

**BELIZE**

**No. 4/1/13**

**SENATE**

**Friday, 11<sup>th</sup> March 2016**

**10:05 A.M.**

Pursuant to the direction of Mr. President, in writing, dated 8<sup>th</sup> March 2016, the Senate met in the National Assembly Chamber in Belmopan on Friday, 11<sup>th</sup> March 2016, at 10:05 A.M.

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Members Present:

Senator, the Honourable Lee Mark Chang – President  
Senator, the Honourable Godwin Hulse – Leader of Government Business  
and Minister of Natural Resources and Immigration  
Senator, the Honourable Dr. Carla Barnett – Vice-President  
Senator, the Honourable Francine Burns  
Senator, the Honourable Macario Coy Sr.  
Senator, the Honourable Stephen Duncan  
Senator, the Honourable Aldo Salazar  
Senator, the Honourable Valerie Woods  
Senator, the Honourable Paul Thompson  
Senator, the Honourable Marcello Blake – Temporary  
Senator, the Honourable Rev. Ashley Rocke  
Senator, the Honourable Elena Smith

Member Absent:

Senator, the Honourable Eamon Courtenay (Designate)

MR. PRESIDENT *in the Chair*.

PRAYERS *by Senator Rev. A. Rocke*.

### **OATH OF ALLEGIANCE OF NEW SENATORS**

**MR. PRESIDENT:** Mr. Clerk, can you please kindly administer the Oath of Allegiance to the new Senators.

**SENATOR V. WOODS:** I, Valerie Woods, do swear that I will bear true faith and allegiance to Belize and will uphold the Constitution and the law, and that I will conscientiously, impartially and to the best of my ability discharge my duties as a Senator and do right to all manner of people without fear or favour, affection or ill-will. So help me, God.

**SENATOR P. THOMPSON:** I, Paul Thompson, do swear that I will bear

true faith and allegiance to Belize and will uphold the Constitution and the law, and that I will conscientiously, impartially and to the best of my ability discharge my duties as a Senator and do right to all manner of people without fear or favour, affection or ill-will. So help me, God. (Applause)

**SENATOR M. BLAKE:** I, Marcello Blake, do swear that I will bear true faith and allegiance to Belize and will uphold the Constitution and the law, and that I will conscientiously, impartially and to the best of my ability discharge my duties as a Senator and do right to all manner of people without fear or favour, affection or ill-will. So help me, God. (Applause)

**MR. PRESIDENT:** Good morning to all Senators. I'd like to welcome you all new Senators, Senator Woods, Senator Thompson, and Senator Blake, to the Senate. I look forward to our constructive debates in the future. Also, I'd like to say a welcome to the students of Solid Rock Academy of Dangriga. Welcome guys and I hope you all enjoy the session today.

### **ANNOUNCEMENT BY THE PRESIDENT**

**MR. PRESIDENT:** Honourable Members, by letter dated 8<sup>th</sup> March 2016, Cabinet's recommendation has been signified to the following:

1. Money Laundering and Terrorism (Prevention) (Amendment) Bill, 2016;
2. Customs Regulation (Amendment) Bill, 2016;
3. The OPEC Fund for International Development -US \$11,780,000 – Construction of the Airport Link Road Project - Loan Motion, 2016.

### **BILLS BROUGHT FROM THE HOUSE OF REPRESENTATIVES**

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** A pleasant good morning, Mr. President, and colleagues. May I, before I introduce, take the opportunity to welcome the two colleagues and two new Senators from the Opposition side, Senator Valerie Woods and Senator Paul Thompson, and also the standing Senator for the business community, Senator Marcello Blake. We look forward to long, fruitful discussions throughout the term of this Senate.

This House has generally approached the debate from a different angle than the House of Representatives, where politics tend to rule the debates in that House. The Senate has a different role and a different function, and we try to conduct our business here in that spirit and that atmosphere. So I look forward to lively debates and cooperation in that spirit. Welcome!

I also want to welcome the young students. It is good that you are here to see how we are governed. This is the Upper House of the National Assembly, the Senate. And it is good that you get an understanding of how our country is governed. I also recognize my colleague, the Attorney General, and the media.

Mr. President, I rise to take charge of the following Bills:

1. Money Laundering and Terrorism (Prevention) (Amendment) Bill, 2016;
2. Customs Regulation (Amendment) Bill, 2016; and
3. Extradition (Amendment) Bill, 2016;

Mr. President, in accordance with Standing Order No. 49 (1), I move that the Bills be taken through all their stages forthwith.

**MR. PRESIDENT:** Honourable Members, the question is that the Bills be taken through all their stages forthwith.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

## PAPER

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** Mr. President, I rise to lay on the Table Sessional Paper No. 3/1/13 - International Business Companies (Fees) Regulations, 2016.

