

BELIZE

No. 18/1/13

SENATE

Wednesday, 13th December 2017

10:05 A.M.

Pursuant to the direction of Mr. President, in writing, dated 8th December 2017, the Senate met in the National Assembly Chamber in Belmopan on Wednesday, 13th December 2017, 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 Agriculture, Forestry, Fisheries, the
Environment, Sustainable Development and Immigration
Senator, the Honourable Dr. Carla Barnett – Vice-President and Minister
of State in the Ministry of Finance and Natural Resources
Senator, the Honourable Michael Peyrefitte – Attorney General
Senator, the Honourable Macario Coy Sr.
Senator, the Honourable Stephen Duncan
Senator, the Honourable Aldo Salazar
Senator, the Honourable Eamon Courtenay
Senator, the Honourable Valerie Woods
Senator, the Honourable Paul Thompson
Senator, the Honourable Markhelm Lizarraga
Senator, the Honourable Rev. Ashley Rocke
Senator, the Honourable Elena Smith
Senator, the Honourable Osmany Salas

MR. PRESIDENT *in the Chair*.

PRAYERS *by Senator Rev. Ashley Rocke*.

ANNOUNCEMENT BY THE PRESIDENT

Mr. President made the following announcement:-

“Honourable Members, by letter dated 8th December 2017, Cabinet’s recommendation has been signified to the following:

1. Stake Bank Cruise Docking Facility Development (Amendment) Bill, 2017; and
2. Government of the Republic of China (Taiwan) US\$40,000,000.00 Loan Motion, 2017.”

BILLS BROUGHT FROM THE HOUSE OF REPRESENTATIVES

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration signified his willingness to take charge of the following Bills:

1. Belize National AIDS Commission (Amendment) Bill, 2017;
2. Water Industry (Amendment) Bill, 2017;
3. Stake Bank Cruise Docking Facility Development (Amendment) Bill, 2017; and
4. Petroleum Operations (Maritime Zone Moratorium) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved that the Bills be taken through all their stages forthwith.

Question put and agreed to.

PAPERS

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration:-

- 32/1/12 - Moneylenders Regulations, 2017.
- 33/1/12 - Development Finance Corporation – Annual Report 2016.

Papers were ordered to lie on the Table.

MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved that, at its rising, the Senate adjourn to a date to be fixed by the President.

Question put and agreed to.

PUBLIC BUSINESS

A. GOVERNMENT BUSINESS

I MOTIONS

1. **Resolution Authorizing the Ratification by Belize of the Agreement Establishing the Caribbean Disaster Emergency**

Management Agency (CDEMA) Motion, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved:-

WHEREAS, the Member States of the Caribbean Community (CARICOM) (hereafter called “the Participating States”) was open for signature on 2nd July 2008 at St. John’s, Antigua and Barbuda;

AND WHEREAS, the objective of the CDEMA is to mobilise and coordinate disaster relief, mitigate or eliminate the immediate consequences of disasters, provide immediate and coordinated response to affected Participating States, secure, coordinate and provide governmental and non-governmental organisations reliable and comprehensive information on disasters, encourage the adoption of disaster loss reduction and mitigation policies and practices and coordinate the establishment, enhancement and maintenance of adequate emergency disaster response capabilities;

AND WHEREAS, the Government of Belize is desirous of ratifying to the Agreement pursuant to Article XXXVII of the Agreement;

AND WHEREAS, section 61(A)(2)(a) of the Belize Constitution, as amended by the Belize Constitution (Sixth Amendment) Act (No. 13 of 2008), provides that the Senate shall authorize the ratification to any treaty by the Government of Belize;

NOW, THEREFORE, BE IT RESOLVED that the Senate authorizes the Government of Belize to ratify the Agreement establishing the Agency, a full text of which is hereto annexed.

Motion was referred to the Constitution and Foreign Affairs Committee for examination, consideration and report.

