FINAL REPORT

ON

BOUNDARY REDISTRICTING BELIZE

Of the Second Task Force
Appointed by the
Elections and Boundaries Commission

INTRODUCTION

1.   *The Elections and Boundaries Commission has named a three-person Task Force on the second and final phase of the Boundary Redistricting Project (BRP). The first phase of the BRP has been completed and a number of recommendations were forwarded to the Elections and Boundaries Commission (EBC). These recommendations form the basis for this task force's terms of reference, and are set out in Appendix 1..*

2.   *The members of the second and final phase of the BRP task force are:*
   Mr. Gadsby Ramos
   Mr. Elson Kaseke
   Mr. Armin Cansino.

TERMS OF REFERENCE

3.   *The Task Force's Terms of Reference are seven guidelines as stipulated in the summary of recommendations from the first Task Force Report. They are summarized here for ease of reference as follows:*

   (1) Set a tolerance limit of 15% for each consistency;

   (2) Utilize geographic and physical features such as roads, rivers, crests of hills, park and/or estate boundaries as the relevant features to define the limits of electoral boundaries and polling areas;

   (3) Maintain as far as possible electoral divisions within district administrative boundaries;

(4) Keep adjustments to the minimum: transfer adjoining polling areas or part thereof from the division with excess to the division with deficiency;

(5) Expand the Cayo District by 2 divisions to 6;

(6) All boundaries to be contiguous and where it is not possible to utilize natural boundaries and physical features, geographic referencing should be used;

(7) Include complete communities within polling areas where possible.

LEGAL FRAMEWORK

4. The legal framework, which guided the work of the Task Force, is set out in Appendix 2.

METHODOLOGY

5. The Elections and Boundaries Department provided very valuable and useful information for the Task Force to carry out its mandate. In arriving at our recommendations we looked at the following information that was provided:

(1) A copy of the First Task Force Report submitted to the Elections and Boundaries Commission dated February 2004

(2) The Description of present polling areas

(3) A list of the electoral divisions and the number of registered voters in each division

6. The Task Force arrived at its proposals using the 15% tolerance level by district population and the maximum and minimum allowable levels. The resulting figures were

compared with the present number of electors per division and then added or subtracted from the highs or lows to remedy the deficiencies.
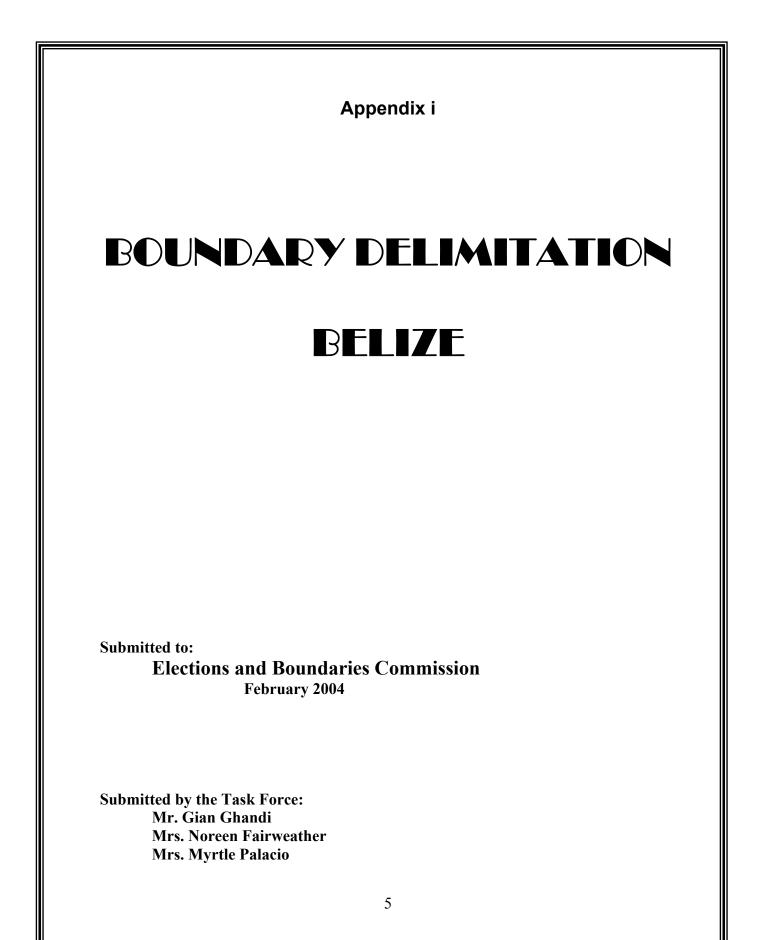
7.   Each polling area within an electoral division was looked at and proposals were made on which polling areas or parts thereof needed to be adjusted to arrive at reasonable proposed numbers of electors per division.

8.   All the figures used are those of the electoral population as of September 2003.

RECOMMENDATIONS

9.   Guided by the terms of reference, the following recommendations are being forwarded to the EBC for its consideration:

> *(1) The number of electors per division should be at the recommended 15% tolerance limit per electoral division and the electoral divisions should be maintained within district administrative boundaries.*

> *(2) The number of electoral divisions should be increased from twenty-nine to thirty one.*

> *(3) The electoral population should be adjusted as shown in Table 1 of Appendix 3.*

BOUNDARY DELIMITATION

BELIZE

Submitted to:
Elections and Boundaries Commission
February 2004

Submitted by the Task Force:
　　Mr. Gian Ghandi
　　Mrs. Noreen Fairweather
　　Mrs. Myrtle Palacio

BACKGROUND

A three person Task Force was appointed by the Elections and Boundaries Commission with the following Terms of Reference:
1. Definition and limitations in the Constitution and the Representation of the People Act
2. Geographical and statistical limitations
3. Recommendations in respect of impediments in:
      a) Adjusting the existing boundaries and
      b) Affecting the existing numbers of constituencies

The Task Force members are:
   Mr. Gian Ghandi, Legal Council, Min of Finance
   Mrs. Noreen Fairweather, Lands Information Officer, Min. of Natural Resources
   Mrs. Myrtle Palacio, Chief Elections Officer, Elections and Boundaries Dept.

