

# STAKEHOLDERS' SECOND DRAFT

Government of Belize  
Ministry of Public Utilities, Energy and Logistics

# National Ports Policy

August 2021

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Belize National Ports Policy

Belize Port Authority  
Ministry of Public Utilities, Energy and Logistics

## ACKNOWLEDGEMENT

The Board of the Belize Port Authority wishes to thank the Honorable Minister Rodwell Fergusson for his leadership and guidance in the development of this Policy.

Recognition is also given to the many stakeholders across multiple sectors who contributed to the development of the Policy; in particular, to the port operators, the Shipping Agents' Association, the Belize Tourism Board, and the NGO community.

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## MINISTER'S STATEMENT

Ports are important communication nodes, and their state of health has a direct impact on the state of the Belizean economy. There can be no debating the correlation between the competitiveness of our exports and the efficiency of our ports. Equally, the impact of our supply chain efficiencies on the price of imports, and thus the cost of living, cannot be denied.

If Belize is to make good on its tremendous potential it must be able to trade efficiently, affordably and with due regard for the protection of our maritime spaces. These are the fundamentals that must undergird our efforts as we set out to expand and improve our port sector; and as the Minister with responsibility for ports, I am committed to ensuring that we do just that.

Mindful always of our natural environment, I am steadfast in my view that in the port sector overdevelopment can be just as harmful as underdevelopment, therefore, through this Policy we seek equilibrium. We seek a balance between port supply and demand; a balance between development and the environment; and a balance between the interests of port operators and users. The equilibrium we seek is not always easy to achieve but we are one step closer by the adoption of this National Ports Policy.

We consulted widely during the development of this Policy to be sure that we balance the constellation of interests, views, and concerns. In the final analysis, we are all partners in this enterprise: we hold common but differentiated responsibilities to ensure that our ports succeed and grow. I therefore invite you to remain committed to the process as we look forward to the implementation phase.

In this Policy we embraced a new port-complex approach which for the first time espouses a port master planning modality in terms of port development. This new approach further ensures that there are redundancies in our port architecture to be sure that there can be no disruptions given the importance of ports to our national wellbeing.

The presentation of this Policy must not be the end of our joint efforts, in fact it represents the start of the hard work as we begin the implementation phase, there your inputs and engagement will be relied upon as we move forward and give life to this Policy.

I salute all of you who contributed in any way to the development of this Policy, and I recommit myself to doing all that is necessary to move our ports forward.

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## ACRONYMS

BPA	Belize Port Authority
ECP	Environmental Compliance Plan
EIA	Environmental Impact Assessment
GOB	Government of Belize
ILO	International Labour Organization
IMO	International Maritime Organization
ISPS	International Ship and Port Facility Security Code
LNO	Letter of No Object
MARPOL	The International Convention for the Prevention of Pollution from Ships
NEAC	National Environmental Appraisal Committee
NEMO	National Emergency Management Organization
NGO	Non-Governmental Organization



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## Executive Summary

To follow

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## Introduction

The Government of Belize (GOB) is committed to ensure that the network of Belizean port complexes act in unison to promote and facilitate trade in an efficient and uninterrupted fashion. To that end GOB has adopted this National Ports Policy to guide the necessary investments in Belizean ports to guard against demand outpacing supply or vice versa. The GOB, through the Belize Port Authority (BPA), shall therefore endeavor, as best as is possible, to seek equilibrium in the port sector in terms of supply and demand.

The central role of ports to Belize's national economy cannot be overstated; our ports are important economic drivers and any inefficiencies related thereto will have a knock-on effect on the economy. The implications of inefficient ports for Belize's competitiveness, particularly in what is forecasted to be a hyper competitive post-Covid macroeconomic environment, can be detrimental and must be avoided as far as is possible.

Since all port development have some impact on the natural environment; the BPA shall ensure that port productivity and performance are optimized to avoid undue development in the port sector by improving port efficiency.

## Existing Conditions

### The Subsisting Port Landscape

The Belize Port Authority Act recognizes three types of ports: private ports, privatized ports, and leased ports. Of the three private ports, one is a cargo port<sup>1</sup> and two are cruise ports<sup>2</sup> whereas both the privatized<sup>3</sup> and leased port<sup>4</sup> are cargo ports.

### Port Operators

Under the existing legal framework, a license must be granted by the Minister with responsibility for Ports to construct and or operate a port in Belize. Currently there are five regulated ports: four licensed ports and one leased port. Of the four license holders, three are private ports<sup>5</sup> and one a privatized port<sup>6</sup>. All four license holders are private limited liability companies which owns and operates the port facilities governed by their license.

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<sup>1</sup> The Port of Big Creek

<sup>2</sup> Harvest Caye and Port Coral (Stake Bank)

<sup>3</sup> Port of Belize Ltd

<sup>4</sup> Commerce Bight Port

<sup>5</sup> One cargo and two cruise ports

<sup>6</sup> Cargo

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Combined the four licensed ports directly employ 853 persons<sup>7</sup>; however, there is no publicly available study on the economic impacts of the ports.

The Commerce Bight was leased in November of 2020 and designated as a cargo port with clear obligations on the part of the lessee to operate the facility as *"a cargo port facility primarily for the purpose of the importation of fuel"*. However, on May 28, 2021, Parliament voted not to approve the lease at which point the BPA resumed control of the Port.

Name of Port	Type	Operator	Location	Authorization	Operational
Port of Big Creek	Cargo	Toledo Enterprises Ltd.	Stann Creek	License	Y
Harvest Caye	Cruise	Belize Island Holdings Ltd.	Stann Creek	License	Y
Commerce Bight	Cruise	Belize Port Authority	Stann Creek	GOB	N
Port Coral	Cruise	Stake Bank Enterprise Ltd.	Belize City	License	N
Port of Belize	Cargo	Port of Belize Ltd.	Belize City	License	Y

**Table 1: List of regulated ports (2021)**

### Port Connectivity

The United Nations Conference on Trade and Development publishes an annual Liner Ship Connectivity Index in which it rates ports based on the indicators set out in the table below. Belize does not yet feature in this index, but the table below provides a good basis for independent comparison.