2. Resolution Authorizing the Ratification by Belize of the Agreement Establishing the Caribbean Centre for Renewable Energy and Energy Efficiency (CCREEE) Motion, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved:-

WHEREAS, the Member States of the Caribbean Community (CARICOM) (hereafter called “the Contracting Parties”) was open for signature on 5th July 2017 at St. Georges, Grenada;

AND WHEREAS, the objective of the CCREEE is to promote the development of renewable energy and energy efficiency in the Contracting Parties to support the development of low carbon economies, enhance the capabilities of regional institutions for the transformation of the energy sector to an efficient and indigenous low carbon source, provide comprehensive technical and implementation support in relation to energy-related issues and

mobilise financial and technical resources to support the implementation of low carbon project activities;

AND WHEREAS, the Government of Belize is desirous of ratifying to the Agreement pursuant to Article XXXV (1) of the Agreement;

AND WHEREAS, section 61(A)(2)(a) of the Belize Constitution, as amended by the Belize Constitution (Sixth Amendment) Act (No. 13 of 2008), provides that the Senate shall authorize the ratification to any treaty by the Government of Belize;

NOW, THEREFORE, BE IT RESOLVED that the Senate authorizes the Government of Belize to ratify the Agreement establishing the Centre, a full text of which is hereto annexed.

Motion was referred to the Constitution and Foreign Affairs Committee for examination, consideration and report.

3. Resolution Authorizing the Ratification by Belize of the Agreement Between the Government of the Republic of India and the Government of Belize on Exemption from Visa Requirement for Holders of Diplomatic and Official/Service Passports Motion, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved:-

WHEREAS, the Agreement between the Government of the Republic of India and the Government of Belize on Exemption from Visa Requirement for Holders of Diplomatic and Official/Service Passports (hereinafter referred to as “the Agreement”) was signed on 18th September 2017 in Belize City, Belize;

AND WHEREAS, the objective of the Agreement is to allow citizens of India and Belize who are in possession of a valid diplomatic or official/service passports to enter, exit and transit through their territories without a visa for a minimum period of ninety days, for a single stay or several stays, in any period of 180 days;

AND WHEREAS, the Government of Belize is desirous of ratifying to the Agreement pursuant to Article 10 of the Agreement;

AND WHEREAS, section 61(A)(2)(a) of the Belize Constitution, as amended by the Belize Constitution (Sixth Amendment) Act (No. 13 of 2008), provides that the Senate shall authorize the ratification to any treaty by the Government of Belize;

NOW, THEREFORE, BE IT RESOLVED that the Senate authorizes the Government of Belize to ratify to the Agreement, a full text of which is hereto annexed.

Motion was referred to the Constitution and Foreign Affairs Committee for examination, consideration and report.

4. Government of the Republic of China (Taiwan) US\$40,000,000.00 Loan Motion, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved:-

WHEREAS, the Government of Belize, through its bi-lateral program of economic cooperation and development with the Government of the Republic of China (Taiwan), has received an offer of further financial support from the Government of that country;

AND WHEREAS, the offer of financial support is in the form of a long-term, low-interest Loan in the principal amount of US\$40.0 million;

AND WHEREAS, the purpose of the Loan is to provide for general budgetary support;

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

Lender:	Export-Import Bank of the Republic of China (Taiwan);
Loan Principal Amount:	US\$40,000,000.00;
Disbursement Schedule:	To be disbursed in four equal annual installments over four calendar years from 2017 through 2020, with each installment consisting of an aggregate amount of up to Ten Million US Dollars;
Loan Term:	20 years;
Grace Period:	3 years;
Repayment:	In thirty-four (34) consecutive, equal semi-annual principal installments commencing 42 months after date of the first Advance made under the Agreement;
Purpose:	Project Implementation;
Rate of Interest:	Libor + 1% (currently about 1.7%);

AND WHEREAS, under the provisions of section 7 (1) 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 borrowing;

NOW, THEREFORE, BE IT RESOLVED that this Honorable House, being satisfied that the Loan proceeds would be utilized for the purpose stated above, approves and confirms that the Government of Belize may enter into a Loan Agreement with the Export-Import Bank of the Republic of China (Taiwan) 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 and agreements connected therewith.