**MR. PRESIDENT:** Honourable Members, that paper is ordered to lie on the Table.

## MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** Mr. President, I move that at its rising today the Senate adjourn to a date to be fixed by the President.

**MR. PRESIDENT:** Honourable Members, the question is that, at its rising today, the Senate adjourn to a date to be fixed by the President.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

## PUBLIC BUSINESS

### A. GOVERNMENT BUSINESS

#### I MOTIONS

1. Establishment of the National Assembly Staff Committee Motion, 2016.

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** Mr. President, I move that:-

**WHEREAS**, section 3 (1) of the National Assembly Staff Act (No. 1 of 2000) establishes a National Assembly Staff Committee, consisting of the Speaker of the House of Representatives, or in his absence the Deputy Speaker; three members of the House of Representatives; the President of the Senate and one member of the Senate nominated by the Senate; and one member of the staff of the National Assembly or one other person who is not a member of staff of the National Assembly nominated by the staff of the National Assembly;

**AND WHEREAS**, section 3 (1) (c) of the National Assembly Staff Act (No. 1 of 2000) provides that the President of the Senate and one other member of the Senate nominated by the Senate;

**NOW, THEREFORE, BE IT RESOLVED** that this Senate nominate the Honourable Senator Francine Burns to be a member of the National Assembly Staff Committee.

Mr. President, the former Member of the Senate was Senator Thimbriel, who is no longer a Member of the Senate, and, as a consequence, we need to fill that vacancy, hence, the recommendation to nominate Senator Francine Burns. I request that the Senate gives its approval.

**MR. PRESIDENT:** Honourable Members, that Motion is referred to the Constitution and Foreign Affairs Committee for examination, consideration and report.

**2. The OPEC Fund for International Development -US\$11,780,000 – Construction of the Airport Link Road Project - Loan Motion, 2016.**

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** Mr. President, I move that:-

**WHEREAS**, Member States of the Organization of Petroleum Exporting Countries (OPEC), being conscious of the need for solidarity among all developing countries and aware of the importance of financial cooperation between them and other developing countries, have established the OPEC Fund for International Development (OFID) to provide financial support on concessionary terms to developing countries;

**AND WHEREAS**, the Government of Belize aims at improving the socio-economic integration of the Western Paradise and Ladyville communities by constructing a road from Mile 8 of the George Price Highway to the Phillip Goldson International Airport, which will involve costs in civil works, land acquisition, consultancy services and supervision;

**AND WHEREAS**, the Government of Belize has requested assistance from OFID in the sum of US\$11.78 million for partial financing of the Project;

**AND WHEREAS**, the OFID has approved an offer of a Loan of US \$11,780,000.00 to the Government of Belize to finance 87% of the total costs of the civil works component of the Project;

**AND WHEREAS**, the approved financing will be used towards the general mobilization and site preparation, earth works, construction of embankments and pavement, construction of roundabouts and intersections on both ends of the road, construction of a bridge; installation of necessary drainage infrastructure along the road and bridge, and the installation of utilities structures, street lighting and other protection and safety works;

**AND WHEREAS**, the terms and conditions of the Loan Offer are as follows:

Lender:	The OPEC Fund for International Development (OFID);
Loan Principal Amount:	US\$11,780,000.00;
Loan Term:	20 years (5 years grace period plus 15 years repayment period);
Grace Period:	5 years from the Date of the Loan Agreement;
Repayment period:	Repayment in thirty (30) semi-annual installments commencing January 15, 2021;
Purpose:	To construct a road from Mile 8 of the George Price Highway to the Phillip Goldson International Airport;
Rate of Interest:	At a rate of 2.75 percent per annum on the principal amount withdrawn and outstanding and payable semi-annually on January 15 and July 15 in each year;
Service Charge:	At a rate of one percent (1.0%) per annum on the principal amount of the Loan withdrawn and outstanding payable semi-annually on January 15 and July 15 in each year;

**AND WHEREAS**, under the provisions of section 7 of the Finance and Audit (Reform) Act, 2005, the Government of Belize is required to obtain the prior authorization of the National Assembly, by way of a Resolution, for such a borrowing;

**NOW, THEREFORE, BE IT RESOLVED** that this Honourable House, being satisfied that the loan proceeds would significantly contribute towards the improvement of the regional road network and the socio-economic integration of the Ladyville and Western Paradise Communities, approves and confirms that the Government of Belize may enter into a Loan Agreement with the OPEC Fund for International Development (OFID) on the terms and conditions set out above, and further authorizes the Minister of Finance to execute and deliver the said Loan

Agreement and all other documents associated therewith.

