

BELIZE

No. 12/1/13

SENATE

Monday, 30th January 2017

10:08 A.M.

Pursuant to the direction of Mr. President, in writing, dated 27th January 2017, the Senate met in the National Assembly Chamber in Belmopan on Monday, 30th January 2017, at 10:08 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 Ministry of 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 Rufino Lin – Temporary
Senator, the Honourable Rev. Ashley Roche
Senator, the Honourable Elena Smith
Senator, the Honourable Osmany Salas

Member Absent:

Senator, the Honourable Markhelm Lizarraga

MR. PRESIDENT *in the Chair.*

PRAYERS *by Senator Rev. A. Roche.*

OATH OF ALLEGIANCE OF NEW SENATORS

MR. PRESIDENT: Mr. Clerk, please kindly administer the oath of allegiance to our two new Senators.

SENATOR R. LIN: I, Rufino Lin, 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 O. SALAS: I, Osmany Salas, 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: Congratulations to both of you, Senators, and welcome to today's sitting. First of all, I would like to take this opportunity to wish everybody a happy Chinese New Year, the year of the Rooster.

Good morning again and welcome, Senator Salas, this being your first time, would you like to get up and make a brief remark on your appointment?

SENATOR O. SALAS: Thank you, Mr. President. I will be brief; I just want to say how humble I am to have been elected by the NGO community to represent them in this Honourable House. I pledge to do my utmost best to represent the community and to work towards the sustainable human development and the development of our country, for the betterment of our country. My pledge, in addition to do my utmost best to represent our community, is to help organize our NGO community so that we could be more effective in the work of development that we do.

I would like to acknowledge the presence of my family and my friends; there are fellow members from the NGO community who came to show their support today. I am very appreciative of that. I would be remiss if I did not acknowledge the tireless efforts from our teachers and the business community for all the work that they did to ensure that today would come through. I also acknowledge the work and the support from the Opposition for supporting the works of the teachers and their efforts. And last but certainly not least thank you to our Prime Minister for, after a long wait, you know, finally deciding to listen to the cries of the teachers and to sign the commencement order to ensure that today would also come. So I appreciate that on behalf of the NGO community. I say we appreciate it, and thank you very much, and I look forward to serve to the best of my abilities. Thank you. (Applause)

MR. PRESIDENT: Thank you.

SENATOR S. DUNCAN: Mr. President, this is just to welcome the new Senators but in particular Senator Salas. But I think it is such a historic occasion that I would want to comment that, in fact, as a country, we need to recognize that the composition in the chambers is now very different than what it used to be. Therefore, the dynamic of the chamber has changed. We now have a chamber, Mr. President, where part of the two major political parties...

MR. PRESIDENT: Senator, just hold on until they fix the microphone.

SENATOR S. DUNCAN: So I was just saying that it is clear that the stakes have changed. The bar has raised, and the call for a thirteenth Senator was premised on transparency, and I think that the introduction of a thirteenth Senator now requires that we have greater transparency even more so than before because of the possibility that the two major political parties will be vying for the attention

of the other individual Senators and will probably be making attempts to woo them in order to gain a majority in the votes. That's what the two political parties do. So this, Mr. President, with the change in our chambers actually will require us to be even more vigilant because of the stakes now where people will be trying to get majority votes on issues. And on that note I say welcome, Senator Salas, and, with the rest of us, I know they say the thirteenth Senator, but you are another Senator like everybody else. I don't think we number each other from one to thirteen. And so effectively we will be looking to you along with the rest of us to make sure that that vigilance is there and we avoid creating in our chamber that has hitherto been void of corruption to now not allow it to creep into our chambers as the two major political parties try to woo and court the attention of the other Senators. Thank you, Mr. President. (Applause)

SENATOR E. COURTENAY: Mr. President, I crave your indulgence to welcome the Honourable Senator Salas, the representative of the non-governmental organizations, to this hollowed chamber. It is, of course, incumbent on me to record the fact that this has been long overdue. It is interesting to listen to Senator Duncan justifying his presence in this chamber, being an oversight chamber. It begs the question, why the delay? We have no explanation for that, but the important thing is that he is here now. And I can assure you, Senator Salas, and other Senators on the non-government side, that there will be no attempt from this side to bring any type of corruption into this chamber. We propose to make our arguments on the basis of merit and to seek to convince all the Senators, including the government side to our position, and where we fail we expect you all to bring compelling arguments and then perhaps we may be persuaded. So we look forward to a deeper debate and to a deeper democracy. Thank you.

ANNOUNCEMENT BY THE PRESIDENT

MR. PRESIDENT: Honourable Members, by letter dated 27th January 2017, Cabinet's recommendation has been signified to the following:

1. International Insurance (Amendment) Bill, 2017; and
2. Central Bank of Belize (International Immunities) Bill, 2017.

BILLS BROUGHT FROM THE HOUSE OF REPRESENTATIVES

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Thank you, Mr. President, and a pleasant good morning, fellow Senators. Mr. President, with your indulgence, may I also take the opportunity to welcome two Senators, briefly, Senator Lin, who is slowly but surely becoming a fixture, welcome, and, of course, my good friend, Senator Osmany Salas, whom I have known forever, I think. That is a long term. And I see his beautiful sister up there, Susie, who I worked with for years at BSI.

The culmination of this long journey from 2008, and it was Act No.13 of 2008 that created thirteen Senators. I continue to say let's not refer to our colleague as the thirteenth Senator because then we would have to define who is the first Senator, and that is certainly not me, even though I have been here for 14 years. Notwithstanding, the way I see it has never been a challenge, Mr. President, because the nature of our governance puts the Opposition and ourselves in an

adversarial position. That is understood. They are a government-in-waiting, and, as such, look for the little holes, the little tweaks and the things that they can trip up the government side. But, because I held that position where Senator Lin now sits for close to 10 years under both administrations, I understand the importance of the role of what we term as social partners, notwithstanding that is not the terminology used in the Constitution, but we call them social partners. And that is what it is, partners, partners working with government or partners working with Opposition for the improvement of governance of the country, and that is the role. They are not part of the Opposition in an adversarial mode, nor part of the government in a compliant mode, but Senators representing the social sectors of this country, the business, the church, the unions and now the NGO community, whose role and responsibility is to contribute to better legislation and by extension to better governance. And so I look forward to the contribution of all the Senators in this chamber.

And, as Senator Courtenay said, we listen to the debate and we try to convince one way or another. For the last five years almost, people have said to me, “But you’ve changed your tone,” and, yes, I have changed my tone because I will say in a moment that every time I am in this Senate I stand to take charge of the Government’s Bills. It is my job to get them through, and when I no longer want to get them through I will resign from Cabinet and resign from the Senate, but for the time being there is nothing egregious enough to allow me to step away. So when I rise to say, as I will, Mr. President, in a moment, that is what I mean, I rise to take charge. And I hear the arguments, and there are Senators who are convincing. So far we have had a few Bills that we’ve made some adjustments. We’ve listened to things back and forth. We’ve kept in Committee and brought in experts to explain, and that is the way it is supposed to be. Senator Courtenay and I have a history of this. We’ve been doing it for a long time.

So I want to welcome you, again, and thank you for being here. And I also want to make the note that it was at the time, and I did not agree, I can put that on the record because I am one of those persons who always wanted to elect this body, even though there is a lot of opposition to that, but the Prime Minister moved a Motion at the time for thirteen Senators, and today we see the culmination of that. So welcome very much and thank you. Thank you, Mr. President, for the indulgence.

I rise to take charge of the following Bills:

1. International Insurance (Amendment) Bill, 2017;
2. Forests (Amendment) Bill, 2017;
3. Central Bank of Belize (International Immunities) Bill, 2017;
and
4. Crown Proceedings (Amendment) Bill, 2017.

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.

MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE SENATE

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development 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 MOTION

1. Re-Appointment of Ombudsman Motion, 2017.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I move that - **WHEREAS**, section 3(2) of the Ombudsman Act, Chapter 5 of the Substantive Laws of Belize, Revised Edition 2011, provides that the Ombudsman 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. LIONEL ARZU was appointed as Ombudsman for a period of three (3) years with effect from 1st January 2013, pursuant to a Resolution adopted by this House on 14th December 2012 and by the Senate on 19th December 2012;

AND WHEREAS, MR. LIONEL ARZU was re-appointed as Ombudsman for a period of one (1) year with effect from 1st January 2016, pursuant to a Resolution adopted by this House on 22nd January 2016 and by the Senate on 27th January 2016;

AND WHEREAS, under section 4(1) of the Ombudsman Act, a person appointed as Ombudsman is, subject to the provisions of the said section 4, eligible for re-appointment at the expiry of his initial term of office;

AND WHEREAS, MR. LIONEL ARZU continues to possess the relevant qualifications and fulfils the requirements for appointment to the office of Ombudsman, as contained in the Ombudsman Act;

NOW, THEREFORE, BE IT RESOLVED that this Honourable House,

being satisfied that **MR. LIONEL ARZU** is a fit and proper person to be re-appointed as Ombudsman, recommends to the Governor-General that **MR. LIONEL ARZU** be re-appointed as Ombudsman for a further period of one (1) year with effect from 1st January 2017, on his existing terms and conditions.

SENATOR V. WOODS: Mr. President, just a question, I'm asking for clarification on the reading of the Motion, and correct me, if I am wrong, Senator Hulse, if the statute refers to this position for a three-year appointment, just wondering why each time is being done in one-year increments, only because of the very important nature of that job to the citizenry of Belize. So every year there is a bit of question as to whether we have an Ombudsman or not, as opposed to doing it in the three years that it is allowed for. It is just a question for clarification.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, it is my understanding that initially the appointment was three years by statute, but the government has decided to reappoint for a year and extend for another period of a year. This, to my mind and my understanding, was also in discussion with the Ombudsman himself for the period he will serve. We didn't want a situation where the Ombudsman will, in the mid of the appointment, retire or resign for that matter. So Cabinet has agreed with him for an appointment of one year.

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

II BILLS FOR SECOND READING

1. **International Insurance (Amendment) Bill, 2017.**

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to move the second reading of a Bill for an Act to amend the International Insurance Act, Chapter 269 of the Substantive Laws of Belize, Revised Edition 2011; to provide for matters in respect of corporate governance and ownership of an insurer or insurance intermediary in accordance with international standards for insurance; and to provide for matters connected therewith or incidental thereto.

SENATOR REV. A. ROCKE: Mr. President, after reading the document there was just one question we had as to the raising of the amount from \$50,000 to \$500,000. We want to get some understanding on that. And, is this referring to people who are coming into Belize to form insurance companies? Or is it for those people who are here who would like to form insurance companies. Thank you, Sir.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Thank you, Mr. President. It is a good question, but my understanding also to that one is that it is for new entrance as well.

MR. PRESIDENT: Honourable Members, the question is that the Bill for

an Act to amend the International Insurance Act, Chapter 269 of the Substantive Laws of Belize, Revised Edition 2011; to provide for matters in respect of corporate governance and ownership of an insurer or insurance intermediary in accordance with international standards for insurance; 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. Forests (Amendment) Bill, 2017.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to move the second reading of a Bill for an Act to amend the Forests Act, Chapter 213 of the Substantive Laws of Belize, Revised Edition 2011; to provide for the updating and restructuring of penalties to more realistically effective levels; and to provide for matters connected therewith and incidental thereto.

Mr. President, just a few words on this one. Actually, as most people are aware, one of the big forestry issues is the illegal cutting of rosewood which is a valuable species. And, in fact, Senator Thompson, the last time that this came up, suggested that the Ministry of which I am in charge ensures that we deal with that in a proper manner and dispose of it properly. When the case went to court with respect to the gentleman who was charged for 31,000 board feet, the magistrate himself, as I understand it, was a bit surprised that the maximum fine that could be levied was \$1,000. This amendment seeks to adjust and correct that, and what it does is that it categorizes it. If one looks at the Bill in the Second Schedule, the amendment to the Second Schedule, it begins to categorize the various species, and it creates what is called a penalty unit. And what that means is that, for example, like pine which is roughly \$2 for a board foot, the penalty would be three times that \$2, but for other species the penalty unit goes up. And if you look you will see that the second is rosewood. It goes 4 to 1. So the penalty unit for that one would be \$8 a board foot times the amount of board foot times the penalty that is levied. And for all other species which are not listed here it is \$10,000. So that is basically what this intends to do to try to discourage that.

