



A Brief Summary

THE BELIZE CONSTITUTION

Volume 2



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A Brief Summary
The Belize Constitution
VOLUME 2

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PEOPLE'S CONSTITUTION COMMISSION
AND ITS
SECRETARIAT

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INTRODUCTION

I am pleased to pen these few lines of introduction for the long-awaited publication of **A Brief Summary of the Belize Constitution - Volume 2.**



Tony Chanona

During the PCC’s 2023-2024 Public Education Outreach campaign, Dickie Bradley became one of our main presenters, traveling at his own expense by land, sea and air to share his Constitutional knowledge and honed insights of our Supreme Law to all who took the time to find out; and doing so in his unique style and street-smart wit. It quickly became evident that these PCC events had sparked an awareness and interest to those who participated as they yearned to better understand the Belize Constitution. Sensing this need, Dickie was motivated to author **A Brief Summary of the Belize Constitution -Volume 1.** The PCC in turn, published and distributed over 14,400 copies of Volume 1 across Belize and into the Diaspora. It was well received that it immediately paved the way that Volume 2 would become a hopeful expectation. It was against the backdrop of that clamour that Dickie sat down once again with his signature tool of his black fountain pen, to ink the handwritten manuscript of **A Brief Summary of the Belize Constitution -Volume 2.**

It is therefore with a humble sense of pride and honour that I get a second opportunity to express, on behalf of the People’s Constitution Commission, and by extension the nation of Belize, our deep appreciation to Mr. Bradley for taking the time and making that effort to provide the people of Belize with yet another educational tool to help them better understand the complexities of Belize Constitution in a reader friendly format. Thanks to him, we can place before you, our fellow citizens, an abbreviated version of the voluminous Belize Constitution. The pages of this **Volume 2** edition also poses numerous thought-provoking suggestions to assist its readers to better appreciate the importance of reviewing, renewing, and understanding the Belize Constitution.

Rt. Hon. George Price uttered on many occasions that... *“much has been done but much more remains to be done”*. We, the members of the People’s Constitution Commission, will work diligently to get our job done. As a team of Commissioners, we remain committed to produce a **Final Report** and deliver same to the Prime Minister of Belize on or before November 14th 2024.

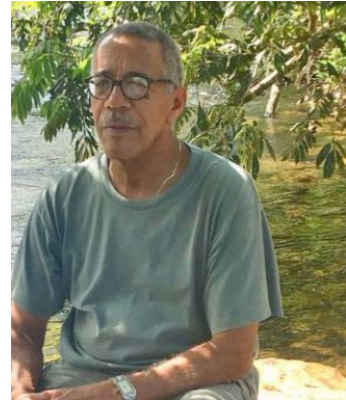
We do so with hope and prayers and respectful insistence that the views, opinions and suggestions of the people of Belize will find their way in a new and improved modern Constitution for our beloved Belize.

At the end of the day, the work to improve our Constitution can serve to improve the quality of our government with greater accountability and transparency in sync with the hopes and aspirations of the people.

Anthony J. Chanona
Chairman
People’s Constitution Commission
January 2024

PREFACE

In Volume 2 of “**A Brief Summary of the Belize Constitution**”, noted Belizean Attorney, Dickie Bradley, examines specific provisions of the Belize Constitution which prescribe the way we are governed. He uses the actual language of the Constitution to inform us exactly how the different branches of Government are constituted. He outlines the functions of each branch of government, their powers, procedures and responsibilities, as well as the qualifications required to hold office.



Amb. Robert Leslie

Regulating the finances received and spent by Government is of such critical importance to our economic viability and the avoidance of corruption in the handling of the national purse, that the Constitution devotes an entire Part (Part IX, Sections 114 to 120) to establish the constitutional framework for the disposition of Government’s revenues and expenditures. In his examination of these constitutional provisions, Mr. Bradley reviews the relevant provisions and explains the roles of the Consolidated Revenue Fund, the Public Utilities, the Minister of Finance, the Auditor General and the National Assembly in the management of public finances.

Mr. Bradley includes in his review of the sections of the Constitution dealing with Governance and Finances, some thoughtful questions and comments to guide the Belizean public in their own examination and review of the Constitution.

The People’s Constitution Commission presents “**A Brief Summary of the Belize Constitution**”, **Volume 2**, for the information of the general public. The Commission urges you to use this information as an instrument of learning and understanding our Constitution and a basis to determine your own consideration and recommendations on whether these provisions fully serve the national interests or require revisiting.