The following are findings and recommendations of the Task Force for this phase of the Boundary Delimitation Project. The paper is divided into five sub-topics, namely, legal framework, geographical analysis, statistical analysis, history of boundary delimitation in Belize, a formula for population quota. Each sub-topic ends with the Task Force's views as the last paragraph. The paper ends with a summary of the recommendations.

I. LEGAL FRAMEWORK (Structure and Rules)

The Belize Constitution sets out both the authority and the criteria for boundary redistricting, while the ROPA sets out the regulations for the adjustment of records and Electoral Lists. **Section 90 (1)** and **(3**) empowers the Elections and Boundaries Commission (EBC) to make proposals for the redistricting of electoral divisions to the National Assembly, the body authorized to make the final decision.

Section 90 (1) (a) and **(b)**, establishes the number of divisions and the criteria for boundary delimitation.
- Each division to "have as **nearly as may** be, equal number of persons…."
- Total number of electoral divisions to be **not less** than 28

In making the above determination the EBC is guided by **Section 90 (2)**, which stipulate that consideration be given to:
1. Transport and other facilities of the division
2. Physical features of the division

Lastly, **Section 91** stipulates that boundary changes "come into operation at the next general election held after [the] re-division…"

The Task Force is of the view that the requirements in Section 90 (1) (a) of the Belize Constitution can be satisfied if the disparities in the number of voters in the electoral divisions are within a reasonable tolerance limit. This will be consistent with the practice in other jurisdictions bearing in mind that in fixing the boundaries Section 90 (2) requires the EBC to have regard to transport and other facilities and the physical features of the divisions. These differences in the physical and other characteristics of the division would justify differences in the number of voters in the divisions, provided that such differences are within reasonable limits.

II. GEOGRAPHICAL ANALYSIS

There are twenty-nine electoral divisions in Belize at present. The first twenty-eight were established prior to the 1984 elections and the twenty-ninth in 1993. Since then, boundaries for several constituencies were adjusted from time to time (Appendix i). Some schedules for these divisions do not precisely define the geographical boundaries of each electoral division. For example, in the rural areas, most boundaries are described by only including the names of communities. Subsequently, many of these communities have grown and many new ones have developed. To address such situations, the Elections and Boundaries Department created additional polling areas in order to ensure that all electors are included on the Electoral Roster.

Almost all the current schedules, particularly in the rural areas, describe boundary limits that consist of arbitrary (imaginary) lines, which oftentimes divide property boundaries and communities. The following are some examples:

1. **Toledo District**—the boundaries shown (Appendix ii)
   - Have been arbitrarily delineated and cut through property boundaries
   - Did not take into account transportation routes making it difficult for electors to reach their polling stations
   - Disregarded administrative boundaries with electors living in the Stann Creek District polling in Toledo District

Appendix iii shows where this situation was improved significantly, after the boundary adjustments of 2002. The communities in the two divisions were confined district administrative boundaries, and new and extended communities were identified.

2. **Cayo South/Central**—Buena Vista Village
   According to the present boundary description, Buena Vista Village is located partly in Polling Area 87 (Cayo South), and in Polling Area 78 (Cayo Central). In an effort to resolve eligibility to vote in the Cayo South By-election (October 2003), a survey team from the Ministry of Natural Resources and the Environment lent support to the Elections and Boundaries Department to verify the boundary. It was discovered that 85% of the village is located in the Cayo South Electoral Division, the remaining 15% in Cayo Central.

3. **Corozal District**

In the Joseito Layout at Corozal Bay and San Andres Village in Corozal North, the polling area boundaries overlap on house lots, also in Alta Mira, Consejo and Copper Bank.

Natural geographic features (physical) such as roads and rivers, as well as, surveyed boundaries should be used, where possible, to establish boundaries. The use of natural boundaries and maintaining contiguous polygons alleviates the aforesaid scenarios, as well as, support the immediate detection of unassigned geography, that is, any area that has not been described will easily be seen by simple inspection of the electoral maps. This will help tremendously to eliminate the current situation where there is much ambiguity with regards to elector location.

Notwithstanding the significant merits of utilizing natural geographic features, there are some impediments. People settle where they do for a number of reasons including, access to sources of income, connectivity and amenities, and oftentimes result in roads and rivers, particularly in rural areas, that pass through communities. The community of Duffy Bank where people reside on both banks of the Macal River is one such example. Therefore, it is important to consider the facilities of communities and not alienate portions as a result of using natural features.

The Task Force is of the view that geography and other physical features are critical, and should be utilized where necessary, and to include complete communities within polling areas where possible.

III. STATISTICAL ANALYSIS

The population of the Electoral Roll of Belize as at September 2003 is 126,977 (Table 1). Cayo South, with a population of 8,818, is the largest while the smallest, Pickstock, has 2,018. The variance between the two is a ratio of 4:4. However this is not a new phenomenon for Belize. A new Electoral Roll produced for the 1998 General Election, immediately after the Re-registration exercise, showed the same two divisions as the largest and smallest respectively. The margin of difference between the two was a ratio of 3.5:1. This is an indication that there is very little change in the distribution of electors over the last five years.

