belize under this Part;

(b) depriving any person of his citizenship of Belize;

(c) the renunciation by any person of his citizenship of Belize.

29.-(1) For the purposes of this Part, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(2) Any reference in this Part to the national status of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the national status of the father at the time of the father's death; and where that death occurred before Independence Day and the birth occurred on or after Independence Day the national status that the father would have had if he had died on Independence Day shall be deemed to be his national status at the time of his death.

(3) No person shall be entitled under the provisions of this Part to be a citizen of Belize or be granted citizenship of Belize if such person shows any allegiance to or is a citizen of a country which does not recognise the independence, sovereignty or territorial integrity of Belize: Provided that the Minister may in his discretion grant Belizean citizenship to persons falling under this subsection who would otherwise be entitled to such citizenship under the provisions of sections 23 and 25 of the Constitution.

(4) Where a person born outside Belize is entitled to be a citizen of Belize under the provisions of this Part, the right to Belizean citizenship shall not be deemed to accrue upon the conditions giving rise to such entitlement arising but the citizenship shall be sought for by the person entitled to or on his behalf and obtained by the grant by the Minister of

proper certification affirming his citizenship.

(5) Where a person claiming citizenship by birth, descent or registration makes an application or request for the grant of citizenship the stay of such person in Belize shall not be considered illegal under the provisions of any law for so long and only for so long as such stay is necessary for the disposal of his application. His right of abode, or that of his wife or dependents if any under the age of eighteen years, shall not be affected pending the disposal of his application.

PART IV
The Governor-General

30. There shall be a Governor-General of Belize who shall be a citizen of Belize appointed by Her Majesty and shall hold office during Her Majesty's pleasure and who shall be Her Majesty's representative in Belize.

31.-(1) During any period when the office of Governor-General is vacant or the holder of the office of Governor-General is absent from Belize or is for any other reason unable to perform the functions of his office those functions shall be performed by such person as Her Majesty may appoint.

(2) Any such person as aforesaid shall not continue to perform the functions of the office of Governor-General if the holder of the office of Governor-General or some other person having a prior right to perform the functions of that office has notified him that he is about to assume or resume those functions.

(3) The holder of the office of Governor-General shall not, for the purposes of this section, be regarded as absent from Belize or as unable to perform the functions of his office-

(a) by reason that he is in passage from one part of Belize to another; or

(b) at any time when there is a subsisting appointment of a deputy under section 33 of this Constitution.

32. A person appointed to hold the office of Governor-General shall, before entering upon the duties of that office, take and subscribe the oath of allegiance and office.

33.-(1) Whenever the Governor-General-

(a) has occasion to be absent from the seat of government but not from Belize;

(b) has occasion to be absent from Belize for a period which he considers, acting in his own deliberate judgment, will be of short duration; or

(c) is suffering from an illness which he considers, acting in his own deliberate judgment, will be of short duration,

he may, acting in accordance with the advice of the Prime Minister, appoint any person in Belize to be his deputy during such absence or illness and in that capacity to perform on his behalf such of the functions of the office of Governor-General as may be specified in the instrument by which he is appointed.

(2) The power and authority of the Governor-General shall not be abridged, altered or in any way affected by the appointment of a deputy under this section, and, subject to the provisions of this Constitution, a deputy shall conform to and observe all instructions that the Governor-General, acting in his own deliberate judgment, may from time to time address to him:

Provided that the question whether or not a deputy has conformed to and observed any such instructions shall not be enquired into by any court of law.

(3) A person appointed as deputy under this section shall hold that appointment for such period as may be specified in the instrument by which he is appointed, and his appointment may be revoked at any time by the Governor-General, acting in accordance with the advice of the Prime Minister.

34.-(1) In the exercise of his functions the Governor-General shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet except in cases where he is required by this Constitution or any other law to act in accordance with the advice of, or after consultation with, any person or authority other than the Cabinet or in his own deliberate judgment.

(2) Any reference in this Constitution to the functions of the Governor-General shall be construed as a reference to his powers and duties in the exercise of the executive authority of Belize and to any other powers and duties conferred or imposed on him as Governor-General by or under this Constitution or any other law.

(3) Where by this Constitution the Governor-General is required to perform any function after consultation with any person or authority he shall not be obliged to exercise that function in accordance with the advice of that person or authority.

(4) Where by this Constitution the Governor-General is required to perform any function in accordance with the advice of, or after consultation with, any person or authority, the question whether the Governor-General has so exercised that function shall not be enquired into by any court of law.

35. The Prime Minister shall keep the Governor-General fully informed concerning the general conduct of the government of Belize and shall furnish the Governor-General with such information as he may request with respect to any particular matter relating to the government of Belize.

PART V

The Executive

36.-(1) The executive authority of Belize is vested in Her Majesty.

(2) Subject to the provisions of this Constitution, the executive authority of Belize may be exercised on behalf of Her Majesty by the Governor-General either directly or through officers subordinate to him.

(3) Nothing in this section shall prevent the National Assembly from conferring functions on persons or authorities other than the Governor-General.

37.-(1) There shall be a Prime Minister of Belize who shall be appointed by the Governor-General.

(2) Whenever the Governor-General has occasion to appoint a Prime Minister he shall appoint a member of the House of Representatives who is the leader of the political party which commands the support of the majority of the members of that House; and if no political party has an overall majority, he shall appoint a member of that House who appears to him likely to command the support of the majority of the members of that House.

(3) If occasion arises for making an appointment to the office of Prime Minister while the National Assembly is dissolved, then, notwithstanding the provisions of subsection (2) of this section, a person who was a member of the House of Representatives immediately before the dissolution may be appointed as Prime Minister.

(4) The Governor-General shall remove the Prime Minister from office if a resolution of no confidence in the Government is passed by the House of Representatives and the Prime Minister does not within seven days either resign from his office or advise the Governor-General to dissolve the National Assembly.

(5) The office of Prime Minister shall also become vacant-

(a) if the holder of the office ceases to be a member of the House of Representatives otherwise than by reason of the dissolution of the National Assembly;

(b) if, by virtue of section 59(3) of this Constitution, he is required to cease to perform his functions as a member of the House; or

(c) if he is informed by the Governor-General that the Governor-General is, in accordance with subsection (2) or (3) of this section, about to reappoint him as Prime Minister or to appoint another person as Prime Minister.

(6) In exercise of the powers conferred on him by this section the Governor-General shall act in his own deliberate judgment.

38. The Governor-General shall, acting in accordance with the advice of the Prime Minister, designate a Minister as Deputy Prime Minister to whom the Prime Minister may from time to time depute such of his functions as he may specify.

39.-(1) Whenever the Prime Minister is absent from Belize or is by reason of illness unable to perform the functions conferred on him in accordance with this Constitution, those functions (other than the functions conferred by this section) shall be performed-

(a) by the Deputy Prime Minister; or

(b) in the absence of the Deputy Prime Minister or if he too is likewise unable to perform those functions, by such other Minister as the Governor-General may authorise for that purpose.

(2) The Deputy Prime Minister shall cease to perform the functions of the Prime Minister when he is informed by the Governor-General that the Prime Minister is about to resume those functions.

(3) A Minister authorised to perform the functions of the Prime Minister under subsection (1)(b) of this section shall cease to perform those functions when he is informed by the Governor-General that the Deputy Prime Minister is about to assume, or that the Prime Minister is about to resume, those functions.

(4) The powers of the Governor-General under this section shall be exercised by him in accordance with the advice of the Prime Minister:

Provided that if the Governor-General, acting in his own deliberate judgment, considers that it is impracticable to obtain the advice of the Prime Minister owing to the absence or illness of the Prime Minister he may exercise those powers-

(a) in accordance with the advice of the Deputy Prime Minister; or

(b) if he likewise considers it impracticable to obtain the advice of the Deputy Prime Minister, in his own deliberate judgment.

40.-(1) There shall be, in addition to the office of Prime Minister, such other offices of Minister of the Government as may be established by the National Assembly or, subject to the provisions of any law enacted by the National Assembly, by the Governor-General, acting in accordance with the advice of the Prime Minister.

(2) Appointments to the office of Minister shall be made by the Governor-General, acting in accordance with the advice of the Prime Minister, from among members of the House of Representatives and of the Senate:

Provided that persons holding the office of Speaker of the House of Representatives or President of the Senate may not be appointed to the office of Minister.

(3) If occasion arises for making an appointment to the office of Minister while the National Assembly is dissolved, then, notwithstanding the provisions of subsection (2) of this section, a person who was a member of the House of Representatives or of the Senate immediately before the dissolution may be appointed as Minister.

(4) The office of any Minister shall become vacant-

(a) if the holder of the office ceases to be a member of the House of Representatives or of the Senate otherwise than by reason of the dissolution of the National Assembly;

(b) if, by virtue of section 59(3) or 64(3) of this Constitution, he is required to cease to perform his functions as a member of the House of Representatives or of the Senate;

(c) if the Governor-General, acting in accordance with the advice of the Prime Minister, so directs;

(d) if the Prime Minister resigns from office within seven days after a resolution of no confidence in the Government has been passed by the House of Representatives or is removed from office under section 37(4) of this Constitution; or

(e) on the appointment of any person to the office of Prime Minister.

(5) In this section, "Minister" means a Minister of the Government other than the Prime Minister.

41.-(1) The Governor-General, acting in accordance with the advice of the Prime Minister, may, by directions in writing, assign to the Prime Minister or any other Minister responsibility for any business of the Government, including the administration of any department of government: Provided that responsibility for finance shall be assigned to a Minister who is a member of the House of Representatives.

(2) Where a Minister has been charged with responsibility for any department of government, he shall exercise general direction and control over that department of government.

42.-(1) The Attorney-General shall be the principal legal adviser to the Government.

(2) The office of Attorney-General shall be the office of a Minister, with responsibility for the administration of legal affairs in Belize.

(3) No person shall be qualified to hold the office of Attorney-General unless he is a person who has for at least five years been entitled to practise as an advocate in a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland or a court having jurisdiction in appeals from any such court.

(4) If a person holding the office of Attorney-General is for any reason unable to perform the functions conferred on him by or under any law, those functions may be performed by such other person, being a person qualified as aforesaid (whether or not that person is a member of either House of the National Assembly), as the Governor-General, acting in accordance with the advice of the Prime Minister, may direct.

(5) Legal proceedings for or against the State shall be taken, in the case of civil proceedings, in the name of the Attorney-General and, in the case of criminal proceedings, in the name of the Crown.

43.-(1) Whenever a Minister other than the Prime Minister is absent from Belize or is within Belize but by leave of the Governor-General is not performing the functions of his office or by reason of illness is unable to perform those functions, the Governor-General may authorize some other Minister to perform those functions or may appoint a member of the House of Representatives or of the Senate to be a temporary Minister in order to perform those functions; and that Minister may perform those functions until his authority or, as the case may be, his appointment is revoked by the Governor-General or he vacates office as a Minister under section 40(4) of this Constitution.

(2) The powers of the Governor-General under this section shall be exercised by him in accordance with the advice of the Prime Minister:
Provided that if the Governor-General, acting in his own deliberate judgment, considers that it is impracticable to obtain the advice of the Prime Minister owing to his absence or illness he may exercise those powers in accordance with the advice of the Deputy Prime Minister.

44.-(1) There shall be a Cabinet of Ministers for Belize which shall consist of the Prime Minister and the other Ministers.

(2) The Cabinet shall be the principal executive instrument of policy with general direction and control of the Government and shall be collectively responsible to the National Assembly for any advice given to the Governor-General by or under the general authority of the Cabinet and for all things done by or under the authority of any Minister in the execution of his office.

(3) The provisions of subsection (2) of this section shall not apply in relation to -

(a) the appointment and removal from office of Ministers and Ministers of State, the assignment of responsibility to any Minister under section 41 of this Constitution, or the authorisation of another Minister to perform the functions of the Prime Minister during absence or illness; or

(b) the dissolution of the National Assembly.

(4) Whenever practicable the Prime Minister shall attend and preside at all Cabinet meetings; at a meeting of the Cabinet from which the Prime Minister is absent, any other Minister appointed by him for the purpose shall preside.

45.-(1) The Governor-General, acting in accordance with the advice of the Prime Minister, may appoint Ministers of State from among the members of the House of Representatives or of the Senate to assist Ministers in the performance of their duties.

(2) The office of a Minister of State shall become vacant-

(a) if the holder of the office ceases to be a member of the House of Representatives or of the Senate otherwise than by reason of the dissolution of the National Assembly;

(b) if, by virtue of section 59(3) or 64(3) of this Constitution, he is required to cease to perform his functions as a member of the House of Representatives or of the Senate;

(c) if the Governor-General, acting in accordance with the advice of the Prime Minister, so directs;

(d) if the Prime Minister resigns from the office within seven days after a resolution of no confidence in the Government has been passed by the House of Representatives or is removed from office under section 37(4) of this Constitution; or

(e) on the appointment of any person to the office of Prime Minister.

46. A Minister or a Minister of State shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and office.

47.-(1) There shall (except at times when there are no members of the House of Representatives who do not support the Government) be a Leader of the Opposition who shall be appointed by the Governor-General.

(2) Whenever there is occasion for the appointment of a Leader of the Opposition the Governor-General shall appoint the member of the House of Representatives who appears to him most likely to command the support of a majority of the members of the House who do not support the Government: or, if no member of the House appears to him to command such support, the member of the House who appears to him to command the support of the largest single group of members of the House who do not support the Government.

