

BELIZE

No. 22/1/13

SENATE

Thursday, 5th July 2018

10:03 A.M.

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Pursuant to the direction of Mr. President, in writing, dated 29th June 2018, the Senate met in the National Assembly Chamber in Belmopan on Thursday, 5th July 2018, at 10:03 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 Local Government, Labour and Rural Development
Senator, the Honourable Michael Peyrefitte – Attorney General
Senator, the Honourable Macario Coy Sr.
Senator, the Honourable Stephen Duncan
Senator, the Honourable Herbert Panton – Temporary Senator
Senator, the Honourable Valerie Woods
Senator, the Honourable Anthony Mahler – Temporary Senator
Senator, the Honourable Markhelm Lizarraga
Senator, the Honourable Rev. Ashley Rocke
Senator, the Honourable Osmany Salas

Members Absent:

Senator, the Honourable Aldo Salazar
Senator, the Honourable Eamon Courtenay
Senator, the Honourable Paul Thompson
Senator, the Honourable Elena Smith

MR. PRESIDENT *in the Chair.*

PRAYERS *by Senator Rev. Ashley Rocke.*

OATH OF ALLEGIANCE OF NEW SENATORS

MR. PRESIDENT: Ms. Deputy Clerk, kindly administer the Oath of Allegiance to the new Senators.

SENATOR H. PANTON: I, Herbert Panton, 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 A. MAHLER: I, Anthony Mahler, 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.

MR. PRESIDENT: Congratulation Senator Mahler and Senator Panton. Welcome to our Sitting today.

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): A pleasant good morning, Mr. President and colleagues in this Senate. First of all, allow me also to congratulate Senator Mahler and Senator Panton, to be here today for today's Sitting.

Mr. President, I move that at its rising today, the Senate adjourn to a date to be fixed by the President.

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

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

PUBLIC BUSINESS

A. GOVERNMENT BUSINESS

I MOTIONS

1. **Appointment of Members of the Elections and Boundaries Commission Motion, 2018.**

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 88(1) of the Belize Constitution provides that there shall be an Elections and Boundaries Commission which shall consist of a Chairman and four other members who shall be persons of integrity and high national standing;

AND WHEREAS, subsection (2) of the said section 88 further provides that the Chairman and two other members of the Elections and Boundaries Commission shall be appointed by the Governor General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition, and the remaining two members shall be appointed by the Governor General, acting in accordance with the advice of the Prime Minister given with the concurrence of the Leader of the Opposition;

AND WHEREAS, in accordance with the above-cited provisions of the Belize Constitution, the Governor General intends to appoint the following persons as Members of the Elections and Boundaries Commission for a period of **five (5) years with effect from 1st May 2018:-**

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| 1. Mrs. Phillipa Griffith Bailey | Member |
| 2. Ms. Naima Barrow | Member |
| 3. Mr. Orlando Espat | Member} Nominated by Leader |
| 4. Ms. Magali Marin | Member} of the Opposition |

AND WHEREAS, section 61(A)(2)(c) and section 61(A)(3) of the Belize Constitution provide that a member of the Elections and Boundaries Commission can only be validly appointed with the prior approval of the Senate signified through a resolution supported by a simple majority of its members;

NOW, THEREFORE, BE IT RESOLVED that this Honourable Senate, being satisfied that the above-mentioned persons are persons of integrity and high national standing, approves their appointment as Members of the Elections and Boundaries Commission for a period of five (5) years with effect from 1st May 2018, in accordance with the aforesaid provisions of the Belize Constitution.

Mr. President, I know that one of our colleagues had asked for the CVs which are provided, however, I need to simply point out that in the case of Mrs. Phillipa Bailey, she has been a long serving Member. There was a Motion that, she was before this time, but I have a Motion that appointed her in 2008, and again, on the 7th May 2013. And also, Ms. Naima Barrow was appointed also in May of 2013, and Mr. Orlando Espat representing the Leader of the Opposition was also appointed back in 2008 and also in 2013, so these are reappointments. The new person on this is Ms. Magali Marin. Thank you.