An observation gleaned from Table 1 is that the rate of growth for each division ranges from 41.2% for Cayo South to 13.0% for Collet. Other fast growing divisions next to Cayo South are Lake Independence (35.0%), Cayo Central (32.0%) and Queen Square (31.2%). Most of the increases occurred between August 2002 and February 2003, and may have been influenced by the impending election. Stann Creek West (42.1%) and Toledo East (-5.6%) show unusual growth due to the boundary changes in October 2002.

Table 1
Growth Of Electoral Roll
August 1998 – September 2003

Electoral Division	No. of Electors		% of Growth
	Re-Registration 1998	September 2003	
Freetown	1,988	2,524	21.0
Caribbean Shores	3,058	4,016	23.9
Pickstock*	**1,489**	**2,018**	**26.2**
Fort George	1,693	2,068	18.1
Albert	1,738	2,288	24.0
Queen's Squaare	1,904	2,719	31.2
Mesopotamia	1,707	2,144	20.4
Lake Independence	4,024	6,193	35.0
Collet	2,479	2,849	13.0
Port Loyola	4,349	5,783	24.8
Belize Rural North	2,526	3,343	24.4
Belize Rural Central	3,524	4,625	23.8
Belize Rural South	2,653	3,713	28.5
Corozal Bay	4,031	5,307	24.0
Corozal North	3,052	4,009	23.9
Corozal South East	3,704	4,763	22.2
Corozal South West	3,171	3,903	18.8
Orange Walk Central	2,654	3,402	22.0
Orange Walk North	3,949	5,029	21.5
Orange Walk East	4,162	5,485	24.1
Orange Walk South	3,936	5,303	25.8
Cayo North	5,045	6,841	26.3
Cayo Central	4,107	6,040	32.0
Cayo West	3,286	4,682	29.8
Cayo South*	**5,186**	**8,818**	**41.2**
Dangriga	3,346	4,257	21.4
Stann Creek West	3,304	5,704	42.1
Toledo East	4,533	4,291	-5.6
Toledo West	3,575	4,915	27.3
Total Registered Voters	**94,173**	**126,977**	
Variance ratio (largest/smallest)*	**3.5:1**	**4.4:1**	

Two other observations are as follows. Firstly, Belize's population demonstrates high mobility for demographic and geographic reasons. This is not echoed in the Electoral Roll, as the tendency is to remain at the initial registration address and/or ancestral

address. Although the law provides for transfer of addresses, this is generally overlooked and less than 0.5% transfer annually, with the exception of 2002, when there was an influx of transfers of approximately 2.5%.

Secondly, Belize has a large percentage of uncommitted voters, persons who are not loyal to any particular political party. The trend in voting behaviour in post-independent Belize demonstrate frequent changes in government, and wide margin of seats in favour of the winning party. A comparative description of election outcomes by electoral division and political party for the last five elections, 1984 to 2003, demonstrates that there are no marginal seats to greatly affect election outcome in favour of one party or the other.

The Task Force is of the view that the potential to affect the outcome of elections other than through the will of the people has not manifested itself in the political history of Belize. At this juncture adjustment to the divisions may be kept to a minimum.

IV. HISTORY OF BOUNDARY DELIMITATION

Since the election 1954, Belize has increased electoral divisions three times. In 1961, the divisions increased from nine to eighteen, Belize District being the recipient of six of the nine new divisions (Appendix i). A second increase of ten new divisions came in 1984, and Belize District increased by four, to twelve. The third and last increase was by one, and occurred in 1993, leaving the Belize District with thirteen electoral divisions altogether.

Boundary adjustments have also been conducted from time to time. In 1998, adjustments were made to boundaries of Cayo South and Cayo Central. Similar adjustments were made in other divisions in 1997 and 1998 (Table 2). In 2002, the boundaries of Stann Creek West and Toledo East electoral divisions were adjusted to provide for:
- Maintenance of electoral boundaries to remain within administrative boundaries
- Natural boundaries, such as, major highways and rivers to correct anomalies in Toledo East

Two issues stand out in the history of Boundary Redistricting in Belize
- Electoral Divisions remain within administrative boundaries
- Belize District has the larger share of constituencies

In relation to the latter issue, Belize City was the main hub of economic, political and social activities. It still is, as presently Belize City provides for not only its 70,000 residents, including 45,000 voters, but also for all of Belize. Approximately 25 busloads of commuters come to Belize City to work every day from the north and west of the country, while numerous others commute on a weekly basis.

The Task Force is of the view that divisions remain within district administrative boundaries, and that Belize District maintain the same number of divisions.

V. A FORMULA FOR POPULATION QUOTA

Many Commonwealth countries, such as Trinidad and Tobago, devise a formula to arrive at a population quota for each electoral division. A tolerance level or limit is the one criterion utilized in boundary redistricting. The following demonstrates the calculation to arrive at a national average number of electors per division, which is the basis for the varying tolerance levels shown in the three scenarios of Table 2.