(3) If occasion arises to appoint a Leader of the Opposition during the period between a dissolution of the National Assembly and the day on which the ensuing election of members of the House of Representatives is held, an appointment may be made as if the National Assembly had not been dissolved.

(4) The office of Leader of the Opposition shall become vacant-

(a) if the holder of the office ceases to be a member of the House of Representatives otherwise than by reason of a dissolution of the National Assembly;

(b) if by virtue of section 59(3) of this Constitution, he is required to cease to perform his functions as a member of the House; or

(c) if he is removed from office by the Governor-General under the provisions of subsection (5) of this section.

(5) If it appears to the Governor-General that the Leader of the Opposition is no longer able to command the support of a majority of the members of the House of Representatives who do not support the Government or (if no member of the House appears to him to be able to command such support) the support of the largest single group of members of the House who do not support the Government, he shall remove the Leader of the Opposition from office.

(6) Subject to the provisions of section 61(3)(b) of this Constitution, during any period in which there is a vacancy in the office of Leader of the Opposition, the provisions of this Constitution containing the requirement that action shall be taken in accordance with the advice of, or after consultation with, or with the concurrence of, the Leader of the Opposition shall have effect as if there were no such requirement.

(7) The powers of the Governor-General under this section shall be exercised by him in his own deliberate judgment.

48. Subject to the direction and control of the Minister pursuant to section 41(2) of this Constitution, every department of government shall be under the supervision of a public officer whose office is referred to in this Constitution as the office of a permanent secretary: Provided that two or more government departments may be placed under the supervision of one permanent secretary.

49.-(1) There shall be a Secretary to the Cabinet whose office shall be a public office.

(2) The Secretary to the Cabinet, who shall have charge of the Cabinet Office, shall be responsible, in accordance with such instructions as may be given to him by the Prime Minister, for arranging the business for, and keeping the minutes of, the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority and shall have such other functions as the Prime Minister may direct.

50.-(1) There shall be a Director of Public Prosecutions whose office shall be a public office.

(2) The Director of Public Prosecutions shall have power in any case in which he considers it desirable so to do-

(a) to institute, and undertake criminal proceedings against any person before any court of law (other than a court-martial) in respect of any offence alleged to have been committed by that person;

(b) to take over and continue any such criminal proceedings that have been instituted or undertaken by any other person or authority; and

(c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(3) The powers of the Director of Public Prosecutions under subsection (2) of this section may be exercised by him in person or through other persons acting under and in accordance with his general or special instructions.

(4) The powers conferred on the Director of Public Prosecutions by paragraphs (b) and (c) of subsection (2) of this section shall be vested in him to the exclusion of any other person or authority: Provided that where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority and with the leave of the court.

(5) For the purposes of this section, any appeal from a judgment in criminal proceedings before any court, or any case stated or question of law reserved for the purpose of any such proceedings, to any other court (including Her Majesty in Council) shall be deemed to be part of those proceedings: Provided that the power conferred on the Director of Public Prosecutions by subsection

(2)(c) of this section shall not be exercised in relation to any appeal by a person convicted in any criminal proceedings or to any case stated or question of law reserved at the instance of such a person.

(6) Subject to the powers of the Attorney-General under section 42(2) of this Constitution, in the exercise of the powers vested in him by subsection (2) of this section the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority.

51. Subject to the provisions of this Constitution and of any other law, the Governor-General may constitute offices for Belize, make appointments to any such office and terminate any such appointment.

52.-(1) The Governor-General may-

(a) grant a pardon, either free or subject to lawful conditions, to any person convicted of any offence;

(b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence;

(c) substitute a less severe form of punishment for any punishment imposed on any person for any offence; or

(d) remit the whole or any part of any punishment imposed on any person for any offence or of any penalty or forfeiture otherwise due to the Crown on account of any offence.

(2) The powers of the Governor-General under subsection (1) of this section shall be exercised by him in accordance with the advice of the Belize Advisory Council.

53. Where any person has been sentenced to death (otherwise than by a court-martial) for an offence, the Attorney-General shall cause a written report of the case from the trial judge (or the Chief Justice, if a report from the trial judge cannot be obtained), together with such other information derived from the record of the case or elsewhere as he may require, to be taken into consideration at a meeting of the Belize Advisory Council, so that the Council may advise the Governor-General whether to exercise any of his powers under section 52(1) of this Constitution.

54.-(1) There shall be a Belize Advisory Council (hereinafter referred to as “the Council”) which shall consist of a Chairman who shall be a person who holds, or has held, or is qualified to hold, office as a judge of a superior court of record, and not less than six other members who shall be persons of integrity and high national standing of whom at least two shall be persons who hold or have held any office referred to in section 107 of this Constitution and at least one shall be a member of a recognised profession in Belize: Provided that no public officer other than a judge of a superior court of record shall be appointed as Chairman.

(2) Two members of the Council 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, including the Chairman of the Council, 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:
Provided that in the process of consultation with the Leader of the Opposition for the appointment of the Chairman, the Prime Minister shall use his best endeavours to secure the agreement of the Leader of the Opposition.

(3) No person shall be appointed as a member of the Belize Advisory Council unless he is a citizen of Belize, except that a member of the Council who holds or has held office as a judge of a superior court of record need not be a citizen of Belize provided that he is a Commonwealth citizen.

(4) Members of the Belize Advisory Council shall be appointed for a period of ten years or such shorter period as may be specified in their respective instruments of appointment.

(5) A member of the Belize Advisory Council shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and office.

(6) The office of a member of the Belize Advisory Council shall become vacant -

(a) at the expiration of ten years from the date of his appointment or at the expiration of the period specified in the instrument by which he was appointed, whichever is the sooner;

(b) when he attains the age of seventy-five years;

(c) if he resigns such office by writing under his own hand addressed to the Governor-General;
or

(d) if by a resolution of the House of Representatives supported by two-thirds of the members of that House he is declared unable to discharge the functions of his office by reason of persistent absence or infirmity of body or mind, or to be in breach of the provisions of section 121 of this Constitution.

(7) The functions of the Belize Advisory Council shall be-

(a) to advise the Governor-General in the exercise of his powers under section 52 of this Constitution;

(b) to perform such other tasks and duties as are conferred or imposed on it by this Constitution or any other law.

(8) In the exercise of its functions the Belize Advisory Council shall not be subject to the direction or control of any other person or authority.

(9) The Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition, shall appoint one of the members of the Council to be the Senior Member.

(10) The Chairman and in his absence, the Senior Member, shall convene meetings of the Council as appropriate for consideration of matters which in accordance with this Constitution or any other law the Council is called upon to consider.

(11) The Chairman and in his absence, the Senior Member, shall preside at all meetings of the Council, and in the absence of both the Chairman and the Senior Member, the member of the Council elected by a majority of the members attending the meeting shall preside at that meeting:

Provided that in any case where the Council is convened to discharge its duties under sections 88, 98, 102, 105, 108 or 109 of this Constitution, or where the Council is convened to hear an appeal from an officer to whom section 106 or section 107 of the Constitution applies, the Chairman shall preside at that meeting: Provided further that where the Council is convened to consider the removal of the Chairman, some other person who holds or has held office as a Judge of a superior court of record appointed by the Governor-General on the advice of the Prime Minister given after consultation with the Leader of the Opposition, shall act as the Chairman for that purpose.

(12) At meetings of the Belize Advisory Council-

(a) the quorum shall be five members;

(b) decisions shall be taken by a majority of the votes of those members of the Council present and voting; and

(c) in the event that votes are equally divided on any matter, the Chairman, except when he is the Governor-General, shall have a casting vote in addition to his original vote.

(13) The Belize Advisory Council shall regulate its own procedure.

(14) The Belize Advisory Council may, subject to the provisions of this section and to its rules of procedure, act notwithstanding any vacancy in its membership or the absence of any member.

(15) The question whether or not the Belize Advisory Council has validly performed any functions entrusted to it by this Constitution or any other law shall not be enquired into by any court of law.

PART VI

The Legislature

55. There shall be in and for Belize a Legislature which shall consist of a National Assembly comprising two Houses, that is to say, a House of Representatives and a Senate.

The House of Representatives

56.-(1) Subject to the provisions of this section, the House of Representatives shall consist of eighteen members who shall be elected in the manner provided by law.

(2) If any person who is not a member of the House of Representatives is elected to be Speaker of the House he shall, by virtue of holding the office of Speaker, be a member of the House in addition to the eighteen members aforesaid.

(3) The National Assembly, in accordance with the provisions of of section 90 of this Constitution, may by law increase the number of members of the House of Representatives.

57. Subject to the provisions of section 58 of this Constitution, a person shall be qualified to be elected as a member of the House of Representatives if, and shall not be qualified to be so elected unless, he-

(a) is a citizen of Belize of the age of eighteen years or upwards; and

(b) has resided in Belize for a period of at least one year immediately before the date of his nomination for election.

58.-(1) No person shall be qualified to be elected as a member of the House of Representatives who-

(a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or State;

(b) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth;

(c) is a person certified to be insane or otherwise adjudged to be of unsound mind under any law;

(d) is under sentence of death imposed on him by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;

(e) is disqualified for membership of the House of Representatives by any law by reason of his holding, or acting in, any office the functions of which involve-

(i) any responsibility for, or in connection with, the conduct of any election, or

(ii) any responsibility for the compilation or revision of any electoral register;

(f) is disqualified for membership of the House of Representatives by virtue of any law by reason of his having been convicted of any offence relating to elections;

(g) is disqualified for membership of the House of Representatives under any law by virtue of-

(i) his holding or acting in any office or appointment specified (either individually or by reference to a class of office or appointment) by such law;

(ii) his belonging to any of the armed forces of Belize or to any class of person that is comprised in any such force; or

(iii) his belonging to any police force or to any class of persons that is comprised in any such force; or

(h) is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the government for or on account of the public service and has not, within one month before the day of election, declared publicly and in a newspaper circulating in the electoral division for which he is a candidate a notice setting out the nature of the contract and his interest, or the interest of any such firm or company therein: Provided that if it appears to the Governor-General, acting in his own deliberate judgment, that it is proper so to do, he may by order direct that any such disqualification shall be disregarded for the purposes of this section, but no such order shall be made if proceedings have been commenced calling in question the right of that member to be a member of the House of Representatives on the ground that he is disqualified under this paragraph.

(2) For the purposes of paragraph (d) of subsection (1) of this section-

(a) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of such sentences exceeds that term they shall be regarded as one sentence; and

(b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

59.-(1) Every member of the House of Representatives shall vacate his seat in the House at the next dissolution of the National Assembly after his election.

(2) A member of the House of Representatives shall also vacate his seat in the House -

(a) if he is absent from the sittings of the House for such period and in such circumstances as may be prescribed in the Standing Orders of the House;

(b) if he ceases to be a citizen of Belize;

(c) subject to the provisions of subsection (3) of the section, if any circumstances arise that, if he were not a member of the House of Representatives, would cause him to be disqualified for election thereto by virtue of section 58(1) of this Constitution; or

(d) if he shall become a party to any contract with the government for or on account of the public service, or if any firm in which he is a partner or any company of which he is a director or manager shall become a party to any such contract, or if he shall become a partner in a firm or a director or manager of a company which is a party to any such contract: Provided that if in the circumstances it shall appear to them just so to do, the House of Representatives by resolution may exempt any member thereof from vacating his seat under the provisions of this paragraph if such member shall, before becoming a party to such contract as aforesaid or before or as soon as practicable after becoming otherwise interested in such contract (whether as partner in a firm or director or manager of a company), disclose to the House the nature of such contract and his interest or the interest of any such firm or company therein.

(3)(a) If circumstances such as are referred to in paragraph (c) of subsection (2) of this section arise because any member of the House of Representatives is under sentence of death or imprisonment, or adjudged to be insane or otherwise of unsound mind, or declared bankrupt and undischarged, or convicted of an offence relating to elections, and if it is open to the member to appeal against the decision (either with the leave of a court or other authority or without such leave), he shall forthwith cease to perform his functions as a member of the House but, subject to the provisions of this subsection, he shall not vacate his seat until the expiration of a period of thirty days thereafter: Provided that the Speaker may from time to time extend that period for further periods of thirty days to enable the member to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the House.

(b) If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the member, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the member to appeal, he shall forthwith vacate his seat.

(c) If at any time before the member of the House vacates his seat such circumstances as aforesaid cease to exist, his seat shall not become vacant on the expiration of the period referred to in paragraph (a) of this subsection and he may resume the performance of his functions as a member of the House.

60.-(1) When the House of Representatives first meets after any general election and before it proceeds to the despatch of any other business it shall elect a person to be Speaker of the House; and, if the office of Speaker falls vacant at any time before the next dissolution of the National Assembly, the House shall, as soon as practicable, elect another person to that office.

(2) The Speaker shall be above the age of thirty years and may be elected either from among the members of the House of Representatives who are not Ministers or from among persons who are not members of either House:

Provided that a person who is not a member of either House shall not be elected as Speaker if-

(a) he is not a citizen of Belize; or

(b) he is a person disqualified for election as a member of the House of Representatives by virtue of section 58(1) of this Constitution.

