

BELIZE:

NATIONAL SECURITY COUNCIL BILL, 2024

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BELIZE:

BILL

for

AN ACT to establish a body to be known as the National Security Council; to provide for the functions, powers, organisation and management of the National Security Council; to establish the National Security Directorate; to provide for the functions of the National Security Directorate; and to provide for matters connected therewith or incidental thereto.

(Gazetted, 2024)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

PART I

Preliminary

1. This Act may be cited as the

Short title.

NATIONAL SECURITY COUNCIL ACT, 2024.

2. In this Act—

Interpretation.

“armed forces” means the Belize Defence Force, the Belize Coast Guard or any other authority of Belize that has functions relating to the military defence of the country on land, air, and sea, or in the cyber domain;

“communication of information” means to convey any partial or complete text, chart, map, image, photograph, or any matter stating via any print or digital form, satellite, radio frequency, radio broadcast, television, internet website, social media platform, cellular telephone communication platform, or otherwise;

“Council” means the National Security Council established under section 3;

“department” in relation to the Government of Belize, includes any—

- (a) Ministry;

- (b) Department;
- (c) Unit; or
- (d) other institution or entity of the government, including any statutory body, law enforcement agency, or armed forces;

“Directorate” means the National Security Directorate established under section 8;

CAP. 13. “exempt document” means a document protected from disclosure under the Freedom of Information Act;

“law enforcement agency” means the Belize Police Department, Belize Coast Guard, or any other authority of Belize that has functions relating to the enforcement of the laws of Belize and all applicable bilateral or multilateral treaties or conventions on land, air, and sea, or in the cyber domain;

“national security” or “security” means the sovereignty and territorial integrity of Belize, its constitutional order, economy, food supply, energy supply, environment, foreign relations, and the individual and collective health and safety of the people of Belize; and

CAP. 4. “public officer” has the meaning assigned under the Belize Constitution.

PART II

National Security Council

3.—(1) There is hereby established a body to be known as the National Security Council which shall be the Government’s central authority for considering matters concerning the national security of Belize.

(3) The members of the National Security Council shall be the—

- (a) Prime Minister, who shall be the Chairperson;
- (b) Minister with responsibility for Defence;
- (c) Minister with responsibility for the Police;
- (d) Minister with responsibility for Foreign Affairs;
- (e) Attorney General;

Establishment
composition of
the Council.

- (f) Cabinet Secretary or another person designated by the Prime Minister;
- (g) Chief Executive Officer for Defence;
- (h) Chief Executive Officer for Police;
- (i) Chief Executive Officer for Foreign Affairs;
- (j) Chief of Defence Staff
- (j) Commander of the Belize Defence Force;
- (k) Commandant of the Belize Coast Guard;
- (l) Commissioner of Police;
- (m) Director General of the National Security Directorate; and
- (n) such other senior security-sector official involved with any matter affecting the internal or external security of Belize as determined by the Chairman from time to time.

4.-(1) The functions of the Council are to—

Functions of the Council.

- (a) consider any matter affecting the internal or external security of Belize; and
- (b) develop strategies and policies to address any matter affecting the internal or external security of Belize.

(2) Decisions taken by the Council may only be modified by the Council itself unless superseded by Cabinet.

5.-(1) The Council shall convene its meetings as often as may be necessary.

Meetings of the Council.

(2) The meetings of the Council shall be held at the time and place as determined by the Chairperson.

(3) The Council shall regulate its own procedure.

6.-(1) The Chairperson shall preside at all meetings of the Council.

Procedure at meetings.

(2) If the Chairperson is absent from any meeting of the Council, the Chairperson may appoint a member of the Council to replace him as chairperson of the meeting.

(3) The quorum of the Council shall be seven members.

Instituting proceedings.

7.—(1) Proceedings against or involving the Council shall not be instituted except with the leave of a justice of the High Court.

(2) Notwithstanding any other law, proceedings against or involving the Council shall be held *in camera*.

PART III

National Security Directorate

Establishment of the Directorate.

8.—(1) To support the work of the Council there is established under the Office of the Prime Minister a directorate to be known as the National Security Directorate.

(2) The Directorate shall be under the responsibility of the Cabinet Secretary and shall be headed by a Director General appointed in accordance with section 10.

Functions of the Directorate.

9.—(1) The functions of the Directorate are to—

- (a) serve as the principal advisor to the Prime Minister on external or internal security threats, risks, issues, intelligence, and matters related to national security;
- (b) remain apprised of any matter that may affect the country's internal or external security;
- (c) identify, monitor, and report on new and emerging internal and external security threats, risks, and issues to the Prime Minister or the Council;
- (d) provide independent research, analysis, and advice to the Prime Minister or the Council;
- (e) inquire into any matter as requested by the Prime Minister or the Council;
- (f) identify gaps and recommend plans of action or put in place measures to strengthen government-wide capacities in national security issues;

- (g) identify gaps and recommend plans of action or put in place measures to strengthen interagency coordination and collaboration;
- (h) identify gaps and recommend plans of action or put in place measures to strengthen the national security systems and structures;
- (i) liaise directly with personnel of any government department, non-governmental organisation, or private sector entity on any matter pertaining to Belize's internal or external security;
- (j) liaise directly with foreign security agencies, international organisations, and resident and non-resident foreign missions on select issues of national security, collaboration, or cooperation;
- (k) advise and assist the Prime Minister during crises or emergencies;
- (l) prepare an annual National Security Report for the consideration of the Cabinet and the Council; and
- (m) assist with the periodic development and review of national security strategies and policies.
- (n) provide all necessary administrative and technical support to the Council;

(2) The Directorate may perform its functions under sub-section (1), within or outside Belize.