Indicators	Quantity	Remarks
Number of shipping lines	4	Hyde; Caribbean Feeder Service (CFS); Tropical Shipping; CMA-CGM
Size of the largest vessel (TEUs)	1,118	Hamburg Trader (CFS)
Number of connecting services (node degree)	3	Port Everglades, Kingston CT, Port of Palm Beach

<sup>7</sup> Port of Belize: 262 (109 full time; 8 part time; 145 stevedores); Port Coral: 275 (temporary construction workers); Port of Big Creek: 200; Harvest Caye: 116.

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Number of transshipment (port betweenness)	125	19 through Port Everglades and 106 through Kingston
Number of deployed vessels	9	
Total lift capacity (TEUs)	5,399	

**Table 2: Liner Ship Connectivity**

### Global and Regional Trends in Port Development

Belize's ownership and governance models are different than those in the region where ports tend to be owned by publicly controlled port authorities<sup>8</sup> or by publicly owned private companies<sup>9</sup>. In Belize, all ports are privately owned and operate under a license issued by the Minister with responsibility for ports. The BPA (since 2002) serves only as the regulator of ports and is in fact prohibited by virtue of Section 103(4) of the BPA Act (amended in 2001) from *"any operational or management functions in respect of privatized or leased ports"*.

Over the last two decades there has been a significant shift in the global port architecture leading to the emergence of hub-and-spoke networks, however, Belizean cargo ports fall well outside of these hub-and-spoke networks. The implications of Belize's poor connectivity and trade imbalance have been the establishment of oligopolies in the liner shipping market, leading to higher freight rates and logistics costs among other things.

Two seismic shifts have taken place in the liner shipping market over the last two decades; (1) horizontal integration which has led to massive consolidation<sup>10</sup>; and (2) the entrance of shipping lines directly into port ownership, management, and operations. Consolidation has resulted in oligopolies which place downward pressures on terminal charges whilst at the same time increasing demand for improved port infrastructure to handle ever growing ship size. Where shipping lines have vertically integrated into port ownership, management, and operations, they have provided dedicated volumes where they have a commercial interest; the result has been the realignment of global supply chains.

In terms of cruise port development, the destinations in the Caribbean tend to be mixed-used ports with dedicated cruise passenger terminals. The ownership model is predominantly the landlord-tenant model with publicly owned port authorities acting as the landlord. The pre-

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<sup>8</sup> Cayman Islands, Jamaica, Trinidad and Tobago and the Bahamas (save for Freeport Container Port). These ports employ the landlord-tenant model: public ownership but with high levels of private-sector involvement in the provision of infrastructure and or services.

<sup>9</sup> Barbados; Santo Tomas, Guatemala; Puerto Cortes, Honduras, among others

<sup>10</sup> The top 10 container carriers by vessel capacity control 84.1 percent of the global fleet and five of those lines operate in Belize some as NVOCCs.

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Covid downward trend of private islands as a destination for cruise ships may have been halted, if not reversed, in the wake of the Covid-19 pandemic. If this trend is in fact enduring, at least for the mid-term, then Belize would be well positioned to take advantage of this resurgence given the existence of Harvest Caye and Port Coral (due to be operational in 2022) both of which are privately owned island destinations. There are arguments among key stakeholders that the era of private islands as cruise terminals is over and that not having a “mainland” cruise terminal represents a strategic vulnerable in the mid to long term. Proponents of the two island-based cruise terminals in Belize debunk such a notion and argue that their proximity to the mainland coupled with their business models allow anybody who wish to disembark the ship to the mainland to do so safely and inefficiently.

### The Implications of Global and Regional Trends

The practical implications of global trends in the port landscape are fourfold: (1) redeployment of large ships to Belizean ports; (2) increased pressures on port infrastructure; (3) Emergence of oligopolies; and (4) increased impact on the natural habitat/tourism product.

#### Increased Ship Size

Ships that were once considered large for lower tier ports such as Belize, have been displaced from the global liner routes between tier one and tier two ports and are now operating on tertiary and boutique routes. Redeployments are often accompanied by the scrapping of smaller ships as they age and or are pushed off their traditional routes. The result has been downward pressure on the supply of “small” feeder ships available for deployment on routes with destination ports such as those in Belize.

Though considered small in global terms the ships being redeployed to Belize represent significant growth in size which in turn places pressure on port infrastructure in terms of the adequacy of navigational channels, docking areas and cargo handling equipment. The largest ship calling at the Port of Belize today is 64% larger than the average ship size of five years ago. The Port of Belize is currently constrained both by draft and by available berth for docking large ships and its single berth represents a significant constraint to achieving optimal supply chain efficiency.

At the Port of Big Creek, ship size has also increased dramatically: by 78% compared to five years ago. However, over the last three years the Port of Big Creek has made substantial investments in both quay development and the deepening of its navigational channel allowing feedermax/handymax vessels to dock at any one of two quays with depths of -11 meters alongside.

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### Pressures on Port Infrastructure

The deployment of larger ships to Belize is putting pressure on port operators to make the necessary investments to be able to accommodate them in terms of navigational channel, docking areas and cargo handling equipment. Larger ships also impact on cargo handling equipment, in particular ship-to-shore cranes which must be able to reach out further from the berth and across wider ships.

In the case of the Port of Belize, it is beset by severe navigational constraint which require the larger ships to have to call other ports first to discharge some cargo in order to reach the small navigational draft available at the trestle (~8 meters). The single berth, linked to shore by a single-lane trestle, is only 67 meters long and offers a small working area. The single berth is prioritized for containerships resulting in substantial delays for bulk carriers which must vacate the berth whenever a container ship calls. The commercial and navigational constraints at the Port of Belize (considered to be the “national port”)<sup>11</sup> have serious implications for Belize’s maritime communications lines.

The Port of Big Creek has been able to meet the demand for improved infrastructure by making substantial investments in its access channel, turning basin, berthing areas, and cargo handling equipment; and it has paid off. Since widening and deepening its access channel it has been able to attract sugar exports given the improved loading rates and the parcel size distribution available by being able to handle handysize<sup>12</sup> bulk carriers. They have also been able to handle feedermax<sup>13</sup> containerships for banana exports improve economies of scale the benefits of which inure to the banana growers.