Mr. President, I think the Senate has circulated the Airport Link Road Project Loan Agreement to all Senators, albeit a little late. But the general idea here is to provide that link between the international airport and the Western Highway now known as the George Price Highway, to accommodate the traffic coming from the airport into the western corridor of the country, Belmopan, San Ignacio, the Dangriga Area and that area, and also to open up that area for better and faster communication with our airport, to facilitate investors and other persons traveling. I move that the question be put.

**SENATOR P. THOMPSON:** I rise to make my contribution to this Senate regarding this Motion.

**MR. PRESIDENT:** Go ahead, Senator.

**SENATOR P. THOMPSON:** Yes, with your indulgence, I'd like to refer to my notes.

**MR. PRESIDENT:** Continue.

**SENATOR P. THOMPSON:** Mr. President, this loan Motion seeks to borrow US\$11.7 million, that is an equivalent of BZ\$23.4 million, to build a road from Western pines, that is 8 Miles on the George Price Highway, to Ladyville. I guess around the airport area. While the funds proposed to be borrowed are quite a large sum, the details to this project seem, you know, a little hard to find. I was happy that when I walked in this morning I received a package stating the number of miles this road will be, and I saw that it is going to be approximately a little over 5 miles.

I was told that, you know, lack of information is kind of a norm but I don't want to believe that. As a young man, I watched and admired Minister of Natural Resources be a champion for transparency and accountability. I worked indirectly with Senator Barnett for a few years. She was touted as the best and brightest technocrat that we had. You know, how can these two senior persons condone this kind of, you know, lack of information, this kind of a thing?

There are some other questions that I have regarding this Motion. Why is there such urgency to get this Motion through in one sitting? Who benefits from this project besides the contractor and the landowners whose lands will be acquired? I can bet there're some preferred persons in the mix. Is there a plan for the area that will now be accessible? Is there a housing scheme on the horizon? Is this a part of Horizon 2030 or what it was envisioned to be? Or was this just dreamt up one night and brought to these Chambers? How will this impact the people from the west and the south? You mentioned a few notes there just now. How many miles will they save when driving to reach the airport as opposed to going through the Boom/Hattievill road? Why is this priority, when there are other pressing matters affecting the lives of many of our citizens? Why is this more priority than, say, the paving of the Coastal Road or building some low-income housing? In my view, this is irresponsible. How can we be executing these massive projects and not reveal to the public the reasons for such projects? And finally, how will this impact the close to a 175,000 people? And you may be asking who those people are, and I will tell you now. These people are the people under the poverty line.

Although we are always in favour for development, we question the birth for this project. Although this Government purports to call itself pro-poor Government, we know for sure that it won't affect the lives of these 175,000 people, Mr. President, the people pope Francis referred to as the excluded. Mr. President, as the saying goes from Hamlet, "Something is rotten in the state of Denmark". Thank you.

**SENATOR M. BLAKE:** Thank you, Mr. President. With your indulgence, I would like to refer to my notes.

**MR. PRESIDENT:** Continue, Senator Blake.

**SENATOR M. BLAKE:** A brief statement on the matter of the OPEC Fund, while the business community is all for investment into infrastructure, what we ask and demand of the Government is accountability and transparency. The contract needs to be put out to national bid and tender, and the scope needs to be clearly defined and measurable because at the end of the day, for not being able to measure what the results are, how do we know we are getting what we are paying for. We should work to apply clear, transparent standards for procurement, including requirements for electronic hosting and submissions. I thank you, Mr. President

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** Just some brief comments, Mr. President, the questions asked by the representative for the business community, clearly it will be put out to tender, and clearly the requirements of the contract will be there. This Motion is to ask the National Assembly to approve the borrowing for this project.

The Honorable Senator from the Opposition raised a number of questions but clearly the benefits of a project like this, I think, in a way are self-evident. In fact, I did hear during the debate of the House that the Leader of the Opposition said that, in fact, this was a concept of theirs back then, and this is being executed now by this Government. The point is that infrastructure, there is now doubt, helps to move the nation. And it can be argued what is a priority and what is not a priority. The fact of the matter is the corridor from the international airport, everybody knows, is a very tight one. The Phillip Goldson Highway really by now should have been a four-lane highway, if land and space were available to be able to move. Coming in from that area is very difficult in the morning. We are now up to, I think, 7 or 8 airlines coming in. That will expand, and, as a consequence, we do need to have a corridor to move people's goods and services coming in at a fast and at a different pace. So I move that the question be put.