# of electors as at April 2003	126,539
# of electoral divisions	29
National Average *(126,539/29)*	4,364

Table 2
National
Maximum and Minimum electors Permissible per Division

Item	*Scenario 1*	*Scenario 2*	*Scenario 3*
Tolerance Levels	10% (437)	15% (655)	20% (873)
Maximum Electors permissible	4,801	5,019	5,237
Minimum Electors permissible	3,927	3,709	3,491

Table 2 demonstrates tolerance levels in three situations. Scenario 1 has a tolerance limit of 10%, whereby each division is not more than 110% and not less than 90%. At this level, the maximum permissible number of electors in any division is 4,801 and the minimum is 3,927. The second circumstance shows a tolerance limit of 15%, whereby each division is not more than 115% and not less than 85%. At this level the maximum number of electors permissible in any division is 5,019 and the minimum is 3,709. Similarly, Scenario 3 presents a tolerance limit of 20%, with a maximum number of electors permissible in any division as 5,237 and the minimum as 3,491.

In each of three situations, Belize City Divisions and the Cayo District Divisions prove to be the most challenging. In Belize City, 7 divisions fall far below the minimum and 2 divisions above the maximum. In the Cayo District, 3 out of 4 divisions fall far above the maximum, in such a manner that requires an increased number of divisions.

The Task Force is of the view that to maintain the practice and precedent set at 2002, of keeping the divisions within the administrative districts, the best tolerance level is scenario 2 at 15%. Also, to add two more divisions to the Cayo District as it is overwhelmingly large. The following tables demonstrate minimum/maximum levels by district at 15% tolerance limit.

Minimum/Maximum Levels By District

Maintaining the September 2003 statistics, the following tables demonstrate minimum/maximum levels by district at 15% tolerance level.

1. Belize District:

Number of electors as at September 2003   44,233
Number of electoral divisions   13
Average number of electors per division   3,403

Item	*Scenario*
Tolerance Levels	15% (510)
Maximum Electors Permissible	3,913
Minimum Electors Permissible	2,893

2. Corozal District

Number of electors as at September 2003   17,982
Number of electoral divisions   4
Average number of electors per division   4,496

Item	*Scenario*
Tolerance Levels	15% (674)
Maximum Electors Permissible	5,170
Minimum Electors Permissible	3,822

3. Orange Walk District:

Number of electors as at September 2003   19,219
Number of electoral divisions   4
Average number of electors per division   4,805

Item	*Scenario*
Tolerance Levels	15% (720)

Maximum Electors Permissible	5,525
Minimum Electors Permissible	4,085

1. Stann Creek District:

Number of electors as at September 2003 9, 961
Number of electoral divisions 2
Average number of electors per division 4,980

Item	Scenario
Tolerance Levels	15% (747)
Maximum Electors Permissible	5,727
Minimum Electors Permissible	4,233

2. Toledo District:

Number of electors as at September 2003 9,206
Number of electoral divisions 2
Average number of electors per division 4,603

Item	Scenario
Tolerance Levels	15% (690)
Maximum Electors Permissible	5,293
Minimum Electors Permissible	3,913

3. Cayo District:

Number of electors as at September 2003 26,376
Number of electoral divisions **6**
Average number of electors per division 4,396

Item	Scenario
Tolerance Levels	15% (654)

Maximum Electors Permissible	5,050
Minimum Electors Permissible	3,742

SUMMARY OF RECOMMENDATIONS

The following summarizes the views of the Task Force in respect of each sub-topic and is recommended that the Elections and Boundaries Commission consider these as guiding principles for boundary delimitation:

1. Set a tolerance limit of 15% for each constituency
2. Utilize geographic and physical features such as roads, rivers, crests of hills, park and/or estate boundaries as the prevalent features to define the limits of electoral boundaries and polling areas
3. Maintain electoral divisions within district administrative boundaries
4. Keep adjustments to a minimum—transfer adjoining polling area or part of from the division with excess to the division with deficiency
5. Expand the Cayo District by 2 divisions to 6
6. All boundaries to be contiguous and where it is not possible to utilize natural boundaries and physical features, geographic referencing should be used
7. The inclusion of complete communities within polling areas where possible

Appendix i
Constituency and Boundary Changes by Year of Change

Year of Change	No. of Seats/ Division	New Constituencies
1945	6	Northern, Cayo, Toledo, Stann Creek, Belize (2)
1954	9	**Belize District:** Belize North, Belize South, Belize West, Belize Rural, Orange Walk, Corozal, Cayo, Stann Creek, Toledo

1961	18	**Belize District**:
		    Freetown, Pickstock, Fort George, Albert, Collet, Mesopotamia,
		    Belize Rural North & South
		Cayo District:
		   Cayo North & South
		Corozal District:
		   North & South
		Orange Walk District:
		   North & South
		Toledo District:
		   North & South
		Stann Creek District:
		   Town & Rural

1984	28	**Belize District:**
		    Caribbean Shores, Lake Independence, Queen Square, Port Loyola
		Cayo District:
		   Cayo West, Cayo Central
		Corozal District
		   Corozal Southwest/East, Bay
		Stann Creek & Toledo Districts
		   Name change
		Orange Walk District:
		   Orange Walk Central, Orange Walk East

1993	29	**a) Belize District:**
		    Belize Rural Central
		b) Boundary adjustments to:
		    Port Loyola, Collet (2 of 1993)

1997	29	**Boundary delimitation changes to:** Cayo Central and Cayo South (11 of 1997)
1998	29	**Boundary adjustments to:** Caribbean Shores, Freetown, Fort George, Pickstock, Belize Rural South, Belize Rural Central, Corozal North, Corozal Bay, Corozal South West, Orange Walk North, Orange Walk East, Orange Walk Central (16 of 1998, 13 of 1998)

2002	29	**Boundary adjustments to:** Stann Creek West and Toledo East—Independence, Placencia, Seine Bight Village and surrounding Communities of the Stann Creek District moved from Toledo East to Stann Creek West (11 of 2002)

Appendix ii

LEGAL OPINION

ON

THE INTERPRETATION OF SECTION 90 (1)
OF THE BELIZE CONSTITUTION

THE PROBLEM

1. Section 90 (1) and (2) of the Belize Constitution, Chapter 4 of the Substantive Laws of Belize, Revised Edition 2000 (as revised up to 28th October, 2002) provides that

   (1) The Elections and Boundaries Commission shall, after considering the distribution of the population throughout Belize, make proposals from time to time for dividing Belize into electoral divisions in such a way that

      (a) each electoral division shall have *as nearly as may be an equal number of persons eligible to vote;*

      (b) the total number of electoral divisions shall not be less than twenty-eight.