The infrastructural pressure from the cruise sector has a different complexion from those imposed by cargo logistics due primarily to the fleet dynamics of the cruise industry. Cruise ships are predominantly owned by the cruise lines themselves and their business model see them operating in a limited number of ports. In the case of Harvest Caye, a private island owned by Norwegian, it was designed to accommodate ships in the Norwegian fleet and since their business model sees very little of their port services being sold to the other cruise lines, the infrastructure is adequate.

On the other hand, Port Coral, which is under construction, will provide services to all cruise lines calling the northern port complex. Port Coral is designed to accommodate Oasis class ships therefore its infrastructure should enjoy relevance for the long term. There are two

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<sup>11</sup> Because it controls almost all of Belize’s imports and a substantial portion of exports. However, the Port of Big Creek which was focused primarily on banana exports is now poised to control sugar exports as Santander Sugar now has facilities there and Belize Sugar Industries is now constructing its own facilities as it realigns its supply chain.

<sup>12</sup> 24,000 – 35,000 dwt tons

<sup>13</sup> 2,001-3,000 TEUs

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other unlicensed entities that have expressed an interest in developing cruise terminals in the northern port complex; and if licenses are granted, they would both construct terminals able to accommodate Oasis class cruise ships.

### Emergence of Oligopolies

The consolidation taking place across the shipping industry has created powerful oligopolies which are able to exert tremendous pressures on ports to hold tariffs steady if not drive them downwards, even as they increase their freight rates at will. The oligopolies operating on routes into Belize are unregulated and they have been able to extract maximum value from Belize's logistics value chain; meanwhile, ports are struggling to keep up with the capital-intensive demand for improved infrastructure to handle increasing ship sizes.

### Increased Impact to Natural Habitat/Tourism Product

The expansion of existing cargo ports will require environmental impact assessments (EIA) to determine the level of potential degradation of ecosystems within their vicinity. New port developments (those requiring a new license) shall be required to conduct comprehensive EIAs to determine the environmental cost of the project prior to construction. These studies will be critical in highlighting the impact of development related activities to marine based livelihoods such as fishing as well as to the natural habitats on which Belize's tourism industry is based. These studies must be independently conducted and repeated at intervals to be determined by the BPA in consultation with the NEAC.

### A Network of Port Complexes

There shall be three port complexes dispersed at strategic locations along Belize's coast as set out below. Each port complex shall be such that all reasonable demands for port services are met and that the services provided within each complex are integrated, complimentary and easily scaled up to meet increases in demand.

The northern and southern port complexes shall act as a strategic reserve to each other to be sure that, if there is a disruption to port services (particularly cargo related), the supply chain can be rapidly realigned and redirected to the other port with minimum delay and with little negative impacts on Belize's economy as possible.

### The Northern Port Complex

Centred on the Belize City Port<sup>14</sup>, the Northern Port Complex shall feature one cargo terminal (mixed-use), one cruise terminal, a logistics park/free zone, and a full range of auxiliary services<sup>15</sup>.

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<sup>14</sup> Already defined in the Definition of Ports Order

<sup>15</sup> Tugs, firefighting, oil spill response, MARPOL reception facilities, etc.

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### The Central Port Complex

The Central Port Complex located in Dangriga, shall include the Commerce Bight Port connected by a land bridge to the municipal pier. Commerce Bight shall be developed using a landlord-tenant port model and shall feature one cargo terminal (mixed-use); one passenger terminal for small cruise ships<sup>16</sup>, intra-regional passenger ferries, and yacht tourism; and a full range of auxiliary services.

### The Southern Port Complex

Located near Independence Village, the Southern Port Complex shall encompass the Port of Big Creek and the Harvest Caye Cruise Port. The Southern Port Complex shall feature one cargo terminal (mixed-use), one cruise terminal, a logistics park/free zone, and a full range of auxiliary services.

## The Policy Environment

### The Comprehensive National Transportation Master Plan

The Comprehensive National Transportation Master Plan<sup>17</sup> identifies several “maritime problems and issues”, the principal ones of which are directly quoted below. This policy attempts to address those issues and where the GOB has no direct ability to do so; it shall influence the respective ports to move in the desired direction by offering appropriate incentives:

- *“Port of Belize Ltd suffers from infrastructural limitation impacting negatively port productivity and competitiveness.*
- *Both Port of Belize Ltd and Port of Big Creek suffer from relatively low traffic volumes which have a negative impact on port tariffs. Both port operators have manifested their interest in increasing transit cargo; however, the possibility of increasing the ports’ hinterlands are limited.*
- *The organization of stevedoring in Port of Belize Ltd with an outdated gang system based on the “one gang per vessel” principle negatively impacts the port productivity and generates high handling costs that increase the cost of goods imported and exported to / from Belize.*
- *Commerce Bight Port - The construction of new facilities at Commerce Bight Port near Dangriga in the central region of Belize has been recently proposed. The idea is to develop this port as an alternative port for handling bulk commodities for which demand has been growing, as a result of the expansion of agricultural production in the central region of Belize. The issue is controversial, as it is questionable whether there is enough demand for an additional port in such a small country.*

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<sup>16</sup> Only ships with a capacity of 550 passengers or less.

<sup>17</sup> Section 2.6.2 (pg. 2-23) “Major Ports and Maritime Problems and Issues”.



