



THE ELECTION MANAGEMENT BODY

“Belize’s Experience in Post-Independence”

**Conference on
Improving the Quality of Election Management**

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BACKGROUND

Belize is geographically located in the circum-Caribbean area. Its boundary on the east is the Caribbean Sea, west and south is Guatemala, and in the north is Mexico. Belize attained political independence in September 1981, and its ethnically diverse population totals approximately 275,000.

Belize adheres to the first-past-the-post (FPP) or the majority voting system. To date, two major political parties dominate electioneering, and all attempts of emerging third parties and independent candidates have been unsuccessful. One political party was successful at the polls to form the government for over 30 years in the Pre-Independence era. The first change in government occurred in the first election after Independence in 1984. Since then changes in government have been frequent—at every election—until 2003 when the country voted in the same political party, back-to-back. Presently, there are no laws to specifically govern political parties.

The country is divided into 29 electoral divisions and approximately 130,000 registered electors. Registration is voluntary, limited only to eligibility as defined by law, such as, nationality and age. Since 1998, registration is continuous and is conducted at registration centers located in every District.

Presently, Belize has two electoral management bodies (EMB), namely, the Elections and Boundaries Commission and the Elections and Boundaries Department. Each EMB is a separate, legal entity. One may ask the question, *why two* and *how two*. This paper is a synopsis of events leading up to present and which answers the question, *how*. While it is limited to the experience of Belize in matters pertaining to electoral administration, the findings and conclusions are primarily administrative concerns and therefore universal. Also, other CARICOM states have similar laws as Belize and therefore share similar experiences presently, or in the not too distant past.

The objectives of the paper are to:

- √ Share and/or bring light to this experience
- √ Solicit views of participants
- √ Critique the experience for future recommendations for reform

LEGAL FRAMEWORK AND THE ELECTION MANAGEMENT BODY

Pre-Independence

In 1978, the Representation of the People Ordinance was enacted. Its several sections dealt with Franchise and Registration, Elections and Boundaries Commission, Administrative Provisions, Electoral Divisions, Elections, Offences and Disputed Elections. The Ordinance in Section 9 (2) heralded the first Election Management Body, Elections and Boundaries Commission (Commission). The Commission was an independent body of five persons inclusive of a Chairman, all of whom were appointed by the Governor, after consultation with the Premier. While the Governor appointed the Chief Elections Officer (CEO), the Commission appointed Registering Officers and all other support staff, who were responsible to the Commission (Section 10). Its functions according to the Representation of the People Ordinance were, electoral administration in Section 9 (9)(10), and boundary delimitation in Section 18. These are detailed as follows:

❖ *Electoral Administration*

- The direction and supervision of the registration of voters
- The conduct of elections
- The conduct of general direction and supervision over the administrative conduct of Elections
- Enforce on the part of all election officers fairness, impartiality and compliance with the provisions of the Ordinance

❖ *Boundary Delimitation*

- Act as a Boundary Delimitation Commission, when called upon to do so

Post-Independence

The Belize Constitution came into being at Independence in 1981. The appointment of members to the Commission, along with the Commission's functions was now enshrined in the Belize Constitution under Section 88. Included as Section 90, was the full responsibility of the Commission to make proposals for boundary delimitation. The appointment and functions of the CEO remained in the Administrative Provision of what had become the Representation of The People Act (ROPA). The method of appointment of Commission members remained the same, albeit now the Governor-General as reinforced in Section 88 (2). By so enshrining the role of the Commission and appointment of its members in the Constitution, Belize demonstrated a major step in recognizing the importance and independence of the Commission as the body responsible for the administrative structures to support the democratic process of elections.

Added strengtheners to the independence of the Commission was Section 88 (9), which states, "...the Commission shall not be subject to the direction or control of any other person or authority...". Its functions in Section 88 (13) were subject to the Representation of The

People Act. On the other hand, one important responsibility, that of reinforcing “fairness, impartiality and compliance”, on the part of all election officers, was omitted.

