Upgrading Belize’s legal framework for biosecurity

Summary
The Government of Belize requested FAO’s support to update its legislative framework for biosecurity by drafting parliamentary-level laws on animal health, food safety, plant protection and biosafety. Five draft laws were prepared.

The underlying factors that contributed to capacity development in Belize are:

Government commitment to meet its international obligations: The Government’s strong commitment to ensuring biosecurity, evident in its signature of the relevant international agreements, provided the platform for implementation at national level.

Internal reform of the public service: The government reformed its public service through the establishment of BAHA, jointly governed by the private and public sectors.

Capacity for change: The existence of a competent institution in BAHA, based on a public-private partnership with incentives for staff, resulted in a very proactive and supportive approach to modernizing legislation and procedures.

Continuous dialogue with FAO: BAHA staff had continuous dialogue with FAO take advantage of its technical and legal expertise contributed to extend their existing capacities/knowledge to enhance the national legislative framework.

Mix of modalities of intervention: The modalities of intervention enabled meaningful participation and involvement by all stakeholders from central government to the private sector.

1. Context

In Belize, the agricultural sector contributes significantly to food security, employment, rural development, foreign exchange generation and gross domestic product. Agricultural exports contribute approximately 75 percent of total exports and are a source of employment for about 25 percent of the labour force. The potential for increased production and incomes – particularly with respect to fruit, cut flowers, vegetables, fish, fisheries products, animals and animal products – is vast, but hampered by the absence of adequate regulation.

The Government of Belize is a member of the World Trade Organization (WTO), the World Organisation for Animal Health (OIE), the International Plant Protection Convention (IPPC) and the Codex Alimentarius Commission.

Belize has implemented drastic internal changes in the public service sector. A notable step was the establishment of the Belize Agricultural Health Authority (BAHA), a statutory body designed to modernize agricultural health services in the country. In particular, it provides services in plant and animal health, quarantine and recently in food safety. It was established in 2000 under the “Belize Agricultural Health Authority Act, Chapter 211”. BAHA is governed by a Board of Directors, which is the policy-making organ of the Authority, with representatives from both government and the private sector.

The formal establishment of BAHA and its effectiveness have resulted in greater market access by Belizian traders and entrepreneurs to Belizian products. Through BAHA’s efforts in implementing a biosecurity approach, Belize has achieved List 1 status for its exports of marine products to the European Union, and has obtained regional and international recognition for its work in agricultural health. Nonetheless, the legal framework underpinning...
BAHA’s activities had persistent gaps, primarily because BAHA was initially intended to address only animal and plant health and quarantine; it has since expanded its activities to food safety as well as aquatic animal health.

**Box 1. What is biosecurity?**

Biosecurity is a strategic and integrated approach that encompasses the policy and regulatory frameworks (including instruments and activities) that analyse and manage risks in the sectors of food safety, animal life and health and plant life and health, including associated environmental risks. Biosecurity covers food safety, zoonoses, animal and plant diseases and pests, the introduction and release of living modified organisms (LMOs) and their products (e.g. genetically modified organisms or GMOs), and the introduction and management of invasive alien species. Thus biosecurity is a holistic concept of direct relevance to the sustainability of agriculture, and wide-ranging aspects of public health and protection of the environment, including biological diversity.

*Source: Excerpt from FAO Biosecurity Toolkit*

## 2. Capacity development intervention

Between 2001 and 2003, the Government of Belize requested support from FAO in the area of phytosanitary legislation, and several regional projects on phytosanitary issues and on trade were implemented.¹ However, BAHA’s staff remained aware that the existing legislation did not completely meet the international requirements in this area.

In 2005, the Government of Belize sought assistance from FAO in the form of a Technical Cooperation Programme (TCP)² project to upgrade its legislative framework for biosecurity, to strengthen the legal basis for BAHA’s biosecurity activities and to enable Belize to meet its current and future international obligations.

FAO’s capacity development intervention had three components:

- close collaboration with a national legal consultant on legislative drafting;
- continuous dialogue with BAHA staff to share knowledge on the subject areas comprising a biosecurity approach, and to increase their understanding of the process of legislative drafting;
- two national stakeholder consultations to raise awareness and knowledge about biosecurity, the advantages of a biosecurity approach and the substance of the draft laws prepared.

**Box 2. A participatory approach**

The Ministry of Agriculture, Fisheries, and Cooperatives and BAHA were the government counterparts responsible for project execution. The project team included a national legal consultant, an officer from the Development Law Service of the FAO Legal Office (acting as the team leader), an officer from FAO’s Animal Health Service, an officer from FAO’s Food Quality and Standards Service and an officer from FAO’s Aquaculture Management and Conservation Service.

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¹ The regional projects were: TCP/RLA/0066, TCP/RLA/0174, TCP/RLA/0172, TCP/RLA/2912.
² “TCP/BZE/3003 Strengthening the biosecurity framework” approved by FAO in January 2005 with a one-year duration. It had an initial budget of US$98 000, which was later increased to US$130 000.
The first task of the national legal consultant was to collect and analyse the existing legislation in four biosecurity areas: animal health, aquatic animal health, plant protection and food safety. The analysis was reviewed by the FAO Legal Officer, who was then able to identify the precise gaps and the legislation needed to address them.