(3) When the House of Representatives first meets after any general election and before it proceeds to the despatch of any other business except the election of the Speaker, the House shall elect a member of the House, who is not a Minister, to be Deputy Speaker of the House; and if the office of Deputy Speaker falls vacant at any time before the next dissolution of the National Assembly, the House shall, as soon as practicable, elect another such member to that office.

(4) A person shall vacate the office of Speaker or Deputy Speaker-

(a) in the case of a Speaker elected from among members of the House of Representatives or in the case of the Deputy Speaker-

(i) if he ceases to be a member of the House; or

(ii) if he is appointed to be a Minister;

(b) in the case of a Speaker elected from among persons who are not members of either House-

(i) upon any dissolution of the National Assembly;

(ii) if he ceases to be a citizen of Belize; or

(iii) if any circumstances arise which would cause him to be disqualified for election as a member of the House by virtue of section 58(1) of this Constitution;

(c) in the case of the Deputy Speaker, if he is elected to be Speaker.

(5)(a) If, by virtue of section 59(3) of this Constitution, the Speaker or Deputy Speaker is required to cease to perform his functions as a member of the House of Representatives he shall also cease to perform his functions as Speaker or Deputy Speaker, as the case may be, and those functions shall, until he vacates his seat in the House or resumes the performance of the functions of his office, be performed-

(i) in the case of the Speaker, by the Deputy Speaker or, if the office of Deputy Speaker is vacant, by such member of the House (not being a Minister) as the House may elect for the purpose;

(ii) in the case of the Deputy Speaker, by such member of the House (not being a Minister) as the House may elect for the purpose.

(b) If the Speaker or Deputy Speaker resumes the performance of his functions as a member of the House, in accordance with the provisions of section 59(3) of this Constitution, he shall also resume the performance of his functions as Speaker or Deputy Speaker, as the case may be.

The Senate

61.-(1) The Senate shall consist of eight members (in this Constitution referred to as "Senators") who shall be appointed by the Governor-General in accordance with the provisions of this section: Provided that if any person who is not a Senator is elected to be President of the Senate he shall, by virtue of holding office of President, be a Senator in addition to the eight members aforesaid.

(2) Of the eight Senators-

(a) five shall be appointed by the Governor-General acting in accordance with the advice of the Prime Minister;

(b) two shall be appointed in accordance with the provisions of subsection (3) of this section;

(c) one shall be appointed by the Governor-General acting after consultation with the Belize Advisory Council.

(3) The two Senators referred to in subsection (2)(b) of this section shall be appointed-

(a) by the Governor-General acting in accordance with the advice of the Leader of the Opposition; or

(b) if the office of Leader of the Opposition is vacant, then-

(i) by the Governor-General acting in accordance with the advice of a person selected by him, in his own deliberate judgment, for the purpose of tendering such advice; or

(ii) if the Governor-General, in his own deliberate judgment, decides to select two such persons, by the Governor-General acting in accordance with the advice of such persons, each of whom shall advise him on the appointment of one Senator.

62. Subject to the provisions of section 63 of this Constitution, a person shall be qualified to be appointed as a Senator if, and shall not be qualified to be so appointed unless, he-

(a) is a citizen of Belize of the age of eighteen years or upwards; and

(b) has resided in Belize for a period of at least one year immediately before the date of his appointment.

63.-(1) No person shall be qualified to be appointed as a Senator who-

(a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or State;

(b) is a member of the House of Representatives;

(c) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth;

(d) is a person certified to be insane or otherwise to be of unsound mind under any law;

(e) is under sentence of death imposed upon him by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;

(f) is disqualified for membership of the House of Representatives by any law by reason of his holding, or acting in, any office the functions of which involve-

(i) any responsibility for, or in connection with, the conduct of any election; or

(ii) any responsibility for the compilation or revision of any electoral register;

(g) is disqualified for membership of the House of Representatives by virtue of any law by reason of his having been convicted of any offence relating to elections;

(h) is disqualified for membership of the Senate under any law by virtue of-

(i) his holding or acting in any office or appointment specified (either individually or by reference to a class of office or appointment) by such law;

(ii) his belonging to any of the armed forces of Belize or to any class of person that is comprised in any such force; or

(iii) his belonging to any police force or to any class of person that is comprised in any such force; or

(i) is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government for or on account of the public service, and has not disclosed to the Governor-General the nature of such contract and his interest, or the interest of any such firm or company, therein: Provided that if it appears to the Governor-General, acting in his own deliberate judgment, that it is proper so to do, he may by order direct that any such disqualification shall be disregarded for the purposes of this section.

(2) For the purposes of paragraph (e) of subsection (1) of this section-

(a) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds twelve months, but if any one of such sentences exceeds that term they shall be regarded as one sentence; and

(b) no account shall be taken of a sentence of imprisonment imposed as an alternative to or in default of the payment of a fine.

64.-(1) Every Senator shall vacate his seat in the Senate at the next dissolution of the National Assembly after his appointment.

(2) A Senator shall also vacate his seat in the Senate-

(a) if he is absent from the sittings of the Senate for such period and in such circumstances as may be prescribed in the Standing Orders of the Senate;

(b) if, with his consent, he is nominated as a candidate for election to the House of Representatives;

(c) if he ceases to be a citizen of Belize;

(d) subject to the provisions of subsection (3) of this section, if any circumstances arise that, if he were not a Senator, would cause him to be disqualified for appointment as such by virtue of section 63(1) of this Constitution;

(e) if the Governor-General, acting in accordance with the advice of the Prime Minister in the case of a Senator appointed in accordance with that advice, or acting in accordance with the advice of the Leader of the Opposition in the case of a Senator appointed in accordance with that

advice, or acting after consultation with the Belize Advisory Council in the case of a Senator appointed after such consultation, declares the seat of that Senator to be vacant; or

(f) if he shall become a party to any contract with the Government for or on account of the public service, or if any firm in which he is a partner or any company of which he is a director or manager shall become a party to any such contract, or if he shall become a partner in a firm or a director or manager of a company which is a party to any such contract: Provided that if in the circumstances it shall appear to him to be just so to do, the Governor-General, acting in his own deliberate judgment, may exempt any Senator from vacating his seat under the provisions of this paragraph if such Senator shall, before becoming a party to such contract as aforesaid or before or as soon as practicable after becoming otherwise interested in such contract (whether as partner in a firm or director or manager of a company), disclose to the Governor-General the nature of such contract and his interest or the interest of any such firm or company therein.

(3)(a) If circumstances such as are referred to in paragraph (d) of subsection (2) of this section arise because a Senator is under sentence of death or imprisonment, or adjudged to be insane or otherwise of unsound mind, or declared bankrupt and is undischarged, or convicted of an offence relating to elections, and it is open to the Senator to appeal against the decision (either with the leave of a court or other authority or without such leave), he shall forthwith cease to perform his functions as a Senator but, subject to the provisions of this subsection, he shall not vacate his seat until the expiration of a period of thirty days thereafter: Provided that the President of the Senate may from time to time extend that period for further periods of thirty days to enable the Senator to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the Senate.

(b) If, on the determination of an appeal, such circumstances continue to exist and no further appeal is open to the Senator, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the Senator to appeal, he shall forthwith vacate his seat.

(c) If at any time before the Senator vacates his seat such circumstances as aforesaid cease to exist, his seat shall not become vacant on the expiration of the period referred to in paragraph (a) of this subsection and he may resume the performance of his functions as Senator.

65.-(1) The Governor-General may declare a Senator to be, by reason of illness, temporarily incapable of performing his functions as a Senator and thereupon such Senator shall not perform his said functions until he is declared by the Governor-General again to be capable of performing them.

(2) Whenever a Senator is incapable of performing his functions as a Senator by reason of his absence from Belize or by virtue of the provisions of section 64 of this Constitution or by reason of a declaration made under the last foregoing subsection, the Governor-General may appoint a person qualified for appointment as a Senator to be temporarily a member of the Senate.

(3) Subsections (1) and (2) of section 64 of this Constitution shall apply in relation to a person appointed as a Senator under this section as they apply in relation to a Senator appointed under section 61 (except that paragraph (d) of the said subsection (2) shall apply as if it were not expressed to be subject to subsection (3) of the said section 64) and an appointment made under this section shall in any case cease to have effect when the person appointed is notified by the Governor-General that the circumstances giving rise to his appointment have ceased to exist.

(4) In the exercise of the powers conferred on him by this section the Governor-General shall act-

(a) in accordance with the advice of the Prime Minister in relation to an appointment to be temporarily a member of the Senate in place of a Senator appointed in pursuance of paragraph (a) of subsection (2) of section 61 of this Constitution;

(b) in accordance with the advice of the Leader of the Opposition in relation to an appointment to be temporarily a member of the Senate in place of a Senator appointed in pursuance of paragraph (b) of subsection (2) of the said section;

(c) after consultation with the Belize Advisory Council in any other case.

66.-(1) When the Senate first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a person to be President of the Senate; and, if the office of President falls vacant at any time before the next dissolution of the National Assembly, the Senate shall, as soon as practicable, elect another person to that office.

(2) When the Senate first meets after any general election and before it proceeds to the despatch of any other business except the election of the President, it shall elect a Senator, who is not a Minister, to be Vice-President of the Senate; and if the office of Vice-President falls vacant at any time before the next dissolution of the National Assembly, the Senate shall, as soon as practicable, elect another Senator to that office.

(3) The President and the Vice-President shall be above the age of thirty years and the President may be elected either from among the Senators who are not Ministers or from among persons who are not members of either House:

Provided that a person who is not a member of either House shall not be elected as President if-

(a) he is not a citizen of Belize; or

(b) he is a person disqualified for election as a member of the House of Representatives by virtue of section 58(1) of this Constitution.

(4) A person shall vacate the office of President or Vice-President of the Senate-

(a) in the case of a President elected from among members of the Senate or in the case of the Vice-President-

(i) if he ceases to be a Senator; or

(ii) if he is appointed to be a Minister;

(b) in the case of a President elected from among persons who are not members of either House-

(i) upon any dissolution of the National Assembly;

(ii) if he ceases to be a citizen of Belize; or

(iii) if any circumstances arise which would cause him to be disqualified for election as a member of the House of Representatives by virtue of section 58(1) of this Constitution;

(c) in the case of the Vice-President, if he is elected to be President.

(5)(a) If, by virtue of section 64(3) of this Constitution, the President or the Vice-President is required to cease to perform his functions as a Senator he shall also cease to perform his functions as President or Vice-President, as the case may be, and those functions shall, until he vacates his seat in the Senate or resumes the performance of the functions of his office, be performed-

(i) in the case of the President, by the Vice-President or, if the office of Vice-President is vacant, by such Senator (not being a Minister) as the Senate may elect for the purpose;

(ii) in the case of the Vice-President, by such Senator (not being a Minister) as the Senate may elect for the purpose.

(b) If the President or Vice-President resumes the performance of his functions as Senator, in accordance with the provisions of section 64(3) of this Constitution, he shall also resume the performance of his functions as President or Vice-President, as the case may be.

67.-(1) There shall be a Clerk to the National Assembly (who shall be the Clerk of both Houses) and a Deputy Clerk and such other assistants as may be necessary.

(2) The National Assembly may by law regulate the recruitment and the conditions of service of persons referred to in subsection (1).

Powers and Procedure

68. Subject to the provisions of this Constitution, the National Assembly may make laws for the peace, order and good government of Belize.

69.-(1) The National Assembly may alter any of the provisions of this Constitution in the manner specified in the following provisions of this section.

(2) Until after the first general election held after Independence Day a Bill to alter any of the provisions of this Constitution shall not be regarded as being passed by the National Assembly unless on its final reading in each House the Bill is supported by the unanimous vote of all members of that House.

(3) A Bill to alter this section, Schedule 2 to this Constitution or any of the provisions of this Constitution specified in that Schedule shall not be regarded as being passed by the House of Representatives unless on its final reading in the House the Bill is supported by the votes of not less than three-quarters of all the members of the House.

(4) A Bill to alter any of the provisions of this Constitution other than those referred to in subsection (3) of this section shall not be regarded as being passed by the House of Representatives unless on its final reading in the House the Bill is supported by the votes of not less than two-thirds of all the members of the House.

(5) A Bill to alter any of the provisions of this Constitution referred to in subsection (3) of this section shall not be submitted to the Governor-General for his assent unless there has been an interval of not less than ninety days between the introduction of the Bill in the House of Representatives and the beginning of the proceedings in the House on the second reading of the Bill.

(6) (a) A Bill to alter any of the provisions of this Constitution shall not be submitted to the Governor-General for assent unless it is accompanied by a certificate of the Speaker signed by him that the provisions of sub-section (2), (3) or (4) of this section, as the case may be, have been complied with.

(b) The certificate of the Speaker under this subsection shall be conclusive that the provisions of subsection (2), (3) or (4) of this section, as the case may be, have been complied with and shall not be enquired into by any court of law.

(c) In this subsection, references to the Speaker shall, if the person holding the office of Speaker is for any reason unable to perform the functions of his office and no other person is performing them, include references to the Deputy Speaker.

(7) In this section and Schedule 2 to this Constitution, references to any of the provisions of this Constitution include references to any law that alters that provision.

(8) In this section, references to altering this Constitution or any provision thereof include references-

(a) to revoking it, with or without re-enactment thereof or the making of different provision in lieu thereof;

(b) to modifying it, whether by omitting or amending any of its provisions or inserting additional provisions in it or otherwise; and

(c) to suspending its operations for any period or terminating any such suspension.