**MR. PRESIDENT:** Honourable Members, the question is, NOW, THEREFORE, BE IT RESOLVED that this Honourable House, being satisfied that the loan proceeds would significantly contribute towards the improvement of the regional road network and the socio-economic integration of the Ladyville and Western Paradise Communities, approves and confirms that the Government of Belize may enter into a Loan Agreement with the OPEC Fund for International Development (OFID) on the terms and conditions set out above, and further authorizes the Minister of Finance to execute and deliver the said Loan Agreement and all other documents associated therewith.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

## II BILLS FOR SECOND READING

### 1. Money Laundering and Terrorism (Prevention) (Amendment) Bill, 2016.

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** Mr. President, I rise to move the second reading of a Bill for an Act to amend the Money Laundering and Terrorism (Prevention) Act, No 18 of 2008, to provide for measures to ensure compliance with international standards and obligations in relation to money laundering and terrorist financing and implementation of UN Security Council Resolutions; and to provide for matters connected therewith or incidental thereto.

Mr. President, along with this Bill was circulated, I trust all Senators got it, some explanatory notes. It is fairly straight forward. The primary objective of the Money Laundering and Terrorism (Prevention) (Amendment) Act, 2016 is to amend the Money Laundering and Terrorism Prevention Act to comply with recommendations made by the Financial Action Task Force in relation to Financial Action Task Force recommendation (5) and implementation of the UN Security Council Resolutions 2178 and 2253 addressing the terrorist threats posed by ISIL or Da'esh, as it is called. The Act also seeks to raise the threshold for cash declarations from \$10,000 to \$20,000, to reconcile the cash declaration requirements with Customs declaration requirements which is the companion Bill to come, remove the ban on leaving Belize with more than \$20,000 in cash, replace the category of "serious crimes" with any offence that generates proceeds and clarify existing ambiguities related to procedural matters. There are some additional explanatory notes; I don't intend to go through them.

**SENATOR M. BLAKE:** Thank you, Mr. President. With your leave, I'd like to refer to my notes.

**MR. PRESIDENT:** Continue.

**SENATOR M. BLAKE:** If I would be allowed, Mr. President, a little history is in order here as how we've arrived at this point of yet another amendment to the Money Laundering and Terrorism (Prevention) Act. If we take a step back, 1990, we established the CFATF. In 1998 the Money Laundering and Terrorism (Prevention) Act was put into our legislation in Belize. We had a first round of the Mutual Evaluation Report, a second round in April 2010, a third round in July 2011, and, from May 2012 to November 2013, we have had five follow-up reports. In November 2013, we were blacklisted by CFATF. February 2014, nine pieces of legislations were passed. September 2014 to May 2015, we had three more follow-ups. That makes it 8 follow-up reports, and in June 2015, we are finally removed from the blacklist.

If we look at that report, I refer to July 2011, the Mutual Evaluation Report, there were actually 15 partially compliant items, 13 non-compliant, 10 largely compliant and 2 compliant. Fast forward to May 2015, what strides have we made? We've moved one item from not compliant to partially compliant. We are dragging our feet in making sure that the image of Belize is improved on the world market. This Bill, Mr. President, has been necessitated to further comply with the CFATF regulations that have been imposed. It is important to also note



though that in this amendment the notable change here is to lower the threshold for establishing money laundering offences. Previously, the FIU had the responsibility to prove that the property in question was actually tainted, the removal of all references of serious crime so that the property that is proceed of offence or which is intended to use in the commission of any offence would be tainted property. The BCCI supports this amendment. We consider that the Government has endured much hardship and criticism for its failure to convict for money laundering offences. The amendment shall assist in securing convictions and will hopefully improve our global image as a country that combats money laundering.

It is important, Mr. President, to also note that in 18 years Belize has become compliant with 12 areas of the 40 plus 9 areas, and in 17 years Cayman has actually become compliant with 38 areas. We are way behind. It is important for us, as a country, to clean up our image such that it earns the image of a pristine jurisdiction. We need to be proactive in this regard and that such legislations like these are the starting point to getting there. We must continue to work, and I say, again, we must become proactive in improving our image. Thank you, Mr. President.

**SENATOR S. DUNCAN:** Thank you, Mr. President. The world that we live in today, Mr. President, seems to be controlled and dictated by compliance. Issues of money laundering and terrorism prevention seem to be determining how we all live in our societies today. It is not surprising that we keep having to amend the Act therefore, and I suspect that this is not going to be the last amendment that comes to us quite honestly because it is fast changing. And it is not fast changing because of Belize, but it is fast changing because the people who are calling the shots, as they move forward, recognize that some of the things they are doing need to be modified, updated or might not have worked.

The Bill before us today is, to my mind, taking out a very important aspect or two very important aspects that, I think, were actually hindrances to the whole system. One is the \$20,000 ban. In fact, the law, as it was previously constituted or constructed, it was written in such a way that you were not allowed to leave Belize if you had more than \$20,000. Rather what was intended, I believe, and what is being done now is allowing an individual to be able to declare, but you are still able to leave with it but you have to declare it to the authorities. Previously even if you declared it, you could not leave with it. It's a huge difference.