And I had promised to give an update of what is happening with the rosewood. It is all still confiscated and is housed at the moment in the compound of the Forest Department. There were 20,000 board feet which are called flitches or squares, and then there was another 11,000 which were pieces, 1x2x3, 1x1x6, etc. The flitches are easy to negotiate for resale and disposal. The bits and pieces are a bit of a problem because they vary in sizes. And so the Ministry is working through together with the Forest Department and other people in this business to determine what can be done with that, and I have suggested the use of it, perhaps, on the basketball floor like the good Senator Thompson had recommended be done with some of these high valued woods. So that is basically the purpose for this amendment. Thank you.

SENATOR V. WOODS: Thank you, Mr. President. First, I take the opportunity to welcome Senator Salas to these Upper Chambers, and we look forward to lively debates as we've been having as of late. Mr. President, I rise only to make some brief comments on this Amendment Bill for the Forest Act. And, with your permission, I do ask for your indulgence if I refer to my notes

from time to time.

It is commendable to see a Bill that aims to increase penalties for illegal harvesting of Belize's hardwoods, especially after the unbridled extractions of rosewood that was highlighted in a not so distant past. So the increases are not only welcome, Mr. President, but they are long overdue. And, while this effort to increase penalties is praised worthy, I note that our national tree, the only national tree that we have and is so designated, the mahogany, was not afforded the same level of penalty as the rosewood. Rosewood along with Zericote and with this Bill would now attract the penalty ration of 4:1, and a review of the schedule then would highlight that it is the highest penalty ratio listed. I fail to see why the government would not have the penalty for illegally harvesting the national tree of this country at the highest level as rosewood and Zericote, even if the board foot for mahogany, Mr. President, is at a lower selling price in the domestic market. Additionally, Mahogany is used widely in Belize and is among the top exports in the timber industry. Recognizing that of all the hardwoods we have, of all the timber species so listed in this amendment, it is only the mahogany that is our national tree. So why not have the penalty be based as an example in the export price which should then have the penalty be increased to a level of that of rosewood and Zericote when you check what that export price is for board foot? Indeed, if you were to check with several of the license holders right now for this industry, mahogany is one of the driving forces why they even get involved with this enterprise. So one should ask, why not ensure that it is protected for that industry in the sense that it garners the highest possible penalty, if found illegally extracted?

Now while the economic value of mahogany and, indeed, of our natural resources in general may not have yet been properly assessed, or perhaps not even yet properly appreciated, ensuring that the penalty for illegally extracting this particular hardwood, that it is comparable to that of rosewood and Zericote, would be such a major step in signaling the level of contribution and importance it has to the economy. What better signal, Mr. President, can we send to the Belizeans throughout this country of the pride, the respect, but more importantly of the seriousness that we take in protecting our natural resources and our forestry? We should start with the flagship of our timber species, the mahogany.

Of equal concern to me was the lower penalty being assigned to, what is called in the industry, the decretive exotic hardwoods. Those who are more familiar with these can easily sight the Barbajolote, and the Granadillo, for example, that is listed. Now it can be argued that these timber species simply do not have that high demand, as far as exports go, for example, as rosewoods, and perhaps they don't even have the demand as high either on the local market. But, as I understand it, Mr. President, from various forestry experts, notwithstanding that, these rare exotic hardwoods of Belize are not as easily harvested sustainably as the others, and why is that? It is because, as I understand it, they do not have enough seeds, trees, or replacement trees. So what does this translate to in everyday language? That extracting it illegally, even if it is in small quantities, can possibly cause a significant impact on that specie, localized extinction if you will. In the business world where there is a short supply but there is demand, the price of the commodity goes up. So I humbly suggest, why not a similar principle be applied to the protection of Belize's rare and exotic decretive hardwoods?

Another observation is that, while the amendment speaks to the Forests Act, which I believe is Chapter 213, volume 10, there is also need for clarification that the Act that is in four chapters below it, Chapter 217, that of the Private Forests (Conservation) Act, be looked at. The clarity that is being sought is that in that Act it refers to the terminology tree in the section of interpretation, and that is

said to be defined as Cedar or mahogany. And it goes further in that Act, at section 8, to state that “Every person who fells or causes to be felled any tree in contravention of any of the provisions of the Private Forests (Conservation) Act, or any condition of a permit granted under this Act, shall be liable for each tree so felled to a fine not exceeding \$100,” and this includes mahogany and cedar, “or to imprisonment for a term not exceeding six months or to both.” Mr. President, I am merely suggesting that the penalties in a corresponding Act are woefully lenient when compared to what is now being proposed in the amendment to this Forests Act. And obviously, because of the unbridle extraction that we all witness through the media coverage with rosewood over the recent years, clarity is required that the offences and penalties cited in this proposed amendment Bill that they are equally applicable to any officer of government who has been caught facilitating or colluding with persons either inside or outside of government.

I close, Mr. President, by stating that in 2012 there was a workshop. It was led and spearheaded by the Government of Belize on what was then dubbed a National Forest Policy. Now, when interviewed at the time, the Chief Forest Officer at that time did make the comment that the proposed National Forest Policy would be submitted to Cabinet in the hopes of it being adopted. Now I am not aware that it has been adopted, and, if it is not, I do hope that it does get adopted? It is because it was held with truly a good amount of consultation and with a wide cross section of stakeholders, and that really is the type of consultation that we all want. And why would we want to have it adopted, because policy should guide decision-making, and it should serve to enhance not only this Forests Act but the Private Forest (Conservation) Act as well as any other corresponding Act that deals with forestry. It can also serve, if it is adopted, to take a more comprehensive look on this industry and a more sustainable approach to managing it.

The Forest (Amendment) Bill is, indeed, a first step, Mr. President, in addressing the illegal harvesting of our hardwoods, and it is a good first step, and it is a welcome one, and I hope it is only the beginning of a much broader effort regarding the sustainable forestry management of our natural resources. Thank you.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Thank you very much, Mr. President. I want to thank the Honourable Senator for her comments so noted. It is my understanding though that at the Committee of the House, when this was discussed, representations were made by Forestry also with respect to mahogany, and the reason why it is not 4:1 like rosewood but 3:1, my understanding is that the rosewood is basically concentrated in the south, and it is a species that attracts an extremely high value in the international market, and, as a consequence, the penalty is intended to prevent people from “robbing a public asset”.

It is my understanding also that Mahogany forms part of the agro-forestry. So people farm mahogany. I know for a fact that on the Sibun River, just between the river itself and the Old Highway from mile 21 that used to come out just about mile 28, that the now late, great deceased Mr. Fairweather planted or attempted to plant a thousand trees for every year of his life, and he was planting up until his 94th or 95th birthday. I see huge forest fires in that area, and I just hope they haven’t all burnt down. But several small mahogany plantations do exist countrywide.

And also I wanted to point out that, in fact, as part of the amendment, section 20A is being amended to give the Minister “by order published in the

Gazette and subject to negative resolution, amend any of the fines or other monetary penalties provided by this Act.” So the comments are well taken, and thank you for supporting the Bill. I move.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to amend the Forests Act, Chapter 213 of the Substantive Laws of Belize, Revised Edition 2011; to provide for the updating and restructuring of penalties to more realistically effective levels; and to provide for matters connected therewith and 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. Central Bank of Belize (International Immunities) Bill, 2017.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to move the second reading of a Bill for an Act to restate for greater certainty the immunity of the Central Bank of Belize from legal proceedings in other States; and for purposes connected therewith or incidental thereto.

SENATOR R. LIN: Mr. President, fellow Senators, there are a few things that I wish to say about this Bill. I will seek your indulgence to refer to my notes, if I may. First and foremost, I want to make it unmistakably clear that the private sector is in full support of the objectives of the Bill, that objective being to protect the financial assets of the Central Bank of Belize, to insulate our hard-earned foreign reserves against insatiable predators who are not ashamed or morally constrained to seek enforcement of arbitral awards arising from an Accommodation Agreement that is egregious in nature and ruled as contrary to public policy by our highest court. I have read the Accommodation Agreement. I am familiar with the many financial allowances and economic benefits afforded, and I cannot begin to understand how it is that two Belizeans, two powerful Belizeans, can draft such a one-sided agreement to the detriment of this country, to the detriment of all of us here present, in fact, if allowed to continue as it was, making all of us Belizeans and taxpayers merely servants of the Lord. I sincerely believe that no true Belizean can support or defend or try to honour such an agreement. As a nation, we have been battered, we have been jabbed, kicked, jostled and even betrayed, betrayed from within and betrayed from without.

Our country is going through perhaps one of its most trying times in its young history. Economically we are not doing too well. Fiscally we are stretched to the limit. We are very high in debt burden. Our borders with Guatemala are under attack. We see the fabric of our society slowly giving way. Security is a threat. Corruption is endemic. If Belize ever needed patriots it is now. If Belize ever needed concerted resolve of its leaders, it is now. Belize truly needs the unrelenting and unwavering commitment of its sons and daughters in all walks of life to be able to recover financially, economically, socially, culturally, and politically. Our survival as a nation and our identity as a people is at stake. We cannot afford to give away our hard-earned foreign reserve dollars to satisfy unbridled greed, the unbridled greed of an alliance that, in my view, the good

book would aptly describe as wolf in sheep clothing. I can tell you that the private section will experience severe and extreme hardship if this was to happen. In fact, it could trigger a series of events that might lead to its complete failure. We simply cannot risk the financial stability of Belize, or the financial stability of our exchange rate.

The only word of caution I have is that we are tired of litigation after litigation. Every round of litigation has caused this country a lot of money, and the costs add up very quickly. Our fiscal imbalance is such that we cannot or we are not in a position to continue spending more and more resources in litigation fees. It is very frustrating that resources that could be used to provide better social services to the most vulnerable in our society must be channeled to cover litigation fees. We hope that these amendments will not in themselves trigger more and more litigation. Mr. President, the private sector has only one vote in thirteen, but if I had a thousand votes a thousand times would I vote to protect Belize and to keep our foreign reserves away from the reaches of the alliance. Thank you.

SENATOR REV. A. ROCKE: Mr. President, if you allowed me the chance to express our sincere wishes to the new Senator from the NGO, I welcome you, and I trust that, indeed, we will continue to have meaningful debates, and then to welcome again, Senator Lin, who was here with us previously.

In our deliberations, as the church, recently here in Belize an institution which name I will not mention now became defunct. There was obviously nothing to safe guard the assets of many Belizeans who had invested in the said unnamed company. In effect many Belizeans lost huge portions of their savings and investments. We believe that both Bills, the one now and the one to come, are necessary not merely for the equity of the government but all Belizeans who engage in the financial service of the government as well, and for that reason and many others the church has decided to support the Bill.

SENATOR O. SALAS: Thank you, Mr. President. I would like to make a few comments on this Bill, and I would like your permission to refer to my notes. What a pickle we are in! You know we are faced with a situation where, if we don't act immediately, we know we stand for our foreign reserves to be frozen, and worse we stand to lose them all together which would create even more chaos in our national economy and could then undermine the wellbeing of our fellow citizens. I don't think we have much of a choice, Mr. President. We may, in fact, be forced to support the Bill due to the exigencies of the situation.