There is no perfect system of Government. Each system has its merits and its flaws. Belizeans have chosen democracy over other forms of Government. It is our duty and responsibility as citizens to ensure that the ideals, architecture and functions of our democracy serve the best interests of our nation and all our people.

Ambassador Robert Leslie

THE EXECUTIVE

PART 5

[Sections 36 to 54]

The Constitution, our Supreme law, creates and establishes three main branches of government. They are co-equal. None is superior to the other. Although the term ‘Separation of Powers’ does not appear anywhere in the Constitution, it is an important principle of constitutional law. There exists no strict separation of powers between the Executive branch and the Legislative branch of government. There is, however, a strict separation and autonomy as it relates to the Judicial branch.

Section 36 - Executive Authority

- 1) *“The executive authority of Belize is vested in His Majesty.”*
- 2) Subject to the Constitution, *“executive authority may be exercised on behalf of His Majesty by the Governor General.”*
- 3) *“Nothing in this section shall prevent the National Assembly from conferring functions on persons or authorities other than the Governor General.”*

Section 37 - Prime Minister

- 1) *“There shall be a Prime Minister of Belize who shall be appointed by the Governor General.”*
- 2) ...the Governor General must appoint as Prime Minister the leader of the political party which commands the support of the majority of the members of that House of Representatives.... (See the full section in the Constitution)

(There is a provision that no person can be the Prime Minister for more than three terms. A term of office is generally a period of five years.)

- 4) *“The Prime Minister must resign, or he will be removed if the House of Representatives pass a resolution of no confidence in the Government.”*

Sections 38, 39, and 40 - Ministers; Cabinet

The Prime Minister is to name a Deputy Prime Minister, the Ministers of Government, and the Cabinet. The Cabinet must not have more than two-thirds of the members of the ruling party in the House of Representatives, and not more than four Senators.

Section 42(1) - Attorney General

The Attorney General is the principal legal adviser to the Government. He is also the Minister for all legal matters and attends all Cabinet meetings.

Note that the Attorney General does not have to be a member of the House of Representatives or the Senate.

Section 44 (2) - Ministers Are Collectively Responsible

“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”.

Section 47 (1) - Leader Of The Opposition

This section of the Constitution establishes the important position of Leader of the Opposition.

Section 48 - Chief Executive Officer

Establishes the post of Chief Executive Officer (formerly known as Permanent Secretary)

Section 49 - Cabinet Secretary

Establishes the post of the Secretary of the Cabinet

Section 50 - Director Of Public Prosecution

Establishes the post of Director of Public Prosecutions and gives the post exclusive authority over all criminal proceedings.

Section 50(4) and (6) further elaborates that the powers of the Director of Public Prosecution “*shall be vested in him to the exclusion of any other person or authority.*”

Section 52 - Belize Advisory Council

The Governor General shall act on the advice of the Belize Advisory Council and may pardon any convicted person, grant a respite, reduce a sentence, or remit the whole or any part of a punishment.

Section 54

Establishes the Belize Advisory Council which hears appeals from public officers who are not satisfied with the decisions of the Public Services Commission, and the Advisory Council also has the authority to remove judges and other important positions appointed under the Constitution.

Suggestions:

- *Should our independent nation have its Executive Authority vested in a monarch, the King, who is also King of Britain (Section 36?)*
- *Should the Executive Authority vest in the elected head of Government- the Prime Minister?*
- *Should any Minister who breaches the collective responsibility of Cabinet be severely punished with suspension or expulsion from Cabinet and face criminal charges? (See Section 44)*

- *Should the Belize Advisory Council be given the authority to do matters done by the Governor General? (See Section 52)*

Suggestions:

- *Should there be a New Section: To include social partners in the process of Appointments to high offices as well as members of several Commissions are made by the Prime Minister and sometimes after consultation with the Leader of the Opposition. (See e.g., Sections 54(2), 105, and 107.)*
- *Should there be a New Section: The Executive Branch is accountable to the people of Belize through the National Assembly and must be transparent in all its decisions and activities.*
- *Should there be another New Section: The Governor General shall be replaced with a President as the Head of State and be directly elected by the people every fifteen years, he shall have no executive authority or power.*
- *Section 58(1) (d) needs clear specific language e.g. “a prison sentence exceeding twelve months in any democratic country.*
- *Section 59 (2) needs a specific period e.g.... “is absent from sitting of the House for a period of six consecutive meetings and for other reasons as specified in the Standing Orders.”*

THE LEGISLATURE

PART 6

[Sections 55 to 93]

The National Assembly is the official name of our Legislature which consists of a House of Representatives (31 elected members) and a Senate (13 appointed members). See Sections 55 and 56 of the Constitution.