Question was put and agreed to.

5. Appointment of Contractor-General Motion, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved:-

WHEREAS, section 3 (2) of the Contractor-General Act, Chapter 6 of the Substantive Laws of Belize, Revised Edition 2011, (“the Act”) provides that the Contractor-General shall be appointed by the Governor-General, acting on the recommendations of both Houses of the National Assembly contained in resolutions passed in that behalf;

AND WHEREAS, MR. GODWIN ARZU was appointed as Contractor-General for a period of three (3) years with effect from 1st January, 2009, pursuant to a Resolution adopted by this House on 11th December, 2008 and a Resolution passed by the Senate on 16th December, 2008;

AND WHEREAS, it is further provided, by section 5(1) of the Act, that a person appointed as Contractor-General is eligible for reappointment at the expiration of his initial term of office;

AND WHEREAS, MR. GODWIN ARZU was reappointed as Contractor-General for a further period of two (2) years with effect from 1st January, 2012, which term expired on 31st December, 2013, and was again reappointed for a further period of two years with effect from 1st January, 2014, which term expired on 31st December, 2015, and was again reappointed for a further period of two (2) years with effect from 1st January, 2016, which term will expire on 31st December, 2017; and on each occasion the reappointment was pursuant to recommendations of both Houses of the National Assembly, contained in Resolutions adopted respectively by the House and the Senate;

AND WHEREAS, MR. GODWIN ARZU continues to possess the relevant qualifications and fulfills the requirements for appointment to the office of Contractor-General, in accordance with section 3(4) of the Contractor-General Act;

NOW, THEREFORE, BE IT RESOLVED that this Honourable House, being satisfied that **MR. GODWIN ARZU** is a fit and proper person to be reappointed as Contractor-General, recommends to the Governor General that **MR. GODWIN ARZU** be reappointed as Contractor-General for a further period of two (2) years with effect from 1st January, 2018, on his existing terms and conditions.

After the debate thereon, the Leader of Government Business moved that the Motion be withdrawn.

Question was put and agreed to.

II BILLS FOR SECOND READING

1. Belize National AIDS Commission (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved that the above-mentioned Bill be read a second time:

Bill for an Act to amend the Belize National AIDS Commission Act, Chapter 34:01 of the Substantive Laws of Belize, Revised Edition 2011, to provide for, among other things, new composition of the Belize National AIDS Commission; recognition of Tuberculosis and its co-infection with HIV or AIDS as a focal point of the Commission's strategic objectives; modification of certain tax exemptions; and to provide for matters connected therewith or incidental thereto.

After the debate thereon, question was put and agreed to.

Bill accordingly read a second time and, pursuant to Standing Orders, was committed to a Committee of the whole Senate.

2. Water Industry (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved that the above-mentioned Bill be read a second time:

Bill for an Act to amend the Water Industry Act, Chapter 222 of the Substantive Laws of Belize, Revised Edition 2011, to make further provision for delegation of ministerial functions under the Act, in the interest of administrative and operational efficiency, and to empower the Minister responsible for natural resources to delegate certain functions to any Minister of State appointed to assist that Minister; and to provide for matters connected therewith or incidental thereto.

Question was put and agreed to.

Bill accordingly read a second time and, pursuant to Standing Orders, was committed to a Committee of the whole Senate.

3. Stake Bank Cruise Docking Facility Development (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved that the above-mentioned Bill be read a second time:

Bill for an Act to amend the Stake Bank Cruise Docking Facility Development Act, No. 10 of 2014; to make it consistent with the Definitive Agreement made in that regard; and to provide for matters connected therewith or incidental thereto.