   (2) In fixing the boundaries of electoral divisions the Commission shall have regard to the transport and other facilities of the division, and to its physical features.

2. Our opinion has been called for in interpreting section 90 (1) (a), specifically the meaning to be attached to the phrase "as nearly as may be an equal number of persons eligible to vote".

CORRESPONDING LAWS

3.   In terms of the Commonwealth Electoral Act 1978 of Australia, the average divisional enrolment contemplated under section 90 (1) (a) of the Belize Constitution refers to the number ascertained by dividing the number of electors enrolled in Belize by the number of Divisions into which Belize is for the time being distributed; or in a case where the number ascertained in accordance with the foregoing includes a fraction, the number so ascertained

        (a)   if the fraction is less than one half-reduced to the nearest whole number; or

        (b)   if the fraction is one half or more – increased to the nearest whole number.

4.   If the Australian methodology is applied to Belize, this would mean dividing the total number of electors enrolled to vote in the whole of Belize by the existing twenty-nine electoral divisions, so that each electoral division would have the same number, as nearly as may be.

5.   The New Zealand Electoral Act 1993, on the other hand, uses the *quota system* to ensure that each electoral division has, as nearly as may be, an equal number of persons eligible to vote. In terms of section 3.09 of that Act, each division shall be established as follows:-

        (a)   the South Island shall be divided into 16 general electoral divisions;

        (b)   the general electoral population of the South Island shall be divided by 16, and *the quotient* so obtained shall be the quota for the South Island.

        (c)   the general electoral population of the North Island shall be divided by the quota for the South Island, and the quotient so obtained shall be the number of general electoral divisions in the North Island. Where the quotient includes a fraction, the fraction must be disregarded unless it exceeds half, in which case the number of such general electoral divisions shall be the whole number next above that quotient;

        (d)   the quota for the North Island shall be ascertained by dividing the general electoral population of that Island by the number of general electoral divisions in that Island, as ascertained under paragraph (c) above;

(e)   the extent of each general electoral division in each Island must be such that, at the time of making the division, the general electoral population of the division shall be equal to the quota for the Island.

(f)   in forming the several general electoral divisions, due consideration must be given to (i) existing boundaries, (ii) community of interests, (iii) facilities of communication, (iv) typographical features; and (v) any projected variation in the general electoral population of those divisions during their life.

6.   Several observations may be made in respect of the New Zealand model. First, section 3.09 (a) of the New Zealand Electoral Act 1993 is the same as the corresponding provisions in the Australian Act in that in both laws, the number of electoral divisions *is fixed before hand*, and is then used to determine the number of eligible voters who will constitute a division. Second, in the New Zealand model, the same methodology is used to determine the number of electors for each of the electoral divisions in the South Island and in the North Island: In the South, the general electoral population is divided by sixteen to get the number of electors in each division. This methodology is similarly applied in the North. (See section 3.09 (c) and (d) above). Last, section 3.09 (f) of the New Zealand Act corresponds to section 90 (2) of the Belize Constitution, with greater detail.

7.   In terms of section 3.04 of the Papua New Guinea Organic Law on National Elections, for the purposes of a proposed redistribution of Papua New Guinea into electoral divisions, the Boundaries Commission determines a population quota using the formula $Q = P/N$; where Q is the population quota for the relevant electoral division; P. is *the total population of the country*; and N is the *provisional* number of electoral divisions. Simply put, to get Q in Belize, if the total population of Belize is 260,000, and there is proposal to have 29 electoral divisions, 260,000 will be divided by 29, and the resulting number will be the population quota for each electoral division. One observation is made: Whereas in Australia and New Zealand the population quota is based on the total number of persons eligible to vote, in Papua New Guinea the quota is based on *the total population of the country*.

8.   Section 58 of the Constitution of the Solomon Islands is less helpful in ascertaining the meaning of the phrase in section 90 (1) (a) of the Belize Constitution under interpretation. It basically provides as follows: for the purposes of the election of members of Parliament, Solomon Islands is divided into not less than 30 constituencies and not more than 50

constituencies; each of which is divided into electoral boundaries as prescribed by Parliament by resolution on a recommendation of the Constituency Boundaries Commission, which is enjoined to review the number and boundaries of constituencies not later than ten years after it last reviewed them, and after the review, to make recommendations to Parliament for the alterations on the number and boundaries of the constituencies. In making the recommendations, the Constituency Boundaries Commission is required to have regard to the principle that the number of inhabitants of each constituency *shall be as nearly equal as is reasonably practicable* but the Commission may depart from this principle *to such extent as they consider expedient* in order to take account of the distribution of the population, the means of communication, and ethnic affiliations. Despite its narrow compass, the Solomon Islands provision offers at least one guidance in interpreting section 90. Section 90 (2) is an exception to section 90 (1) of the Belize Constitution. Put differently, the Elections and Boundaries Commission is required, under section 90 (1) (a) of the Belize Constitution, to ensure that each electoral division shall have as nearly as may be an equal number of persons eligible to vote, *but* it may in appropriate circumstances depart from this principle to such extent as it considers expedient in order to take account of "transport and other facilities of the division and its physical features". In our opinion, section 90 (2) is therefore not limited only to the issue of the fixing of electoral boundaries; it embodies a wider discretion allowing the Elections and Boundaries Commission to derogate from the general principle of equality of representation embodied in section 90 (1) of the Belize Constitution. The extant provisions of the Constitution of the Solomon Islands similarly provide.