Section 57 - Qualifications To Be Elected

These are qualifications to be an elected member of the House of Representatives. A person must be a citizen, 18 years of age or upwards, and has resided in Belize for at least one year before being nominated for election.

Section 58 - Disqualifications

The disqualifications for elections to the House of Representatives are many. Some are: if a person is insane, is an undischarged bankrupt; is convicted of any offence relating to elections; is a member of the Police Department, Coast Guard, or Belize Defence Force; is under a sentence of death or is serving a prison sentence exceeding twelve months from any Commonwealth court.

Section 59(2) - Any elected member must leave if

A member of the House of Representatives shall vacate his seat in the House.

- (a) “If he/she 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) “If having been a candidate of a political party and elected to the House of Representatives as a candidate of that political party he resigns from that political party or crosses the floor...”

Section 61 - Senate Membership

- (1) The Senate shall consist of 13 members appointed by the Governor General as follows:

- Six on the advice of the Prime Minister
- Three on the advice of the Opposition Leader
- One on the advice of the Council of Churches and Evangelical Association
- One on the advice of the Chamber of Commerce and Belize Business Bureau
- One on the advice of the Trade Union Congress and Civil Society
- One on the advice of Non-Governmental Organizations

- (2) Powers and Functions of the Senate include:

- (a) Authorize ratification of Treaties, including the treaty that allows the settlement of the territorial dispute between Belize and Republic of Guatemala.
- (b) Approve military bases of operations for foreign forces.
- (c) Appointment of Contractor General, Ombudsman, members of Elections and Boundaries Commission and members of the Integrity Commission
- (d) ***“Institution and conducting inquiries and investigations on any matter of public interest or importance, including inquiries into mismanagement or corruption by persons in the central government or public statutory bodies.”***

See Sections 61A (2) e, f, g, h for other powers and functions of the Senate.

Sections 62 to 67 - Senate Matters

Deals with qualifications and disqualifications of Senators; the post of the President, Vice-President, and Clerk of the National Assembly.

Sections 68 to 87 - Powers & Procedure of National Assembly

Deals with the Powers and Procedures of the National Assembly, the Legislature, the Prime Minister's powers to dissolve the National Assembly, and General Elections.

Section 68 - Laws For Peace, Order, Good Government

States that the National Assembly may only make laws for Peace, Order, and Good Government of Belize.

Section 69 - Procedure to alter the Constitution

Authorizes the specific procedure to alter any section of the Constitution, e.g., 69(3) makes it clear that “not less than three-quarters of ALL the members of the House are needed to vote on any change to Schedule 2 which contains our Fundamental Rights and Freedoms.

A two-thirds majority of ALL members are required to change other sections of the Constitution.

Section 88 - Elections & Boundaries

The Constitution establishes an Elections and Boundaries Commission which consists of a Chairman and four other members who shall be persons of integrity and high national standing.

The Chairman and two other members are appointed by the Prime Minister after consultation with the Leader of the Opposition and the other two members are appointed by the Governor General with the concurrence of the Leader of the Opposition

Section 90 – Changes to Electoral Divisions

The Constitution authorizes the Elections and Boundaries Commission to increase and make changes to electoral boundaries and to ensure that “each electoral division shall have as nearly as may be equal numbers of persons eligible to vote.”

(2) “In fixing electoral divisions, the Commission shall have regard to the transport and other facilities of the division and to its physical features”.

(3) Any proposals for electoral divisions shall be laid before the National Assembly by the Chairman of the Commission and that proposal shall be the electoral divisions of Belize after they have been enacted as law by the National Assembly.

Section 92 – Right to Vote

The Right to vote in general elections requires a person to attain 18 years of age, be a citizen of Belize or a Commonwealth Country, and satisfy the requirement of the elections law (The Representation of the People Act).

Suggestions

- *Should the Right to Vote be moved from Section 92 to a more prominent location at the fore of the Constitution?*
- *Should the right to trial by jury be included in Part 2 which protects the Fundamental Rights and Freedoms of persons in Belize?*

(Speaking of Constitutional and Guaranteed rights; the ancient established right to trial by jury has come under assault in recent times with legislation for several offenses triable without a jury.)