10.—(1) The Director General shall be appointed by the Governor-General, on the advice of the Prime Minister.

Appointment of
Director General.

(2) The Director General shall be appointed to hold office for such a term and under the conditions of employment as set out in his instrument of appointment.

(3) A person appointed to hold the office of the Director General shall be a Belizean national and possess a professional background at a senior level in the armed forces, international relations, law enforcement, or national security.

(4) The office of Director General shall be subject to section 107 of the Belize Constitution.

CAP. 4.

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- Functions of Director General.
- 11.**—(1) The Director General shall—
- (a) be responsible for ensuring that the Directorate performs its functions in accordance with this Act; and
 - (b) take all reasonable steps to ensure that the work of the Directorate is limited to what is necessary for the purposes of the discharge of its functions.
- (2) In performing his functions under this Act, the Director General shall be subject to the directions of the Prime Minister given in accordance with section 12.
- Prime Minister may give directions.
- 12.**—(1) The Prime Minister may, from time to time, give to the Director General directions of a general or specific nature to be observed with relation to—
- (a) the exercise of the powers of the Director General; or
 - (b) the performance by the Directorate of its functions as listed in section 11(1).
- (2) The Prime Minister may, from time to time, vary or replace any directions referred to in sub-section (1).
- Staff of the Directorate.
- 13.**—(1) There shall be appointed by the Public Services Commission, the Security Services Commission or the Judicial and Legal Services Commission, as the case may be, such other staff as may be necessary for carrying out the functions of the Directorate.
- (2) The Directorate may, as necessary, employ public officers, judicial and legal officers, military or law enforcement personnel on posting, secondment, or transfer from other agencies.
- (3) A public officer, judicial and legal officer or military or law enforcement personnel on posting, secondment or transfer from other agencies shall be governed by the rules and regulations of the Directorate.
- (4) Any public officer, military or law enforcement personnel serving at the Directorate in a temporary capacity shall retain their seniority and their career progression shall not be adversely affected as a result of their tour of duty at the Directorate.

(5) Every employee, including those engaged under sub-section (2), shall be required to take an Oath of Allegiance and Oath of Secrecy within one week upon taking office.

(6) A person who wilfully fails to take the Oath of Allegiance and Oath of Secrecy as referred under sub-section (5) shall be deemed to have immediately resigned from the Directorate.

14.—(1) The Directorate shall, as necessary, conclude memoranda of understanding with any department for the sharing and management of confidential information required for the Directorate to fulfil its functions.

Access to information.

(2) Whether or not memoranda as specified in sub-section (1) are in force, all departments shall, in the interest of national security and in a timely manner, provide the Directorate with all relevant and accurate information necessary to fulfil its functions.

15. Any person who interferes with or otherwise obstructs an employee of the Directorate in the lawful exercise of their functions under this Act commits an offence and is liable on summary conviction to a fine not exceeding twenty thousand dollars or to a term of imprisonment not exceeding two years or to both.

Interference or obstruction.

16.—(1) When necessary for the carrying out by the Directorate of its functions, if the Director General believes on reasonable grounds that a warrant under this section is required to enable the Directorate—

Interception of communications.

(a) to fulfil its functions listed in section 9(1); or

(b) to discharge the international security obligations of Belize,

the Director General may, in accordance with the Interception of Communications Act, request the interception of communications.

CAP. 229:01.

17.—(1) In performing its functions and responsibilities the Directorate shall not be influenced by considerations not relevant to its functions and the Director General shall ensure that the Directorate does not further or protect the interests of any particular political party or section of the community or become involved with any matters other than the discharge of its functions.

Undue Influence.

(2) Any employee of the Directorate who contravenes sub-section (1) commits an offence and is liable on summary conviction a fine not exceeding twenty thousand dollars or to a term of imprisonment not exceeding two years or to both.

(3) An employee convicted of an offence under sub-section (2), shall be dismissed from the Directorate.

PART IV

Disclosure of Information

Secrecy.

18.—(1) All matters considered by the Council or by the Directorate pertaining to their functions shall be treated as “secret” unless listed as “unclassified” and all documents shall be considered exempt documents.

(2) The communication of information on behalf of the Directorate shall be made only by the Director General or by a person acting within the limits of authority conferred on the person by the Director General.

(3) No current and former employee of the Directorate shall communicate or attempt to communicate any information relating to the functions of the Council, matters considered by the Council or the Directorate, sources, methods, or any matter he may be aware of as a consequence of his employment with the Directorate.

(4) Every former employee of the Directorate shall, within five calendar days of concluding his employment with the Directorate, deliver to the Director General any hard copy material that he may have in his possession and satisfy the Director General that he has destroyed or permanently deleted all digital material held on any personal devices or digital platforms as a consequence of his employment with the Directorate.

(5) A person who contravenes sub-sections (3) or (4) commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding five years or to both.

(6) This section shall also apply to any person who has entered into any such contract, agreement or arrangement in accordance with the contract, agreement or arrangement, including service or maintenance contracts, including verbal arrangements.

Authorised disclosure.

19.—(1) A person does not commit an offence under section 18 where the communication or attempted communication was done pursuant to—

- (a) the discharge of the functions of the Directorate as authorised by the Director General; or

(b) a court order.

(2) Any information provided to support an application for a court order under sub-section (1)(b) that—

(a) is part of—

(i) a past operation;

(ii) any ongoing operation; or

(iii) a planned operation; and

(b) the release of information would compromise confidential sources, methods, or information,

shall be considered only *in camera*.