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

2. Appointment of Ms. Deshawn Arzu Torres as Chairperson of the Integrity Commission Motion, 2018.

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(1) of the Prevention of Corruption Act, Chapter 105 of the Substantive Laws of Belize, Revised Edition 2011 (hereinafter called “the Act”) provides for the establishment of a body to be known as the Integrity Commission which shall consist of a Chairperson, who shall be an attorney-at-law with not less than five years’ standing, and six other members who shall be persons of integrity and high national standing;

AND WHEREAS, section 3(2) of the Act provides that two members of the Integrity Commission shall be appointed by the Governor General, acting in accordance with the advice of the Prime Minister given with the concurrence of the Leader of the Opposition, and the other members of the Integrity Commission including the Chairperson, shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after consultation with the Leader of the Opposition;

AND WHEREAS, section 3(2) of the Act further provides that in the process of consultation with the Leader of the Opposition for the appointment of the Chairperson, the Prime Minister shall use his best endeavours to secure the agreement of the Leader of the Opposition;

AND WHEREAS, after consultation with the Leader of the Opposition, the Right Honourable Prime Minister intends to advise the Governor-General to appoint Ms. **DESHAWN ARZU TORRES**, Attorney-at-Law, as the Chairperson of the Integrity Commission;

AND WHEREAS, Ms. **DESHAWN ARZU TORRES**, is a person of integrity and high national standing and is duly qualified to be appointed as the Chairperson of the Integrity Commission;

AND WHEREAS, section 61A(2)(c), read with section 61A(3), of the Constitution of Belize provides, in effect, that an appointment of a member of the Integrity Commission can only be validly made with the prior approval of the Senate;

NOW, THEREFORE, BE IT RESOLVED that this Honourable Senate, having perused the curriculum vitae of Ms. **DESHAWN ARZU TORRES**, and being satisfied that she is a fit and proper person to be appointed as the Chairperson of the Integrity Commission, hereby approves her appointment as such, for a period of **two (2) years** with effect from 1st June 2018.

SENATOR O. SALAS: Good morning, Mr. President and Colleagues. I rise to share a few comments on this Motion. The Integrity Commission has been without a Chair for quite a while. It is a very important body and so I congratulate the government for moving to fill the post of Chairperson. Even though the Standing Orders are silent on this matter, Mr. President, I thought to request if, as a Senate, the Upper Chamber here, we would have the opportunity to interview Mrs. Deshawn Arzu Torres. The fact is, when I got my papers, a CV was included, I do not know Mrs. Arzu Torres, through her CV alone, I did not know much else about Mrs. Arzu Torres. And while I recognize that the Chairperson of that Commission is appointed by the Governor General on the advice of the Prime Minister after consultation with the Leader of the Opposition, I also recognize and must mention that if this Senate is not only meant to be a rubber stamp, we should have the opportunity to get to know the person that would fill that very important post.

With your permission I want to quote from some words that the previous Chairperson shared with the media when the Commission was appointed in January 2017, and I will refer to the quote in a while as to why I want to share it with my colleagues here and with the public. The previous Chairperson said when asked: "What will be your role as Chairperson of the Commission? What is the purpose of the Commission? How would you seek to carry out your functions?" She said, and I quote, "My policy and my practice has always been to do all that is necessary and that is order or prescribed under the Act, and so that is what we will do. I mean the Act allows us to look at the declarations that are submitted and look over them carefully and come to a determination where a certificate will then be issued to say everything is in compliance, and if not, we call the specific Member in and have discussions until such time that we feel the declarations are in order. The other thing is to deal with those Acts that have been defined by the Act as corruption. We can conduct an investigation and at that point we will decide after we have done an investigation which allows us to interview the person that the complaint is made against, to interview any witnesses that we feel might be necessary in terms of making a decision, with regard to the whole process, and then, if we feel that the matter needs to go further, then we submit it to the Office of the Director of Public Prosecutions." Very important functions.