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- *There are several institutional and regulatory problems identified during the preparation of the short-term action plan in the ports sector but probably the main issue is the lack of ability of the GOB to influence the development of the existing ports. As both are entirely private, the operators could take decisions confronted to the strategic interests of the country. To give an example, in this study the Consultant is developing infrastructure scenarios for medium and long term, which include several options for ports development. The stakeholders will select one of these scenarios as more suitable but today there is no guarantee that it can be implemented at the ports level as the owners of the ports could choose a different strategy. The complicated relations between GOB and especially Belize Port Ltd make it very difficult to establish cooperation between both sectors and try to align the development strategies.*
- *This is a problem with difficult solution in the short-term. This is compounded by current institutional situation in Port of Belize Ltd where the port owner is placed under receivership by its lenders is preoccupying and a long-lasting solution must be found and implemented urgently.*
- *The ideal situation would be that the receiver of the port finds a foreign investor willing to buy the port of Belize City and the Government gets to an agreement with him with a common plan for the development of the port, including a revision of the license. In that case, it could be possible to reinforce the role of the GOB (through the Port Authority).*
- *Outdated regulatory framework. The Port Authority Act is outdated, with several provisions inconsistent with the current situation after privatization, tariffs fixed since the Independence, lack of definition for the role of “general supervisor of port activities” for Belize Port Authority, and unclear distribution of maritime administration responsibilities.*
- *Lack of capacity of BPA. In addition to the inadequate regulatory framework, BPA needs training and staff reinforcement in several legal and operational fields in order to have enough resources and skills to be able to fulfill its responsibilities.*
- *Lack of long-term planning for the Port of Belize City. Several needs will arise for the port in the short-medium term, depending on traffic growth rates:*
  - *The new for cruise terminal*
  - *The extension of the existing wharf with a second dock for containers*
  - *A bulk facility with a specialized dock to avoid the current conflict between bulk and container ships (container ships always have priority and bulk ships are forced to wait for several days)”*

### Other Policies Influencing Port Development

The following national policies also influence the development and operations of ports.

- Horizon 2030
- Growth and Sustainable Development Strategy (GSDS), 2016-2019
- The Integrated Coastal Zone Management Plan

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- Belize National Tourism Policy
- Belize National Climate Change Policy, Strategy and Action Plan
- Dangriga Tourism Destination Development Plan

### National Ports Policy

The global objective of the National Ports Policy is to facilitate trade through a network of port complexes undergirded by competitiveness and operational efficiency. To that end GOB has adopted the Goals, Objectives, and Policies set out herein, to guide the development, upgrade, and management of port facilities across Belize. These Goals, Objectives, and Policies, supported by a National Ports Master Plan to be developed by the BPA, shall guide Belize's port sector for the next twenty years (2021 - 2041).

### Guiding Principles for Port Development

Decisions related to port development should be guided by the following seven guiding principles, which are listed in no particular order. The thematic areas set out below are crosscutting and are meant to be applied in the appropriate manner befitting the prevailing conditions. They are meant to guide decisions and actions related port development. As well as to guide the formulation of the necessary legislation, policies, strategies, and action plans.

1. Sustainable development imperatives are priorities
2. Ports must have deference for the natural environment
3. There must be an equilibrium of interests (port developers vs. port users)
4. Port development to be integrated and balanced
5. There must be a focus on meeting our international obligations
6. The user pays principle shall apply
7. Capacity building is an eternal enterprise
8. Resilience and business continuity must be central features in ports' strategic plans

Figure 1: Guiding Principles

### Vision and Goals

The National Port Policy sets out a shared vision for the Belizean port ecosystem:

#### Vision

An improved network of port complexes that are modern, resilient, mindful of Belize's pristine marine environment and which drive sustainable economic growth.

Figure 2: Vision Statement

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## Goal 1: Port Expansion and Development

Belize's network of port complexes will provide critical intermodal links to promote trade and tourism through the construction, operation, and management of deep-water ports. Our port complexes will continue to support container, bulk, and passenger services, with the goal of facilitating trade; creating, and sustaining jobs; acting as an economic engine; supporting agriculture and value-added industries; and serving port users in an atmosphere of respect. Belizean ports will have due regard for adjacent communities, and their development and port operations shall be sensitive to the natural environment.

### Related Issues

The absence of a system-wide coordinated approach to port data collection and analysis makes integrated port planning difficult; this is compounded by the virtual self-regulated nature of Belizean ports. The port licensing regime is weak, disjointed and disconnected from any national development imperatives. Consequently, the explosion of interest in the cruise sector threatens over development even as there is severe under development in some quarters of the cargo sector. The former challenge has the potential to irreparably harm Belize's natural environment, whereas the latter challenge has the potential to render Belize's exports uncompetitive thus stifling its economy.

### Objective 1.1: Meeting Current and Future Demand

To identified navigational and berthing constraints at port facilities and suggest potential improvements to address them. Port development activities are to be undertaken in a manner which minimizes potential adverse impacts on adjacent communities, including, without limitations, Belize City, Dangriga, Hopkins, Mango Creek and Placencia.

#### Policy 1.1.1. Knowledge Based Decision Making

Port license holders shall be required to conduct periodic demand studies as a condition of their license; and these studies shall be submitted to the BPA who shall use them to drive the National Ports Master Plan.

#### Policy 1.1.2. Improved Operational Efficiency

Operational efficiency, in terms of human outputs, equipment performance and optimizing business processes, shall be improved. To that end, Ports shall maintain key performance indicators as determined by the BPA in consultations with port operators and users. The BPA shall perform frequent analysis (to be made public in aggregate form) about the performance of Belizean ports.

#### Policy 1.1.3. Priorities for Port Development Incentives

To facilitate international trade, GOB will incentivize the development of Belizean ports with a sharp focus on existing ports. Where existing ports are unable or unwilling to make

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the necessary investments to meet the demand for port services GOB will promote and support the development of “brownfield” projects with a view to meeting the said demand. Mindful of the importance of Belize’s natural environment, as a last resort, GOB will promote and support the development of “greenfield” projects.

### Policy 1.1.4. Port Licenses

The Government of Belize, upon the recommendation of the BPA, shall grant licenses to port development projects that align with this policy. In recommending the award of licenses, the BPA shall first consider the related engineering plans denoting stages of development and indicative timelines; financial feasibility studies; statement of financial capability and proof of access to financing; demand-forecast studies and related economic impact studies; and the degree of alignment to this policy, among other things. In terms of pilotage, it shall be the policy that no new port license<sup>18</sup> shall provide for the provision of pilotage to the license holder; such duties shall fall on the BPA.