If you allow me a couple minutes to delve briefly into how we got into this pickle, and hence the need for, as the Prime Minister said, the need for firewalling, putting beyond any doubt of dispute the sanctity of the reserves, the assets of the Central Bank. I think it is important to remind the Belizean people how we got to this point. Simply put, Mr. President, and I speak for the NGO community when I say this, we are here because of the deteriorating practice of governance exemplified by both major political parties, without going into details because this has been in the Belizean consciousness for so long, for many years, that has been ventilated for far too long. I think the former government must be called out yet again for the reckless and secretive alliance which they arranged with Lord Ashcroft that has been utterly destructive to our economy and our finances. We are suffering, as we've heard, from the consequences of that Accommodation Agreement. Now we have an extremely costly litigation war with Lord Ashcroft by the current government which has been quite wasteful. We see no end to the litigation even though that is the intention. So we have

essentially lost many millions of dollars that could have gone into social, cultural, environmental programs and other affairs of national development that are solely needed across the length and breadth of our nation, and now we may stand to lose many more if we don't act now. But I need to ask, where was the love for our country and people when those nefarious secret deals were being discussed and agreed upon with the people that care nothing about the country? I think, Mr. President, that is quite despicable. The deteriorating practice of governance exemplified by both parties has brought us to where we now find ourselves.

We have heard from our Honourable Prime Minister that, although our reserves may be safe for now from Lord Ashcroft and its agents if the Senate passes these Bills, they may still not be completely secured. I want to refer in my notes to the US Foreign Sovereign Immunity Act of 1976, which guarantees the preservation of foreign central bank deposits and assets in the USA. That has undergone certain challenges and changes where overtime. Courts have eroded the special protection provided by that Act, applying the commercial activity test to virtually define a way they added security for sovereign functions performed by central banks. So the bottom line, Mr. President, is that this danger has been correctly assessed by the government. Some elements of the Central Bank's external assets held in the USA are vulnerable to freezing and forfeiture in fulfillment of court order judgments. So I learned that the likelihood of this is also possible as Belize's super bond debt burden is traded and increasingly falls prey to vulture funds litigation.

So the Central Bank of Belize (International Immunities) Bill seemingly has two objectives. One, it is to stop the hemorrhaging of our foreign exchange. That would occur if the Ashcroft Alliance attempts to get access to our Central Bank's deposits in the USA. And, two, it is to reduce the increase vulnerability to court order recovery of vulture funds by Belize's creditors. I would like to note that, Mr. President, the legislation, and I guess it has been noted several times, the legislation has no preventive or protective application in the USA. Rather it poses a retaliatory deterrent through domestic sanctions to any attempt to proceed with Central Bank's assets resulting from arbitral awards which have been deemed illegal or unconstitutional by our courts. What all this suggests, Mr. President, is that these costly wars may not disappear as we would want them too. They may not go away any time soon.

Mr. President, the NGO community that I represent in this Upper Chamber stands for transparency, accountability and long-term planning. These, Mr. President, are core values and principles that we all strive to pursue as we work toward contributing to a sustainable human development. So we expect, Mr. President, we demand that both political parties live up to these same core values and principles. It is time to shape up and start giving the Belizean people the level of governance that we deserve.

There is something, if I may delve briefly into this. There is something very wrong with the secretive nature that our past and present governments have managed or handled some of our national affairs, particularly as it relates to the matter at hand. I have to ask, is it that some of us have placed the almighty dollar ahead of people and country? You know, God help our country if we have reached a point where we don't trust our very own legislators to discuss and debate matters of state because of real and imagined conflicts of interest. This is what has happened with these two Bills, the one being debated now, and the Crown Proceedings (Amendment) Bill.

As the most junior of Senators in this Upper Chamber, as I told a friend, a

green herne, I find it absolutely shameful that the non-government legislators had no time to prepare for healthy and informed debate on this and other Bills. That for my understanding and perspective is not how democracy is supposed to work, Mr. President. That is not what this operation of foreign doctrine should be all about. We are pretty done away with separation of powers when Cabinet decisions can just sail right through the House. I hope that, from now on, the same will not hold true in the Senate. Healthy debate is a good thing for our democracy. That is a topic for another day. So here we are, Mr. President. This junior Senator has had quite a welcome in a way. To me, it has been a rude awakening of sorts to see how we have carried on with the business of legislating. You know blame it on my lack of experience, but I thought that the business of legislating meant that all Senators would have an equal opportunity to prepare to engage in healthy debate. We did not even have a regular workday for preparation which we would have thought, if we had scheduled this session for tomorrow, the regular Tuesday session, but then I am reminded, Mr. President, it is due to the exigencies of the situation, and government had no choice but to do it this way. I will always say, Mr. President, that we cannot continue in the same vein as we have done since Independence. We owe it to the Belizean people to be better servants of the public trust.

So, with all that said, the situation is clearly a desperate one requiring desperate measures. It underscores the need for greater collaboration at the national level to forge a unified approach to address the pending issues requiring this, not only the looming economic crisis but also other critical areas such as the situation of crime and citizenry security and the Belize/Guatemala situation. There is need for a national understanding and unified strategies which fully engage the social partners, as we call them, who represent key constituencies. But fundamental to this, Mr. President, is the need for timely information-sharing. Unfortunately, for the situation at hand, we are now forced to protect our reserves and assets held abroad. So I believe, Mr. President, that we have no other choice but to vote in favor of the Bill and hope for the best after that. Mr. President, thank you.

SENATOR A. SALAZAR: To the new Senator, likewise I would like to welcome him to the Senate, and I would like to say that I look forward to sharing with you, meeting with you, and discussing with you, especially as it relates to government policy and government perspective in relation to the business of the Senate. Senator Salas started off by saying that he wanted to remind us as to reasons why we are here, but that he didn't want to get into specifics. But I think it is necessary at this point for us to do so and for us to remember why it is that we are here because it is easy to lose sight of these things. And so I wish to remind Belizeans as to why we are here.

Today, Mr. President, there is a real danger that a certain businessman, and some people have used unkind words to refer to this businessman, but in order to be civil I will just refer to him as shrewd because you get away with what they allow you to get away with. A certain businessman may, and I wouldn't want to say that the legislation is ad hominem any at all because it is not, but it is directed to lay this real fear that any person or entity who has this mindset may wish to take this course of action. So this person or this group, this conglomerate, may seek to enforce awards granted to companies which he controls. There is a real threat that the assets of our Central Bank, which is an autonomous entity tasked with the supervision of the health of our financial system, there is a real danger that the assets of the Central Bank are going to be threatened. There is a move afoot to attach the assets of the Central Bank to pay for certain awards that have been granted.

I say that I would remind Belizeans of the reasons why we are here, and I

want to look at one of the awards in particular. In 2005, Mr. President, Belize was faced with many challenges, many challenges posed by the same financial group. These emanated from a share purchase deed and an option which was previously negotiated by the then government, and there were challenges emanating from this share option and this purchase deed which related to our telecoms provider. There were challenges in international arbitration, and in order to “settle” these issues that we were having at that time the then government thought it fit to sign a Settlement Deed with this financial group. The Deed was signed by the then Minister of Finance and the Attorney General. The Deed sought to assure that group, Mr. President, that all taxes up to March 31, 2005, had been paid. This is without a mathematical check to see whether they were, in fact, paid. The Deed sought to say, as of March 31, 2005, your taxes and all obligations to the Government of Belize have been paid. That is what it did without looking to see whether that was, in fact, so.

Secondly, the Deed created an elaborate tax regime. It carved out an elaborate tax regime for this group. And it did so up until 2020, which is the date when the group would lose its PIC status, as it is referred to, Public Investment Company Status. So that is what it did. I want to read from a decision of the Caribbean Court of Justice. The thing about this Deed is that nobody knew about it, except for the Prime Minister and the Attorney General. At paragraph 6, the Caribbean Court of Justice, Justice Saunders says, “For well over a year after its execution, the Commissioner of Income Tax was unaware of the Deed’s existence or implications.” The Commissioner of Income Tax was not aware of this Deed which gave a blanket for forgiveness for all taxes. “On the 10th July 2006, the Commissioner wrote to the Companies seeking their compliance with the published tax laws of the land. The Companies responded by instructing the Commissioner to liaise directly with the Minister of Finance,” the Prime Minister. They said, “Well, don’t write to me, check with the Prime Minister.” That’s basically what they said. “Three months later the Commissioner wrote back to the Companies accepting the Companies’ position and retracting what initially was his position. For a period of two years, the companies enjoyed the tax regime set out in the Deed.” Then, as we all know, in 2008, there was a general election, and we got a new Minister of Finance, and upon discovery of this arrangement the Minister of Finance at the time refused to be hamstrung by this financial group and took the view that this Settlement Deed was illegal, it was unlawful and unenforceable. The Commissioner of Income Tax then assessed the taxes that were properly due to the country, and this business group refused to pay on the bases of this Settlement Agreement.

So that is the source of the dispute. Government was saying that the agreement was illegal. This group was saying that it was relying on the agreement which was signed in secret. We were taken to court. Well, we were taken to arbitration in London, and that arbitral body found in favor of the financial group. However, when the time came to enforce that award in Belize, the Government rightfully took the position that that was unenforceable in Belize. The Government lost at first instance in the Supreme Court and thereafter succeeded in the Court of Appeal. There was a challenge, and it was taken to the Caribbean Court of Justice thereafter. The Caribbean Court of Justice would, in deference to the fact that it was an international award, and in deference to the fact that we must not trivially set aside matters of international economic implications, the Caribbean Court of Justice, our highest court, considered whether as a matter of public policy, that award is enforceable against Belize.

I would like to read briefly from the decision of the court, Mr. President. The court said in its judgment, “The rights and freedom of the citizenry and democracy itself would be imperiled if courts permitted the Executive to assume

unto itself essential law-making functions in the absence of constitutional or legislative authority so to do. It would be utterly disastrous if the Executive could do so, selectively, via confidential documents. In young States especially, keen observance by the courts of the separation of powers principle remains vital to maintaining the checks and balances that guarantee the rule of law and democratic governance. Caribbean courts, as part of their general function of judicial review, have a constitutional obligation to strike down administrative or executive action that exceeds jurisdiction or undermines the authority of legislature.” Those comments were made because the court found that the then Minister of Finance, then, Said Musa, had taken a legislative role upon himself when he purported to carve out a special tax regime for the financial group, and it found that that power is only vested in the legislature. It is unconstitutional and undemocratic to have done so and contrary to public policy.

And, if you allow me, Mr. President, I would like to quote from another section which I wish to remind Belizeans about, when it comes to this. At paragraph 53 of the judgment, it says, “Prime Ministerial governance, a paucity of checks and balances to restrain an overweening Executive, these are malignant tumors that eat away at democracy. No court can afford to encourage the spread of such cancer. In our judgment, implementation of the provisions of the Deed, without legislative approval and without the intention on the part of its makers to seek such approval, is indeed repugnant to the established legal order of Belize. In a purely domestic setting, we would have regarded as unconstitutional, void and completely contrary to public policy any attempt to implement this Agreement.” That is a strong language, as I have ever read in any judgment, since the start of my school days, and it reflects the views, the strong opinions of our highest court, Mr. President. In light of this, it is incumbent upon us, as a people, to resist, and I don’t mean only by legislation, we must resist, as a people, any attempt to try to collect on these sums that have been awarded which our court has said are undemocratic and unconstitutional. And, therefore, Mr. President, in light of this, this Bill has my full support. Thank you.

SENATOR E. SMITH: Thank you, Mr. President. With your indulgence, I would like to welcome my colleague, Senator Salas, with us here today. Our struggle was long, and we feel that your presence here is long overdue. So welcome and we look forward to working together, as you said earlier, for us to be able to make good decisions that will affect our country.

Mr. President, I know that we are going to be hearing about how we got to where we are and the history of what brought us to where we are, but the truth of the matter is that both governments have made, if we want to say, some questionable decisions, and we can also say that one government started the mess and the other one added to the mess. That is the truth of the matter. We cannot hide from that. As a result now, Mr. President, we are at a place where we must ensure the protection of our assets and hence the reason for this Bill. Failure to do so will surely be detrimental to our people and our country’s economy, and there may be lots of repercussions if we don’t do what is necessary. But the bottom line is that we are now between the devil and the deep blue sea. As an organization, as my colleague mentioned earlier, this matter is of importance to us, and we thought that we should have had a little bit more time to have gotten feedback from more of our members to make such a decision.