Some seven years later (1988), saw the first amendment to the Constitution, which included the Section on the Commission (Section 88). The method of appointment as per Section 88 (2) was amended to read as follows:

The Chairman and two other members of the Elections and Boundaries Commission shall be appointed by the Governor-General, acting in accordance with 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.

The function of electoral administration (Section 88 (13)) remained the same, as in the first three bullets under “Pre-Independence”. Similarly, the authority to not being “subject to the direction and control of any other person or authority...” now the first part of Section 88 (14) remained. Also the functions as in Section 88 (13) are still subject to what is now the second part of Section 88 (14), where it states that the Commission “acts in accordance with the Representation of the People Act (ROPA)”.

In 1989, subsequent to the amendment of the Constitution, the ROPA was also amended. The amendment to the Administrative Provisions altered the appointment of the staff of the Commission when the jurisdiction over staff appointment was transferred to the Public Services Commission. The position of Chief Elections Officer (CEO) became that of a Public Officer, appointed by the Governor-General, acting in accordance with the Prime Minister.

The above changes caused the formation of a second election management body, the Elections and Boundaries Department (Department), headed by the CEO, under a Government Ministry. In a constitutional amendment of 2001, the appointment of CEO was also transferred to the Public Services Commission. Under the ROPA, the areas of responsibility of the CEO and staff members of the Department are electoral administration and the adjustment of electoral records at boundary delimitation. Electoral administration involves several tasks, which include:

- ❑ Organizing and directing the registration of voters
- ❑ Compiling electoral registers
- ❑ Updating and maintaining electoral records
- ❑ Organizing the conduct of elections
- ❑ Transfer of electors

A third function, that of Voter Education is a campaign that was launched by the Department in November 1999.

The abovementioned amendments to the Constitution and subsequent amendments to the ROPA:

1. Established two election management bodies—the Department and the Commission, with overlapping roles in electoral management

2. Changed electoral administrative structure from an independent model to a government model
3. Drastically reduced the role and capacity of the Commission in matters pertaining to electoral management
4. The Law is silent with regards to enforcement of “fairness, impartiality, and compliance”
5. Give the perception that it is bi-partisan with members representing a political party as appointed

EXPERIENCES 1999 TO PRESENT

Overview

In establishing an organization, there is no one best way in arriving at a structure. More so, an election management organization, which due to its very functions, is faced with a variety of demands. The objective for such drastic administrative changes in 1988 and 1989 and what thoughts and consultations were conducted prior to the amendments, is not the object of this exercise. However, the advantages and disadvantages of having two electoral management bodies will be explored.

In June 1999, I commenced my sojourn as CEO. During this time, I have had the unique opportunity to be a direct participant observer in matters relating to electoral administration from within. Furthermore, on March 5, 2003, 3 elections, Parliament, City Council and Town Council Elections were held in one day—a first experience for Belize. The months leading to this day and the weeks after was an opportune time to scientifically observe political behaviour and culture, the interaction of Public Officers, including staff with politicians etc. The following information is a result of my lived experiences as the CEO.

The Department

Administratively, particulars for all human and financial resources are directed through a Ministry as the Department operates independently of the Commission. The downside of this directly affects service delivery in that the Department is operating under a bureaucracy where the myriad levels of confirmation and response are a hindrance to service delivery. On the other hand, the political atmosphere necessitates and demands flexibility from staff, for example, hours of service, staffing and location of service, which is contrary to the work culture of the bureaucracy.

The upside is that as a Department, we have utilized the independence. Since 1999, we have undertaken voter education as a mission; and with much zeal linked with the wider community—Private Sector, Civil Society Organizations, and other Government Departments,

to be able to expand services without the additional budgetary constraints. These are some examples:

1. April 28, 2004 marked the 50th Anniversary of the 1st election under Adult Suffrage. The Department brought attention to this through organizing a “*Run for Democracy*” countrywide culminating in Belize City. This was done through linkages with Schools, Red Cross, Boys Scouts and Girl Guides, the National Fire Service, Municipal Bodies, etc.
2. The Department publishes monthly newsletters, brochures, booklets among others and has established “*Library Corners*” throughout the country in collaboration with the National Library Service.
3. A website was established in 1999 with the assistance of a private sector organization

The above accomplishments resulted from the initiative and commitment of staff members. However, the sustainability of such motivation is uncertain, as there is very little support for it in the structures of the bureaucracy. For example, since coming on board in June 1999, February 2004 is the first time that we have experienced a full staff compliment. Therefore, throughout these years, some of us had to manage more than one desk at a time, mainly due to non-response, and/or slow response of the Ministry Personnel or their lack of appreciation for the Department’s work environment and culture.