After the debate thereon, question was put and agreed to.

Bill accordingly read a second time and, pursuant to Standing Orders, was committed to a Committee of the whole Senate.

4. Petroleum Operations (Maritime Zone Moratorium) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved that the above-mentioned Bill be read a second time:

Bill for an Act to impose a moratorium on the exploration for and exploitation of petroleum and other petroleum operations in the maritime zone of Belize, to prevent pollution from installation devices and vessels used in the exploration or exploitation of petroleum resources of the sea-bed and subsoil of the maritime zone; to accordingly, make further provisions for the protection of the Belize Barrier Reef System, inclusive of the World Heritage Site; and to provide for matters connected therewith or incidental thereto.

(Suspension of the debate on the Petroleum Operations (Maritime Zone Moratorium) Bill, 2017.)

In accordance with Standing Order 10 (8), the Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved that the proceedings on the matter on the Order Paper be entered upon and proceeded with at the sitting at any hour though opposed.

Question put and agreed to.

(Resumption and continuation of the debate on the Petroleum Operations (Maritime Zone Moratorium) Bill, 2017.)

After the debate thereon, question was put and agreed to.

Bill accordingly read a second time and, pursuant to Standing Orders, was committed to a Committee of the whole Senate.

III COMMITTEE OF THE WHOLE SENATE ON MOTIONS AND BILLS

In accordance with Standing Order 68A, the Senate, without question put, resolved itself into the Constitution and Foreign Affairs Committee, a Committee of the whole Senate, to consider the Motions referred to it and, thereafter, in accordance with Standing Order 54, into the Committee of the whole Senate to examine and consider the Bills that were read a second time.

(In the Constitution and Foreign Affairs Committee)

MR. PRESIDENT in the Chair.

1. Resolution Authorizing the Ratification by Belize of the Agreement Establishing the Caribbean Disaster Emergency Management Agency (CDEMA) Motion, 2017.

Motion in its entirety agreed to.

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

2. **Resolution Authorizing the Ratification by Belize of the Agreement Establishing the Caribbean Centre for Renewable Energy and Energy Efficiency (CCREEE) Motion, 2017.**

Motion in its entirety agreed to.

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

3. **Resolution Authorizing the Ratification by Belize of the Agreement Between the Government of the Republic of India and the Government of Belize on Exemption from Visa Requirement for Holders of Diplomatic and Official/Service Passports Motion, 2017.**

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. **Belize National AIDS Commission (Amendment) Bill, 2017.**

Clauses 1 to 10 agreed to.

Bill to be reported back to the Senate without amendment.

2. **Water Industry (Amendment) Bill, 2017.**

Clauses 1 to 3 agreed to.

Bill to be reported back to the Senate without amendment.

3. **Stake Bank Cruise Docking Facility Development (Amendment) Bill, 2017.**

Clauses 1 to 8 agreed to.

Bill to be reported back to the Senate without amendment.

4. **Petroleum Operations (Maritime Zone Moratorium) Bill, 2017.**

Clauses 1 to 8 agreed to.

Bill to be reported back to the Senate without amendment.

THE SENATE RESUMES

PUBLIC BUSINESS

A. GOVERNMENT BUSINESS

IV MOTIONS

(Adoption of Motions)

1. Resolution Authorizing the Ratification by Belize of the Agreement Establishing the Caribbean Disaster Emergency Management Agency (CDEMA) Motion, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration reported that the Constitution and Foreign Affairs Committee met and considered the above-captioned Motion and has agreed for it to be adopted without amendment.

Question put and agreed to.

2. Resolution Authorizing the Ratification by Belize of the Agreement Establishing the Caribbean Centre for Renewable Energy and Energy Efficiency (CCREEE) Motion, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration reported that the Constitution and Foreign Affairs Committee met and considered the above-captioned Motion and has agreed for it to be adopted without amendment.

Question put and agreed to.