If, Mr. President, we were to take the opposite road and we were not to support this Bill, it would mean that many of the people that I represent would probably end up suffering because of what might occur if we do not have what we have here in front of us. And so while we are aware, Mr. President, that if we borrow, if we owe, we must pay. We are also aware of the fact that sometimes

persons tend to use, if I should say, the backdoor to get what they want or to get what might not belong to them. We are fully aware of all of those things, Mr. President. But at the end of the day, as I swore my oath, if I recall correctly, my oath spoke about serving for the good of my country. And so this is not about which government is wrong or which is right, or this is not about they should have done better or had they not done this we would not be here. It is a matter, Mr. President, of looking out for the best interest, as I said earlier, of our country and our people. And so with those few words, Mr. President, and with the short period of time that we had to discuss this matter my organization, Mr. President, is in support of this Bill. Thank you.

SENATOR M. PEYREFITTE: Much obliged, Mr. President. Let me say, first of all, that, indeed, it is a pleasure to welcome Senator Salas to the chamber. And I need to remind Senator Salas though, Mr. President, because he mentioned, indeed, that some time was taken to sign the order to implement and make it effective for the thirteenth Senator. But let us not forget, and Senator Courtenay mentioned that, or he asked a rhetorical question, why was the delay? Indeed, there was some delay, and I think the Prime Minister has made it clear as to what was the cause of that delay. But let us not forget, Mr. President, that it was this Prime Minister who made it possible initially for us to have thirteen Senators. You may be late, Senator Salas, but you are here because of the current Prime Minister and the current administration, and respect and gratitude must be given for that to our administration.

As I am referring to the speech of Senator Salas, he made one comment, questioning whether or not secret arrangements of past and present governments would continue. No, Sir, not this government. I take exception to that comment, Senator. We have never done anything in secret. You may not like what we do. What we do may not be popular because it requires medicine for us to stay afloat, but it is never, ever secret. Senators Smith and Salas, you mentioned about the late nature of this Bill and the lack of a working day to examine it. Senator Salas, as a rookie myself just like you, have come to learn that there is no, none, working day in the public service. When you draw from the government's purse, the big pay that you will get, you must realize that the business of government, Sir, is never finished, and it requires us working on Saturdays. So you had three-day notice, Sir, enough to read a simple Bill just as this one. And, indeed, if I can borrow from my friend, the Minister of Human Development, this is a big man's game and a big woman's game. We must be ready at all times to debate.

But you see I must confess that Senator Salazar, Mr. President, is a nicer person than I am. You may not know that from the first sight, but he is a nicer person than I am. Me, I prefer just the raw truth. And whilst Senator Salas and Senator Smith may not like some history that has brought us here to have to pass legislation to protect the assets of a body that the world knows and accepts its immune is a simple reason. We can assign blame all we want, but the facts are clear. I want to borrow from a PUP field marshal when he said in this Honourable Chamber, he may have been right where you are, Senator Thompson, he said that the mess this country is in is because of the PUP. Let us not forget those words.

We are here, Mr. President, this did not come out of thin air. This piece of legislation is borne out of the maladministration of 1998 to 2008 and the kleptocracy that that was. Senator Salazar will be nice. I prefer the raw truth. You see, Mr. President, the stench that came from that period in our history was such that it attracted vultures and in particular one king vulture. You know if I really say what I want to say, Mr. President, I would say king vulture is too nice of a

word for this person. The most appropriate word would be John Crow to be precise. Mr. President, you had these vultures, and in particular this one John Crow, who believed that he could do anything with Belizeans and Belizean assets. He believed that there was no limit and that he could go as far as he wanted to go. And there were people in government at that time who were bending backward, and some would say forward to accommodate this John Crow to the point where this person believes, Mr. President, that he can take steps to go after our Central Bank assets which have nothing to do with government assets. What this piece of legislation says is that, if you are a Belizean or a Belizean company...

MR. PRESIDENT: Please hold on, Senator Peyrefitte. Senator Peyrefitte, please have a seat until they fix the issue.

Please continue.

SENATOR M. PEYREFITTE: What this piece of legislation tries to do, Mr. President, is to tell any Belizean or any Belizean company that, if you go after assets that you know are off limits, you will be fined and you can go to jail because essentially what you are trying to do, what this John Crow is trying to do, is to cripple this country and bring it to its knees so we can bend down to him like the 1998-2008 administration bow down to him, but not so, Mr. President, not us, not this government, not never. Mr. President, this particular person can be captured in this legislation because he is a Belizean citizen, and, as I said, Mr. President, some people are nicer than me. The Minister of Immigration is right here. If it was left to me, he would no longer be a Belizean citizen, but that is up to the Ministry of Immigration.

Mr. President, we are here today, this Bill, and let's not make any mistake about it. This Bill is to protect us from the dangers that we were put in by the People's United Party. I know my friend and family, Senator Woods, does not like politics in here, but let's be frank. The majority of us in here are appointed by political parties. They would not be over there if they were not PUP. We in the front row would not be here if we were not UDP. So we have to assess and analyze governments and their behaviors whenever we are on this Chamber. And Senator Salas and Senator Smith, you have to be fair to assess who is to be blamed for what. It is important that you don't be like Pontius Pilate and wash your hands, and it is easy to say, "Both governments." No, man! Point out exactly which government has done what. Point out exactly which government engaged in actions that have made this law necessary. And I want to repeat what Senator Salazar said. This is not against one person. This is against whoever may want to do it, but one person deserves honorable mention because he is the leader and the king vulture.

Mr. President, I will seat down before you scold me when I go too far. But my last request, Mr. President, is that I want a division in this Chamber. I want to hear individually who will vote for and who will vote against this proposed piece of legislation. I want to see if the accommodation continues or if we are willing to take steps to protect our assets from predators, and that's my submission, Mr. President.

SENATOR E. COURTENAY: Mr. President, I rise to make my contribution on the Central Bank of Belize (International Immunities) Bill, 2017. And, as I am sure my friends on the other side are anticipating, and Jules is smiling up there at me, I want to start by putting on record that in my personal capacity and in my professional capacity I am affected by the legislation that is before the Senate. It threatens personal criminalization of me, and it threatens my practice of law. Don't shake your head, Senator Mike. I will get into the details of

that.

Mr. President and colleagues, this Bill has two objectives, as I understand it, and I think Senator Salazar and others quite correctly, Senator Salas as well, captured the two objectives. One is to immunize, and I should say, as the Prime Minister rightly said, further immunize the foreign reserves held by the Central Bank because they already enjoy immunity, and this is to make assurances doubly sure. The second aspect of the Bill is to criminalize certain actions, certain activities by persons with respect to this activity.

Mr. President, and colleagues, whilst it is very easy to call names, make fun, find pejorative language to call people, it is important that we do not miss the point and it is important that we do not miss the context. And I have to say that Senator Salazar and Senator Salas did provide context with respect to this Bill. What we don't want is to bring Trump to Belize. We don't want alternative history. When we say how we got here, let's paint the whole picture. And Honourable Senator Peyrefitte said to Senator Smith and Senator Salas that you can't just say that this government did this and that government did that, be specific. To quote him, "tell us which government has done what." It is a fact that this legislation has come about because of different companies attempting to enforce arbitration awards.

And, Mr. President, the first point that one needs to make is to identify the arbitration awards because that is an important aspect. Senator Salazar, as he said, spoke on one. There are two others. The first one which he did not refer to, the first one that he referred to is one that is commonly known as the Accommodation Agreement. As a result of that agreement, there were arbitration proceedings. The arbitration proceedings resulted in an award on the 18th March 2009, for approximately US\$19 million. Mr. President, let us be clear, 2009, when the current government was in power. It is important to put the historical context. The Accommodation Agreement was subject to two pieces of litigation here in Belize. One piece of litigation was brought by the Public Utilities Commission controlled by the government against the Attorney General to declare the Accommodation Agreement unlawful and unconstitutional. The second piece of litigation was brought by an organization called the Association of Concerned Belizeans who we haven't heard from since 2008. And Senator Godwin Hulse, then Senator representing the business community, and I see my friend, Honourable Senator Stephen Duncan, here who was a member of the Association of Concerned Belizeans. Well, Mr. President, colleagues, now is the appointed hour, and I urge these two Senators to explain to the people of Belize how is it that they started that when the People's United Party was in Opposition and when the United Democratic Party became the government they did not continue with the litigation. Why do I bring it up? It is because if the litigation had proceeded and they won then the Accommodation Agreement would have been declared null and void, and there would have been no possibility of succeeding in the arbitration. We would hear the explanation as to why it is that those two pieces of litigation did not continue.

But, Mr. President, it gets worse because when the arbitration was commenced the question that arose and the question that Belizeans want to know the answer to it is the following: When the Government of Belize was taken to arbitration over the Accommodation Agreement, who defended the interest of Belize? Did the Government of Belize defend the interest of Belize in the arbitration? Did the Government of Belize hire any attorney to represent Belize's interest in the arbitration? The answer, Mr. President and Members of this Honourable Senate, is no. The United Democratic Party Government when faced

with an arbitration proceeding, did not participate, did not defend Belize and did not hire anyone to go and defend our interest. The result is an undefended arbitration award, US\$19 million. Interest continues to accrue, and it is now over US\$22 million, and nobody defended Belize's interest. Senator Peyrefitte says which government did what. The United Democratic Party Government did not participate in the arbitration, did not defend Belize's interest.

Senator Salazar referred to a second and different arbitration, and he read extensively from the Caribbean Court of Justice judgment, conveniently leaving out a paragraph, but I will read that paragraph. When that arbitration began, who defended Belize? Who represented Belize's interest? Who did the Government send to defend Belize? No one did. They did not discharge their duty. They did not defend the interest of Belize. What is the result? Is it an undefended arbitration award against the Government and people of Belize for the amount of US\$21.9 million? The United Democratic Party Government did not appear, did not defend, did not fight back, and did not protect the interest of Belize. Senator Peyrefitte asked, who did what? The United Democratic Party did not defend the interest of Belize.

But there was a third arbitration, Mr. President. I am sure you know the questions I am going to ask. What did the Government do to defend and represent Belize? What did the United Democratic Party do when served with arbitration proceedings? They did absolutely nothing. No one represented Belize. No argument was put forward. No defense was marshaled on behalf of the Government and people of Belize, and what is the result? It is an award undefended, US\$18.7 million. So here we have it. Who was under a duty to defend the interest of this country? The Attorney General was the name defendant, not you, Senator Peyrefitte, but one of your predecessors. No one appeared, no one defended the interest of Belize, and it begs the question, has there been a dereliction of duty? Has there been negligence? Who made the decision not to defend Belize's interest? Who is accountable? Who is responsible for not defending Belize's interest in any of these awards? Someone has to answer that.

MR. PRESIDENT: Senator Courtenay, can you excuse me for a second? Senator Hulse, please proceed.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, in accordance with Standing Order 10 (8), I move that the proceedings on the order paper may be entered upon and proceeded with at this day's sitting at any hour though opposed.

MR. PRESIDENT: Honourable Members, the question is that the proceedings on the order paper may be entered upon and proceeded with at this day's sitting at any hour though opposed.

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

Senator Courtenay, please continue.

SENATOR E. COURTENAY: Thank you, Mr. President. So when Senator Lin asked the question and stated that we are betrayed from within and without, it begs the question, why we were not defended? Why were we not represented? The country is being sued in arbitration, and no one goes to our defense. And so one cannot avoid the fact that these agreements were signed. No one can deny that fact. The question is, when there was one side saying, "Its

legal,” the government was saying that it is illegal, it provides for arbitration, and you go to arbitration, and the government doesn’t go and defend our interest.

The Caribbean Court of Justice, in talking about the award that Senator Salazar referred to, had this to say, and it is equally applicable to all of them. This is what the CCJ said, “A further factor that complicates the issue was the non-participation by the Respondent,” meaning the government, “in arbitration proceedings despite numerous invitations and opportunities to do so. It is not beyond the realm of possibility that had the Respondent,” government, “mounted vigorous and comprehensive arguments before the arbitral tribunal as it did before us the tribunal might have been persuaded to decline to adjudicate upon the matter thereby saving considerable expense.” Do you hear what the CCJ says? Senator Salazar doesn’t read it. If the government had gone and defended the interest of Belize, “It is not beyond the realm of possibility that had the Respondent,” government, “mounted vigorous and comprehensive arguments before the arbitral tribunal as it did before us the tribunal might have been persuaded to decline to adjudicate upon the matter thereby saving considerable expense.” Senator Lin, you expressed your concern for the cost. This is where we are losing the money, a deliberate decision by the Government of Belize.