The Commission

Where does the Commission fit into all this? The Commission meets at least four times per year. The CEO reports to the Commission primarily matters pertaining to the organization and outcome of elections, which were being called frequently such as:

- 1999 September - Referendum
- 2000 March - Municipal Elections
- 2001 March - Municipal By-election
- 2001 April - National Village Council Elections
- 2002 November - National Village Council By-election
- 2003 March - Parliamentary and Municipal Elections
- 2003 October - Parliamentary By-election

Section 88(12) states that “with the approval of the Governor-General given in accordance with the advice of the Prime Minister”, the Commission may “confer powers or impose duties on any Public Officer or authority of the Government for the purpose of the discharge of its functions”. However, its functions in electoral administration according to Section 88(13), that of, “the direction and supervision of the registration of voters and the conduct of elections referenda...”; is already being done by the Department as directed by the rules and regulations of the ROPA.

The Constitution in Section 88(14) also states that the Commission “shall...act in accordance with the Representation of the People Act...” However, the reference to the Commission in the ROPA is limited to two areas, namely, introducing the Elections and Boundaries Commission in Section 10, and the Administrative Provisions as follows:

- Section 11(2)—conferring its powers on the CEO
- Sections 13 and 14(2)—approving the appointment of election workers

All other sections relevant to electoral administration—Franchise and Registration, Continuous Registration, Elections, General Provisions, Adjustment of Electoral Records on Re-division, make mention of the CEO and Registration Officers and not the Commission. Therefore, Section 11(2) of the ROPA is seen as purely redundant, since Section 88(14) of the Constitution has spoken. The above findings demonstrate that as an administrative body, the Commission appears to be a “shell”. It does not to have the capacity to act as an administrative body over the Department or Election Workers, such as to approve/disapprove the actions of the staff and election workers, and it does not conduct electoral administration. However the Commission comprising citizens of integrity should be significant to election management by setting policies to improve their role—e.g policy for appointment of Election Workers to satisfy the basis for approval as per Secs. 13 and 14(2).

In the Oath of Allegiance to the Office each Commission member swore to “bear true faith and allegiance to Belize”, “to uphold the Constitution and Law” and to discharge duties “conscientiously, impartially and to the best of [one’s] ability”. In addition, the Code of Conduct under Section 121(1) of the Constitution as it pertains to the members of Elections and Boundaries Commission is very clear, and states the following:

- 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”***

Notwithstanding the oath of allegiance and code of conduct, the Commission has demonstrated much political partiality through the actions of some of its members, and may have disregarded the oath and most of Section 121(1) of the Constitution. Whether the disregard to the abovementioned was willful or purely due to the lack of knowledge, is not within the scope of this paper. It is the fact that it occurred that must be documented, and its

resulting impact on both election management bodies, may require further research and analysis.

“While the election management body must be adept at operating in a political environment, its decisions and actions must be non-political” (*Administration and Cost of Elections*, ACE Project by IDEA; 1999; page 32). The experience with the Elections and Boundaries Commission has been to the contrary. Firstly, during the pre and post election activities of 2003 and Election Day activities, I have observed some members physically, actively participating in political campaigns. One member resorted to using his newspaper as his campaign platform. At post-election, March 2003, the only area of criticism/condemnation came via a newspaper article by a member of the Commission (“*Annual Report 2003*”; page 35 and “*Report on The Elections: Parliamentary, City and Town Councils*”; page 8, #40). The same Member, for a By-election held in October 2003, openly supported a candidate and supported misinformation on the Registration Process (*Report on By-election—Cayo South Electoral Division #28 and #32*, November 2003). Secondly, a Commission member, again utilizing the newspaper since his coming on board in 2000, continuously criticized the Department’s work. Whatever the objective is, all attempts have been discredited.