Secondly, Mr. President, the law, as it is currently constructed says to commercial banks, "if someone has a bank account and you are not able to get certain information from them, you are not able to get certain things done," the bank is obliged to then close the account. It has become a very cumbersome situation administratively to be closing these accounts and then you are not able to find where these people live. You have to get their money to them, you send them cheques, and the cheques return. This is helping to address that situation, and it is now saying to us that we may continue to carry the accounts provided we are able to monitor the accounts so that they may not be utilized for illegal means. Effectively what is happening here, Mr. President, is that these are trying to create a less cumbersome structure, a less cumbersome environment within which we have to operate, within the confines of the laws being passed.

My recollection though is that the international community put together a body called the Financial Action Task Force who determines whether or not a country has met a satisfactory standard in regards to the whole issue of money laundering, anti-money laundering and terrorism prevention and that type of

thing. My recollection, Mr. President, while I don't have the full numbers before me, is that Belize has been given a satisfactory rating, and I don't want to suggest gloom and doom, and, as I listen to the Senator for the business community speak, I feel that we are more much advanced than the numbers that were put forward for us to have been able to get a satisfactory rating.

But the point I am making is that, by international standards, the international community has said that we have met a satisfactory standard even while we continue to work on the other matters, And I would not want to stand in this Honourable Chamber and try to bring down the work that we have been doing and try to send the wrong message to the international community or to the public at large because, in fact, a lot is being done and the international community itself has said that we have met a satisfactory standard. Thank you, Mr. President.

**SENATOR E. SMITH:** Thank you, Mr. President. I have a few concerns from our organization. While I understand that we need to ensure compliance with the international standards and that we have made strides, we need to ask ourselves, have we done enough? And so, when we look at what we have in front of us, we have to consider, is this what we need to do? Do we have the financing to ensure that enforcement happens? Do we have skilled persons who are going to be working in that unit to ensure that we are enforcing what we are putting together?

And we are concerned also with the changing of serious crime to just offence, and my colleague, Senator Thompson, alluded to that earlier. Are there categories of offences? How are we making a distinction between these offences? And how do we differentiate between the magnitude of these offences? So we need to ensure that, as we say, the penalty fits the crime. So we are concerned about the changing of serious crimes to offences.

We also wanted to find out, because we don't have that here, what are the protocols or procedures as it relates to monitoring and possible abuse of what we have here. There is none. There doesn't seem to be a system in place or I don't have anything to show that there is a system in place or there is a mechanism in place for monitoring that ensures that there is no abuse. And so we ask the question then, are we just creating another paper tiger? Are we serious about what we want to do? Because if we are serious about what we want to do, then we are going to ensure that these necessary things are in place before we go through with this. Thank you.

**SENATOR REV. ASHLEY ROCKE:** Mr. President, I rise today to acknowledge this morning and greet, welcome our new Senators from the Opposition and the Senator representing the business community. It is my prayer that we will have amicable, cordial and objective conversation with each other for the bringing of solutions to our responsibility here in this House as Senators.

There is one question that has not alluded us in the church, and I suppose it was alluded to that in the discussion that \$20,000 was the figure but it was not followed. We are just seeking understanding for the figure \$20,000, seeing that it was moved from \$10,000 now to \$20,000. With your indulgence, could you help us understand that?

**SENATOR S. DUNCAN:** A clarification is being requested. I think the number is BZ\$20,000. I think \$20,000 is the internationally accepted level. And, again, I was not part of the drafting of the existing Act but it is suspected that it was intended to be US\$10,000 or BZ\$20,000. But it went in as BZ\$10,000, and, I think, it affected what was happening. But it is BZ\$20,000.

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** Mr. President, I thank the colleagues for the comments. The comments from the business association are appreciated but there are standard reports that go. This is a sort of self-monitoring thing. One must recognize though that in this whole business of money laundering and terrorism prevention small countries like Belize are actually in between the wedge. It is a sandwiched position. Our economy is small. There are all sorts of things happening, there is trafficking happening, and there are people who are trying to wash monies, etc. The banks are pressured. But I must say that in this country so far the banks have done a fantastic job in holding the line. In fact, this is the very reason why the Prime Minister's visit to Washington had some positive results because, when one looks at our jurisdiction, to a large extent, we are compliant with what is required. We cannot stifle business. We cannot close down. And I am here to tell you that many of the developed countries they don't see small developing countries and the difficulties posed by these. In fact, Mr. President, you yourself participated in a little conference at the Biltmore not so long ago, when these matters were discussed. And, in fact, the presenters were very clear that one of the difficulties with doing business in small countries is that the big countries don't care and it doesn't matter what happens to you. So we have to be careful. There is a risk to rush to compliance with everything that is proposed to us outside of the realities of our situation. Having said that, Mr. President, I move the question.