70.-(1) Subject to the provisions of this Constitution, each House may make, amend or revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and the passing, instituting and numbering of Bills and the presentation of the same to the Governor-General for assent.

(2) A Minister shall be permitted to address the House of which he is not a member but shall have no vote in that House.

71.-(1) Except for the purposes of enabling this section to be complied with, no member of either House shall sit or vote therein, or be entitled to receive any salary or emoluments in respect of his office until he has made and subscribed before that House the oath of allegiance and office: Provided that the election of a Speaker and Deputy Speaker of the House of Representatives and the election of a President and Vice-President of the Senate may take place before the members of the House of Representatives or of the Senate, as the case may be, have made and subscribed such oath.

(2) If between the time when a person becomes a member of the House of Representatives and the time when that House first meets thereafter, a meeting takes place of any committee of that House of which that person is a member, that person may, in order to enable him to attend the meeting and take part in the proceedings of the committee, make and subscribe the oath before the Speaker or, if the Speaker is absent from Belize or the office of Speaker is vacant, before the Deputy Speaker; and the making and subscribing of the oath in such manner shall suffice for all the purposes of this section.

(3) The provisions of subsection (2) of this section shall apply in relation to a person who becomes a member of the Senate as they apply in relation to a person who becomes a member of the House of Representatives but as if references to the Speaker and the Deputy Speaker were references to the President and the Vice-President.

72.-(1) The Speaker, or in his absence, the Deputy Speaker, or, if they are both absent, a member of the House of Representatives (not being a Minister) elected by the House for that sitting shall preside at each sitting of the House.

(2) The President, or in his absence, the Vice-President, or, if they are both absent, a Senator (not being a Minister) elected by the Senate for that sitting shall preside at each sitting of the Senate.

(3) References in this section to circumstances in which the Speaker, Deputy Speaker, President or Vice-President is absent include references to circumstances in which the office of Speaker, Deputy Speaker, President or Vice-President is vacant.

73.-(1) Save as otherwise provided in this Constitution, all questions proposed for decision in either House shall be determined by a majority of the votes of the members thereof present and voting.

(2) A Speaker elected from among persons who are members of the House of Representatives or a President elected from among persons who are Senators or a member of either House presiding in that House shall have a original but not a casting vote.

(3) A Speaker elected from among persons who are not members of the House of Representatives or a President elected from among persons who are not Senators shall have no vote.

(4) If upon any question before either House the votes of the members are equally divided the motion shall be lost.

74. Without prejudice to any provision made by the National Assembly relating to the powers, privileges and immunities of the Senate or the House of Representatives and the committees thereof, or the privileges and immunities of the members and officers of either House and of other persons concerned in the business of either House or the committees thereof, no civil or criminal proceedings may be instituted against any member of either House for words spoken before, or written in a report to, either House or a committee thereof or by reason of any matter or thing brought by him therein by petition, Bill, resolution, motion or otherwise.

75. A House shall not be disqualified for the transaction of business by reason of any vacancy in the membership thereof (including any vacancy not filled when the House is first constituted or is reconstituted at any time) and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat and voted in the House or otherwise took part in the proceedings.

76.-(1) If at any sitting of either House any member of the House who is present draws the attention of the person presiding at the sitting to the absence of a quorum and, after such interval as may be prescribed in the Standing Orders of the House, the person presiding at the sitting ascertains that a quorum of the House is still not present, the House shall be adjourned.

(2) For the purposes of this section-

(a) a quorum of the House of Representatives shall consist of seven members of the House;

(b) a quorum of the Senate shall consist of three Senators;

(c) the person presiding at the sitting of either House shall not be included in reckoning whether there is a quorum of that House present.

77.-(1) A Bill other than a money Bill may be introduced in either House. A money Bill shall not be introduced in the Senate.

(2) Except on the recommendation or with the consent of the Cabinet, signified by a Minister, neither House shall-

(a) proceed with any Bill (including any amendment to a Bill) which, in the opinion of the person presiding, makes provision for any of the following purposes-

(i) for imposing or increasing or reducing or abolishing any tax;

(ii) for imposing or increasing any charge on the revenues or other funds of Belize or for altering any such charge otherwise than by reducing it; or

(iii) for compounding or remitting any debt due to Belize;

(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of the purposes aforesaid; or

(c) receive any petition which, in the opinion of the person presiding, requests that provision be made for any of the purposes aforesaid.

78.-(1) If a money Bill, having been passed by the House of Representatives and sent to the Senate at least one month before the end of the session, is not passed by the Senate without amendment within one month after it is sent to that House, the Bill shall, unless the House of Representatives otherwise resolves, be presented to the Governor-General for assent notwithstanding that the Senate has not consented to the Bill.

(2) There shall be endorsed on every money Bill when it is sent to the Senate the certificate of the Speaker signed by him that it is a money Bill; and there shall be endorsed on any money Bill that is presented to the Governor-General for assent in pursuance of subsection

(1) of this section the certificate of the Speaker signed by him that it is a money Bill and that the provisions of that subsection have been complied with.

79.-(1) If any Bill other than a money Bill is passed by the House of Representatives in two successive sessions (whether or not the National Assembly is dissolved between those sessions) and, having been sent to the Senate in each of those sessions at least one month before the end of the session, is rejected by the Senate in each of those sessions, that Bill shall, on its rejection for the second time by the Senate, unless the House of Representatives otherwise resolves, be presented to the Governor-General for assent notwithstanding that the Senate has not consented to the Bill: Provided that the foregoing provisions of this subsection shall not have effect unless at least six months have elapsed between the date on which the Bill is passed by the House of Representatives in the first session and the date on which it is passed by the House in the second session.

(2) For the purposes of this section a Bill that is sent to the Senate from the House of Representatives in any session shall be deemed to be the same Bill as a former Bill sent to the Senate in the preceding session if, when it is sent to the Senate, it is identical with the former Bill or contains only such amendments as are certified by the Speaker to be necessary owing to the time that has elapsed since the date of the former Bill or to represent any amendments which have been made by the Senate in the former Bill in the preceding session.

(3) The House of Representatives may, if it thinks fit, on the passage through that House of a Bill that is deemed to be the same Bill as a former Bill sent to the Senate in the preceding session, suggest any amendments without inserting the amendments in the Bill, and if agreed to by the Senate the said amendments shall be treated as amendments made by the Senate and agreed to by the House of Representatives; but the exercise of this power by the House of Representatives shall not affect the operation of this section in the event of the rejection of the Bill in the Senate.

(4) There shall be inserted in any Bill that is presented to the Governor-General for assent in pursuance of this section any amendments that are certified by the Speaker to have been made in the Bill by the Senate in the second session and agreed to by the House of Representatives.

(5) There shall be endorsed on any Bill that is presented to the Governor-General for assent in pursuance of this section the certificate of the Speaker signed by him that the provisions of this section have been complied with.

80.-(1) In sections 77, 78 and 79 of this Constitution, “money Bill” means a public Bill, which, in the opinion of the Speaker, contains only provisions dealing with all or any of the following matters, namely, the imposition, repeal, remission, alteration or regulation of taxation; the imposition, for the payment of debt or other financial purposes, of charges on public money, or the variation or repeal of any such charges; the grant of money to the Crown or to any authority or person, or the variation or revocation of any such grant; the appropriation, receipt, custody, investment, issue or audit of accounts of public money; the raising or guarantee of any loan or the repayment thereof, or the establishment, alteration, administration or abolition of any sinking fund provided in connection with any such loan; or subordinate matters incidental to any of the matters aforesaid; and in this subsection the expressions “taxation”, “debt”, “public money” and “loan” do not include any taxation imposed, debt incurred or money provided or loan raised by any local authority or body for local purposes.

(2) For the purposes of section 79 of this Constitution a Bill shall be deemed to be rejected by the Senate if-

(a) it is not passed by the Senate without amendment; or

(b) it is passed by the Senate with any amendment which is not agreed to by the House of Representatives.

(3) Whenever the office of Speaker is vacant or the Speaker is for any reason unable to perform any functions conferred on him by section 78 or 79 of this Constitution or subsection (1) of this section, that function may be performed by the Deputy Speaker.

(4) A certificate of the Speaker or the Deputy Speaker under section 78 or 79 of this Constitution shall be conclusive for all purposes and shall not be questioned in any court of law.

(5) Before giving any certificate under section 78 or 79 of this Constitution the Speaker or the Deputy Speaker, as the case may be, shall consult the Attorney-General or, if the Attorney-

General is absent from the seat of Government, such member of the Attorney-General's staff as the Attorney-General may designate for that purpose.

81.-(1) The power of the National Assembly to make laws shall be exercised by Bills passed by the Senate and the House of Representatives (or in the cases mentioned in sections 78 and 79 of this Constitution by the House of Representatives) and assented to by the Governor-General.

(2) When a Bill is submitted to the Governor-General for assent in accordance with the provisions of this Constitution he shall signify that he assents or that he withholds assent thereto.

(3) When the Governor-General assents to a Bill that has been submitted to him in accordance with the provisions of this Constitution the Bill shall become law and the Governor-General shall thereupon cause it to be published in the Gazette as law.

(4) No law made by the National Assembly shall come into operation until it has been assented to by the Governor-General but the National Assembly may postpone the coming into operation of any such law and may make laws with retrospective effect.

(5) All laws made by the National Assembly shall be styled "Acts".

82.-(1) In every Bill presented to the Governor-General for assent, other than a Bill presented under section 78 or 79 of this Constitution, the words of enactment shall be as follows:-
"Be it enacted, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:-"

(2) In every Bill presented to the Governor-General for assent under section 78 or 79 of this Constitution, the words of enactment shall be as follows:-
"Be it enacted, by and with the advice and consent of the House of Representatives of Belize in accordance with the provisions of section 78 (or section 79, as the case may be) of the Constitution and by the authority of the same, as follows:-"

(3) Any alteration of the words of enactment of a Bill made in consequence of the provisions of the preceding subsection shall not be deemed to be an amendment of the Bill.

83.-(1) There shall be a session of the National Assembly at least once in every year, and each session shall be held at such place within Belize and shall begin at such time (not being later than six months from the end of the preceding session if the National Assembly has been prorogued or four months from the end of the session if the National Assembly has been dissolved) as the Governor-General shall appoint by proclamation published in the Gazette.

(2) Subject to the provisions of subsection (1) of this section, the sittings of each House shall be held at such time and place as that House may, by its Standing Orders or otherwise, determine: Provided that the first sitting of each House after the National Assembly has at any time been prorogued or dissolved shall begin at the same time.

84.-(1) The Governor-General may at any time prorogue or dissolve the National Assembly.

(2) Subject to the provisions of subsection (3) of this section the National Assembly, unless sooner dissolved, shall continue for five years from the date of the first sitting of the House of Representatives after any dissolution and shall then stand dissolved.

(3) At any time when Belize is at war, the National Assembly may by law extend the period of five years specified in subsection (2) of this section for not more than twelve months at a time: Provided that the life of the National Assembly shall not be extended under this subsection for more than two years.

(4) In the exercise of his powers to dissolve the National Assembly, the Governor-General shall act in accordance with the advice of the Prime Minister:

Provided that-

(a) if the Prime Minister advises a dissolution and the Governor-General, acting in his own deliberate judgment, considers that the government of Belize can be carried on without a dissolution and that a dissolution would not be in the interests of Belize, he may, acting in his own deliberate judgment, refuse to dissolve the National Assembly;

(b) if a resolution of no confidence in the Government is passed by the House of Representatives and the Prime Minister does not within seven days either resign or advise a dissolution, the Governor-General, acting in his own deliberate judgment, may dissolve the National Assembly; and

(c) if the office of the Prime Minister is vacant and the Governor-General, acting in his own deliberate judgment, considers that there is no prospect of his being able within a reasonable time to make an appointment to that office, the Governor-General shall dissolve the National Assembly.

(5) If, between a dissolution of the National Assembly and the next ensuing general election of members of the House of Representatives, an emergency arises of such a nature that, in the opinion of the Prime Minister, it is necessary for the two houses or either of them to be summoned before that general election can be held, the Governor-General may, by proclamation published in the Gazette, summon the two Houses of the preceding National Assembly and that National Assembly shall thereupon be deemed (except for the purposes of section 85 of this Constitution) not to have been dissolved but shall be deemed (except as aforesaid) to be dissolved on the date on which the polls are held in the next ensuing general election.

(6) During the period between the dissolution of the National Assembly and the appointment of a Prime Minister after a general election, the government of Belize shall continue to be administered by the Prime Minister and the other Ministers and Deputy Ministers of the Government.

85.-(1) A general election of members of the House of Representatives shall be held at such time within three months after every dissolution of the National Assembly as the Governor-General, acting in accordance with the advice of the Prime Minister, shall appoint.

(2) As soon as practicable after every general election, the Governor-General shall proceed under section 61 of this Constitution to the appointment of Senators.

(3) Where the seat of a member of the House of Representatives or a Senator falls vacant otherwise than by reason of a dissolution of the National Assembly-

(a) if the vacant seat is that of a member of the House, a by-election shall be held; or

(b) if the vacant seat is that of a Senator, an appointment shall be made, to fill the vacancy within three months of the occurrence of the vacancy unless the National Assembly is sooner dissolved.