The Department in the abovementioned newspaper articles considered the criticisms baseless, as “has to be seen in the context of the prevailing political atmosphere” (*Annual Report 2003*, page 35). On a human aspect, the abovementioned examples of political partiality by Commission members are demoralizing to staff members of the Department, and as a result, very disruptive and unproductive. At the level of the organization, in this kind of political climate, particularly at crucial times such as elections, the Department stands alone with absolutely no insulation. While at other times, the Department is chasing/correcting unfounded condemnations made by some members of the Commission.

The Cultural Practice of Registration

Some **87.65%** of the voter age population of Belize is registered as electors. While this figure stands relatively high, credit must be given to agents of the political parties. The practice is for the political agents to bring clients to conduct various transactions pertaining to registration with our Registration Officers. While the effort is laudable, its disadvantages are many. One such disadvantage is that the direct interaction negatively affects the work environment of staff persons, and is best described in the following excerpt from the “*Report on the Elections: Parliamentary, City and town Councils, 2003*”, page 1.

“The stark reality of the tensions caused by our unique working environment—the only Department whose primary customers are the past, present and future employers.”

In an effort to maintain focus, staff empowerment workshops are ongoing, emphasizing values such as integrity, ethics, self-governance, accuracy, team spirit, and transparency, among others.

The ROPA empowers the participation of electors and political parties represented in the House of Representatives to monitor the registration process, through three activities—objections, perusal of binders, and scrutinizing. Objections to registration empower electors to object, with basis, to new applicants placed on the Supplementary List or Temporary List of Electors, for ten days every month. Additionally, electors are also empowered to object with basis, to the continued registration of electors during the months of February, May, June, July and August. Furthermore, by prior permission of the Chief Elections Officer, the Chairman of any political party represented in the National Assembly may appoint individuals to peruse the binders and/or to be scrutinizers to observe the registration process for an electoral division.

In assessing this level of participation one can decipher that individual electors are not involved, and the interest shown is invariably by the political parties through their agents. The first objection to continued registration under annual revision occurred in November 2004, some six years after voter re-registration. Noteworthy is that the legal representative for the person objected to, is a member of the Elections and Boundaries Commission. This further proves how well entrenched political partisanship is in the culture of registration, at the level of the electoral management body.

CONCLUSION

The overall function of an Election Management Body is to maintain the confidence of the electorate in the electoral system—**that is the bottom line**. Ideally, an election management body “should be founded on principles of independence, non-partisanship and professionalism” (*Administration and Cost of Elections*, ACE Project by IDEA, 1999, page 32). Therefore, the Commission’s interest should focus on establishing a level playing field for all the players, and not one or the other.

Generally, there are three types of structures of Electoral Administration in existence in the Commonwealth, namely, the Independent Model, the Government Model, and the Supervision Model. Belize moved from the Independent Model to what may be described now as the Government Model. Therefore, the legal amendments in 1988 (Constitution) and 1989 (ROPA) started a major step backwards in the development of one of Belize’s important democratic institutions. Notwithstanding the challenges, the Department, as an elections management body utilizes voter education initiatives, as one way of maintaining the confidence of the electorate. However, without the proper structures, the sustainability is uncertain.

Impartiality and independence among other acceptable values necessary for EMB’s to effect efficiency in electoral administration and confidence in the electorate are lacking in that:

- The political partisan nature of some Commission members is more a hindrance to productive and efficient election management
- The present structures for electoral management need to be reformed
- The existing cultural practices are too lax for the seriousness of electoral registration
- Some areas of the law are not in keeping with the political environment

- The code of conduct Section 121 (1) of the Belize Constitution needs to be enforced

But what is the way forward for Belize? What alternative arrangements can be recommended? How does one move from one model to the other? One does not need to reinvent the wheel. In this forum of persons representing several commonwealth countries, including small states from the CARICOM region, lies many models. I welcome your discussion on the topic.

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