**MR. PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the Money Laundering and Terrorism (Prevention) Act, No 18 of 2008, to provide for measures to ensure compliance with international standards and obligations in relation to money laundering and terrorist financing and implementation of UN Security Council Resolutions; and to provide for matters connected therewith or incidental thereto, be read a second time.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

Bill read a second time.

## **2. Customs Regulation (Amendment) Bill, 2016.**

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** Mr. President, I rise to move the second reading of a Bill for an Act to amend the Customs Regulation Act, Chapter 49 of the Substantive Laws of Belize, Revised Edition 2011; to provide for measures to ensure compliance with international standards and obligations in relation to money laundering and terrorist financing; to raise the threshold for currency declarations to \$20,000; to simplify procedures for currency declarations; and to provide for matters connected therewith or incidental thereto.

Mr. President, again, with this Bill there were some explanatory notes accompanying it. I'll just read the first paragraph briefly, and the primary

objectives of the Customs Regulation (Amendment) Act, 2016 is to amend the Customs Regulation Act to transfer administration of the regime for reporting of international transportation of currency or monetary instruments from the FIU to the Customs and Excise Department and to clarify that the reporting requirement applies in relation to importation and exportation of currency by post and as a cargo.

The Act also seeks to implement the increase in the threshold for cash declarations from BZ\$10,000, which it currently is, to BZ \$20,000 or the equivalent in foreign currency as referred to in the amendments to the Money Laundering and Terrorism (Prevention) Act which we just debated and increase penalties for serious customs related offences to reflect the gravity of the offences and serve as a more effective deterrent”

**SENATOR M. BLAKE:** Thank you, Mr. President. The principal amendments to the Customs Regulation Act really are geared towards an increase in penalties for violations. So it is giving the Customs Department a little bit more teeth. And while the business community has always advocated for stiffer laws, and particularly for the evasion of duties, it is a direct loss of the Consolidated Fund. We feel that there is a level of mismatch happening here. When we look at the purpose, of course it helps to deter contraband which is a big part of the illegal activities that the business community faces. The fine becomes so disproportionate and it bears no relationship to the value of the uncustomed goods.

**MR. PRESIDENT:** Senator Coy, what is your point of order? Have a seat, Senator Blake. He has a point of order.

**SENATOR M. COY SR.:** Point of order, Mr. President, there is no such word as contraband in the Bill as to what, I believe, the Honourable Senator is saying. Nothing has been referred to as contraband in there. Let us be real on this. We have a set of kids out here and not only them but we are also talking to the nation. So there is nothing about contraband here, Honourable Senator. But let me just also take the opportunity to say congratulations to the new Honourable Senators out here. Thank you, Mr. President.

**MR. PRESIDENT:** Thank you, Senator Coy. Just a note, Senator Blake, what he is saying is that whenever we debate, whatever is the issue, we stay within that constraints. Senator Blake, please continue.

**SENATOR M. BLAKE:** Just to wrap up the point that I was making before, the distortion here, based on the way the law is being amended, \$65,000 as a fine or three times the value, whichever is greater, if you use the example of an undeclared bottle of rum, it leaves it out there that there is a 50/50 chance that the individual becomes not a target but to fall into this new law that could impair a lot of our people. We are talking about marginalized, impoverished and all of those terms. Which Belizean do you know is making \$65,000 a year to be able to pay this fine? Thank you, Mr. President.

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** Thank you, Mr. President. Really it should be pretty straight forward but it is not. The amendment really is dealing with the amendment to cash and currency, and it states fairly clearly that it deals with notes and coins in circulation. It deals with postal orders, cheques of any kind, bankers’ drafts, bearer bonds, stored value instruments and other monetary instruments as the Minister may, by notice in the Gazette publish. It goes down in

its reference under the definition, it amends the definition of “goods” by deleting the words “currency in all forms” and replacing it with the word “currency”. It really is a money Bill, dealing with monetary items and not necessarily any contraband goods or otherwise. Thank you. I move that the question be put.

**MR. PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the Customs Regulation Act, Chapter 49 of the Substantive Laws of Belize, Revised Edition 2011; to provide for measures to ensure compliance with international standards and obligations in relation to money laundering and terrorist financing; to raise the threshold for currency declarations to \$20,000; to simplify procedures for currency declarations; and to provide for matters connected therewith or incidental thereto, be read a second time.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

Bill read a second time.