The process for obtaining a port license shall be:

1. Developers to write to the Minister of ports proposing their development.
2. If the Minister supports the project, he shall submit the developer’s letter of interest to the BPA for its review.
3. The BPA will measure all project ideas against this policy, and it may request all relevant information from the developers to aide in its assessment.
4. After its review the BPA may grant a Letter of No Objection (LNO) certifying alignment of the proposed port development with this policy.
5. Once a LNO is granted the project proponents shall submitted its EIA to NEAC.
6. After the approval of the EIA the developer is to write to the Minister of ports requesting a license to construct and or operate a port.
7. The Minister then consults with the BPA regarding the granting of the license.
8. After consultations with the BPA the Minister may grant a license if he deems it in the best interest of Belize to do so.
9. All licenses granted shall, among other things, include provisions for financial penalties related to breaches of the license; an exit clause in the event the license is not renewed; and provisions for the decommissioning of the port development where a license is not renewed.

### Objective 1.2: National Ports Master Plan

To ensure that future demand for port services is met the BPA shall develop a National Ports Master Plan that will seek to improve existing facilities and where absolutely necessary, build new facilities. The National Ports Master Plan shall promote the development of port

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<sup>18</sup> This does not apply to renewal of port licenses

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complexes that are safe, secure, and efficient, and which are able to accommodate future growth in cargo and passenger services as well as related auxiliary services.

### Policy 1.2.1: A Port-Complex Approach

Supply side considerations shall embrace a port-complex approach to ensure the availability of a full range of port services across each complex as well as intra-complex and inter-complex synergies.

### Policy 1.2.2. Coordination of Expansion Plans

Ports will achieve their development program in a manner which minimizes potential adverse impacts on adjacent communities, including without limitations; Belize City, Dangriga, Hopkins, Mango Creek and Placencia. The BPA shall be required to coordinate port expansion efforts across the entire network of ports to ensure alignment with the National Ports Master Plan; and to reduce the cumulative effects of such proposed development on the natural environment.

### Policy 1.2.3. Hinterland Connectivity

The GOB shall promote hinterland connections<sup>19</sup>, primarily through the formation of transit arteries to Peten<sup>20</sup> and Quintana Roo<sup>21</sup>, by removing ad valorem taxes for all transit cargo and expediting clearance procedures at the western and northern land borders. Targeting such high-density hinterland will help to absorb any excess capacity at Belizean ports and increase economies of scale which should inure to the benefits of both exporters and importers.

### Policy 1.2.4. Value-Added Services

GOB shall incentivize the development of free trade zones/logistics parks in the northern and southern port complexes in an effort to absorb improve economies of scale; stimulate new value-added activities; and attract foreign direct investments.

### Policy 1.2.5. Cruise Terminal Development

To avoid over development, thus maintaining the competitiveness of Belize's network of cruise terminals, GOB shall incentivize the development of one cruise terminal each at the northern and central port complexes (ships with <550 passengers). Where demand

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<sup>19</sup> Promoted in the Comprehensive National Transport Master Plan; Facilitation of regional integration and regional trade development (para 431, pg. 4-21).

<sup>20</sup> With a population of 613,475 (2020, projected). Sourced at City Population, found at <https://www.citypopulation.de/en/guatemala/admin> [accessed April 26, 2021]

<sup>21</sup> With a population of 1.86 million according to the 2020 census. Sourced at City Population, found at <https://www.citypopulation.de/en/mexico/cities/quintanaroo> [accessed April 26, 2021]

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for cruise terminals outstrips supply Policy 1.1.3 shall be relied upon to bring equilibrium between supply and demand.

### Objective 1.3: Sustainable and Transparent Tariffs

The BPA shall, ensure that port charges are competitive, transparent, and relevant to the prevailing economic realities. The intent is to ensure that port operators receive a fair return on their investment and that port users can access affordable port services.

#### Policy 1.3.1. A Responsive Tariff Setting Mechanism

The BPA shall devise a responsive tariff setting mechanism that ensures that port tariffs are appropriate and competitive. Tariff review trigger-events are to be well defined and shall among other things consider inflation, regional port tariffs, cargo/passenger throughput, purchasing power parity and demands for investment at each port.

#### Policy 1.3.2. Stimulation of Port Investments

Ports will address capacity and navigational constraints (including channel width, depth, and configuration), which impact existing and future shipping, either as maintenance events or as authorized expansion activities and the tariffs shall be set to encourage the necessary investments to eliminate such constraints.

#### Policy 1.3.3. Composition of Tariffs

Tariffs shall include the actual cost of providing the port service; capital costs; and a reasonable return on investments.

#### Policy 1.3.4. Tariffs May Be Port Specific

The BPA may consider port-specific tariffs where the nature of operations of the port does not readily accord with the use of a general port tariff or where the port offers a service that is not captured by the general port tariff. The tariff composition shall nonetheless comply with Policy 1.3.3.

### Goal 2: Climate Change and Environmental Stewardship

The construction, operation and decommission of ports shall be done in such a way that the impacts on the natural environment are firstly avoided; and where impacts cannot be avoided that they be mitigated and or insured against. In considering the implementation of this Policy it shall be the duty of the BPA and the ministry with responsibility for the environment to ensure that the cumulative environmental impacts of port development are factored into the overall project assessment.

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Ports shall engage in continuing studies to assess benefits and measure cost impacts associated with each potential improvement, and to determine if there is long-term national interest in constructing the future improvements. Whereas the proponents of port projects will not be required to consider mitigative actions that are not demonstrably related to their project; they will be required to consider the costs of externalities in overall project feasibility.

### Related Issues

Belize as a low-lying coastal state is extremely vulnerable to the impacts of climate change. Projected events associated with climate change (more frequent and intense tropical systems; sea level rise; increase atmospheric temperatures) can disrupt port operations.

In addition, the development and operations of ports have an impact on the natural environment which if not planned for and mitigated against, can cause irreparable damage to Belize's coastal zones. Currently the approach to environmental appraisal does not factor in the cumulative impacts of development with the port complexes; nor does it determine the real cost of environmental externalities.

#### Objective 2.1. Climate Change Resiliency

The development and revision of policies, strategies, and action plans to ensure that anthropogenic climate change is adequately addressed.

##### Policy 2.1.2. Climate Change Assessment of Port Projects

Every project that contemplates the construction, expansion and or operation of a port must be assessed by the National Climate Change Office to ensure alignment with Belize's national climate change policy, strategies, and action plan.