86.-(1) Any question whether-

(a) any person has been validly elected as a member of the House of Representatives or validly appointed as a Senator;

(b) any member of the House of Representatives or Senator has vacated his seat or is required, under the provisions of section 59(3) or section 64(3) of this Constitution, to cease to exercise any of his functions as a member of the House of Representatives or as a Senator; or

(c) any person has been validly elected as Speaker of the House of Representatives or President of the Senate from among persons who are not members of the House of Representatives or Senators, or, having been so elected, has vacated the office of Speaker or of President, shall be determined by the Supreme Court in accordance with the provisions of any law.

(2) Proceedings for the determination of any question referred to in the preceding subsection shall not be instituted except with the leave of a justice of the Supreme Court.

(3) No appeal shall lie from the decision of a justice of the Supreme Court granting or refusing leave to institute proceedings in accordance with the preceding subsection.

87. Any person who sits or votes in either House knowing or having reasonable cause for knowing that he is not entitled to do so shall be liable to a penalty not exceeding one hundred dollars for every day upon which he so sits or votes in that House, which penalty shall be recoverable by action in the Supreme Court at the suit of the Attorney-General.

88.-(1) There shall be an Elections and Boundaries Commission which shall consist of a Chairman and four other members who shall be persons of integrity and high national standing.

(2) The chairman and two other members of the Elections and Boundaries Commission 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, and the remaining two members 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:

Provided that in the process of consultation with the Leader of the Opposition for the appointment of the Chairman, the Prime Minister shall use his best endeavours to secure the agreement of the Leader of the Opposition.

(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 if he holds or is acting in any public office.

(4) If any member of the Commission dies or resigns, the Governor-General shall appoint another person in his place in the same manner in which such member was appointed.

(5) Subject to the provisions of this section, the office of a member of the Commission shall become vacant-

(a) at the expiration of five years from the date of his appointment; or

(b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(6) A member of the Commission may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(7) A member of the Commission shall be removed from office by the Governor-General if the question of the removal of that member from office has been referred to the Belize Advisory Council in accordance with the next following subsection and the Belize Advisory Council has advised the Governor-General that that member ought to be removed from office for inability as aforesaid or for misbehaviour.

(8) If the Prime Minister represents to the Governor-General that the question of removing a member of the Commission under this section ought to be investigated, then-

(a) the Governor-General shall refer the matter to the Belize Advisory Council which shall sit as a tribunal in the manner provided in section 54 of this Constitution; and

(b) the Belize Advisory Council shall enquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether that member of the Commission should be removed under this section.

(9) If the question of removing a member of the Commission from office has been referred to the Belize Advisory Council under the preceding subsection, the Governor-General may suspend the member from performing the functions of his office, and any such suspension may at any time be

revoked by the Governor-General and shall in any case cease to have effect if the Belize Advisory Council advises the Governor-General that the member should not be removed from office.

(10) If the office of a member of the Commission is vacant or a member is for any reason unable to perform the functions of his office, the Governor-General may appoint another person in the same manner in which such member was appointed, to act as a member of the Commission, and any person so appointed shall, subject to the provisions of subsections (6), (7), (8) and (9) of this section, continue to act until he is notified by the Governor-General that the circumstances giving rise to the appointment have ceased to exist.

(11) A member of the Commission shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and office.

(12) The Commission may regulate its own procedure and, with the approval of the Governor-General given in accordance with the advice of the Prime Minister, confer powers or impose duties on any public officer or authority of the Government for the purpose of the discharge of its functions.

(13) The Commission shall be responsible for the direction and supervision of the registration of voters and the conduct of elections, referenda and all matters connected therewith.

(14) In the exercise of its functions, the Commission shall not be subject to the direction or control of any other person or authority and shall, subject to the provisions of this Constitution, act in accordance with the Representation of the People Act or any other law, rule or regulation relating to elections.

89.-(1) For the purposes of the election of members of the House of Representatives, Belize shall be divided into eighteen electoral divisions, the names and boundaries of which are set out in Schedule 1 to the Representation of the People Act.

(2) Each electoral division shall be represented in the House of Representatives by one elected member.

90.-(1) The Elections and Boundaries Commission shall, after considering the distribution of the population throughout Belize, make proposals from time to time for dividing Belize into electoral divisions in such a way that-

(a) each electoral division shall have as nearly as may be an equal number of persons eligible to vote;

(b) the total number of electoral divisions shall be not less than twenty-eight.

(2) In fixing the boundaries of electoral divisions the Commission shall have regard to the transport and other facilities of the division, and to its physical features.

(3) The proposals of the Commission made pursuant to this section shall be laid before the National Assembly by the Chairman of the Commission, and the electoral divisions specified in

those proposals shall be the electoral divisions of Belize for the purposes of any law for the time being in force relating to the election of members of the House of Representatives when, and shall not be such electoral divisions until, enacted as law by the National Assembly.

(4) When the Elections and Boundaries Commission considers it necessary to increase the number of electoral divisions as specified in subsection (1), it shall make proposals to the National Assembly, and the National Assembly may enact a law to give effect to such proposals, with such amendments and modifications as may seem appropriate to the National Assembly.

91. Any redivision of electoral divisions effected in accordance with section 90 of this Constitution shall, in respect of the election of members of the House of Representatives, come into operation at the next general election held after such redivision and not earlier.

92. At any general election-

(a) every citizen of Belize or a citizen of any Commonwealth Country who has attained the age of eighteen years and who satisfies the requirements of the Representation of the People Act shall have the right to vote;

(b) no person shall be entitled to more than one vote; and

(c) votes shall be cast in a secret ballot.

93. Subject to the provisions of sections 88 to 92 inclusive of this Constitution, the provisions of the Representation of the People Act shall apply to the franchise, registration of voters, the administration of the electoral system, offences relating to the electoral system, the conduct of elections, and all matters connected therewith.

PART VII *The Judiciary*

94. There shall be for Belize a Supreme Court of Judicature and Court of Appeal.

95.-(1) The Supreme Court shall have unlimited original jurisdiction to hear and determine any civil or criminal proceedings under any law and such jurisdiction and powers as may be conferred on it by this Constitution or any other law.

(2) The justices of the Supreme Court shall be the Chief Justice and such number of other justices as may from time to time be prescribed by the National Assembly:
Provided that the office of a justice shall not be abolished while there is a substantive holder thereof.

(3) The Supreme Court shall be a superior court of record and, save as otherwise provided by any law, shall have all the powers of such a court.

(4) The Supreme Court shall sit in such places as the Chief Justice may appoint.

96-(1) Subject to the provisions of sections 33(2), 34(4), 54(15), 69(6), 80(4) and 123(3) of this Constitution, where any question as to the interpretation of this Constitution arises in any court of law established for Belize (other than the Court of Appeal, the Supreme Court or a court martial) and the court is of the opinion that the question involves a substantial question of law, the court shall refer the question to the Supreme Court.

(2) Where any question is referred to the Supreme Court in pursuance of this section, the Supreme Court shall give its decision upon the question and the court in which the question arose shall dispose of the case in accordance with that decision or, if the decision is the subject of an appeal to the Court of Appeal or Her Majesty in Council, in accordance with the decision of the Court of Appeal or, as the case may be, Her Majesty in Council.

97.-(1) The Chief Justice 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.

(2) Justices of the Supreme Court other than the Chief Justice shall be appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Services Section of the Public Services Commission and with the concurrence of the Prime Minister given after consultation with the Leader of the Opposition.

(3) A person shall not be qualified to be appointed as a justice of the Supreme Court unless-

(a) he is qualified to practise as an attorney-at-law in a court in Belize or as an advocate in a court in any other part of the Commonwealth having unlimited jurisdiction either in civil or criminal causes or matters; and

(b) he has been qualified for not less than five years so to practise in such a court.

(4) If the office of Chief Justice is vacant or the Chief Justice is for any reason including his absence from Belize unable to exercise the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed those functions, as the case may be, they shall be exercised by the justice other than the Chief Justice, or if there be more than one then by such one of the justices as may for the time being be designated in that behalf by the Governor-General, acting in the manner prescribed in subsection (1) of this section.

(5) If the office of any justice other than the Chief Justice is vacant or if any such justice is appointed to act as Chief Justice or is for any reason unable to perform the functions of his office or if the Chief Justice advises the Governor-General that the state of business in the Supreme Court so requires, the Governor-General, acting in the manner prescribed in subsection (2) of this section, may appoint a person who is qualified to be appointed as a justice of the Supreme Court to act as a justice of that court:

Provided that a person may act as a justice notwithstanding that he has attained the age of sixty-two years.

(6) Any person appointed under subsection (5) of this section to act as a justice shall, subject to the provisions of subsections (4) and (6) of section 98 of this Constitution, continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the Governor-General: Provided that, notwithstanding the expiration of the period of his appointment or the revocation of his appointment, he may thereafter continue to act as a justice for so long as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.

98.-(1) Subject to the following provisions of this section, a justice of the Supreme Court shall hold office until he attains the age of sixty-two years:

Provided that-

(a) he may at any time resign his office; and

(b) the Governor-General-

(i) in the case of the Chief Justice, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition; and

(ii) in the case of a Justice of the Supreme Court other than the Chief Justice, acting in accordance with the advice of the Judicial and Legal Services Section of the Public Services Commission and with the concurrence of the Prime Minister given after consultation with the Leader of the Opposition,
may permit a Justice who attains the age of sixty-two years to continue in office until he has attained any later age not exceeding seventy years.

(2) Notwithstanding that he has attained the age at which he is required by or under this section to vacate his office, a person holding the office of a justice of the Supreme Court may continue in office for so long after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

(3) A justice of the Supreme Court may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(4) A justice of the Supreme Court shall be removed from office by the Governor-General if the question of the removal of that justice from office has been referred to the Belize Advisory Council in accordance with the next following subsection and the Belize Advisory Council has advised the Governor-General that that justice ought to be removed from office for inability as aforesaid or for misbehaviour.

(5) If the Governor-General considers that the question of removing a justice of the Supreme Court from office for inability as aforesaid or for misbehaviour ought to be investigated, then-

(a) the Governor-General shall refer the matter to the Belize Advisory Council which shall sit as a tribunal in the manner provided in section 54 of this Constitution; and

(b) the Belize Advisory Council shall enquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether that justice should be removed under this section.

(6) If the question of removing a justice of the Supreme Court from office has been referred to the Belize Advisory Council under the preceding subsection, the Governor-General may suspend the justice from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the Belize Advisory Council advises the Governor-General that the justice should not be removed from office.

(7) Except as otherwise provided in this section, the functions of the Governor-General under this section shall be exercised by him in his own deliberate judgment.

99. A justice of the Supreme Court shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and office.

100.-(1) The Court of Appeal shall have such jurisdiction and powers to hear and determine appeals in civil and criminal matters as may be conferred on it by this Constitution or any other law.

(2) The Judges of the Court of Appeal (hereinafter referred to as "Justices of Appeal") shall be a President and such number of other Justices as may be prescribed by the National Assembly: Provided that the office of Justice of Appeal shall not be abolished while there is a substantive holder of that office.

(3) The Court of Appeal shall be a superior court of record and, save as otherwise provided by any law, shall have all the powers of such a court.

(4) The Court of Appeal shall sit in such places as the President may appoint.

101.-(1) The Justices of Appeal 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, for such period as may be specified in the instrument of appointment.

(2) A person shall not be qualified to be appointed as a Justice of Appeal unless either-

(a) he holds or has held office as judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court; or

(b) he is qualified to practise as an attorney-at-law in a court in Belize or as an advocate in a court in any other part of the Commonwealth having unlimited jurisdiction in either civil or criminal causes or matters and has been so qualified for not less than fifteen years.

(3) Any power exercisable by a single Justice of Appeal may, at any time when there is no such Justice present in Belize and able to perform the functions of his office, be exercised by a justice of the Supreme Court as if that justice were a Justice of Appeal.

(4) If the office of the President is vacant or he is for any reason unable to perform the functions of his office, then until some other person has been appointed to or has been appointed to act in, and has assumed the functions of that office, or until the President has resumed those functions, as the case may be, those functions shall be performed by such one of the other Justices of Appeal as the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition, may appoint for that purpose.

(5) If the office of a Justice of Appeal other than the President is vacant, or if any such Justice is appointed to act as the President, or is for any reason unable to perform the functions of his office, the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition, may appoint a person possessing such legal qualifications and experience as he, after consultation with the President, may deem appropriate to be temporarily a Justice of Appeal.

(6) Any person appointed under subsection (5) of this section to be temporarily a Justice of Appeal shall hold office until his appointment is revoked by the Governor-General.

102.-(1) Subject to the following provisions of this section, the office of a Justice of Appeal shall become vacant upon the expiration of the period of his appointment to that office or if he resigns his office.

(2) A Justice of Appeal may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(3) A Justice of Appeal shall be removed from office by the Governor-General if the question of the removal of that Justice from office has been referred to the Belize Advisory Council in accordance with the next following subsection and the Belize Advisory Council has advised the Governor-General that that Justice ought to be removed from office for inability as aforesaid or for misbehaviour.

(4) If the Governor-General considers that the question of removing a Justice of Appeal from office for inability as aforesaid or for misbehaviour ought to be investigated, then-

(a) the Governor-General shall refer the matter to the Belize Advisory Council which shall sit as a tribunal in the manner provided in section 54 of this Constitution; and

(b) The Belize Advisory Council shall enquire into the matter and report on the facts thereof to

the Governor-General and advise the Governor-General whether that Justice should be removed under this section.