3. Resolution Authorizing the Ratification by Belize of the Agreement Between the Government of the Republic of India and the Government of Belize on Exemption from Visa Requirement for Holders of Diplomatic and Official/Service Passports Motion, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration reported that the Constitution and Foreign Affairs Committee met and considered the above-captioned Motion and has agreed for it to be adopted without amendment.

Question put and agreed to.

V REPORTING AND THIRD READING OF BILLS

1. Belize National AIDS Commission (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration reported that the Committee of the whole Senate has considered the above-mentioned Bill, clause by clause, and has agreed upon it without amendment.

Whereupon the Senator moved that the Bill be read a third time.

Question put and agreed to.

Bill read a third time.

2. Water Industry (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration reported that the Committee of the whole Senate has considered the above-mentioned Bill, clause by clause, and has agreed upon it without amendment.

Whereupon the Senator moved that the Bill be read a third time.

Question put and agreed to.

Bill read a third time

3. Stake Bank Cruise Docking Facility Development (Amendment) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration reported that the Committee of the whole Senate has considered the above-mentioned Bill, clause by clause, and has agreed upon it without amendment.

Whereupon the Senator moved that the Bill be read a third time.

Question put and agreed to.

Bill read a third time

4. Petroleum Operations (Maritime Zone Moratorium) Bill, 2017.

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration reported that the Committee of the whole Senate has considered the above-mentioned Bill, clause by clause, and has agreed upon it without amendment.

Whereupon the Senator moved that the Bill be read a third time.

Question put and agreed to.

Bill read a third time

B. Private Member's Business

I MOTION

1. Motion for Leave from the Senate to Introduce the Maritime Areas (Amendment) Bill, 2017.

Senator Eamon Courtenay moved:-

WHEREAS, the Maritime Areas Act was passed in 1992, in order to define the maritime areas of Belize in accordance with international law;

AND WHEREAS, when it was introduced the Maritime Areas Act specifically did not claim all the territorial sea and exclusive economic zone that Belize is entitled to according to international law for the sole purpose of allowing for the possibility of a negotiated settlement of the Claim to Belizean territory by the Republic of Guatemala;

AND WHEREAS, in 2008, Belize and Guatemala signed a Special Agreement by which they accept that a negotiated settlement of the dispute will no longer be pursued, and that subject to the approval of the people of both countries in referenda, the dispute is to be resolved by adjudication of the International Court of Justice;

AND WHEREAS, it is in the best interest of Belize to repeal those provisions of the Maritime Areas Act that exist for the sole purpose of a negotiated settlement of the claim to Belizean territory by the Republic of Guatemala;

NOW, THEREFORE, BE IT RESOLVED that the Senate hereby gives leave to Senator Eamon H. Courtenay to introduce into the Senate the **Maritime Areas (Amendment) Bill, 2017**.

Motion was seconded by Senator Valerie Woods.

After the debate thereon, question was put and a division was requested by Senator Godwin Hulse.

The Senators voted as follows:

Senator Godwin Hulse	-	No	Senator Dr. Carla Barnett	-	No
Senator Michael Peyrefitte	-	No			
Senator Macario Coy Sr.	-	No	Senator		
Stephen Duncan	-	No	Senator Aldo Salazar		
	-	No	Senator Eamon Courtenay	-	
Aye					
Senator Valerie Woods	-	Aye			
Senator Paul Thompson	-	Aye			
Senator Markhelm Lizarraga	-	Aye			
Senator Rev. Ashley Rocke	-	No			
Senator Elena Smith	-	Aye			
Senator Osmany Salas	-	Aye			

Thereon, the result was that seven (7) Senators voted “No” and six (6) Senators voted “Aye”.

The Motion was not approved.

ADJOURNMENT

The Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration moved that the Senate be adjourned.

After a short intervention by Senator Aldo Salazar, question was put and agreed to.

The Senate adjourned at 2:10 P.M. to a date to be fixed by the President.

PRESIDENT

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