##### Policy 2.1.3. Climate Change Mitigation

Climate actions designed to prevent, to the extent possible, the emission of greenhouse gases, particularly from energy and transportation, shall be undertaken as a matter of priority. Ports will be encouraged to make use of relevant climate change/energy audits to develop and maintain strategies to drive their ongoing mitigation efforts.

##### Policy 2.1.4. Climate Change Adaptation

On an ongoing basis, Ports shall assess their vulnerability to the projected impacts of climate change on Belize and thereafter implement corresponding adaptation measures to ensure business continuity.

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### Objective 2.2: Marine Environmental Protection

Port construction and operation activities are to be conducted in a manner which protects the marine environment and associated wildlife habitat by avoiding impacts whenever possible and, when avoidance is not possible, by minimizing impacts and providing appropriate environmental mitigation.

#### Policy 2.2.1 Turbidity Control

Best management practices for turbidity control are to be employed during construction, as necessary, to ensure compliance with water quality standards. Analysis of sediments along wharfs, quays and in slips are to be conducted prior to maintenance dredging, expansion, or redevelopment activity to ensure that potential contaminants are identified and managed properly to minimize waterborne suspension turbidity.

#### Policy 2.2.2 Environmental Impact Assessment

No port license shall be granted unless the project has been granted environmental clearance by the NEAC which shall, before granting its approval, take into consideration the direct, secondary, and cumulative impacts of all proposed port projects within each of the port complexes. Every environmental clearance granted by the NEAC shall include an environmental clearance plan requiring water quality assessment to determine turbidity and heavy metals in access channels and alongside quays, wharves, and piers to ensure they are not causing additional environmental damage from operations.

#### Policy 2.2.3 Full Implementation of MARPOL

The BPA will ensure full adherence to MARPOL, and it shall further ensure that the appropriate reception facilities are available across each of the three port complexes. Ports shall be required to monitor air quality in keeping with the provisions of MARPOL Annex VI.

#### Policy 2.2.4 Shipboard Emergencies

Ships calling at Belizean ports will be required to show evidence (before arrival) of suitable operational and financial arrangements for dealing with groundings, fires, oil spills, and other such emergencies. The BPA shall, in coordination with the Belize Tourism Board and the Department of the Environment, develop a national contingency plan to deal with shipboard emergencies.

### Objective 2.3: Protection of Coastal Zones

Port development shall be mindful of likely impacts on Belize's coastal zones: in particular, coastal erosion and declining water quality.



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### Policy 2.3.1. Impacts on Water Quality

Ports will manage their facilities, operations, and existing and future development, in a manner which maintains or improves the water quality of Belize's littoral spaces.

### Policy 2.3.2. Management of Surface and Stormwater Runoffs

Surface/storm water runoff treatment facilities are to be installed and maintained so that runoffs reaching Belize's littoral spaces, meet or exceed evolving water quality standards applicable to Ports.

### Policy 2.3.3. Beach Replenishment

Ports will endeavor to support the use of suitable dredged materials for beach renourishment/restoration purposes to the maximum extent feasible; particularly in instances where beach erosion may be reasonably linked to port operations.

## Objective 2.4: Manatee and Wildlife Protection

Ports will assist in the protection of Manatees and other wildlife in the port areas, and they shall ensure that impacts of port operations, construction, or expansion, are avoided to the extent possible.

### Policy 2.4.1. Manatee Protection

Ports will determine how best to support Manatee education for and information sharing with port users and; they shall protect Manatees from berthing impacts using appropriate technology, to include Manatee-friendly fenders.

### Policy 2.4.2. Manatee Protection Best Practices

Port construction activities are to be undertaken such that they do not threaten the safety and well-being of manatees. To this end port development projects are to employ international Manatee protection best practices in partnership with the environmental community.

## Goal 3: A Safe and Security Communications Corridor

More than 85% of all cargo and more than 71% of all tourists<sup>22</sup> arrive in Belize through its network of ports. Belize is therefore clearly dependent on its port infrastructure for its economic livelihood and any disruption to these important communications corridors would potentially be catastrophic for Belize.

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<sup>22</sup> Belize Tourism Board, found at <https://belizetourismboard.org/wp-content/uploads/2019/07/2018-TT-Statistics-Digest-Final.pdf> [accessed June 12, 2021]

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### Related Issues

Belize does not yet have an occupational health and safety act and since ports are inherently high risks environments there is a need to put in place proper measures to ensure operational safety. Furthermore, Belize must fulfill its international convention duties, particularly those promulgated by the IMO and the ILO.

Whereas Belize is not in and of itself a dangerous place its proximity to the United States makes it a potential corridor for terrorist actions against the USA; whether by transmitting the harm through Belizean ports or by conducting direct action against US interests in Belize (especially cruise ships).

#### Objective 3.1: Hazardous Materials, Storage, Handling and Clean-up

Ports shall have in place the appropriate procedures and resources for the proper handling and storage of hazardous materials and ensure that clean-up procedures are in place to address unintentional spills.

##### Policy 3.1.1. Clean-up Procedures

Port facilities will conduct their operations in accordance with the provisions of MARPOL 73/78 in order to prevent the discharge of oil and other harmful substances into the water. Adequate spill control/cleanup equipment capable of responding to a Tier one spill as defined in Belize's National Oil Spill Contingency Plan, shall be maintained at each port complex.

##### Policy 3.1.2. Spill Response Coordination

An appropriate framework shall be established within each port complex to ensure that an effective and coordinated response, involving all regulatory agencies having spill control authority, is in place to immediately address hazardous materials spills.

##### Policy 3.1.3. Hazardous Material Inspection Program

Suitable inspection programs shall be developed for the periodic inspection of hazardous material-handling and storage facilities, including underground tanks, to ensure compliance with applicable regulations.

##### Policy 3.1.4. A Duty to Mitigate Risks

Ports and their tenants will adopt and maintain appropriate management tools to mitigate the threat to human life and to control development projects so as to protect residential neighborhoods and the coastal environment. In doing so developers are to consider cumulative impacts.

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### Objective 3.2: Natural Hazards Mitigation

Measures to mitigate the impacts of natural hazards on ports shall be adopted, implemented and subject to periodic review at intervals stipulated by the BPA.