When we had the debate on the budget a few months ago, I pointed out that over the previous fiscal year, over the previous year, the Integrity Commission received 76 declarations of which 28 were examined, 172 declaration request forms were sent out, this means that of the request forms that were sent out, only 44% actually complied and

submitted declarations. But of those that submitted, only 36% were examined, and I am not surprised, I am not surprised because the Commission is severely understaffed. The Commission has only an Administrative Secretary, and an Office Assistant, yet section 7(1) of the Act calls for, and I will list the positions, very important positions, an Executive Director, an Administrative Secretary which is in place, a Senior Accounts Clerk, an In-house Legal Advisor and a Special Forensic Investigator, that person would need to be a highly skilled and experienced to conduct investigation related to financial crimes. So, because these positions have not been filled, almost a year and a half since the Commission was appointed in January 2017, I am not surprised as to the under performance of the Commission.

Why do I share all of this? While the Standing Orders are silent on us as a Senate having the opportunity to question the person who will be appointed to fill the post, even much more important and critical in that the key staff for this Commission are not in place, I felt that we could have created precedent, because even though the request that I made for Ms. Deshawn Arzu Torres to be invited to talk to us is not provided for in the Standing Orders, likewise there is no expressed prohibition to invite her, and I felt we could have created precedent. From the moment that a 13th Senator was appointed, that really should have elevated the game, if I could call it that, since for the first-time non-government Senators have the numbers, I felt this should elevate the discourse, not that we don't have a much higher level of discourse here than in the lower chamber, I have said that and I will say that again. But if we are not to be a rubber stamp, we should have the opportunity to get to know the person. So, what did I do, because I take my job serious here, as I am sure we all do, or we should. I asked around, I called persons in the legal community who I felt would know her, because I want to know her, and what else did I do? I called Ms. Deshawn Arzu Torres myself. And I have to give her a lot of points for not only affording me the time to talk to her, but for being very courteous, I enjoyed our conversation, she is a very nice person. I didn't meet her in person, we spoke over the phone. And I asked her the questions that I would have asked her here. And the questions are these: In your own words, what are the main functions of the Integrity Commission, basic question. What would you say are the greatest challenges that the Integrity Commission is facing? What does the Commission need in order to perform its functions effectively? My last question was, how will your appointment balance that with your legal practice? These are the questions I would have asked her here, these are the questions I asked her yesterday when I spoke to her.

The appointment will go through, so that's, if I may say, water under the bridge. But, I would have thought, and as I said, a very nice person, and over all I got fair reviews. I emphasize fair reviews. The current Commissioners are highly respected folks, very experienced folks. So in my mind, the Chairperson of the Commission should be someone who would be able to lead, coordinate and guide, in particular because, and I will say it again, senior staff are not in place at the Commission, even more than that, do the actual work of the Commission. I realize as I spoke to her that the Chairperson needs to be more than just a nice person. The Chairperson needs to be firm, needs to be fair, and needs to ensure that everything that the previous Chairperson said needs to be done, gets done. I have nothing personal against Mrs. Deshawn Arzu Torres. I have actually said to her, and I will say it here, after the appointment is confirmed, I will love to meet with her and share some of my thoughts. I have mentioned in this Upper Chamber before, I had the opportunity to meet with the Integrity Commission Senior Staff of the Commission in Jamaica, and there is a lot there and the previous Chairperson was with us as well. There is a lot of good lessons learned that I think we could put to work here, and I will do that after the appointment has been confirmed. But I must say that I was a little disappointed, because if someone is appointed for a post, the least in my mind that the person should do, this is talking in general now, whichever other Commission, is to know the legislation, at least try to find out what are the staffing issues. I was not convinced, and to

her credit, the appointee didn't want to do, too much at this stage not knowing if her appointment would be confirmed. But there is some homework that you do and, as I said, the...

SENATOR H. PANTON: Point of order, Mr. President.

MR. PRESIDENT: Yes, Senator Panton, what's your point of order?