9.   In Antigua and Barbuda, our research revealed that although the Constitution of Antigua and Barbuda sets out a broad framework for the election of members of the House of Representatives, and there is an autochthonous elections law in the form of the Representation of the People Act 1975, the provisions of both the Constitution and the Act are decidedly unhelpful in interpreting section 90 (1) (a) of the Belize Constitution. The only reference to the establishment of constituencies found in the Antiguan laws is in section 62 of the Constitution, which provides that Antigua and Barbuda shall be divided into a number of constituencies, at least one of which shall be in Antigua, with such boundaries as provided by an Order of the Governor-General. Additionally, each constituency is required to return one member to the House of Representatives.

10. Section 69 of the Constitution of The Bahamas on the other hand, provides that The Bahamas shall be divided into at least 38 constituencies, and each constituency shall return one member to the House of Assembly. Section 68 establishes a Constituencies Commission. Section 70 sets out

the procedure for review of constituencies. In terms of this section, the Constituencies Commission is required to carry out a review of constituencies every five years. Such a review shall be guided by the general consideration that the number of voters entitled to vote for the purpose of electing a member of the House of Assembly shall, *so far as is reasonably practicable,* be the same and the need to take account of special considerations such as the needs of sparsely populated areas, practicality of elected members maintaining contact with electors in such areas, size, physical features, natural boundaries and geographical isolation. The Bahamas formulation again underscores the view, expressed above, that section 90 (2) of the Belize Constitution does not deal with the delimitation of electoral boundaries simpliciter, but is a striking exception to section 90 (1).

11.   Schedule 2 of the Constitution of The Commonwealth of Dominica, on the other hand, provides that all constituencies shall contain as nearly equal numbers of inhabitants as appears to the Constituency Boundaries Commission to be reasonably practicable, but the Commission may depart from this principle to such extent as it considers expedient to take account of the following factors, that is to say

> (a)   the density of population, and in particular the need to ensure the adequate representation of sparsely populated areas;

> (b)   the means of communication;

> (c)   geographical features;

> (d)   the boundaries of administrative areas.

12.   The Second Schedule to the Constitution of Jamaica provides that (a) the boundaries of an electoral division shall not cross the boundary of a parish as delimited by the Counties and Parishes Law, (b) there shall be at least 2 constituencies in each parish, (c) the boundaries of each constituency shall be such that the number of the electorate is as nearly equal to the electorate quota as is reasonably practicable, (d) but the electorate of a constituency may be greater or lesser than the electorate quota in order to take account of (i) the varying physical features and transportation facilities within Jamaica, and (ii) the difference between urban and rural areas in respect of density of population, provided that the electorate of a constituency does not exceed the electorate quota by more than *fifty* per centum, or be less than *sixty-two and two-thirds per centum* of the electorate quota. The electorate of a constituency in Jamaica is made up of the number of *persons whose names appear on the electoral register*

for the area comprised in the constituency. The electorate quota is determined by dividing the total of the electorate of all the constituencies by the number of constituencies into which Jamaica is for the time being divided.

13. The Trinidad and Tobago model largely follows that of Jamaica. In terms of the Second Schedule to the Trinidadian Representation of the People Act, the electorate in any constituency of Trinidad and Tobago shall not be more than *one hundred and ten per cent* nor less than *ninety per cent* of the total electorate divided by the number of constituencies. However, provision is made for "special attention" to be paid to the needs of sparsely populated areas which on account of size, isolation or inadequacy of communications cannot be adequately represented by a single Member of Parliament. In delimiting the boundaries of electoral constituencies, natural boundaries like major highways and rivers are required to be used wherever possible.

14. We also note that the Belize Constitution was first enacted on 20th September 1981 as Act 14 of 1981. Section 90 (1) (a) of Act 14 of 1981 provided that

(1)   The Elections and Boundaries Commission shall, after considering the distribution of the population throughout Belize, make proposals from time to time for dividing Belize into electoral divisions in such a way that –

(a)   each electoral division shall have as nearly as may be an equal number of persons eligible to vote, *but in any case shall have not less than two thousand, no more than three thousand, such persons (emphasis added)..*

OPINION

15. We observe that (a) the Australian and New Zealand approaches are not applicable to Belize, because they use a methodology which divides the total number of electors by the number of divisions to find the number of electors for each division. This methodology aims at obtaining exactly the same number of electors for each division, (b) the Papua New Guinea model is not applicable to Belize, because the electoral quota for each division is ascertained by dividing the population of the entire country with the number of electoral division, (c) the Constitution of the Solomon Islands is unhelpful, since it mirrors, to some extent, section 90 (1) (a) of the Belize Constitution, without shedding light on the meaning to be attached to the words "as nearly as may be", (d) the Constitution of Jamaica, and the Trinidadian Representation of the People Act, on the other hand, shed some light on the possible meaning to be given to section 90 (1) (a) of the Belize Constitution, because they set out the maximum and minimum number of electors who can constitute a division. This methodology, it is submitted, gives life to the expression "as nearly

as may be an equal number of persons eligible to vote" occurring in section 90 (1) (a) of the Belize Constitution. Put in other words, an electoral division which, in the case of Jamaica, "does not exceed the electoral quota by more than fifty per centum", or is not less than "sixty-two and two-thirds per centum of the electoral quota" will be an electoral division, because the number of electors in that division will be as nearly as may be equal to the number of electors in other divisions whose electors fall within the same percentage range of the electoral quota.

