



RESOLUTION

Ratified by

Special General Meeting

15th July, 2011

BE IT RESOLVED that the members of the Belize Chamber of Commerce & Industry (Chamber) at an Emergency Meeting held at the Withfield Tower on July 6, 2011 to discuss the Chamber's position as regards the current state of the business climate in Belize, the method of Government of Belize (Government) acquisition of private property and the adherence to the rule of law.

NOW THEREFORE:

The Chamber hereby resolves as follows:

1. That as a matter of overriding national importance and interest, the Chamber calls on the Government to:
 - (i) uphold and obey the rule of law in all respects as declared by the Courts of Law in all judgments and otherwise in accordance with the Constitution of Belize;
 - (ii) desist from taking any actions that offend the principle of separation of powers and our democratic institutions enshrined and entrenched in our Constitution;

expressly taking into account that no person or entity has a more imperative obligation to obey the law than those who make the law.

2. That as a matter of overriding national importance and interest, the Chamber calls on the National Assembly, subject to the provisions of our Constitution, to act within the scope of its legislative authority to make laws solely for the peace, order and good governance of Belize.
3. Without prejudice to the generality of the foregoing, that in the interest of fostering economic growth and the social well-being of Belize, to seek to restore a favorable investment climate for local and foreign investors, and to otherwise enable the private sector to function, without fear or favor, in partnership not in conflict with the public sector, the Chamber calls on the Government and National Assembly to refrain from taking any action, whether executive or legislatively, to deprive or otherwise infringe fundamental rights and freedoms entrenched in our Constitution, including but not

limited to freedom from arbitrary deprivation of private property but instead protect the fundamental rights and freedoms of each and everyone in Belize.

4. That, further and in addition thereto, as regards the issue of the compulsory acquisition of private property, contracts or rights by the Government, the Chamber calls for certain conditions and procedures to apply, being in particular but not limited to the following:
 - (i) The purpose of the acquisition must not only be stated and clear but must be the real, genuine and true intention of the acquisition;
 - (ii) The acquisition must not be discriminatory in nature;
 - (iii) Prompt, adequate and effective compensation must be determined and paid within one year from date of acquisition, unless challenged in the Courts of Law;
 - (iv) The acquisition must be proportional to the intended purpose;
 - (v) Any resale or redistribution to private entities must be in the spirit of the original intended purpose of the acquisition;
 - (vi) Those to be deprived of their property by the Government must have a reasonable and fair opportunity to be heard prior to compulsory acquisition;
 - (vii) Within reason, all opportunities for a negotiated settlement or alternative options must be explored between both parties prior to compulsory acquisition;
 - (viii) In order to establish one's right or interest, to determine whether the acquisition was duly carried out for a public purpose in accordance with applicable law and the Constitution, to determine the amount of reasonable compensation to which one may be entitled, and to substantively enforce one's right to such compensation, right of access to the courts must not in any way be deprived.