So here we are today. Mr. President, absolutely no one in this Chamber, myself included, Senator Peyrefitte, will vote against a Bill that seeks to give further immunity to the assets held by the Central Bank, no one. But, as I say, it is important to look at what is being said because here it is that we are providing in this Bill for protection, and it says at clause 3(1)(c), “In the interest of greater certainty, and notwithstanding any law to the contrary, it is hereby declared that - (c) subject only to express waiver or statement to the contrary by the Bank, the property of the Bank wherever situated is to be treated as being held in use, or intended for use, for purposes connected with the exercise of sovereign authority of Belize, and not for commercial purposes or other purposes, and is thus immune from proceedings for attachment, arrest or execution being instituted...”. Essentially it is saying that unless the Central Bank gives a waiver the assets are immune.

I say this, Mr. President and Members, in the context of the super bond negotiations. I took the time to find Super Bond 2.0 negotiated by this Government, and, lo and behold, what do you find? First of all, right now the current super bonds negotiated by the UDP, “This Indenture and the Debt Securities shall be governed by and construed in accordance with the law of New York”, not Belize. The New York law applies. “Belize hereby irrevocably submits to the non-exclusive jurisdiction of any New York state or federal court sitting in the Borough of Manhattan.” So we submit to the foreign court, and I don’t want to read all of it, Mr. President. The applicable provision is 9.7(d) for the purposes of what we are discussing. “To the extent that Belize has or hereafter may acquire or have attributed to it any immunity under any law (other than the laws of Belize) from jurisdiction of any court or from any legal process (whether through service or notice, attachment prior to judgment, attachment in aid of execution, execution or otherwise) with respect to itself or its property, Belize hereby irrevocably waives such immunity in respect of its obligations under this Indenture. To the extent that Belize has or hereafter may have any immunity under the laws of Belize, (i) from jurisdiction of any court, (ii) from any legal process in the courts of Belize, or (iii) from any legal process in any other court than a court of Belize, whether through service or notice, attachment prior to judgment, attachment in aid of execution or otherwise, with respect to itself or its property, Belize hereby irrevocably waives such immunity to the fullest extent permitted by the laws of Belize, in respect of its obligations under this Indenture.”

Mr. President, it continues and refers to the Foreign Sovereign Immunities Act, referred to by Senator Salas, and we carved out one aspect of our immunity and say that, “Notwithstanding the foregoing, Belize reserves the right to plea sovereign immunity under the Immunities Act with respect to actions brought against it under the United States federal securities laws or any state securities laws, and Belize’s appointment of the Process Agent does not extend to such actions.” It is a very limited carve-out.

My point, Mr. President, is simply this, that here it is we are passing a law seeking to immunize the reserves. I simply raise a caution to ensure that those same reserves are not caught by Super Bond 2.0. I was only able to get it this morning. Had we had time to study this, we could have perhaps offered some amendment, if it was necessary, we don’t know. But my point is simple. We are rushing into this matter. We need to ensure that it is done properly. The further point I make is that this whole question of lifting immunity and waiving immunity is not a PUP thing, and it is not a UDP thing. When you engage in commercial operations and activities, whether you are the government or not, it is something that it is quite often done. However, what it is important is that we ensure, as this Bill seeks to do, that insofar as there are assets of the country that can be immune, those should be immune. So there is no argument about the immunity provision in the Bill.

Very briefly, Mr. President, two further points, clause 4, I draw attention to this Honourable Senate that clause 4 seeks to say, “A person commits an offence who, whether in Belize or outside of Belize, and whether in respect of a matter occurring before or after the coming into operation of this Act”. And so we are creating an offence in relation to something that has already happened. There is a question as to whether or not that is constitutional.

And finally, Mr. President, 4(4), and there were a lot of innuendos in the House on Friday. But 4(4) of the Bill seeks to make a criminal offence and to attach criminal liability to persons who “acted in an official capacity...as shareholder, partner, director, manager, advisor, secretary or other similar officer”, which clearly is intended to cover attorneys. The Attorney General is giving me his assurance that it is not intended to cover attorneys. The question is this, Mr. President, and I say this very seriously. If the intention of this legislation is to immunize and we achieve that immunity by the provision of clauses 2 and 3, why is it necessary to go the additional step? If the reserves are immunized and cannot be reached, if we have confidence that the reserves are immunized, why is it necessary to go a further step to allow people to go to prison because they say they disagree? If they are bound to fail they are bound to fail. I simply say this. We are here today because, in my opinion, our interest was not protected when the day was called for defending Belize’s interest in the arbitration proceedings. No one went and defended Belize. Mr. President, this is my contribution on this Bill.

SENATOR M. COY SR.: Mr. President, I must say a pleasant good afternoon. Please allow me to also give a warm welcome to our new Senator, Senator Salas, welcome to the family of Senators. I can remember the day when I also got sworn in. My family was rejoicing, and they knew that I was going to bring forth fire into this Honourable Chamber, like my Honourable colleague always say. And I also want to welcome the Honourable Senator Lin.

But before I even say that, Mr. President, I am the soil of the south which is one of the most beautiful part of this country. We won’t argue about it. It is beautiful. I also want to say that we want to congratulate and salute Rebecca for being part of Miss Universe. She is from the beautiful soil of Dangriga, beautiful Dangriga, if you would want to know. We are small but we are beautiful, Mr.

President.

So I want to start off with a nice mode before I get into some of these questions that I probably might need to answer, and I put it on record that that is why we are here, Mr. President. Likewise I take this opportunity to that I support this Bill. I want to make it clear that nobody, first of all, was making fun or nobody was laughing when the Senator there was making his show. In fact, the Honourable Senator here, my very good brother, was only stating the truth, but it seems to me that some of those very honest truths are hurting some of our own colleagues in the Chamber, but reality is that the truth can only make us free.

So, Mr. President, let me start off by saying this. I am not a lawyer. I am teacher by profession. I have studied secondary education, but I admire being a lawyer. Hopefully I am not too old to become a lawyer one of these days and go to law school because I would want to pursue it one of these days. I want to make it clear that, as the other side has mentioned, any ordinary citizen on the streets out there in this beautiful country can tell you that we would have never been here this afternoon to debate this very same Bill if it wasn't because of the past administration, Mr. President. I said that I want to be calm and cool because, you know, from time to time you get the urge to shout it out to the nation why exactly we are here today, but I will take it slowly today because I felt the blessings this morning and last night because of the rain. So that will cool me down today. I am saying then, Mr. President, because a number of questions were asked by our colleague, Senator Courtenay, in regards to what the UDP did to represent Belize in the arbitration award. We, this present government, will not defend any foolishness like that. Let us not ask who was the Attorney General to defend it then. We don't need to know who the Attorney General was. We want to ask them, who was the Attorney General who signed the arbitration? And that is our very own colleague there. Isn't it? He was the then Attorney General who signed these arbitrations. Mr. President, I want to make it clear, and I see some faces there.

MR. PRESIDENT: Senator Coy, one second, please.

SENATOR E. COURTENAY: The Honourable Senator indicated that I was the Attorney General who signed the Arbitration Agreement.

MR. PRESIDENT: We will clarify that in a short while.

SENATOR E. COURTENAY: Please.

MR. PRESIDENT: Senator Coy, please clarify.

SENATOR M. COY SR.: I said and I will clarify that it was the Honourable Area Representative that is elected right now. I didn't mention a name. Allow me to correct myself. I didn't mention you. I was explaining to you who was the Attorney General at the time. I didn't mention that you were the Attorney General. I said it was the previous administration. So, Mr. President, I don't want to be back and forth with anything like that.

But I want to make it clear that it was under the 1998 to 2008 administration that these arbitration agreements were signed. So with that, Mr. President, I am not going to argue today. I said that I was in a very good mood today, and I want to remain in a good mood. The reality is that we have to be real in on all of these things, and we need to let the public know and the nation know that the reason why we are here today is because of the 1998-2008 administration. That is the bottom line, Mr. President. Thank you.

SENATOR P. THOMPSON: Mr. President, I too would like to welcome Senator Salas. Mr. President, if I can get permission to refer to my notes? Mr. President, our colleagues in the House of Representatives made a lot of salient points this past Friday in debating this Bill. But there is one point that stuck out to me, and it was a point made by the Member from Lake Independence. He said that, when the Prime Minister negotiated with Michael Ashcroft in August or September of 2015, everything seemed well and good. That is how it appeared at least. A big announcement of a settlement on the nationalization of BTL was made just in time for the general elections, and so the Member from Lake Independence asked, why didn't the Honourable Prime Minister tried to negotiate everything all at once with Mr. Ashcroft at that time? At that time the people of Belize were made to believe that this settlement was a winner and that this was a blessing, the best thing since sliced bread, masterful show of negotiation skills by the Prime Minister. We were made to believe that Belize had scored a major victory, but now we know differently. We know that the so-called major victory is actually costing the people of Belize \$557 million plus interest. And it may well turn out to be close to \$700 million when it is all said and done.

Mr. President, at that time there was no mention of any pending arbitration issues out there in the horizon to come back and hunt us of any hundreds of millions of dollars. That was conveniently left out of the conversation. Mr. President, in hindsight, the Prime Minister and his government should have come clean with the people of Belize and told us what the big winner of this settlement was going to cost us and how much more was liable to this man for arbitration awards. Our last report, as I said, is close to \$700 million.

Mr. President, Senator Peyrefitte said that this government did not engage in any private or secret meeting. But, Mr. President, this government should have gone to parliament for approval before the Prime Minister sat with Michael Ashcroft in Miami. No one knew about that. I consider that to be secret. The government should have let the people know the possible cost that the people would pay for this BTL arbitration. So the people of Belize should have known how much this would have cost so that they can compare whether or not they would want this cost or whether or not they would agree to the ruling of the Caribbean Court of Justice. This choice was never given to the Belizean people. This choice was made for them, and so the question is, whether the people of Belize wanted BTL at that cost or at a reasonable cost. But the truth is, Mr. President, it seems that the Prime Minister only negotiates when it is expedient for him. Back in September of 2015, he was worried about the pending CCJ ruling on the nationalization of BTL, and so just before that ruling was handed down he went and he sat with Mr. Ashcroft in Miami and agreed to give him everything for BTL just so that he could come back to Belize and tell the people, "Oh, we had a good deal, we have settle BTL and BEL." And so he could then call election a year and a half before scheduled.

But the truth of the matter, Mr. President, is that it is not the Ministers and their families and friends and cronies who will feel the pain for these bills and these awards, it is the poor people of Belize. It is the one who can least afford to pay that will feel the pain. Mr. Barrow will be long gone when these bills will come to us and we will have suffer through these increased taxes and the reduce public services for years to come. Mr. Barrow, the Prime Minister, was very interested in wining an unprecedented third straight term as Prime Minister. It seems that that was all that mattered. He blew \$350 million from Petrocaribe funds before the elections, and he agreed to pay Ashcroft whatever he wanted for BTL, including all he wanted for the dreaded Accommodation Agreement.

MR. PRESIDENT: Yes, Senator Thompson, one second, please.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): On a point of order, the Honourable Senator is reading a whole speech which we heard in the House. Ask him to please stick to the Bill, man.

MR. PRESIDENT: Senator Thompson, yes, you can refer to your notes but let's not read it you know. We spoke about this before, and also let stick to the matter at hand. Please continue.