### **3. Extradition (Amendment) Bill, 2016.**

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** Mr. President, I rise to move the second reading of a Bill for an Act to amend the Extradition Act, Chapter 112 of the Substantive Laws of Belize, Revised Edition 2011; to make provision for the extradition of fugitive criminals between Belize and the United Mexican States; and to provide for matters connected therewith or incidental thereto.

Mr. President, this is fairly straight forward as we perhaps are aware or have been advised that there is an extradition treaty between United Mexican States and Belize. But because of the fact that we are a common law jurisdiction the treaty does not form part of our Substantive Laws, and, as a consequence we have to pass an Act to bring conformity and give effect to this treaty. This is basically what this is doing.

**MR. PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the Extradition Act, Chapter 112 of the Substantive Laws of Belize, Revised Edition 2011; to make provision for the extradition of fugitive criminals between Belize and the United Mexican States; and to provide for matters connected therewith or incidental thereto, be read a second time.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

Bill read a second time.

## **III COMMITTEE OF THE WHOLE SENATE ON MOTION AND BILLS**

**MR. PRESIDENT:** Honourable Members, in accordance with Standing Order 68A, the Senate will now resolve itself into the Constitution and Foreign Affairs Committee, a Committee of the whole Senate, to consider the Motion referred to it and, thereafter, in accordance with Standing Order 54, the

Committee of the whole Senate to consider the Bills that were read a second time.

Honourable Members, I will now take the Chair as the Chairman of the Constitution and Foreign Affairs Committee and then as the Chairman of the Committee of the whole Senate.

(In the Constitution and Foreign Affairs Committee)

MR. PRESIDENT in the chair.

1. **Establishment of the National Assembly Staff Committee Motion, 2016.**

Motion in its entirety agreed to.

Motion to be reported back to the Senate for adoption without amendment.

(In the Committee of the whole Senate)

MR. PRESIDENT in the Chair.

1. **Money Laundering and Terrorism (Prevention) (Amendment) Bill, 2016.**

Clauses 1 to 30 agreed to.

Bill to be reported back to the Senate without amendment.

2. **Customs Regulation (Amendment) Bill, 2016.**

Clauses 1 to 19 agreed to.

Schedule agreed to.

Bill to be reported back to the Senate without amendment.

3. **Extradition (Amendment) Bill, 2016.**

Clauses 1 to 7 agreed to.

Schedule agreed to.

Bill to be reported back to the Senate without amendment.

**PUBLIC BUSINESS**

**A. GOVERNMENT BUSINESS**

**I MOTION**

**(Adoption of Motion)**

**1. Establishment of the National Assembly Staff Committee Motion, 2016.**

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** Mr. President, the Constitution and Foreign Affairs Committee has met and considered the Establishment of the National Assembly Staff Committee Motion, 2016, and has agreed that it be returned back to the Senate for adoption.

I therefore move that the question be put.

**MR. PRESIDENT:** Honourable Members, the question is, NOW, THEREFORE, BE IT RESOLVED that this Senate nominate the Honourable Senator Francine Burns to be a member of the National Assembly Staff Committee.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

**V REPORTING AND THIRD READING OF BILLS**

**1. Money Laundering and Terrorism (Prevention) (Amendment) Bill, 2016.**

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** Mr. President, I rise to report that the Committee of the whole Senate has considered the Money Laundering and Terrorism (Prevention) (Amendment) Bill, 2016 and passed it without amendment.

I now move that the Bill be read a third time.

**MR. PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the Money Laundering and Terrorism (Prevention) Act, No 18 of 2008, to provide for measures to ensure compliance with international standards and obligations in relation to money laundering and terrorist financing and implementation of UN Security Council Resolutions; and to provide for matters connected therewith or incidental thereto, be read a third time.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

Bill read a third time.

**2. Customs Regulation (Amendment) Bill, 2016.**

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** Mr. President, I rise to report that the Committee of the whole Senate has considered the Customs Regulation (Amendment) Bill, 2016 and passed it without amendment.

I now move that the Bill be read a third time.

**MR. PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the Customs Regulation Act, Chapter 49 of the Substantive Laws of Belize, Revised Edition 2011; to provide for measures to ensure compliance with international standards and obligations in relation to money laundering and terrorist financing; to raise the threshold for currency declarations to \$20,000; to simplify procedures for currency declarations; and to provide for matters connected therewith or incidental thereto, be read a third time.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

Bill read a third time.

### 3. Extradition (Amendment) Bill, 2016.

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** Mr. President, I rise to report that the Committee of the whole Senate has considered the Extradition (Amendment) Bill, 2016 and passed it without amendment.

I now move that the Bill be read a third time.

**MR. PRESIDENT:** Honourable Members, the question is that the Bill for an Act to amend the Extradition Act, Chapter 112 of the Substantive Laws of Belize, Revised Edition 2011; to make provision for the extradition of fugitive criminals between Belize and the United Mexican States; and to provide for matters connected therewith or incidental thereto, be read a third time.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

Bill read a third time.