- *Should Bail be available to all accused except in compelling reasons?
(Bail, or the right to personal liberty and freedom of movement which is primarily the court procedure to ensure attendance at court hearings, is now an increasingly difficult process denying the right to personal liberty.)*
- *Should the fundamental rights and freedoms in Part 2 be further protected by an irreversible section stating that any effort to reduce or derogate from them must first be submitted to a national referendum?
(The National Assembly is authorized to alter any section of the Constitution by a three-quarters vote for the most important sections and a two-thirds vote for the other sections. See section 69.)*
- *Should the Elections and Boundaries Commission be appointed by an independent body made up of representatives from churches and social partners? See section 88.*
- *Should the right to vote be placed in Part 2 and become a constitutionally guaranteed and protected right?
(Section 92 mentions the right to vote in general elections.)*
- *Should Belize consider proportional representation?
(Have you heard of Proportional Representation? There is a view that this is a superior democratic process to our “first past the post”.)*
- *General elections to the House of Representatives shall be held every five years during the first week of May.*

- *Should there be additional membership of the Senate? (See Section 61 (1), (4))*
TWO from the NGO's
ONE from civil society
ONE from local universities
ONE from student unions

Section 61A (2)

Include conduct debates on Bills, Motions, Resolutions, Policies in a non-partisan manner of a high quality and educational standard.

Section 68

Include after the words “peace, order, **PROSPERITY**, and good government of Belize.”

Section 69

Any attempts or proposals to alter any of the provisions from Sections 1 to 20 and including the PREAMBLE shall first be submitted to a national, binding referendum.

Should a referendum, write-in, opinion polls, email request, of more than ten thousand signatures on any topic or issue shall be cause for a debate in the House of Representative.

THE JUDICIARY

PART 7

[Sections 93A - 104]

Section 93A - Magistrate

Establishes the Magistrate Court and the important position of magistrates who are appointed by the Judicial and Legal Services Commission. (Magistrates, like Judges, have security of tenure.)

Section 94 and 95 - The High Court

Establishes the Supreme Court and the Court of Appeal now the High Court

Section 97 (1) - Appointment of Judges

The Chief Justice is appointed by the Governor General on the advice of the Prime Minister after consultation with the Leader of the Opposition.

(2) **Justices** (Judges) of the Supreme Court other than the Chief Justice are appointed by the Governor General on the advice of the Judicial and Legal Services Commission with the concurrence of the Prime Minister after he consults the Leader of the Opposition.

Section 98

Judges or Justices of the High Court work until they reach the age of 65 years but can be allowed to work until the age of 75 years. This section also states that a Justice may be removed for inability to perform his duties and for misbehavior.

Suggestions

Section 110E (2) (a) makes the Chief Justice a member and also the Chairman of the Judicial and Legal Services Commission.

- *Should the Chairman of this Commission be a person other than the Chief Justice as it was before 2008, as the current situation is a conflict of interest as the Chief Justice is the administrator of all magistrates, judges and court staff and then is Chairman who presides over hiring, discipline, and firing.*

FINANCE

PART 9

[Sections 114 to 121]

The Constitution considers the finances of the people of Belize to be of such vital importance that it provides a whole Part on the matter.

Section 114 - All Monies To Be Deposited In Government Accounts

- (1) Makes mandatory that “All revenues or other monies raised or received... SHALL be paid into and form one Consolidated Revenue Fund.”
- (2) No monies shall be withdrawn from the Consolidated Revenue Fund except to meet expenditures authorized by this Constitution or a law which provides for some other public fund created for a specific purpose.

Section 115 - Annual Budget

The Constitution orders the Minister of Finance to prepare and place before the House of Representatives each year the estimates of revenue and expenditures for the following year (also known as the annual budget).

Section 120 - Auditor General & Reports

The Constitution establishes one of the most important public offices - The AUDITOR GENERAL. Section 120 and its 10 subsections manifest the great importance of the Auditor General and authorize him or her and their staff to access all records, documents, books, reports, returns, and any document considered necessary for their work.

The Auditor General must submit annual Reports to the Minister responsible for Finance Minister who must take the report within seven days to the National Assembly once a year.

Suggestions

Section 115

- *Should the Annual Revenues and Expenditures known as the Annual Budget be publicly available one month prior to debate in the House?*
- *Should the finance minister fail to take the Report, the Auditor General must inform and send copies to the Clerk of the National Assembly who in turn must make and send copies to all members of the House of Representatives and the Senate.*

PUBLIC UTILITIES

PART 13

[Sections 143 to 145]

Sections 143 to 145 are new additions to the Constitution in 2011, whereby the government took majority control of Belize Electricity Limited, Belize Telemedia Limited, and Belize Water Services Limited.