SENATOR P. THOMPSON: Now the bills have come due, Mr. President. We have already paid Mr. Ashcroft hundreds of millions of dollars for BTL, and now he wants more. We are paying through our nose. He has gotten our blood, and he has gotten our bones already. Now he wants our marrow. But, Mr. President, the Prime Minister could have settled this thing a long time ago, but he chose not to. He could have settled this in 2010, 2011, 2012, 2013, 2014, or September of 2015, but he chose not to. The Prime Minister said that the arbitration award is a separate issue and that he will not pay them, but haven't we heard that story before? When it came to the Accommodation Agreement, he said, "This agreement is vile. I am not going to pay it." And what did he do? We are paying it right now. When it came to the loan from BCB for BTL, he said, "Over my dead body will we pay for this." And what happened? He agreed to pay.

But, Mr. President, he insists that no one loves Belize like he does, but we on this side of the Senate love our country just as much. And we will always put our country and our people before anyone else, and we will fight against who want to touch our reserves or who want to go against our peg. Mr. President, so we will support these Bills because it is the right thing to do, but we would like to put on record that this Government and this Prime Minister has failed us and failed the Belizean people when it comes to this matter. The UDP friends and families have won elections after elections, but it is the people of Belize who will pay for these victories. Thank you, Mr. President.

SENATOR S. DUNCAN: I had not intended to say anything on this Bill. I think that it has been widely ventilated by everybody, but I think there was some loose language, and I thought I need to just comment on something for the benefit of the public. The costs that we are faced with under these awards, Mr. President, in the case of the Accommodation Agreement, I think it was mentioned that we have quite a bit to pay, and there was a suggestion that maybe it is because of the current government and the current Prime Minister. I made the point before in this Honourable Chamber, and I want to make the point again that, in fact, under the Accommodation Agreement we would have paid, period. What the Prime Minister did is to bring something to an end rather than to allow it to run on in perpetuity. But, in fact, we as a country became saddled with these costs the minute the Accommodation Agreement was signed. We would have either paid annually, under the Accommodation Agreement, or, as has happened now, we have won cumulative effect by accelerating the payments in terms of bringing it to an end. We can debate which is better or which is worse, but the fact is that we would have paid one way or the other. The Prime Minister, and I agree with him, feels that, had it run its course and had we elected to pay annually under the Accommodation Agreement, it would have been worse. We would have paid more. And on that basis he elected to bring it to an end. Why do I say that? It is because the Accommodation Agreement was so poorly written, depending on who is reading it actually. Maybe it was properly written for those who wanted to benefit from it. But it was so poorly written that the Lord Ashcroft's group of companies would have been able to determine how much money they got each

year under the agreement. It was so open-ended that you cannot quantify what it would have cost us, had we allowed it to run its course, because there were no parameters within the agreement to determine what could be claimed and what could not be claimed. And I made the point in this chamber before that, in fact, we ran the risk of having the costs for two telephone companies being charged to BTL to create a lost position in which he is involved in both of them. In fact, if we do not have such parameters, it is totally open-ended. So I just want to make that point that one way or the other we would have paid.

The Prime Minister felt that it is better to bring it to an end, to crystallize it now, rather than allow it to run on and one day we wake up and we find that, well, we've actually given away the whole country. I think it was one of the Senators, I think it was Senator Lin, and I stand to be corrected, who used the word "enslaved" the whole country. I actually think it is a good description in terms of what that meant for us, and it is for that reason that it was brought to a head and crystallized. So I just wanted to put that on the table because of the things, some of the loose language that was used a little earlier that I thought it proper to make that point in order to clarify it for the Belizean people. Thank you, Mr. President.

SENATOR V. WOODS: Mr. President, thank you. Mr. President, I will ask your indulgence, if I refer to my notes from time to time, as I rise to contribute to this Central Bank of Belize (International Immunities) Bill, 2017. And I rise not to grandstand, as was accused of me by my family member and the Honourable Attorney General, Senator Peyrefitte, nor as do any of the other Senators, be it the government-appointed Senators and the social partners Senators. When they rise to contribute, it is not grandstanding. And to refer to the comment by Senator Peyrefitte, it is not that I particularly don't enjoy the politics that from time to time, Mr. President, find itself in this Upper Chamber. I will admit that I don't necessary care for it, but I put it to you that I don't think the people of Belize care for it. We have enough of it in the Lower House.

This Bill seeks to ensure that the Central Bank, Mr. President, enjoys international legal immunity, and it is an attempt to protect Belize's US dollar reserves from the Ashcroft Group of Companies. In fact, as one media station put it on Friday after the airing of the House meeting, it is in effect creating a firewall for any attempt by Michael Ashcroft to collect on monies that is owed to him. Mr. President, I am sure that you will find that same rare, and it is rare, bipartisanship that showed itself at the House meeting this past Friday. You will find it at today's sitting of this Senate. You see, Mr. President, it is not that we cannot agree on something that is in the best interest of Belize. It is the fact that this is where we find ourselves. Where is that, Mr. President? It is a government rushing to enact a law because of one man. And it is a people subjected to unnecessary litigation for the past nine years because of one man. Quite frankly, Mr. President, Belizeans, young and old, of every ethnicity across the length and breadth of this country are simply sick and tired of all these legal games. And before any of the remaining appointed Senators in this Chamber hasten to point out, as they always do, as they've done earlier today, Mr. President, that all of this is the PUP doing from its last term in government, let's not kid ourselves, and let's not fool the Belizean public. Let's, for one moment, try to do the rarest of all things and truly be honest with the people of Belize. Both previous governments, Mr. President, are responsible for this mess. While it can be argued that it is the PUP Government, the previous Government that got us into this mess, it can equally be argued that it is the UDP Government that unnecessarily dragged out this mess.

Mr. President, when I looked at this Bill over the weekend, and, again, Senator Peyrefitte made it clear that every day is a working day, regardless of

what notice we get. So when I carefully looked at this, like all other Senators before me, I had to consider how we got here. The UDP Government litigated its first term in office and continued litigating through its second term in office and was about to continue in its third term of office, except that it stopped abruptly two months before the election. Why did it stop? We've never really been given an explanation for that. It can be opined that it needed to be done to ensure that there were no monies provided by the Ashcroft or Ashcroft Group of Companies for the upcoming elections certainly to the Opposition. But supposedly it was done to put an end. Senator Duncan so appropriately and accurately stated that that is what the UDP Government, this Prime Minister, elected to do. It was to put an end to all of this, and it was to do so by signing what should have been and what has been dubbed as the final Settlement Deed, a deed witnessed by the Prime Minister's law office partner who just happens to be a lawyer on record for Belize Telemedia, a Settlement Deed, Mr. President, that in effect accepted the Accommodation Agreement that has been so touted every time this issue comes up, notwithstanding the clear pronouncements by the CCJ, as echoed by Senator Salazar, which the government wastes no time to remind the Belizean people.

This Central Bank of Belize (International Immunities) Bill is a very interesting one because, when you look at the context of how we've gotten here and why we are here, the fact is that the Settlement Deed and the settlement of all things Ashcroft could have been done much earlier. Games were played, and the people of Belize know this. Games have been played, and games are being played, and they are being played by all sides, and it needs to stop. If our Government is so concerned, Mr. President, about putting a final end to all things Ashcroft then it could have extricated Belize out of this mess a lot earlier. My colleague, Senator Courtenay, has explained in detail how that could have been done.

Mr. President, the fact is that only lawyers benefit from this, lawyers from both sides. Only lawyers benefit from these types of bills, including those who are relatives of the Prime Minister and lawyers on record for Belize Telemedia. And before anybody jumps on the other side to say and point out to me, yes, I am married to a lawyer and one who also works with the Ashcroft Alliance, and I am a good friend with my Senator colleague who is a lawyer. But I stand here well aware of the fact and in full conviction of what I have just said because we know it to be true, and I am not casting any aspersions on the legal community or any lawyers that serve in that community, but let's be honest.

I will not argue the merits and demerits of constitutionality or get into the legal ramblings. Unlike you, Senator Coy, I do not aspire to be a lawyer. And I will not get into the technical details of yet another Ashcroft debacle, not with this Bill. To do that would suggest to the people of Belize that the only persons that qualify to be Members of Parliament or the Government are lawyers, and naturally I could not subscribe to that. But we are all tired of it, Mr. President. We are all sickened by it. We are all fatigued by it. We are all tired of the legalese that finds its way into the debates, lawyers on that side and this side debating and getting through technical details. But we are tired of having Government rushing Bills only when it is a matter concerning Lord Michael Ashcroft.

Mr. President, at the end of the day, none of it, no matter how eloquent the speakers are, no matter how fancy the language is, none of this issue, back and forth with Lord Michael Ashcroft, really benefits Belizeans in their everyday life. If it did, the nine years we have gone through would have been a better nine years for Belizeans, and it certainly doesn't, Mr. President, and it has to be said because of the context of where we find ourselves. None of it does when all you do within the nine years is to have placed your son at the helm of BTL, to write-off multi

million dollars debt from BTL, to refuse to acknowledge which lawyer authored the Settlement Agreement, and I will refer to Senator Duncan's remark, which was also claimed and stated by our courts was poorly written. And I will not get into the justification of "it was all worth it" because we have felt the rush of a 4G service, when there are many out there who can tell you otherwise to that, whether it buffers or whether it slows and so forth. Let's really stop this nonsense, Mr. President.

SENATOR M. COY SR.: On a point of order, Mr. President, please stick to the point. Why is she talking about the son here? Stick to the point. Debate the Bill. I don't see why we have to be talking about sons and daughters or whatever it is.

MR. PRESIDENT: Thank you, Senator Coy. Please continue, Senator Woods.

SENATOR V. WOODS: Thank you, Mr. President. Like other Senators prior to me who have made the comment, Mr. President, this Chamber was given really no time to look at the Bill, and we understand and we hear the rationale for that. But I take issue with the point of rushing the Bill and calling these urgent meetings because, Mr. President, where is the focused energy and commitment to urgently call similar meetings to present Bills and amendments to Bills to address real help, issues that will impact quality of living for the Belizean people and not just because Lord Ashcroft has yet again done something to make us react? Where is that focused energy? Where is that commitment? Where is that rush to present to this Upper Chamber Bills and amendments that will address our healthcare system, for example, our Social Security system that can truly serve as an insurance and pension, and for a better transportation system, Mr. President? That is the concern I have when we talk about the rushing of Bills. I certainly would welcome, Mr. President, a Bill that would strive to improve and enhance the poor excuse of what we call a public transportation system. I also would have hoped that it was not this Bill, that's the one that calls us with little notice, I would have hoped that, as an example, I would have hoped, Mr. President, that we were called rather urgently, as the Upper Chamber, to look at the necessary investigation required for matters that are impacting us right now.

MR. PRESIDENT: Other investigations have nothing to do with this Bill. This Bill is the Central Bank of Belize (International Immunities) Bill, okay.

SENATOR V. WOODS: Yes, Mr. President, but this Bill was called in a rush order, and so I do repeat my comment that I also want to see other Bills with the same fervor and urgency. I am not querying any investigation. I am saying, let's be upfront with the people of Belize because there are several other things that we could have rushed for a special Senate meeting. We discussed some of those just last sitting.

How can we be satisfied when the only time we are rallied for bipartisanship under this Government is when Lord Ashcroft so beckons us to do it. Mr. President, I looked at Senator Peyrefitte, and suddenly I forgot where we were, my apologies. Mr. President, I will, like so many of our colleagues today, support any effort that will stand up for Belize and its assets and ensure that Ashcroft is stopped. A domestic law can attempt to do whatever it wants to do. Whether it has any teeth in international arena is another matter and is certainly for people far more skilled in the legal language and arena. But I won't debate matters that are so legally technical but I will only echo what our Prime Minister quite honestly said, when asked, "There is no guarantee that this Bill will stop litigation", and we all know that that does not benefit Belizeans.