SENATOR H. PANTON: It is one thing to speak of a conversation you have with a non-member outside of this Chamber without having that Member here to say yes or no. But it's quite another thing to speak negatively of that person. Man, in all fairness, and this is the challenge we face, you know, Mr. President, we are speaking here in a vacuum, but my chance to speak will come. You cannot be speaking negatively of somebody outside of this Chamber without that person being here to defend himself, that's just plain uncouth.

MR. PRESIDENT: Thank you, Senator Panton. Senator Salas, please let's stick to the topic on hand and let's move on.

SENATOR O. SALAS: Yes, I have said enough about that, Mr. President, and I will just end with a recommendation, if I may call it that. I look forward to discussing this issue with my colleagues from this point forward, but I do feel, I strongly feel that an amendment of the Standing Orders should be considered, or a revision of the Standing Orders so that the Senate can be expressly authorized to question persons whose appointment the Senate is statutorily empowered to approve. The Standing Orders were prepared so many years ago, in the 1960's, I stand to be corrected, but that's what I understand. And there are new realities now, there are new challenges now, the role of the Senate has evolved, is evolving and just the composition of it has evolved. So, I will end by saying, Mr. President, and colleagues, look forward to a proposal from me, a request that we convene the Standing Orders Committee so that we could do a comprehensive review of the Standing Orders. Thank you very much.

SENATOR M. PEYREFITTE: Thank you, Mr. President. Well, Mr. President, Senator Salas then should have done exactly what was the last thing he said. If you have an issue with the Standing Orders, then propose a change. Why use this particular appointment to want to change it and summon someone to question them? Why wasn't there a desire to question the people from the Elections and Boundaries Commission for example, equally as important. But let me say this, Mr. President, it has been extremely difficult to find someone who is able and willing to be the Chair of the Integrity Commission. Do we not want a person to be appointed to the position? Do we want it or not? That's what we are saying. We found someone who, nobody can question her integrity, nobody can question her competence, and so we propose that person and we are here now to confirm that person. Now there is a process, Mr. President, the Governor General appoints this person based on the advice of the Prime Minister, which means the Prime Minister and his team do their homework, they do their investigation of this person. The advice of the Leader of the Opposition is sought, which means that the Leader of the Opposition is given an opportunity to do his homework with his team about the individual. That's the process, that's the vetting process in our system, that's what we have. A 13th Senator doesn't correct that process, there's nothing special about a 13th Senator. We are here today to affirm this appointment.

Now, Senator Salas, I can't understand why you want to interview the person here, maybe you watch too much television. What benefit would we get to bring a person here to grill them and ask them what questions that would be so different that you already asked the person privately? For what? This is not the US Senate where we bring people here and we grill them and there is action on television and there is back and forth, no. That process has been done by the Leader of the Opposition and the Prime Minister and their teams. You did the right thing, Senator Salas, you called the prospective person, you could have very well asked the person for a meeting in her office, or a meeting in your office. And as a Senator you had every right to question the person and say, look, I have to vote as to whether or not I want to affirm your appointment, so therefore I have some questions for you. You have done that already and you could have done even more before today. And my question is what difference would it have made if we had done it here, what difference would it have made? It would have made absolutely no difference. And if after your interview and your question and answer period with Mrs. Arzu, after that if you don't like the answers that you got, you can vote no. You don't have to vote yes to affirm her. You could vote no. If you are not satisfied with the reception that you got when you called her, then don't affirm her.

But what I am saying is, Mr. President, if there is a desire to change the Standing Orders, then make a Motion for that. Until then, what we have is what we have and there is no need to call anybody to what, to grill them, and to ask them what is their favorite colour. The rules are clear, attorney for at least 5 years, and its vetted by the Prime Minister and the Leader of the Opposition. That has been done man. Let's please affirm this person before she changes her mind and then we have to wait another long period of time before we are able to find somebody who is willing and able to do it. Thank you, Mr. President.