#### Policy 3.2.1. Exposure Reduction Measures

Ports shall adopt, maintain, and implement policies and programs, including adherence to building codes, beach and coastal protection measures, stormwater management, and sound land use, to reduce the exposure of human life and property to natural hazards.

#### Policy 3.2.3. Hurricane Planning and Post-Disaster Redevelopment

Ports will, in coordination with NEMO, maintain and annually update, their hurricane plan which must, among other things, provide for post-disaster recovery redevelopment in the event of a catastrophic event. Ports will repair, redevelop, and improve their facilities in the event of damage or disaster, and any new post-disaster development must meet or exceeds applicable coastal construction and hurricane standards.

### Objective 3.3. Occupational Health and Safety

A safe, accident-free port environment that prioritizes the efficient delivery of port services in full consideration of the inherently dangerous conditions that attend the port environment.

#### Policy 3.3.1. Work Hours and Periods of Rest.

Port workers are to be utilized such that they receive at least, the minimum periods of rest set out by the applicable laws of Belize and international safety best practices.

#### Policy 3.3.2. A Duty to Provide Safety Equipment

The appropriate personal protective equipment shall be provided to port workers to ensure that their health and safety are adequately protected.

#### Policy 3.3.3. Safety Training

Port employees and regular users must receive the appropriate safety training that accords with the degree of hazards likely to be encountered in the execution of their duties. Training shall be continuous and delivered at such intervals as dictated by the laws of Belize and or international best practices.

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### Objective 3.4: ISPS Compliance

Ports shall always maintain an appropriate level of security which must include active measures to prevent exposure of human life and property from sabotage, armed attacks, or such other direct hostile actions.

#### Policy 3.4.1. Port Security: A Condition of each Port License

Ports shall comply with the BPA (Port Facility Security) Regulations (as may be amended from time to time) and such compliance shall be an irrevocable condition of their license.

#### Policy 3.4.2. A Duty to Coordinate with Security Forces

Every Port Facility Security Officer shall establish and maintain a relationship with the relevant security forces, to ensure a timely and effective response to every security incident.

#### Policy 3.4.3 Public Access

Ports shall control public access and water-oriented recreation activities within the limits of the port; and the immediate berthing/anchorage areas shall be prohibited so as to ensure public safety and security.

### Objective 3.5: Cyber Security

Cyber threats can impose significant disruptions and cause persistent harm if not properly defended against. There is an elevated risk attached to the conduct of port business as more of what our ports do migrate online. The aim is therefore to ensure the secure transfer of data online.

#### Policy 3.5.1. Cyber Security Architecture

Proper cyber security architecture, which can meet the full range of cyber threats identified by Ports in their cyber security assessments, shall be developed and maintained.

#### Policy 3.5.2. Cyber Security Awareness

All persons who interface with Ports electronically are to be exposed to ongoing cyber security awareness training to prevent undue compromise of the port cyber security architecture.

### Objective 3.6: Honoring our International Convention Duties

Within a robust legal framework, the BPA shall be empowered and equipped to meet all of Belize's coastal state and port state obligations.

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### Policy 3.6.1. Acceding to relevant IMO and ILO Conventions

The Government through the relevant agencies shall take all necessary actions to become a state party to the IMO/ILO Conventions and Codes that impact on safety and protection of the marine environment.

### Policy 3.6.2. Bringing IMO/ILO Conventions into Force

All relevant IMO/ILO conventions to which Belize is already a state party shall be domesticated.

## Objective 3.7: Safety of Navigation

Belize shall provide the necessary services and infrastructure that allow ships to enter and leave its territorial waters in a safe and expeditious manner. Failure to meet this obligation has serious implications for trade and may pose undue risks to the marine environment.

### Policy 3.7.1. Hydrography Services

Periodic hydrographic surveys will be conducted to ensure that navigational charts are updated and that all hazards to navigation are appropriately identified. Full use of Notice to Mariners shall be made by the BPA.

### Policy 3.7.2. Aids to Navigation to be Priority

The installation and maintenance of aids to navigation shall take precedence over all operational functions of the BPA.

### Policy 3.7.3. Seafarers' Competence to be Assured

The BPA shall ensure that masters, engineers, and seamen forming the crew of the domestic fleet are sufficiently competent to perform their duties.

## Goal 4: Building and Fortifying Technical Capacities

The port sector, including its auxiliary services, requires esoteric skillsets in the maritime and nautical sciences. If this Policy is to be implemented as intended there must be meaningful effort made to build capacity.

## Related Issues

Belize lacks pathways for formal delivery of maritime, nautical science and logistics courses of study. Just about every person employed in the port sector developed their expertise on the job, but the exclusive use of this type of skill development method is outmoded. One of

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the primary pitfalls of over reliance on apprenticeship is the risk of transmitting malpractices from one generation of workers to the next. Currently none of the ports have in place any formal capacity building program that can be independently verified.

### Objective 4.1: Fortify Technical Capacities Among Existing Staff

The development of existing human capital in the port sector is paramount to the successful implementation of this Policy and for the development of maritime affairs on a whole.

#### Policy 4.1.1. Apprenticeship/On the Job Training

The apprenticeship/OJT program with the port sector will be formalized with a view to allow the verification of skillsets for key technical posts. Proper documentation of training sessions, assessments and results of such assessments shall be an important feature in this regard.

#### Policy 4.1.2. A Requirement for Continued Professional Development

Key posts across the port sector will be subject to a continued professional development requirement and or certification, to ensure that the relevant skillsets are developed and maintained.

### Objective 4.2: Building National Technical Capacity

Human capital development in support of this Policy shall be predicated up the formalization of maritime education at the secondary and tertiary level as well as technical/vocational level. Introduction of maritime/nautical science studies into Belize's formal education system will be a primary function of the Ministry of Education in the near to mid-term.

#### Policy 4.2.1. Linking of Scholarships to National Development Priorities

The Government through the Ministry of Education shall include offerings in the maritime and nautical sciences in its scholarships program to build sufficient technical capacity upon which a robust port sector can be built.