(5) If the question of removing a Justice of Appeal from office has been referred to the Belize Advisory Council under the preceding subsection, the Governor-General may suspend the Justice from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the Belize Advisory Council advises the Governor-General that the Justice should not be removed from office.

(6) Except as provided in subsection (3) of this section, the functions of the Governor-General under this section shall be exercised by him in his own deliberate judgment.

103. A Justice of Appeal shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and office.

104.-(1) An appeal shall lie from decisions of the Court of Appeal to Her Majesty in Council as of right in the following cases-

(a) final decisions in any civil, criminal, or other proceedings which involve a question as to the interpretation of this Constitution; and

(b) such other cases as may be prescribed by the National Assembly.

(2) An appeal shall lie from decisions of the Court of Appeal to Her Majesty in Council with the leave of the Court of Appeal in the following cases-

(a) decisions in any civil proceedings where in the opinion of the Court of Appeal the question involved in the appeal is one which by reason of its general or public importance or otherwise ought to be submitted to Her Majesty in Council; and

(b) such other cases as may be prescribed by the National Assembly.

(3) An appeal shall lie to Her Majesty in Council with the special leave of Her Majesty from any decision of the Court of Appeal in any civil, criminal or other matter.

PART VIII ***The Public Service***

105.-(1) There shall be for Belize a Public Services Commission which shall consist of a Chairman and eighteen other members who shall include as ex-officio members the Chief Justice, the Solicitor General, the Permanent Secretary, Establishment, the Permanent Secretary to the Ministry of Home Affairs, the Permanent Secretary to the Ministry of Defence, the Permanent Secretary to the Ministry for the time being responsible for the Prison Service, the Superintendent of Prisons, the Commissioner of Police, the Director, Security and Intelligence Service and the Commandant of the Belize Defence Force.

(2) The Chairman and other members of the Commission, other than the ex officio members, 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.

(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.

(5) Subject to the provisions of this section, the office of a member of the Commission shall become vacant-

(a) at the expiration of three years from the date of his appointment or such earlier time, being not less than two years, as may be specified in the instrument by which he was appointed; or

(b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(6) A member of the Commission may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(7) A member of the Commission shall be removed from office by the Governor-General if the question of the removal of that member from office has been referred to the Belize Advisory Council in accordance with the next following subsection and the Belize Advisory Council has advised the Governor-General that that member ought to be removed from office for inability as aforesaid or for misbehaviour.

(8) If the Prime Minister represents to the Governor-General that the question of removing a member of the Commission under this section ought to be investigated, then-

(a) the Governor-General shall refer the matter to the Belize Advisory Council which shall sit as a tribunal in the manner provided in section 54 of this Constitution; and

(b) the Belize Advisory Council shall enquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether that member of the Commission should be removed under this section.

(9) If the question of removing a member of the Commission from office has been referred to the Belize Advisory Council under the preceding subsection, the Governor-General may suspend the

member from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the Belize Advisory Council advises the Governor-General that the member should not be removed from office.

(10) If the office of a member of the Commission is vacant or a member is for any reason unable to perform the functions of his office, the Governor-General may appoint a person who is qualified for appointment as a member of the Commission to act as a member of the Commission, and any person so appointed shall, subject to the provisions of subsections (6), (7), (8) and (9) of this section, continue to act until he is notified by the Governor-General that the circumstances giving rise to the appointment have ceased to exist.

(11) In the exercise of its functions the Commission shall be so organised that of the eighteen members other than the Chairman:-

(a) five, of whom the Permanent Secretary, Establishment shall be an ex-officio member, shall be responsible for matters relating to the public service other than the judicial and legal services, the Police Department, the Security and Intelligence Service, the National Fire Service, the Prison Service and the military service;

(b) two, being ex-officio the Chief Justice and the Solicitor General, shall be responsible for matters relating to the judicial and legal services;

(c) four, of whom the Permanent Secretary to the Ministry of Defence and the Commandant of the Belize Defence Force shall be ex-officio members, shall be responsible for matters relating to the military service; and

(d) three, of whom the Permanent Secretary to the Ministry of Home Affairs and the Commissioner of Police shall be ex-officio members, shall be responsible for matters relating to the Police Force and the National Fire Service; and

(e) three, of whom the Permanent Secretary to the Ministry of Home Affairs and the Director, Security and Intelligence Service shall be ex-officio members, shall be responsible for matters relating to the Security and Intelligence Service;

(f) two, being ex-officio the Permanent Secretary to the Ministry for the time being responsible for the Prison Service and the Superintendent of Prisons, shall be responsible for matters relating to the Prison Service; and in considering the matters referred to, the Commission shall comprise the members responsible for that matter and the Chairman.

(12) A member of the Commission shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and office.

(13) The Commission shall, in the exercise of its functions under this Constitution, not be subject to the direction or control of any other person or authority.

(14) The Commission may by regulation make provision for regulating and facilitating the performance of its functions under this Constitution.

(15) Subject to the provisions of this section, the Commission may regulate its own procedure.

(16) Any decision of the Commission shall require the concurrence of a majority of all the members thereof and, subject to its rules of procedure, the Commission may act notwithstanding the absence of any member other than the Chairman: Provided that, in the exercise of its responsibilities for any matter referred to in subsection (11) of this section, any decision of the Commission shall require the concurrence of a majority of those persons comprising the Commission for the purposes of that matter. Provided further that in any matter before the Commission or any section thereof, where the votes are equally divided, the Chairman shall have a casting vote in addition to his original vote.

(17) In subsection (11) of this section-

“judicial and legal services” means service in the offices of Registrar General, Deputy Registrar General, Registrar, Deputy Registrar and Assistant Registrar of the Supreme Court, Registrar and Deputy Registrar of the Court of Appeal, Chief Magistrate, Magistrate, Legal Draftsman, Law Revision Counsel, Crown Counsel, Legal Assistant and such other public offices requiring a legal qualification as the Attorney-General may from time to time, by order published in the Gazette, prescribe;

“military service” means service in the Belize Defence Force or in any other military, naval or air force established for Belize.

106.-(1) The power to appoint persons to hold or act in offices in the public service (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 persons holding or acting in such offices and the power to remove such persons from office shall vest in the Public Services Commission constituted for each case as prescribed in section 105(11) of this Constitution.

(2) In subsection (1) of this section, “public service” includes the military service, as defined in section 105(17) of this Constitution.

(3) Subject to the provisions of this Constitution, the Governor-General, acting in accordance with the advice of the Minister or Ministers responsible for the public service given after consultation with the recognised representatives of the employees or other persons or groups within the public service as may be considered appropriate, may make regulations on any matter relating to-

(a) the formulation of schemes for recruitment to the public service;

(b) the determination of a code of conduct for public officers;

(c) the fixing of salaries and privileges;

- (d) the principles governing the promotion and transfer of public officers;
- (e) measures to ensure discipline, and to govern the dismissal and retirement of public officers, including the procedures to be followed;
- (f) the procedure for delegation of authority by and to public officers; and
- (g) generally for the management and control of the public service.
- (4) The Public Services Commission shall, in the exercise of its functions under this section, be governed by regulations made under subsection (3) of this section.
- (5) The Public Services Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its powers under subsection (1) of this section to any one or more members of the Commission or, with the consent of the Prime Minister, to any public officer.
- (6) The provisions of subsection (1) of this section shall not apply in relation to the following offices, that is to say-
- (a) any office to which section 107 of this Constitution applies;
- (b) the offices of justice of the Supreme Court and Justice of Appeal;
- (c) the office of Auditor-General;
- (d) the office of Director of Public Prosecutions; or
- (e) any office to which section 110 or section 110A or section 110B of this Constitution applies.
- (7) No person shall be appointed under this section to or to act in any office on the Governor-General's personal staff except with the con-currence of the Governor-General, acting in his own deliberate judgment.
- (8) A public officer shall not be removed from office or subjected to any other punishment under this section on the grounds of any act done or omitted by him in the exercise of a judicial function conferred on him unless the Judicial and Legal Services section of the Public Services Commission concurs therein.

107.-(1) This section applies to the offices of Financial Secretary, Deputy Financial Secretary, Secretary to the Cabinet, Solicitor General, Permanent Secretary, head of a department of Government, Commissioner of Police, Director, Security and Intelligence Service, Commandant, Belize Defence Force, Ambassador, High Commissioner or principal representative of Belize in any other country or accredited to any international organisation and, subject to the provisions of this Constitution, any other office designated by the Governor-General, acting in accordance

with the advice of the Prime Minister given after consultation with the Public Services Commission.

(2) The power to appoint persons to hold or to act in offices to which this section applies (including the power to transfer or to confirm appointments) and, subject to the provisions of section 111 of this Constitution, the power to exercise disciplinary control over persons holding or acting in such offices and the power to remove such persons from office shall vest in the Governor-General, acting in accordance with the advice of the Prime Minister.

(3) References in this section to a department of Government shall not include the office of the Governor-General, the department of the Director of Public Prosecutions or the department of the Auditor General.

108.-(1) The Director of Public Prosecutions shall be appointed by the Governor-General, acting in accordance with the advice of the Judicial and Legal Services Section of the Public Services Commission and with the concurrence of the Prime Minister given after consultation with the Leader of the Opposition.

(2) A person shall not be qualified for appointment to hold or act in the office of Director of Public Prosecutions unless he is qualified to be appointed as a justice of the Supreme Court.

(3) If the office of Director of Public Prosecutions is vacant or if the holder of that office is for any reason unable to exercise the functions of his office, the Governor-General, acting in accordance with the advice of the Judicial and Legal Services Section of the Public Services Commission and with the concurrence of the Prime Minister given after consultation with the Leader of the Opposition, may appoint a person to act as Director.

(4) A person appointed to act in the office of Director of Public Prosecutions shall, subject to the provisions of subsections (5), (7), (8) and (9) of this section, cease so to act-

(a) when a person is appointed to hold that office and has assumed the functions thereof or, as the case may be, when the person in whose place he is acting resumes the functions of that office; or

(b) at such earlier time as may be prescribed by the terms of his appointment.

(5) Subject to the provisions of subsection (6) of this section, the Director of Public Prosecutions shall vacate his office when he attains the age of sixty years or such other age as may be prescribed by the National Assembly:

Provided that any law enacted by the National Assembly, to the extent to which it alters the prescribed age after a person has been appointed to be or to act as Director of Public Prosecutions, shall not have effect in relation to that person unless he consents that it should have effect.

(6) The Director of Public Prosecutions may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or from any

other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(7) The Director of Public Prosecutions shall be removed from office by the Governor-General if the question of his removal from office has been referred to the Belize Advisory Council in accordance with the next following subsection and the Belize Advisory Council has advised the Governor-General that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(8) If the Prime Minister represents to the Governor-General that the question of removing the Director of Public Prosecutions under this section ought to be investigated, then-

(a) the Governor-General shall refer the matter to the Belize Advisory Council which shall sit as a tribunal in the manner provided in section 54 of this Constitution; and

(b) the Belize Advisory Council shall enquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether he should be removed under this section.

(9) If the question of removing the Director of Public Prosecutions from office has been referred to the Belize Advisory Council under the preceding subsection, the Governor-General may suspend him from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the Belize Advisory Council advises the Governor-General that he should not be removed from office.

109.-(1) The Auditor-General shall be appointed by the Governor-General, acting in accordance with the advice of the Public Services Commission and with the concurrence of the Prime Minister given after consultation with the Leader of the Opposition.

(2) If the office of Auditor-General is vacant or if the holder of that office is for any reason unable to exercise the functions of his office, the Governor-General, acting in accordance with the advice of the Public Services Commission and with the concurrence of the Prime Minister given after consultation with the Leader of the Opposition, may appoint a person to act as Auditor-General.

(3) A person appointed to act in the office of Auditor-General shall, subject to the provisions of subsections (4), (6), (7) and (8) of this section, cease so to act-

(a) after a person is appointed to hold that office and has assumed the functions thereof or, as the case may be, when the person in whose place he is acting resumes the functions of that office; or

(b) at such earlier time as may be prescribed by the terms of his appointment.

(4) Subject to the provisions of subsection (5) of this section, the Auditor-General shall vacate his office when he attains the age of sixty years or such other age as may be prescribed by the National Assembly:

Provided that any law enacted by the National Assembly, to the extent to which it alters the prescribed age after a person has been appointed to be or to act as Auditor-General, shall not have effect in relation to that person unless he consents that it should have effect.

(5) The Auditor-General may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of mind or body or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(6) The Auditor-General shall be removed from office by the Governor-General if the question of his removal from office has been referred to the Belize Advisory Council in accordance with the next following subsection and the Belize Advisory Council has advised the Governor-General that he ought to be removed from office for inability as aforesaid or for misbehaviour.

(7) If the Prime Minister represents to the Governor-General that the question of removing the Auditor-General under this section ought to be investigated, then-

(a) the Governor-General shall refer the matter to the Belize Advisory Council which shall sit as a tribunal in the manner provided in section 54 of this Constitution; and

(b) the Belize Advisory Council shall enquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether he should be removed under this section.

(8) If the question of removing the Auditor-General from office has been referred to the Belize Advisory Council under the preceding subsection, the Governor-General may suspend him from performing the functions of his office, and any such suspension may at any time be revoked by the Governor-General and shall in any case cease to have effect if the Belize Advisory Council advises the Governor-General that he should not be removed from office.