In closing, Mr. President, I sincerely hope, as a Member of the Senate, that in future sittings, at both the House and the Senate, that we will be seeing the urgency for meetings and calls for bipartisanship for matters that really make an impact to the quality of life for Belizeans, but not to only expect that we will be called when Lord Ashcroft so summons us. That ends my contribution today.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Thank you very much, Mr. President, just a quick comment. The Bill is a simple one. It's to protect the Central Bank's assets and not link them with GOB assets so that they can't be attached or garnished. I think Senator Courtenay made that point, that immunity is already there, it is to make assurance doubly sure. It didn't take a lot of analysis, I don't think, for any Senator. For my new colleague, Senator Salas, I think Senator Peyrefitte made the point that the work is a continuing one. I have been here for 14 years, and in my first term for the private sector I spent every weekend fighting to analyze the Bills that were to be presented, on my own, because in those days the meetings were always on a Monday after the Friday, for the most part. And then during my second term under the UDP I kind of saw some of that. I vowed that I would advise Mr. President who sets the time for meetings that, as long as I am sitting here, we'll try to do them on Wednesday and now even on Thursday which gives us some time to be able to analyze them properly, and that is our responsibility. And I wanted to say that from my very first day here I found that the public servants are very accommodating in that sense. They respect the parliament, and so you can always call the Attorney General's Ministry. There is Mr. Hawke who is very willing and able to give any explanation. In the Ministry of Natural Resources there is the Commissioner, Mr. Vallejos. The Financial Secretary, Mr. Joe Wight, is extremely accommodating. You can get supportive documents, etc. And in the Ministry of Economic Development, Mrs. Hyde will tell you and give you the support for loans, etc, but it's incumbent on us to do the work. I take, with all due respect, the criticism and the appeal to not rush any Bills through, but I won't say anymore on this one because I think everybody has elaborated enough.

There is another point I wanted to make though, and Senator Courtenay said that the Bill covers something that has already happened, and he is not sure that is constitutional. I demit to his legal expertise and that of my two attorney colleagues on this side as well, but I think section 81(4) of the Constitution does give the parliament the right to make laws with retrospective effect. So maybe that is the category under which any issue here may come. But the more important one, before I wrap up, that I want to make is, who was to defend the interest of Belize? Yes, I joined, and I did not join in the suit as the Senator for the business. I joined as Godwin Hulse because I wanted to make sure of one simple point. And I did not continue after so many times in court because we all know, and somebody keeps saying, and I won't it because I am not one. I am not an attorney so I don't know make money. I heard that they make, but I am not sure how big the money is. I am an engineer and we don't make a lot of money. But anyway I recently concluded a case of which the award was \$25,000 and I got \$7,000. I won't quarrel. And then I went to another one which was concluded, and I never want anything. I just paid the costs of court, and it's not that I have any deep pocket. I just don't want to have to get into all of those expensive costs that you have to DIFOT.

But in 2005 when the Accommodation Agreement was signed and all of the other agreements, and I won't go in to any of them. I make one simple point, and it is a point I will hold this government to, I will hold my government to, no

matter what the agreement is, no matter how terribly it looks. No matter what it is going to do, government has a responsibility to bring it to the National Assembly, and so far this government has brought all here. Even if you negotiate, you bring it here for approval and you take your *licking*, take it from Senator Woods, Senator Courtenay, Senator Thompson and all the other Senators. But once the majority passes it so be it. The famous quote that was said to me one time, and this is what inspired me in those days. If you want to build this edifice to the honor of your concubine on the hill, then so be it if parliament approves the cost. The problem is when you get home you have to explain to your people, your wife and your husband, how you support that, but it is to bring it here to pass.

And so, as far I am concerned and as far as Senator Barnett is concerned because we were colleagues back then, and still are, I saw no reason why the government of that day could not have brought those to the National Assembly for approval, and we would not have been here at all. The thing would have done. And that is what we fought for in the Finance and Audit (Reform) Act. In fact, I will never say what my colleague said to me across the aisle or otherwise, but my colleague, Senator Courtenay, and I had lots of discussions on these matters. Bring the thing here, man. What you have to accommodate that you have to hide it. Bring it and take your *licking*. Yes, I went and I negotiated it in Miami, and I did a bad deal, and it was drafted bad and all the rest, and it was costing this, but get the approval of the National Assembly. That is how we are governed. The Prime Minister and no Minister can take it on himself to waive any taxes or anything, and that is the genesis of all the mess we are in, and that is where the Government of that day failed to defend the interest of the people of Belize because, had they defended it by simply coming here, and there were a lot of mechanisms at their disposal. The Fiscal Incentive Act is there. When we on this side agreed to give some special waiver to ASR, we brought the Bill here. We didn't just give it in any quite little deal, and we negotiated it hard too. There is NCL and other people who get these carves-out. It was the same thing with the Ashcroft Group, and it was the same thing with BTL. Bring it here, man. The people of Belize railed up. UHS, bring it here for them to grumble and complain and curse, and then maybe it gets stopped, but bring it here. The only reason you don't bring it here is if you think it is so serious or has some element that is going to create such havoc that you have to do it quietly. I will say no more. Mr. President, I move the question.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to restate for greater certainty the immunity of the Central Bank of Belize from legal proceedings in other States; and for purposes connected therewith or incidental thereto, be read a second time. A division has been requested by Senator Michael Peyrefitte.

CLERK: A division has been called on the Central Bank of Belize (International Immunities) Bill, 2017.

The Senators voted as follows:

Senator Godwin Hulse	-	Aye	Senator Dr. Carla Barnett
Senator Michael Peyrefitte	-	Aye	
Senator Macario Coy Sr.	-	Aye	Senator Stephen Duncan
Senator Aldo Salazar	-	Aye	Senator Eamon Courtenay
	-	Aye	

Senator Valerie Woods	-	Aye
Senator Paul Thompson	-	Aye
Senator Rufino Lin	-	Aye
Senator Rev. Ashley Rocke	-	Aye
Senator Elena Smith	-	Aye
Senator Osmany Salas	-	Aye

MR. PRESIDENT: We have thirteen (13) ayes and zero (0) noes. I think the ayes have it.

Bill read a second time.

4. Crown Proceedings (Amendment) Bill, 2017.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to move the second reading of a Bill for an Act to amend the Crown Proceedings Act, Chapter 167 of the Laws of Belize, Revised Edition 2011; to make provisions relating to enforcement of foreign judgments against the Crown; and to provide for matters connected therewith or incidental thereto.

Mr. President, as you are aware, this is connected to the first Bill.

SENATOR S. DUNCAN: Mr. President, this Bill is clearly connected to the last Bill and it is not my intention to speak on it in any detail, but I do recognize that, as we debated the last Bill I was hoping that coming out of it there would be some suggested way forward in terms of how we deal with this. When the previous Act was put in place and this one, it was recognized that there is a limit to it, and to a large extent I would suggest that the limitation would be the borders of the country. Enforcement would be difficult outside the borders of the country, and so the question becomes, what do we do on areas that we have no control over, those aspects that we have no control over? Quite honestly, Mr. President, it is very difficult, but it does not remove the concern facing us as a country. There are clearly limitations and constraints placed on Belizeans, but to the extent that the law cannot do more than that we are still exposed, and, as old people say, you know how some things start but you don't know how it will finish.

We are faced with a situation that started years ago, but we are now in a position where we have to try to bring it to a close. As I listened to each Senator debating earlier, it seems very evident to me that they have similar concerns. Everyone wants to bring all these litigations to an end. Where do we end? Where do we stop it? Where do we put an end to it? My own reading of the situation is, Mr. President, if we are to go back to the genesis, which has already been ventilated by the very close relationship between members of the 1998 to 2008 Cabinet of Belize and the Lord Ashcroft Group, where a lot of these things had their genesis, it occurs to me that with all that has happened and all that has been done on behalf of that individual and his group by Belizeans that it might be appropriate for us at this time to ask those same Belizeans to now go back to Lord Ashcroft and bring it to an end for us. Clearly there is only so much that we can do in terms of legislation and litigation, but, in terms of what has been done in the past and what we now need as a country, those Belizeans that have assisted Lord Ashcroft in getting this far and in getting to where we are today, is it time for us to ask those Belizeans to use their energies, their talents and their gifts, a lot of

which they have acquired through being Belizeans, that they use those now to assist us in bringing this whole fiasco to an end? And that, Mr. President, is where I believe that, as a society, we talk about putting aside political affiliations, the political rhetoric, etc., but maybe we now ought to, as the Prime Minister had said, we need all the red-blooded Belizeans to step forward and let us unite on this issue, just not in the Senate.

In looking at what happened in the House on Friday and what happened in the Senate today where we have bipartisan support, it seems to me that it is at this juncture we may want to make that further bold step of approaching Lord Ashcroft in a similar, united manner where we are on the same page and encouraging a settlement solution that will not attempt to bring the country to its knees. It is very possible that there are personal vendettas to settle, but at this juncture, Mr. President, we are dealing with the whole country and we cannot look at it in the context of personalities and forget that we have thousands of Belizeans who had nothing to do with this. But we find ourselves in a position where we are between a rock and a hard place. There are so many Belizeans who have contributed to where we are today with good intentions. I am sure they did not set out to really do anything to bring down the country, but effectively we are at that juncture, we are at the crossroads, and we certainly have to do something about it.

On that basis, I, Mr. President, am asking and hoping that we can be on the same side in terms of our approach to Lord Ashcroft and this whole issue of trying to find a way forward that will not bring the whole country down. I am certain that there are ways to do that, and it does not have to be through litigation. I believe that if we are able to come to a reasonable discussion/arrangement it can be done, and I see no reason why at this juncture, I am convinced, and in listening to the House on Friday, I sense that a lot of people are convinced that this law while necessary and is important does not cover all the basis, and I am sensing that to cover all the basis, those that might be missing, that the law does not cover I am thinking that we may need a different type of intervention other than litigation. Thank you, Mr. President.

SENATOR M. PEYREFITTE: I'm much obliged, Mr. President. To follow in that vein, Mr. President, let's be clear about something. You cannot legislate that there will be no litigation. You cannot pass legislation that would guarantee that anybody will not sue. You just can't do. You hope that you can come or get to the stage where things will be settled enough that nobody needs to sue or it makes no sense for anybody to sue. But let me make it very clear that you cannot pass a law that says, "Base on this agreement, you will not sue", and this is the difficult we find ourselves in, Mr. President. We cannot control if anybody sues us. When we defend ourselves when we are sued, you hear about high litigation costs. When foolish arbitrations are taking place abroad and we don't attend because we know that they are a waste of time and could never be enforced in our courts, Senator Courtenay will say, "Who defended us?" So we are damned if we do and we are damned if we don't. At the end of the day it is up to the particular individuals who have an issue with the government for them to stop. We can only beg our good friend, Senator Courtenay, to talk to his client and to beg him, in imitable words of the Prime Minister, "For God's sake, stop it", because, as long as he sues, we have to defend ourselves and, as long as he tries certain things, we have to pass legislation to protect our assets and our government.

Now, Senator Duncan, we thought it was at an end. We thought we were

finished. There were arbitration proceedings abroad. We lost those arbitration proceedings. We went all the way to the CCJ which is our true final court of arbitration, and the CCJ said that those awards are not good because they were founded on an illegal basis. We thought that was the end, that the CCJ had spoken. So therefore the matter is at an end, but we were dealing with an individual, Mr. President, as I said before in the previous debate on the previous Bill, we are dealing with an individual who does not respect us and has no care and no love for us. Imagine that you have an individual, he gets an arbitration award abroad and comes to our courts to get it enforced. All of our courts say that you cannot enforce because it is wrong, but you don't want to hear that. This is an individual who does not accept losing. He does not accept that what he has done was wrong. He doesn't accept it. So our courts can say whatever they want. In the eyes of this individual, he believes that he is above everything in Belize. He does not have to respect our courts. He does not have to respect our parliament, nothing.

So what do we have to do? We have to make it clear in legislation that if you don't respect it you will go to jail. If you don't respect our courts, how can you lose in our court all the way to the CCJ and you lose and then you go to some foreign jurisdiction and you become a part of a process where that foreign jurisdiction then turns around and disrespects our own CCJ? What are those foreign courts saying? What is he saying? He is a Belizean but does not want to abide by the laws of Belize and the judgments given by our highest court. Come on, man. That is unacceptable.