#### Policy 4.2.2. Women in Ports Initiative

Particular and sustained efforts will be made to attract more women to technical posts within the port sector. In that vein, scholarships for maritime and nautical education shall be granted on an equal basis to suitably qualified female applicants.

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### Objective 4.3: Promoting Belizean Leadership

The objective of this Policy is to ensure that Belizeans are first in line for employment in Belize by providing absorptive capacity within the port sector for those Belizeans pursuing maritime studies.

#### Policy 4.3.1. Controlling Work Permits

Work permits shall not be granted to foreign nationals until a compelling case is made by the port importing such persons, that the requisite skill, education, and experience is not available in Belize.

#### Policy 4.3.2. Mandatory Endorsement of Work Permits by the BPA

Applications for work permits for foreign nationals to be employed at ports must have the endorsement of the BPA.

#### Policy 4.3.3. A Duty to Train Belizeans

Where a permit is granted pursuant to Policy 4.3.1. its validity must be for only such periods as is absolutely necessary; and such permits will make explicit provisions for the recipient of the permit to train a Belizean national to perform such duties.

## Policy Implementation

The National Port Policy encapsulates the vision, high level goals and objectives of GOB and it signals its posture in relation to port development. On implementation, the National Ports Policy will markedly improve Belize's trade facilitation infrastructure by stimulating the right investments in the port sector while simultaneously protecting the natural environment.

Implementing the National Ports Policy will involve both new initiatives as well as existing and on-going activities. It will require strategic actions to be elaborated in a series of 5-year Port Strategy and Action Plans which will be developed in a participatory manner with key stakeholders.

It is important to note that some of the areas identified in this Policy are those that require new or additional focus in the future, particularly to address the key challenges facing the port sector. They do not represent all issues and further actions required to address the full range of issues identified herein will be set out in the National Ports Strategy and Action Plan.

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## General Approach

The framework for the management of maritime activities already exists in Belize, and the key to successful implementation of the National Ports Policy is to build on what already exists — improving the management framework and making it more efficient and effective. A key step, therefore, in the implementation of the National Ports Policy is to compare the status quo with the vision and objectives defined in this policy. In particular, these efforts will focus on the institutional and legal arrangements needed to fulfil the policy objectives as well as a suitable incentive program that rewards adherence with this Policy.

Implementation of the National Ports Policy requires an orderly process of planning and assessment; consultations and collective decision making; coordination; and sound management. The implementation process shall be guided by the BPA; this is necessary to ensure proper political engagement and to establish effective coordination mechanisms with other competent entities and the port community in general. Considering this it would be wise to establish an effective multi-sectoral institutional framework, within existing organizational structures, to progress the implementation of the policy.

By month six the BPA shall develop a 3 to 5-year strategic plan, and by month fourteen the BPA shall develop a ports master plan. The first strategic plan will frame the strategies necessary to achieve the low hanging fruits related to this policy whereas the ports master plan will clearly define the prospective port landscape needed to meet Belize's national development goals. Once the port master plan has been completed a series of strategic plans shall follow thereafter.

## Institutional Arrangements

The BPA will be strengthened to oversee implementation of this policy and the various strategies and actions flowing therefrom. In this respect new and relevant competencies will be developed among its staff. The BPA's regional offices in the central and southern port complexes shall be strengthened to ensure that proper supervision of Ports but also to ensure that all its services are accessible to the port/maritime community across Belize.

In particular, the BPA shall be responsible to:

- coordinate, monitor and evaluate the implementation of the National Ports Policy;
- contribute to the coordination, implementation and monitoring of approved cross-cutting actions, measures, policies, and strategies related to port and maritime affairs;
- promote favorable conditions for attracting private investments in ports, making it possible to develop a strong and modern network of port complexes that are efficient, cost effective and reliable;
- stimulate the participation of public and private institutions, governmental and nongovernmental organizations, and civil society in the implementation of the National Ports Policy; and



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- Conduct periodic reviews of implementation progress commencing in 2023.

The National Ports Policy provides the basis for a new strategic management framework to guide port development: a framework that must involve all levels of government, port license holders, and all interested parties. To achieve full implementation, a mechanism for continuing stakeholder engagement is necessary, therefore the BPA shall establish a Port Advisory Group comprising of key marine user groups and civil society to advise on the implementation of this policy.

The BPA shall be charged with the development of port performance indicators at a national level with a view to introduce a national port performance measurement system to aid the Minister of Ports' in determining whether incentives granted to each port are to continue or be suspended.

### Legal Framework

To attract private sector investment and to ensure that future development is sustainable, the necessary legal and regulatory framework will be put in place. A new Belize Port Authority Act shall be enacted which shall, without limitations, make provisions for the following:

- A clear, transparent, and comprehensive licensing regime.
- Enabling the implementation and regulation of new sectors such as logistics parks and port free zones.
- The mandatory use of facilities where they exist, particularly in relation to cruise tourism operations.
- Marine environmental protection related port activities and taking into consideration the cumulative impacts of all projects.
- Meeting Belize's international maritime conventions obligations.
- Creation of a structure for sharing of marine-based data and research findings.
- A port single window architecture.

### Incentives Program

The GOB shall provide appropriate incentives to Ports to speed the implementation of this Policy. The strategic plans and the port master plan to be developed by the BPA shall define, in greater detail, the actions and activities that the incentive program will stimulate. Port incentives shall include, without limitation, tax holidays, financial support for harbor works, exemptions/reduction on land taxes, and in limited circumstances, the granting of exclusivity for a limited number of port services. Where proposed investments are outside the framework contained herein, GOB shall offer no incentives.

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### Monitoring and Review

The Belize Port Authority shall be responsible to monitor the implementation of this Policy and to conduct bi-annual reviews in collaboration with key stakeholders. The results of the bi-annual reviews are to be shared with all stakeholders with a view to address the emerging issues identified during the said reviews.

At the end of every strategic plan linked to this Policy a comprehensive review is to be undertaken and a full report made to the Minister with responsibility for Ports who shall lay the report before Parliament.

By the end of month six the BPA shall develop and promulgate a monitoring and review framework to be shared with key stakeholders. The framework shall include a mechanism for meaningful inputs by stakeholders.