Suggestion

- *Should the revenues of these utilities and the Belize Tourism Board be part of the Consolidated Revenue Fund for greater oversight and accountability, where funds can be utilized to reduce poverty, improve educational opportunities, and provide quality health care?*

OATH OF OFFICE

Schedule 3

Should any breach or violation of the Oath of Allegiance or the Affirmation of their Office by Ministers of Government and Public Officials result in resignation and possibly criminal action?

FORM OF OATH

OATH OF ALLEGIANCE AND OFFICE

I _____, do swear that I will bear true faith and allegiance to Belize (**Should an existing oath of office and affirmation include the word “and its citizens”**) and will uphold the Constitution and the laws, and that I will conscientiously, impartially and to the best of my ability discharge my duties as _____ and do right to all manner of people without fear or favour, affection or ill-will. So help me God.

FORM OF AFFIRMATION

I _____, do solemnly and sincerely affirm and declare that I will bear true faith and allegiance to Belize (and its Citizens) and will uphold the Constitution and the laws, and that I will conscientiously, impartially and to the best of my ability discharge my duties as _____ and do right to all manner of people without fear or favour, affection or ill-will.

ACKNOWLEDGEMENTS

We extend heartfelt appreciation to the individuals and organizations listed below whose unwavering commitment and expertise have made the publishing completion of the Brief Summary of the Belize Constitution Volume - 2 possible:

- o **Attorney-at-Law Dickie Bradley:** Thank you for your dedicated work in authoring and drafting the manuscript for this book. Your Civic mindedness, legal expertise and commitment to accuracy played a crucial role in shaping its “user friendly” content. May God bless all your plans and endeavours.
- o **Vice Chairman Glenfield Dennison LLB CLE:** For more reasons than one, the editing and publishing of Dickie’s Volume 2 presented several challenges moreso than Volume 1. Notwithstanding, your support to this Volume 2 project remained steadfast and your encouragement teamed up and brought this project to completion.
- o **Secretariat’s Legal Research Assistants - Mr. Darian Lino and Clara Chi:** Your efforts in transcribing the handwritten manuscript into type set was instrumental in producing a coherent and accessible format. Your attention to detail is noteworthy.
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- o **Mr. Robert Leslie:** Our sincere thanks for crafting the Preface. Your insights and contributions have set the tone for the reader’s engagement with the material.

- o **Mr. Leon Dawson, Good Governance Officer:** Special thanks to Mr. Dawson for his exceptional coordination of development and proofreading the manuscript. Your dedication to ensuring a seamless process is truly commendable.
- o **Mr. Lawrence Nicholas, Steven (Papi) Richards, and the Print Belize team** for their patience, professionalism, and unwavering support to the PCC's effort to the printing this booklet.

All these collective efforts have brought Volume - 2 to fruition, and we at the PCC Secretariat are proud to have collaborated with such a talented and committed team. We look forward to the continued success of this publication and for the positive impact it will have on future generations who read it.

Thank You!



PEOPLE'S CONSTITUTION
COMMISSION

PCC CALLS FOR PROPOSALS FOR CONSTITUTIONAL REFORM

The People's Constitution Commission announces the commencement of Phase III; the Stakeholder Outreach Campaign.

In this phase, we make a call for Proposals from any citizen or organization to submit their views, opinions, or recommendations on Constitutional Reform in Belize.

Kindly scan the attached QR Code for a suggested Proposal Paper Template (PPT).

Scan to Submit Proposal to the PCC
(English)



Please submit your submissions date of, on, or before
March 1st, 2024 to: leon.dawson@mps.gov.bz



PEOPLE'S CONSTITUTION
COMMISSION

LA CCP CONVOCA A PROPUESTAS DE REFORMA CONSTITUCIONAL

La Comisión de Constitución del Pueblo (CCP) anuncia el inicio de la Fase III; la Campaña de Divulgación a las Partes Interesadas.

En esta fase, hacemos un llamado a propuestas de cualquier ciudadano u organización para que presente sus puntos de vista, opiniones o recomendaciones sobre la reforma de la Constitución de Belize.

Por favor, escanee el código QR adjunto para obtener una Plantilla de documento de Propuesta (PPT) sugerida.

Escanear para enviar propuesta al PCC
(Español)



Envíe sus propuestas a más tardar el 1 de Marzo de 2024 a:
leon.dawson@mps.gov.bz

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