## ADJOURNMENT

**MR. PRESIDENT:** Senator Woods, I think you had said that you had something to say before we adjourn.

**SENATOR V. WOODS:** Thank you, Mr. President. I rise to make a statement on a matter of public importance. As a new Senator to these Chambers, obviously I took some time to acquaint myself with the Standing Orders and the functions and powers of the Senate, and one of those functions and powers clearly states in the Constitution, Mr. President, the matter of the territorial dispute with



Guatemala.

On the heels of recent incursions in the Sarstoon and Chiquibul therefore, it behooves me before we adjourn to ensure that some statement be made in the matter of public importance. There should be no doubt that Belize has sovereignty over the Sarstoon Island, and, while the actions of the Belize Territorial Volunteers may not be supported by the Government or by many, their efforts to vigorously raise public awareness to what is an alarming situation on the ground should be recognized. Indeed, with all the legislations, the motions and the Bills that this Honourable Chamber must discuss, it really is not worth the paper they are written on if we cannot affirm our sovereignty at all times and vigorously sustain a campaign that denounces locally and internationally the incursions in the Sarstoon and the Chiquibul as they occur regularly. It is not an easy situation. Indeed, it is complex, it is sensitive but it is very serious.

I encourage all Members of the Senate, indeed, all Belizeans to get fully and more acquainted with the details and the facts of this issue. Perhaps it is, indeed, time for rising chorus to build an effort for an internationalization of this issue. Let's face it, no less was done for the road to independence, and, Mr. President, the very result of that internationalization allows us, affords us the opportunity to be here today, to sit in this Senate and to contribute to our country's development.

It is a complex issue but it is one that all national entities of Belize should grapple with but not as a partisan issue. It is a one-people issue. For the facts and the details, I urge all Belizeans and the Senate, perhaps, as a starting point, to look at the most recent published article by the former Foreign Affairs Minister, Assad Shoman, entitled "Guatemalan Odyssey". Serializing the Amandala Newspaper, Mr. President, it chronicles the history, the treaty and the facts but in a non-partisan manner. And if you allow me to quote the former Foreign Affairs Minister, Assad Shoman, "For somebody looking from the outside in, it must seem strange for Belizeans and so many organizations of Belize to appear so complacent on a real matter that is in their face pressing and urgent".

So I rise to lend my voice and to that of my colleagues on this side for the call of a vigorous sustained internationalization campaign on the incursions in the Chiquibul, the incursions on the Sarstoon and any other violation of our sovereignty by Guatemala. Thank you.

**SENATOR G. HULSE (Leader of Government Business and Minister of Natural Resources and Immigration):** Yes, thank you, Mr. President. Just quickly commenting on the comments of Senator Woods and I thank her and I concur that, in fact, it is a matter of national concern. I want to assure her that the Government is in no way complacent on this matter. There has been vigorous discourse. In fact, there is a committee formed in the Cabinet to deal specifically to aid the Foreign Minister, to assist him in dealing with this matter. We know it is a lengthy and complex matter. She rightly states that former Foreign Affairs Minister and former Senator as well, Assad Shoman, has done numerous writings on the matter. It is a complex matter.

I do urge, of course, all Belizeans to familiarize themselves. But we are at a point in this country, and I'm glad that the Bipartisan Committee seems to have

been reformed to begin to look on the way forward. Lots of things have been tried with Guatemala, where we have gone to mediation and we've been discussing all sorts of things. There is a path which has been outlined both on the Opposition side and the Government side some time ago to look at a final mechanism to settle this, and, I think, we have to advance towards that in a sober, clear, dedicated, unequivocal manner. I think it is not in the interest of anybody on either side to promote or to provoke any sort of violence. The first shot that is fired the people die. We see that all around the world, and, in fact, even the large nations that engage in this type of thing come off losing, and at the end of the day we have to talk. We must resolve this matter. There are processes ongoing. There is an intense discussion between Foreign Ministers of both countries. We have made our representations to the OAS and to other bodies. The friends of both parties are also involved in this matter. I am, of course, encouraged to hear that the Opposition has formed a group of Foreign Ministers to actually look at this matter also intently. So I can assure the nation that the Government is no way sitting on its laurels or complacent where this matter is concerned. Thank you, Mr. President, and I move now that the Senate do adjourn.

**MR. PRESIDENT:** Honourable Members, the question is that the Senate do now adjourn.

All those in favour, kindly say aye; those against, kindly say no. I think the ayes have it.

The Senate now stands adjourned.

The Senate adjourned at 11:07 A.M. to a date to be fixed by the President.

PRESIDENT

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