110.-(1) Power to appoint persons to hold or act in any office in the Police Department (including power to confirm appointments) below the rank of Inspector and to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the Commissioner of Police.

(2) The Commissioner of Police may, subject to such conditions as he thinks fit, delegate any of his powers under this section, by directions in writing, to any other officer of the Police Department.

110A.-(1) The power to appoint persons to hold or act in any office in the Security and Intelligence Service (including power to confirm appointments) to the rank of Grade III of that Service or below and to exercise disciplinary control over persons holding or acting in such

offices and to remove such persons from office shall vest in the Director of the Service subject to the approval of the Minister for the time being responsible for the Service.

(2) The Director, Security and Intelligence Service may, subject to such conditions as he thinks fit, delegate any of his powers under this section, by directions in writing, to any senior officer of the Service.

110B-(1) The power to appoint persons to hold or act in any office in the Prison Service (including power to confirm appointments) below the rank of Principal Officer, and to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office, shall vest in the Superintendent of Prisons.

(2) The Superintendent of Prisons may, subject to such conditions as he thinks fit, delegate any of his powers under this section, by directions in writing, to any other senior officer of the Prison Service.

111.-(1) This section applies to-

(a) any decision of the Governor-General, acting in accordance with the advice of the Prime Minister or the Public Services Commission as the case may be, in relation to the public service, or any decision of the Public Services Commission to remove a public officer from office or to exercise disciplinary control over a public officer (including a decision made on appeal from or confirming a decision of any person to whom powers are delegated under section 106(5) of this Constitution);

(b) any decision of any person to whom powers are delegated under section 106(5) of this Constitution to remove a public officer from office or to exercise disciplinary control over a public officer (not being a decision which is subject to appeal to or confirmation by the Public Services Commission); and

(c) if it is so provided by the National Assembly, any decision of the Commissioner of Police under subsection (1) of section 110 of this Constitution, or of a person to whom powers are delegated under subsection (2) of that section, to remove a police officer from office or to exercise disciplinary control over a police officer;

(d) if it is so provided by the National Assembly, any decision of the Superintendent of Prisons under subsection (1) of section 110B of this Constitution, or of a person to whom powers are delegated under subsection (2) of that section, to remove an officer in the Prison Service from office or to exercise disciplinary control over such officer.

(2) Subject to the provisions of this section, an appeal shall lie to the Belize Advisory Council from any decision to which this section applies at the instance of the public officer in respect of whom the decision is made:

Provided that in the case of any such decision as is referred to in subsection (1)(c) of this section, an appeal shall lie in the first instance to the Commissioner of Police if it is so provided by the National Assembly or, if it is not so provided, if the Commissioner so requires.

(3) Upon an appeal under this section the Belize Advisory Council may affirm or set aside the decision appealed against or may make any other decision which the authority or person from whom the appeal lies could have made.

(4) Subject to the provisions of section 54 of this Constitution, the Belize Advisory Council may by regulation make provision for-

(a) the procedure in appeals under this section; or

(b) excepting from the provisions of subsection (2) of this section decisions in respect of public officers holding offices whose emoluments do not exceed such sum as may be prescribed by the regulations or such decisions to exercise disciplinary control, other than decisions to remove from office, as may be prescribed.

(5) Regulations made under this section may, with the consent of the Prime Minister, confer powers or impose duties on any public officer or any authority of the Government for the purpose of the exercise of the functions of the Belize Advisory Council.

(6) In this section, "public officer" includes any person holding or acting in an office in the military service as defined in section 105(17) of this Constitution.

112.-(1) The law to be applied with respect to any pensions benefits that were granted to any person before Independence Day shall be the law that was in force at the date on which those benefits were granted or any law in force at a later date that is not less favourable to that person.

(2) The law to be applied with respect to any pensions benefits (not being benefits to which subsection (1) of this section applies) shall-

(a) in so far as those benefits are wholly in respect of a period of service as a public officer that commenced before Independence Day, be the law that was in force immediately before that date; and

(b) in so far as those benefits are wholly or partly in respect of a period of service as a public officer that commenced after Independence Day, be the law in force on the date on which that period of service commenced, or any law in force at a later date not less favourable to that person.

(3) Where a person is entitled to exercise an option as to which of two or more laws shall apply in his case, the law for which he opts shall, for the purposes of this section, be deemed to be more favourable to him than the other law or laws.

(4) All pensions benefits shall (except to the extent to which, in the case of benefits under the Widows' and Orphans' Pensions Act or under any law amending or replacing that Act, they are a charge on a fund established by that Act or by any such law and have been duly paid out of that

fund to the person or authority to whom payment is due) be a charge on the general revenues of Belize.

(5) In this section, “pensions benefits” means any pensions, compensation, gratuities or other like allowances for persons in respect of their service as public officers or for the widows, children, dependents or personal representatives of such persons in respect of such service.

(6) References in this section to the law with respect to pensions benefits include (without prejudice to their generality) references to the law regulating the circumstances in which such benefits may be granted or in which the grant of such benefits may be refused, the law regulating the circumstances in which any such benefits that have been granted may be withheld, reduced in amount or suspended and the law regulating the amount of any such benefits.

113.-(1) The power to grant any award under any pensions law for the time being in force in Belize (other than an award to which, under that law, the person to whom it is payable is entitled as of right) and, in accordance with any provisions in that behalf contained in any such law, to withhold, reduce in amount or suspend any award payable under any such law, shall vest in the Governor-General.

(2) The power vested in the Governor-General by the preceding subsection shall be exercised by him-

(a) in the case of officers to whom section 107 of this Constitution applies, acting in accordance with the advice of the Prime Minister;

(b) in the case of all other officers, acting in accordance with the advice of the Public Services Commission.

(3) In this section, “pensions law” means any law relating to the grant to any person, or to the widow, children, dependents or personal representatives of that person, of an award in respect of the services of that person in a public office, and includes any instrument made under any such law.

PART IX *Finance*

114.-(1) All revenues or other moneys raised or received by Belize (not being revenues or other moneys payable under this Constitution or any other law into some other public fund established for a specific purpose) shall be paid into and form one Consolidated Revenue Fund.

(2) No moneys shall be withdrawn from the Consolidated Revenue Fund except to meet expenditure that is charged upon the Fund by this Constitution or any other law enacted by the National Assembly or where the issue of those moneys has been authorised by an appropriation law or by a law made in pursuance of section 116 of this Constitution.

(3) No moneys shall be withdrawn from any public fund other than the Consolidated Revenue Fund unless the issue of those moneys has been authorised by a law enacted by the National Assembly.

(4) No moneys shall be withdrawn from the Consolidated Revenue Fund or any other public fund except in the manner prescribed by law.

115.-(1) The Minister responsible for finance shall prepare and lay before the House of Representatives in each financial year estimates of the revenues and expenditures of Belize for the next following financial year.

(2) The heads of expenditure contained in the estimates (other than expenditure charged upon the Consolidated Revenue Fund by this Constitution or any other law) shall be included in a Bill, to be known as an Appropriation Bill, providing for the issue from the Consolidated Revenue Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

(3) If in respect of any financial year it is found-

(a) that the amount appropriated by the appropriation law for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by that law; or

(b) that any moneys have been expended for any purpose in excess of the amount appropriated for the purpose by the appropriation law or for a purpose for which no amount has been appropriated by that law,
a supplementary estimate showing the sums required or spent shall be laid before the House of Representatives and the heads of any such expenditure shall be included in a supplementary Appropriation Bill.

116. Any law enacted by the National Assembly may make provision under which, if the appropriation law in respect of any financial year has not come into operation by the beginning of that financial year, the Minister responsible for finance may authorise the withdrawal of moneys from the Consolidated Revenue Fund for the purpose of meeting expenditure necessary to carry on the services of the Government until the expiration of four months from the beginning of that financial year or the coming into operation of the appropriation law, whichever is the earlier.

117.-(1) Any law enacted by the National Assembly may provide for the establishment of a Contingencies Fund and for authorising the Minister responsible for finance, if satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from the Fund to meet that need.

(2) Where any advance is made in accordance with subsection (1) of this section a supplementary estimate shall be presented and a supplementary Appropriation Bill shall be introduced as soon as possible for the purpose of replacing the amount so advanced.

118.-(1) There shall be paid to the holders of the offices to which this section applies such salaries and such allowances as may be prescribed by or under a law enacted by the National Assembly.

(2) The salaries and allowances prescribed in pursuance of this section in respect of the holders of the offices to which this section applies shall be a charge on the Consolidated Revenue Fund.

(3) The salary prescribed in pursuance of this section in respect of the holder of any office to which this section applies and his other terms of service (other than allowances that are not taken into account in computing, under any law in that behalf, any pension payable in respect of his service in that office) shall not be altered to his disadvantage after his appointment.

(4) When a person's salary or other terms of service depend upon his option, the salary or terms for which he opts shall, for the purposes of subsection (3) of this section, be deemed to be more advantageous to him than any others for which he might have opted.

(5) This section applies to the offices of the Governor-General, the Chief Justice, Justice of Appeal, justice of the Supreme Court, member of the Belize Advisory Council, member of the Public Services Commission, member of the Elections and Boundaries Commission, the Director of Public Prosecutions and the Auditor-General.

(6) Nothing in this section shall be construed as prejudicing the provisions of section 112 of this Constitution.

119.-(1) There shall be charged on the Consolidated Revenue Fund all debt charges for which Belize is liable.

(2) For the purposes of this section debt charges include interest, sinking fund charges, the repayment or amortization of debt, and all expenditure in connection with the raising of loans on the security of the Consolidated Revenue Fund and the service and redemption of debt created thereby.

120.-(1) There shall be an Auditor-General whose office shall be a public office.

(2) The Auditor-General shall-

(a) satisfy himself that all moneys that have been appropriated by the National Assembly and disbursed have been applied to the purposes to which they were so appropriated and that the expenditure conforms to the authority that governs it; and

(b) at least once in every year audit and report on the public accounts of Belize, the accounts of all officers and authorities of the Government, the accounts of all courts of law in Belize, the

accounts of the Belize Advisory Council and every Commission established by this Constitution and the accounts of the Clerk to the National Assembly.

(3) The Auditor-General and any officer authorised by him shall have access to all books, records, returns, reports and other documents which in his opinion relate to any of the accounts referred to in subsection (2) of this section.

(4) The Auditor-General shall submit every report made by him in pursuance of subsection (2) of this section to the Minister responsible for finance who shall, not later than seven days after the House of Representatives first meets after he has received the report, lay it before the House.

(5) If the Minister fails to lay a report before the House in accordance with the provisions of subsection (4) of this section the Auditor-General shall transmit copies of that report to the Speaker who shall, as soon as practicable, present them to the House.

(6) The Auditor-General shall exercise such other functions in relation to the accounts of the Government or the accounts of other authorities or bodies established by law for public purposes as may be prescribed by or under any law enacted by the National Assembly.

(7) In the exercise of his functions under subsections (2), (3), (4) and (5) of this section, the Auditor-General shall not be subject to the direction or control of any other person or authority.

PART X Miscellaneous

121.-(1) The persons to whom this section applies shall conduct themselves in such a way as not-

- (a) to place themselves in positions in which they have or could have a conflict of interest;
- (b) to compromise the fair exercise of their public or official functions and duties;
- (c) to use their office for private gain;
- (d) to demean their office or position;
- (e) to allow their integrity to be called into question; or
- (f) to endanger or diminish respect for, or confidence in, the integrity of the Government.

(2) This section applies to the Governor-General, members of the National Assembly, members of the Belize Advisory Council, members of the Public Services Commission, members of the Elections and Boundaries Commission, public officers, officers of statutory corporations and government agencies, and such other officers as may be prescribed by law enacted by the National Assembly.

122. The national symbols of Belize shall be those prescribed by the National Assembly.

123.-(1) Any reference in this Constitution to power to make appointments to any public office shall be construed as including a reference to the power to make appointments on promotion and transfer to that office and to the power to appoint a person to act in that office during any period during which it is vacant or the holder thereof is unable to perform the functions of that office.

(2) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person who is for the time being lawfully acting in or performing the functions of that office.

(3) Where by this Constitution any person is directed, or power is conferred on any person or authority to appoint a person, to act in or otherwise to perform the functions of an office if the holder thereof is unable to perform the functions of that office, the validity of any performance of those functions by the person so directed or of any appointment made in exercise of that power shall not be called in question in any court of law on the ground that the holder of the office is not unable to perform the functions of the office.

124.-(1) Where any person has vacated any office established by this Constitution, he may, if qualified, again be appointed or elected to hold that office in accordance with the provisions of this Constitution.

(2) Whenever the holder of any office constituted by or under this Constitution, or any public office otherwise constituted, is on leave of absence pending relinquishment of his office-

(a) another person may be appointed to that office; and

(b) that person shall, for the purpose of any function of that office, be deemed to be the sole holder of that office.

125.-(1) References in this Constitution to the power to remove a public officer from his office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service and to any power or right to terminate a contract on which a person is employed as a public officer and to determine whether any such contract shall or shall not be renewed: Provided that nothing in this subsection shall be construed as conferring on any person or authority power to require any justice of the Supreme Court or Justice of Appeal, the Director of Public Prosecutions, or the Auditor-General to retire from the public service.