16.   The review of the Constitutions establishes that there are differing constitutional approaches to representation of the people which can broadly be divided into two classes. First, equal representation, on the one hand as characterized by Australia, New Zealand and Papua New Guinea; and secondly; effective representation, on the other hand as exemplified principally by Belize, Jamaica and Trinidad and Tobago. The expression "as nearly as may be an equal number of persons eligible to vote" (or similar expressions) admits of some elasticity and endows the Elections and Boundaries Commissions with some discretion in ensuring effective representation.

17.   This is the methodology which was adopted, using maximum and minimum numbers of electors in each division, in Act 14 of 1981, quoted at Para. 14 above. The question is, how should section 90 (1) (a) of the Belize Constitution be interpreted in the light of Act 14 of 1981. We answer this question below.

18.   Even though section 90 (1) (a) of Act 14 of 1981 was repealed, it is still important in interpreting section 90 (1) (a) of the Belize Constitution. The basic principle of interpretation applicable in such cases as laid down by Lord Mansfield in *R v Loxdale* (1758) 1 Burr. 445, 447, is that

> Where there are different statutes *in pari materia* though made at different times, *or even expired*, and not referring to each other, they shall be taken and construed together, as one system, and *as explanatory to each other* (emphasis added).

In *Powell v Cleland* [1948] 1 KB 262,273, Lord Justice Evershed observed that

> It is permissible to call in aid for the construction of words or phrases used in one Act, meanings given to them in an earlier Act *in pari materia*.

In our opinion, the judicial pronouncements in *Loxdale* and *Cleland*, when applied to the instant problem, mean that in interpreting the expression in section 90 (1) (a) of the Belize Constitution, recourse may legitimately be made to Act 14 of 1981. If this is done, Act 14 of 1981 is explanatory of section 90 (1) (a) of the Belize Constitution in that the latter section should be read to mean that an electoral division should have electors

who fall within a specified range in terms of numbers. The threshold in 1981 was not less than two thousand and not more than three thousand electors. This is important in that it set a limit of 50 percent. Second, by repealing the provision in Act 14 of 1981, the legislature removed the limit and left the determination of the maximum and minimum numbers to the Elections and Boundaries Commission, to be determined administratively.

19. In making such a determination, the Elections and Boundaries Commission should first consider under section 90 (1), "the distribution of the population throughout Belize". This consideration, in our view, can be based on a distribution by district, based on the population density in each district. If for example, the Belize District has 70,000 electors, the Elections and Boundaries Commission should first consider this fact, then, after such consideration, move administratively to make proposals for the division of the Belize District into electoral divisions, in such a way that each electoral division will have either a minimum or a maximum number of electors. The factors which will guide this process are set out in section 90 (2). Administratively, therefore, the Elections and Boundaries Commission can look at the distribution of the population throughout Belize, district by district, and propose that an electoral division, based on the population density in a district, should not, for example, consist of more than five thousand people or less than one thousand people.

20. In conclusion, we advise that (a) the meaning of the phrase "as nearly as may be" in section 90 (1) (a) of the Constitution was deliberately left for determination by the Elections and Boundaries Commission to make proposals based on the population density of districts, as long as the Elections and Boundaries Commission does so after considering the physical features, transportation needs and other characteristics of each division, (b) the expression contemplates that a division should have either a minimum number of electors, or a maximum number of electors, determined by the Elections and Boundaries Commission, and (c) such numbers constitute the meaning of the expression "as near as may be" in section 90 (1) (a) of the Constitution.

(ELSON KASEKE)
SOLICITOR GENERAL

TABLE 1

DIVISION	PRESENT NUMBER OF ELECTORS	PROPOSED NUMBER OF ELECTORS
Freetown	*2524*	*3004*
Caribbean Shores	*4015*	*3535*
Pickstock	*2018*	*3080*
Fort George	*2068*	*3006*
Albert	*2289*	*3018*
Queens Square	*2769*	*3538*
Mesopotamia	*2144*	*3169*
Lake Independence	*6193*	*3564*
Collet	*2849*	*3487*
Port Loyola	*5783*	*3351*
Belize Rural North	*3343*	*3879*
Belize Rural Central	*4525*	*3889*
Belize Rural South	*3713*	*3713*
Corozal Bay	*5307*	*4278*
Corozal North	*4009*	*4497*
Corozal South East	*4763*	*4763*
Corozal South West	*3903*	*4444*
Orange Walk Central	*3402*	*4790*
Orange Walk North	*5029*	*5067*
Orange Walk East	*5485*	*4605*
Orange Walk South	*5303*	*4757*

Cayo North	6841	4611
Cayo Central	6040	4406
Cayo West	4682	4682
Cayo South	8813	4509
New Division (Cayo Southwest)		3864
Belmopan		4304
Dangriga	4257	4713
Stann Creek West	5704	5248
Toledo East	4291	4291
Toledo West	4915	4915
Total	**126977**	**126977**

(4) Table 2 below lays out what are the present polling areas per electoral division and the proposed polling areas. Five electoral divisions did not require any changes as they are well within the 15 % tolerance limits of the electoral population of their respective districts. These are the constituencies of Belize Rural South, Corozal Southeast, Cayo West, Toledo East and Toledo West. The adjustments for the proposed polling areas and the two new electoral divisions took into consideration the physical features and geographic referencing of the areas so that the polling areas within a constituency are as contiguous as possible.