The first mission of the project team resulted in an overview and assessment of the relevant sectors (animal health, aquatic animal health, food safety). At the national biosecurity seminar held on 8 February 2006 in Belize City, 76 participants from various governmental, non-governmental and private-sector entities heard presentations on a variety of aspects of biosecurity and discussed the implications for Belize. The national legal consultant and the FAO Legal Officer also outlined the weaknesses and gaps in the existing legislation in the biosecurity sectors. At the close of the mission, the government was presented with several potential legislative strategies to implement a biosecurity approach at country level. These strategies, together with the accompanying analyses of the relevant sectors, were presented in a first FAO technical report to the government. The report was circulated in April 2006, and BAHA reviewed it and submitted comments for inclusion.

Several months after the first mission, the government communicated its choice from amongst the legislative strategies that had been elaborated. It confirmed that it wished to enact a new abbreviated BAHA Act as well as sectoral laws to cover the technical areas (animal health, food safety, plant protection and biosafety, although the latter was beyond the initial ambit of the TCP project). This package of legislation would be designed to replace the existing BAHA Act, which covers administrative issues (e.g. establishment and functioning of BAHA) as well as animal health and plant health and some food safety issues.

The second joint mission of the FAO team took place from 31 October to 11 November 2006; working draft laws were circulated on all the proposed subjects. The team held extensive consultations with stakeholders and meetings with government units. BAHA senior managers and the FAO team then prepared for the final national workshop. The workshop was designed to present the main findings based on the information received during the second mission. The workshop was attended by a variety of public and private stakeholders, who gained a greater understanding of the legislative drafting process and the specific content of the laws on the different biosecurity sectors.

3. Results

As a result of these activities, five draft laws were prepared:

- a new BAHA bill envisioning a more defined mandate but still including the previous administrative provisions necessary for its functioning;
- a plant protection bill, prepared in first draft under a previous TCP project;
- an animal health bill, covering both terrestrial animal health and aquatic animal health;
- a food safety bill, setting out BAHA’s mandate in detail in this area;
- a biosafety bill, incorporating the philosophy and concepts of the Cartagena Protocol on Biosafety.

The five laws were revised in accordance with the recommendations of the two national stakeholder workshops as well as the inputs of the FAO experts and the national counterparts. In all the laws, BAHA is designated as the implementing authority. The laws also provide for various consultative bodies in technical areas where BAHA needs to draw on expertise from
different authorities. The substantive provisions of the laws enable BAHA to meet international obligations and standards.

After the second mission, the final versions of the five draft laws were submitted to the national counterparts, and these are at various stages of enactment by the legislature. Recently, the Minister of Agriculture signed the Biosafety Clearing House Project, which will put in place a mechanism facilitating the exchange of scientific, technical, environmental and legal information on biosafety. Another round of consultations at national level is ongoing for the final endorsement at Cabinet level.

Four of the draft bills have been made available for two years on BAHA’s website in order to receive comments from the public and to inform Belize’s trading partners of the new draft bills. The only bill that is not posted on the website is the one on biosafety, which is still undergoing further review with inputs from the national Biosafety Committee.

The national legal consultant has been tasked with drafting the implementing statutory instruments; BAHA is the responsible institution guiding the consultant in this work.

More than 100 people participated in the national consultations, gaining a greater understanding of the biosecurity approach and learning about general legislative principles as well as the specific legislative context of Belize. In addition, approximately six BAHA staff and the national legal consultant worked extremely closely alongside the FAO team, further enhancing their individual and institutional capacities in the area of biosecurity and legislative drafting.

4. Critical factors leading to successful capacity development intervention(s)

The underlying factors that contributed to capacity development in Belize are:

*Government’s commitment to meet international obligations on biosecurity*

The strong commitment of the Government of Belize in the area of biosecurity is evident in its having signed the international agreements in this area, and in its actions toward implementation at national level.

*Internal reform of the public service through the establishment of the BAHA*

In this regard, the government has embarked on a significant reform of its public service sector through the establishment of BAHA, which is jointly governed by the private and public sectors. This semi-autonomous institution has the mandate to maintain agricultural health control in compliance with international treaties and to create an enabling legal environment for accessing markets for Belizean agricultural products.

Capacity development requires capacity for change. The existence of a competent institution (BAHA), based on a public-private partnership and providing incentives to its staff (e.g. good remuneration, effective management and empowered employees), resulted in a very proactive and supportive approach to modernizing legislation and procedures. As already noted, BAHA has posted on its website the draft bills to foster public participation and information exchange.

*FAO’s continuous dialogue with national stakeholders*
FAO’s continuous dialogue with BAHA’s staff and its comparative advantage in combining technical and sectoral expertise with legal expertise contributed to the enhancement of the national legislative framework as well as BAHA’s institutional and individual capacities in legislative drafting and in knowledge building about biosecurity.

*Mix of modalities of intervention for capacity development*

Moreover, the modalities of intervention (close collaboration on legislative drafting, continuous dialogue with national counterparts and national consultations) enabled meaningful participation and involvement by all types of stakeholders, from central government to the private sector.

5. **Further reading and information**