So, indeed, for the social partners who asked why this litigation doesn't end, well, why that person doesn't stop fighting because, as long as he fights, we have to defend ourselves. What do we do? Just lie down and play dead, no, man. We have to pass legislation to ensure that the respect and dignity of our highest courts are maintain because when we go to the CCJ and we lose we respect it. Wasn't there a BTL case where there was a talk about US dollars and Belize dollars and we lost? And what did we do? We respected the judgment of the CCJ. So what is this individual saying? He is like Trump. You talk about we don't want Trump here. He is like Trump. He will accept the election results if he wins. He will accept the judgment of our courts if he wins, but if he doesn't win he will do whatever he has to do to disrespect that process, and that is the genesis of this piece of legislation. It is not against one individual, as Senator Salazar said about the previous legislation, but he has created the mischief that we have to pass this legislation to protect ourselves from anybody who believes that they do not have to respect our jurisdiction and our courts. Thank you, Mr. President.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I move the question.

MR. PRESIDENT: Honourable Members, the question is that the Bill for an Act to amend the Crown Proceedings Act, Chapter 167 of the Laws of Belize, Revised Edition 2011; to make provisions relating to enforcement of foreign judgments against the Crown; and to provide for matters connected therewith or incidental thereto, be read a second time.

Do you want a division? Okay. Mr. Clerk, can you please do a division?

MR. CLERK: A division has been requested on the Crown Proceedings (Amendment) Bill, 2017, by Senator Michael Peyrefitte.

The Senators voted as follows:

Senator Godwin Hulse	-	Aye	Senator Dr. Carla
Barnett	-	Aye	
Senator Michael Peyrefitte	-	Aye	
Senator Macario Coy Sr.	-	Aye	Senator
Stephen Duncan	-	Aye	Senator Aldo Salazar
	-	Aye	Senator Eamon Courtenay
	-	Aye	
Senator Valerie Woods	-	Aye	
Senator Paul Thompson	-	Aye	
Senator Rufino Lin	-	Aye	
Senator Rev. Ashley Rocke	-	Aye	
Senator Elena Smith	-	Aye	
Senator Osmany Salas	-	Aye	

MR. PRESIDENT: It is thirteen (13) ayes and zero (0) noes. 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.

Members in the gallery, can you please excuse us for the Committee meeting? Thank you.

(In the Constitution and Foreign Affairs Committee)

MR. PRESIDENT in the chair.

1. **Re-Appointment of Ombudsman 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. **International Insurance (Amendment) Bill, 2017.**

Clauses 1 to 4 agreed to.

Bill to be reported back to the Senate without amendment.

2. **Forests (Amendment) Bill, 2017.**

Clauses 1 to 9 agreed to.

Bill to be reported back to the Senate without amendment.

3. **Central Bank of Belize (International Immunities) Bill, 2017.**

Clauses 1 to 6 agreed to.

Bill to be reported back to the Senate without amendment.

4. **Crown Proceedings (Amendment) Bill, 2017.**

Clauses 1 to 3 agreed to.

Bill to be reported back to the Senate without amendment.

PUBLIC BUSINESS

A. GOVERNMENT BUSINESS

IV MOTION

(Adoption of Motion)

1. **Re-Appointment of Ombudsman Motion, 2017.**

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 Re-Appointment of Ombudsman Motion, 2017, 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 Honourable House, being satisfied that **MR. LIONEL ARZU** is a fit and proper person to be re-appointed as Ombudsman, recommends to the Governor-General that **MR. LIONEL ARZU** be re-appointed as Ombudsman for a further period of one (1) year with effect from 1st January 2017, on his existing terms and conditions.

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. International Insurance (Amendment) Bill, 2017.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to report that the Committee of the whole Senate has considered the International Insurance (Amendment) Bill, 2017 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 International Insurance Act, Chapter 269 of the Substantive Laws of Belize, Revised Edition 2011; to provide for matters in respect of corporate governance and ownership of an insurer or insurance intermediary in accordance with international standards for insurance; 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. Forests (Amendment) Bill, 2017.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to report that the Committee of the whole Senate has considered the Forests (Amendment) Bill, 2017 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 Forests Act, Chapter 213 of the Substantive Laws of Belize, Revised Edition 2011; to provide for the updating and restructuring of

penalties to more realistically effective levels; and to provide for matters connected therewith and 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. Central Bank of Belize (International Immunities) Bill, 2017.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to report that the Committee of the whole Senate has considered the Central Bank of Belize (International Immunities) Bill, 2017 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 restate for greater certainty the immunity of the Central Bank of Belize from legal proceedings in other States; and for purposes 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.

4. Crown Proceedings (Amendment) Bill, 2017.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I rise to report that the Committee of the whole Senate has considered the Crown Proceedings (Amendment) Bill, 2017 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 Crown Proceedings Act, Chapter 167 of the Laws of Belize, Revised Edition 2011; to make provisions relating to enforcement of foreign judgments against the Crown; 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.

A D J O U R N M E N T

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I now move that the Senate do now adjourn.

MR. PRESIDENT: Senator Woods, you had asked to speak on the adjournment.

SENATOR V. WOODS: Thank you, Mr. President, for the permission to speak. I rise on a matter of public concern and one that, I think, most Belizeans would, as well as Members of the Senate, join me in supporting the need to raise awareness on the same. It has to do with the matter of our natural resources, its conservation and adherence to regulations regarding the same. Mr. President, we all know, and there is no need for me to lecture this Honourable Senate because we are very much aware and appreciate the value and the importance of the rich biodiversity that we've been so blessed with. But I am reminded of this and the call by the Supreme Court, not too long ago, actually about just over a year ago, when it was making its ruling on a matter of a case brought before it by the BTIA in relation to the environmental impact assessment and the regulations connected there with the cruise port now at Harvest Caye, and it was the principle of ensuring that our natural resources are protected and are conserved, notwithstanding the necessary development that the country needs. And it is because of that principle that I stand today.

It is because of that same principle why many others were disappointed in what was revealed not too long ago with the proposed Puerto Azul project and why we are so glad that that didn't go through, but while also we would have hoped that it wouldn't have even been entertained much less have officials of government attend any event in Cannes even if paid for by developers. But it is also that principle, Mr. President, that concerns me regarding yet another mega development proposed at Caye Chapel. And I rise only to underscore again the importance of our laws, and I place on record that we have good environmental laws and we have good environmental regulations. We really do. And we have been applauded for it, and we've been commended for it.

Many years ago in a different capacity I attended a World Park Congress and had the privilege and honor to escort a group of non-governmental organizations involved in conservation work as well as other members of government because the congress then, and this is about nine to ten years ago, recognized Belize's effort in conservation, particularly the mechanism called PACT, which by the way continues to be a hallmark for conservation efforts in terms of providing much needed funding for those who do that work. And so it is because of those principles that I get concern because not too long ago in December there was environmental clearance given for the portion of a development on Caye Chapel. And I am concerned about it because our regulations are clear, and if we are going to grant clearance to a portion of a larger development that has not yet gone through that process, one that our own Supreme Court has... Should I sit?

MR. PRESIDENT: Sorry, please continue.

SENATOR V. WOODS: Okay. I will be brief. Hopefully that won't happen again. Yes, as I was saying with the environmental clearance, it was a clearance that was issued for a pilot beach project for Caye Chapel, and it was issued on December 23 of last year, under a year of giving the ruling provided by the Supreme Court regarding EIAs, but it was issued when the EIA process really has not even been vetted, if you will, when it hasn't been brought before the NIAC on the larger portion of that project. And so I am concerned as so many others when they see things like these happening because it defies the very integrity and the intent, if you will, of why we have those good laws on the books. It is to respect a process, to ensure that any development, particularly the bigger

ones, that they are done at all times in the best interest of Belize but taking into consideration the input of not just the developer and not just members of NIAC but to allow members of NIAC that opportunity to consult with communities as well as the other regulatory bodies, and that was not done in this case.

So, in December 23, the Chief Environmental Officer by way of letter approved this. It is for a temporary beach club and sales centre, but it is to develop a beach area, and it is only part of that larger mega development on that island. And just to put some context briefly it was back in 2014, regarding the same natural resource, that same island, that CEO, Michael Singh, then in BELTRAIDE quite accurately stated to those developers in writing that an EIA needs to be done to develop what they intended to develop there. And, because the Chief Environment Officer, in his capacity for government, was part of that Supreme Court matter, he is fully aware of the same, of the processes. And so I am disappointed that we did not allow or have not yet allowed for that process to conclude itself before approving any portion of it, whether it be temporary or not. And why is that important? It is important because the natural resource out there, while it may be another welcome addition to the tourism product, it provides meaningful livelihood for a lot of fisher folks. So when we talk about anything regarding beach around that area, that will involve dredging, one has to be concerned for those fisher folks at least if nothing else if they were so consulted, which is what the EIA provides for and which we were lectured on, as a people, at the Supreme Court.

All I am asking and, I think, all we are asking is for leaders of our government, for us as leaders and of any government, just to respect the process. That is all we can ask for and not to short cut any steps within that and take unilateral decisions because, while we may not feel it in this Senate immediately, there are people out there who will feel it if dredging commences because clearance was given for the portion of a project. Thank you, Mr. President.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Thank you, Mr. President. I want to give just a quick response. I want to, first of all, thank Senator Woods for raising the issue. I have no idea that any approval was given for dredging off Caye Chapel. Back in 2013, when we first started this whole matter of looking seriously in investments, a Cabinet sub committee was formed on investments to look at all the big investments that come into this country. Indeed, at that time it seemed that the only requirement was environmental. I remember the Santander project was environmental, and people felt that once they got some sort of environmental clearance they were good to go. But the Committee developed a five-point policy paper which was approved by Cabinet and endorsed by the Honourable Francis Fonseca, and it goes like this, and it applies to every investment. And I've repeated it ad nauseam that every potential investment in this country must meet these criteria. First, it must be economically and socially acceptable and legally doable, and we are dead serious about that. I could read of some huge investments that would not have been socially acceptable. I will not elaborate, but one of them had to do with the creation of an adult-only beach in Placencia, and I thought about Senator Roche and said that we are a Bible Belt, you know. We won't go into a fight with the church. We are not going there. That is not going to work. So tare your investment elsewhere, although they said it was a billion dollar, which was the second thing that frightened me because a billion dollar does not float around so easily. Only President Trump has that kind of money.

The second one is that it has to bring some revenue to government, and we are unabashed about that. We don't pretend that we will waive everything from

you because the government has street lights and streets that need to maintain, and you can't come here only to profit from the great resources of this country and not leave anything. So you have to pay some taxes.

The third one is that it has to bring foreign exchange because that is why we need investment, or, if not, you know the Belizean dollar can't go anywhere. So, if you won't bring your US, or your Euro, or your Yen or anything, goodbye.

The fourth is to create meaningful employment, and I don't mean that there is any employment that is demeaning, and I was chastised by a certain friend of mine for having used that term, but by that we mean people who have the managerial posts and those too. We want those jobs.

And last but not least and equally important, if not more, is protect the environment and the cultural identity of this country. We have had people also who have said to us, "We would love to invest, but you have too many holidays, and we cannot support these Garifuna days, this Tenth of September and all you have, but your people who work for us must understand they have to work." I said absolutely not. You can entice them to work by paying the necessary double time, etc., but you cannot force them to work, and this Minister is certainly not going to take anything to Cabinet to say, "Do away with those holidays." You are crazy! And the investments fly.

And, indeed, this is something that goes way back because I also recall in the days of the People's United Party when Senator Courtenay headed an investment committee on which he had invited me to sit when I sat in that Chair there so we are broad-based. And you all know the situation with Harvest Caye. Blackadore which is Leonardo-Dicaprio-sponsored has had a difficult time with even thinking about dredging or refurbishing a pier or any such thing. We have been very serious about this. So I want to assure the Senator and the Senate and members of the wider public that we take this absolutely serious. I cannot comment because I do not know, and I don't speak on matters that I do not know, but as soon as I leave here I am going to contact the Chief Environmental Officer to find out what was the situation and why on December the 23, two days before Christmas, some approval was given. Thank you very much.

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 1:33 P.M. to a date to be fixed by the President.

PRESIDENT