(2) Any provision of this Constitution that vests in any person or authority power to remove any public officer from his office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of public officers generally or any class of public officer on attaining an age specified therein.

126.-(1) A Senator or a member of the House of Representatives may resign his seat by writing under his hand addressed to the President or the Speaker, as the case may be, and the resignation shall take effect, and the seat shall accordingly become vacant, when the writing is received, as the case may be, by-

(a) the President or Speaker;

(b) if the office of President or Speaker is vacant or the President or Speaker is for any reason unable to perform the functions of his office and no other person is performing them, the Vice-President or Deputy Speaker; or

(c) if the office of Vice-President or Deputy Speaker is vacant or the Vice-President or Deputy Speaker is for any reason unable to perform the functions of his office and no other person is performing them, the Clerk to the National Assembly.

(2) The President or the Vice-President or the Speaker or the Deputy Speaker may resign his office by writing under his hand addressed to the Senate or the House, as the case may be, and the resignation shall take effect, and the office shall accordingly become vacant, when the writing is received by the Clerk to the National Assembly.

(3) Any person who has been appointed to an office established by this Constitution (other than an office to which subsection (1) or (2) of this section applies) or any office of Minister established under this Constitution may resign that office by writing under his hand addressed to the person or authority by whom he was appointed and the resignation shall take effect, and the office shall accordingly become vacant-

(a) at such time or on such date (if an as may be specified in the writing; or

(b) when the writing is received by the person or authority to whom it is addressed or by such other person as may be authorised to receive it, whichever is the later:

Provided that the resignation may be withdrawn before it takes effect if the person or authority to whom the resignation is addressed consents to its withdrawal.

127. No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in the exercise of any functions under this Constitution shall be construed as precluding a court of law from exercising jurisdiction in relation to any question whether that person or authority has performed those functions in accordance with this Constitution or any other law or should not perform those functions.

128. Where any power is conferred by this Constitution to make any proclamation, regulation, order or rule, or to give any direction or instructions, the power shall be construed as including the power, exercisable in like manner, to amend or revoke any such proclamation, regulation, order, rule, direction or instructions.

129.-(1) Where any person or authority is directed by this Constitution to exercise any function after consultation with any other person or authority, that person or authority shall not be obliged to exercise that function in accordance with the advice of that other person or authority.

(2) Where any person or authority is directed by this Constitution or any other law to consult any other person or authority before taking any decision or action, that other person or authority must be given a genuine opportunity to present his or its views before the decision or action, as the case may be, is taken.

130. There shall be a national seal bearing on it such device as the National Assembly shall approve by resolution.

131.-(1) In this Constitution, unless the context otherwise requires-

“Belize” means the land and sea areas defined in Schedule 1 to this Constitution;

“Commonwealth citizen” has such meaning as the National Assembly may prescribe;

“Court of Appeal” means the Court of Appeal established by this Constitution;

“Crown” means the Crown in right of Belize;

“financial year” means the twelve months ending on 31st March in any year or on such other date as may from time to time be prescribed by any law enacted by the National Assembly;

“the Gazette” means the Belize Government Gazette and includes any supplement thereto;

“the Government” means the Government of Belize;

“the House” means the House of Representatives or the Senate as the context may require;

“the House of Representatives” means the House of Representatives established by this Constitution;

“Independence Day” means 21st September, 1981;

“law” means any law in force in Belize or any part thereof, including any instrument having the force of law and any unwritten rule of law, and “lawful” and “lawfully” shall be construed accordingly;

“Minister” means a Minister of Government;

“the National Assembly” means the National Assembly established by this Constitution;

“oath” includes affirmation;

“oath of allegiance and office” means the oath prescribed in Schedule 3 to this Constitution;

“Police Department” means the Belize Police Department;

“President” and “Vice-President” mean the respective persons holding office as President and Vice-President of the Senate;

“public office” means any office of emolument in the public service;

“public officer” means a person holding or acting in any public office;

“the public service” means, subject to the provisions of this section, the service of the Crown in a civil capacity in respect of the Government;

“Senate” means the Senate established by this Constitution;

“session” means, in relation to a House of the National Assembly, the sittings of that House commencing when it first meets after the prorogation or dissolution of the National Assembly at any time and terminating when the National Assembly is prorogued or is dissolved without having been prorogued;

“sitting” means, in relation to a House of the National Assembly, a period during which that House is sitting continuously without adjournment and includes any period during which the House is in committee;

“Speaker” and “Deputy Speaker” mean the respective persons holding office as Speaker and Deputy Speaker of the House of Representatives;

“Supreme Court” means the Supreme Court of Judicature established by this Constitution.

(2) Except in sections 63(1) and 71 of this Constitution, references in this Constitution to a member or members of the House of Representatives or to a Senator or Senators do not include references to a person who, under section 56(2), is a member of the House by virtue of holding the office of Speaker, or who, under section 61(1), is a Senator by virtue of holding the office of President.

(3) In this Constitution, unless the context otherwise requires, references to an office in the public service shall be construed as including references to the offices of justice of the Supreme Court and Justice of Appeal, offices of members of the Police Department, and offices on the Governor-General’s personal staff.

(4) In this Constitution, unless the context otherwise requires, references to an office in the public service shall not be construed as including references to the office of Prime Minister or other Minister, Minister 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 member of any Commission established by this Constitution or the Clerk, Deputy Clerk or staff of the National Assembly.

(5) For the purposes of this Constitution, a person shall not be regarded as holding a public office by reason only of the fact that he is in receipt of a pension or other like allowance in respect of service under the Crown.

(6) Save as otherwise provided in this Constitution, the Interpretation Act 1980 as in force immediately before Independence Day shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution.

PART XI

Transitional Provisions

132. In this Part-

“the Constitution Ordinance” means the British Honduras Constitution Ordinance 1963;

“the Letters Patent” means the Belize Letters Patent 1964 to 1979.

133. The Governor (as defined for the purposes of the Letters Patent) acting after consultation with the Premier (as so defined) may at any time after this section comes into operation exercise any of the powers conferred on the Governor-General by section 134 of this Constitution to such extent as may be necessary or expedient to enable the Constitution to function as from Independence Day.

134.-(1) Subject to the provisions of this Part, the existing laws shall notwithstanding the revocation of the Letters Patent and the Constitution Ordinance continue in force on and after Independence Day and shall then have effect as if they had been made in pursuance of this Constitution but they shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Constitution.

(2) Where any matter that falls to be prescribed or otherwise provided for under this Constitution by the National Assembly or by any other authority or person is prescribed or provided for by or under an existing law (including any amendment to any such law made under this section) that prescription or provision shall as from Independence Day have effect (with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with this Constitution) as if it had been made under this Constitution by the National Assembly or as the case may require by the other authority or person.

(3) The Governor-General may by order published in the Gazette within twelve months after Independence Day make such amendments to any existing law (other than this Constitution) as may be necessary or expedient for bringing that law into conformity with the provisions of this Constitution or otherwise for giving effect or enabling effect to be given to those provisions.

(4) An order made under this section may be amended or revoked by the National Assembly or in relation to any existing law affected thereby, by any other authority having power to amend, repeal or revoke that existing law.

(5) The provisions of this section shall be without prejudice to any powers conferred by this Constitution or by any other law upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.

(6) In this section, the expression “existing law” means any Act of the Parliament of the United Kingdom, Order of Her Majesty in Council, Ordinance, rule, regulation, order or other instrument having effect as part of the law of Belize immediately before Independence Day (including any such law made before that day and coming into operation or after that day).

135.-(1) Her Majesty may before Independence Day appoint the first Governor-General from among persons who qualify by virtue of section 23 of this Constitution to become citizens of Belize on Independence Day.

(2) Any such appointment shall take effect as from Independence Day, and the person so appointed shall hold office in accordance with section 30 of this Constitution.

136.-(1) The person who, immediately before Independence Day, holds the office of Premier under the Letters Patent shall, as from that day, hold office as Prime Minister as if he had been appointed thereto under section 37 of this Constitution.

(2) The persons who, immediately before Independence Day, hold office as Ministers (other than the Premier) under the Letters Patent shall, as from that day, hold the like offices as if they had been appointed thereto under section 40 of this Constitution.

(3) Any person holding the office of Prime Minister or other Minister by virtue of subsections (1) and (2) of this section who, immediately before Independence Day, was under the Letters Patent assigned responsibility for any business or department of government shall, as from that day, be deemed to have been assigned responsibility for that business or department under section 41 of this Constitution.

(4) Any person holding the office of Prime Minister or other Minister by virtue of subsections (1) and (2) of this section shall be deemed to have satisfied the requirements of section 46 of this Constitution.

137.-(1) The persons who, immediately before Independence Day, are members of the former House of Representatives shall, as from that day, be deemed to have been elected in pursuance of section 56(1) of this Constitution in the respective electoral divisions corresponding to the electoral divisions by which they were returned to the former House of Representatives, and shall hold their seats in the House of Representatives in accordance with the provisions of this Constitution.

(2) The persons who, immediately before Independence Day, are members of the former Senate, having been appointed as such under paragraphs (a), (b) and (c) of section 9(2) of the Constitution Ordinance, shall, as from Independence Day, be deemed to have been appointed to the Senate in pursuance of paragraphs (a), (b) and (c) respectively of section 61(2) of this Constitution, and shall hold their seats in the Senate in accordance with the provisions of this Constitution.

(3) The persons deemed to be elected to the House of Representatives or to be appointed to the Senate by virtue of subsections (1) and (2) of this section shall be deemed to have satisfied the requirements of section 71 of this Constitution.

(4) The persons who, immediately before Independence Day, are the Speaker and Deputy Speaker of the former House of Representatives and the President and Vice-President of the former Senate shall, as from Independence Day, be deemed to have been elected respectively as Speaker and Deputy Speaker of the House of Representatives and President and Vice-President of the Senate in accordance with the provisions of this Constitution and shall hold office in accordance with those provisions.

(5) The person who, immediately before Independence Day, is the Leader of the Opposition in the former House of Representatives shall, as from that day, be deemed to have been appointed as Leader of the Opposition in pursuance of section 47 of this Constitution, and shall hold office as such in accordance with the provisions of this Constitution.

(6) The Standing Orders of the former House of Representatives and of the former Senate as in force immediately before Independence Day shall, until it is

otherwise provided under section 70 of this Constitution, be the Standing Orders respectively of the House of Representatives and of the Senate, but they shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Constitution.

(7) Notwithstanding anything in section 84(2) of the Constitution (but subject to subsection (3) of that section), the National Assembly shall, unless sooner dissolved, stand dissolved on 30th November 1984 (that is to say, five years from the date when the two Houses of the former National Assembly first met after the last dissolution of that Assembly under the Constitution Ordinance).

(8) In this section, the expressions “former National Assembly”, “former House of Representatives”, and “former Senate” mean respectively the National Assembly, House of Representatives, and Senate established by the Constitution Ordinance.

138. Subject to the provisions of this Constitution every person who immediately before Independence Day holds or is acting in a public office under the Letters Patent or the Constitution Ordinance shall, as from that day, continue to hold or act in that office or the corresponding office established by this Constitution as if he had been appointed thereto in accordance with the provisions of this Constitution and as if he had taken any oath required by this Constitution or any other law: Provided that any person who under the Letters Patent, the Constitution Ordinance or any other law in force immediately before Independence Day would have been required to vacate his office at the expiration of any period shall, unless earlier removed in accordance with this Constitution, vacate his office at the expiration of that period.

139.-(1) Subject to the provisions of this Constitution, the Supreme Court shall on and after Independence Day have all the powers which immediately before that day are vested in the former Supreme Court.

(2) All proceedings that, immediately before Independence Day, are pending before the former Supreme Court may be continued and concluded on and after that day before the Supreme Court.

(3) Any decision given before Independence Day by the former Supreme Court shall for the purposes of its enforcement or of any appeal therefrom have effect on and after that day as if it were a decision of the Supreme Court.

(4) Any appeals from Belize that, immediately before Independence Day, are pending before the former Court of Appeal may be continued and concluded on and after that day before the Court of Appeal.

(5) Any decision given before Independence Day by the former Court of Appeal shall for the purposes of its enforcement or of any appeal therefrom have effect on and after that day as if it were a decision of the Court of Appeal.(6) In this section-
 “the former Supreme Court” means the Supreme Court established by the Constitution Ordinance; “the former Court of Appeal” means the Court of Appeal established by the Court of Appeal Ordinance 1967.

140.-(1) The National Assembly may alter any of the provisions of this Part, other than those referred to in subsection (2) of this section, in the manner specified in section 69(4) of this Constitution.

(2) The National Assembly may alter this section, subsections (1), (4) and (7) of section 137, section 138 and section 139 of this Constitution in the manner specified in subsections (3) and (5) of section 69 of this Constitution.

(3) Subsections (7) and (8) of section 69 of this Constitution shall apply for the purpose of construing references in this section to any provision of this Part and to the alteration of any such provision as they apply for the purpose of construing references in section 69 of this Constitution and in Schedule 2 hereto to any provision of this Constitution and to the alteration of any such provision.

PART XII

Repeal and Date of Commencement

141. This Constitution shall come into operation on Independence Day.
Provided that sections 133 and 135 of this Constitution shall come into operation forthwith.

142. The Ordinances set out in Schedule 4 are revoked with effect from Independence Day.