DIVISION	PRESENT POLLING AREAS	PROPOSED POLLING AREAS	REMARKS
Freetown	1 + 2	1+2+part of 3a+ Part of Vista del Mar (30)	See note 1(a) See note 1(b)
Caribbean Shores	3+3a+4+5	Part of 3a+3+4+5	See note 2
Pickstock	6+7	6+ part of 16+ part of 17	See note 3
Fort George	8 + 9	8+9+7	
Albert	10 + 11	10 + 11 + part of 16	
Queens Square	12 + 13	12 + 21	
Mesopotamia	14 + 15	14 + 15 +13	
Lake Independence	16 + 17	Part of 17	See note 4
Collet	18 + 19	18 + 19 + half of 20	See note 5
Port Loyola	20 + 21+ 22	22 + half of 20	See note 6
Belize Rural South	34 + 37 + 38	No change	
Belize Rural North	23 + 24 + 25 + 26 + 27 + 28 + 29	All present + 31 (Boom)	
Belize Rural Central	30 + 31 + 32 + 33+ 35 + 36	All present less 31 (Boom) less part of 30 (Vista del Mar)	**See note 7**
Corozal Bay	39 + 40 + 41	39 + 40	
Corozal North	42 + 43 + 44	Present less part of 44 + 41	See note 8
Corozal Southeast	45 + 46 + 47 + 48 + 49	No change	

Corozal Southwest	*50 + 51 + 52*	*Present + part of 44*	*See note 8*
Orange Walk Central	*53 + 54*	*53 + 54 +61 + parts of 55 and parts of 60*	*See note 9*
Orange Walk North	*55 + 56 + 57 + 58 + 59*	*56 + 57 + 58 + 59 + 66 + parts of 55*	*See note 10*
Orange Walk East	*60 + 61 + 62*	*Part of 60 + 62 + 68*	*See note 11*
Orange Walk South	*63 + 64 + 65 + 66 + 67 + 68 + 69 + 70 + 71*	*63 + 64 + 65 + 67 + 69 + 70 + 71*	
Cayo North	*72+73 +74 +74a +75*	*Part of 73 + 74a + 74 + 75*	*See note 12*
Cayo Central	*76+77+78+78a+79+80*	*76 + 77 + 78a*	*See note 13*
Cayo West	*82 + 83 + 84 + 85 + 126*	*No change*	*See note 14*
Cayo South	*86+87+88+89+90+91*	*86 to 91 less 86*	*See note 15*
New Division (Cayo Southwest)		*72 + part of 73 + 78 + 79 +80*	*See note 16*
Belmopan		*86*	
Dangriga	*92 + 94 + 95 +96*	*Present + 97 and 98*	
Stann Creek West	*97 + 98 + 99 + 100 + 101 + 102 + 103 + 104 + 105 + 106 + 108 + 127 + 128*	*Present less 97 and 98*	
Toledo East	*109 to 118*	*No change*	
Toledo West	*120 to 124*	*No change*	

NOTES:

1. (a) Freetown (Part 3a) – From Haulover Creek to Independence Avenue

1. (b) Freetown (Part of 30) (Vista del Mar) –From East of Javier Berbey Sr. Blvd., along the Highway, to Haulover Bridge

2. Caribbean Shores (Part 3a) – from Independence Ave. to Buttonwood Bay Blvd.

3*. Pickstock – from Haulover Creek to Oleander St. to Morning Glory St. to Partridge St. to Lark Spur Street to Zericote St to Mahogany Street to Partridge Street to Vernon Street to Central American Blvd to Haulover Creek.

4. Lake Independence – From Haulover Creek to Oleander St. to Morning Glory St. to Partridge Street to Lake Spur Street to Zericote Street to Mahogany Street to Partridge Street to Vernon Street to the Western Highway.

5. Collet – From Faber's Road to East of YMCA to boundary with #19(Collet)

6. Port Loyola – From Faber's Road to West of YMCA to boundary with #19 (Collet)

7. Belize Rural Central (Part of 30) (Vista del Mar) – West of Javier Berbey Blvd., to West of Selfish Avenue, to Western Side of Canal, to the Sea

8. Corozal North (Part of # 44) – is Concepcion and #41 is Alta Mira and North of Town

9. Orange Walk Central (Part of #55) – is from San Francisco St to Otro Benque Road, Independence Plaza Lane to the River (from the River along the Southern portion of San Francisco St., to Progress St., to Arthur St. to Park St., to Church St); and # 60 includes the town center (from Northern portion of Cemetery St., to the River).

10. Orange Walk North – From Northern portion of San Francisco St. to the River.

11. Orange Walk East – From Southern portion of Cemetery St. to the River.

12. Cayo North (#73) – to include all of Shawville (Bougan Villa Area)

13. Cayo Central (78a) – To include all of Buena Vista Village

14. Cayo West (#82) – to include all of Duffy Bank

15. Cayo South (87) – To exclude Buena Vista Village

16. New Division (Cayo Southwest #78) –to include all of Barton Creek

*ERRATA

3. Pickstock (Area #16)—From Haulover Creek to Sarstoon St. to Vernon St. to Central
American Blvd. To Haulover Creek
(Area #17)—Same as in 3 above