SENATOR V. WOODS: Thank you, Mr. President. Mr. President, I do want to recognize the statement that the Attorney General made that it has been difficult, I think, Senator Peyrefitte said to find somebody who is able and willing right, to Chair the Integrity Commission, and that, indeed is concerning. It is obvious that Ms. Deshawn Arzu Torres will be affirmed and I do wish her all the best in her efforts. My concern here which I would like to place on record is that the last time, I believe, it did take a significantly long time to find a Chairperson for this Commission. And while that person was in place, I am not aware, perhaps the Leader of Government Business could clarify, but I am not aware that we made any steps towards section 7(1) which was to fill those post that the law provides for and that I am sure Ms. Deshawn Arzu Torres will need along with her fellow Commissioners. So I put on record if certainly with the support of the Senate urging if some attempt can be made to get that going because while we may have difficulty in finding somebody that's willing and able, certainly if the secretariat itself was beefed up the way it should be as provided by law, the other Commissioners can continue. I am sure there is provision for a Deputy Chair, or Vice Chair, but these things don't act, or operate in a vacuum, the law needs to be followed and I think we are having difficulty with that, Mr. President.

And I also wanted to raise that the very same Integrity Commission compliments the very body that, I believe both Senator Peyrefitte and Senator Salas sits on which is this UNCAC Project Steering Committee. So it really is in the interest of us the Senate and everybody, the House of Representatives to make sure that we get this body finally going the way I think we all genuinely would like to see it go. Thank you.

SENATOR REV. A ROCKE: Mr. President and Colleagues, it's good to be here after a long time, good to see you all that you are still alive in the land of the living. In my deliberation talking with my colleagues, we never thought that it was important to meet the person. We thought that those people who had taken the liberty of investigating, finding out who the person was, their integrity status and so on, we thought that that was made easy for us. However, there was a question we had as it relates as well to the Standing Order. How is it that the Standing Orders improved or corrected? That is very important for us, we thought if we had something we wanted to include into the Standing Orders, how is that done? And I would hope that our Leader of Government Business would be able to help us to understand that. But we supported the person.

SENATOR M. LIZARRAGA: Mr. President, I rise to support the well-intended proposals submitted by Senator Salas. While the Standing Orders are silent, in fact, on that particular matter, Standing Order 84, gives you, Mr. President, the authority to regulate and conduct and to make decisions in reference to the very Standing Orders. I think we are going through a period of cry for change. I think Senator Salas is absolutely right that this Senate needs to do something about the perception that its nothing more than a rubber stamp. This very Prime Minister was the one that supported and promoted the concept of a 13th Senator to achieve things a little differently, for us to do things a little differently. The Leader of Government Business himself has championed for that, for a role, and the role of this Senate to evolve. In reference to the Standing Orders, this is a cry that we have made and I remind you, Mr. President, of your obligation under Standing Order 64, that you should appoint Members to the Committee, Sessional Select Committee's should be appointed by the President as soon as may be after the beginning of each session. I have reminded the Honourable Leader of Government Business and this Chamber on several occasions that we have yet to form these Committees.

SENATOR M. PEYREFITTE: On a point of order, Mr. President.

MR. PRESIDENT: Senator Peyrefitte, what's your point of order?

SENATOR M. PEYREFITTE: Is this a debate on the Standing Orders and the situation of the Standing Orders or are we debating whether or no Mrs. Deshawn Arzu Torres should be the Chair of the Integrity Commission? There is another time for that man, there is another time for that. We can go on, and on, and argue, and argue about what the Standing Orders should be and shouldn't be, this is not the time for that. Debate the issue, please.

MR. PRESIDENT: Thank you, Senator Peyrefitte. Senator Lizarraga, please continue with the debate on Mrs. Torres.

SENATOR M. LIZARRAGA: Mr. President, I think, the points under which you ruled and the context in which we are raising the Standing Orders is very relevant, it's at the heart of what Senator Salas was trying to achieve and propose, and it is a cry that we have made on several occasions. So, Mr. President, I will end with this, I think, once again, it is crucial for us to get the Committees of this Honourable Senate appointed, formed and put to work. Let us do our work, you are talking about doing your work, let us do our work. Let us form the Committees and let us form them now, Mr. President. Thank you.

SENATOR H. PANTON: Mr. President, Senator Salas said that he took the initiative, he called Mrs. Arzu Torres and they spoke over the phone. And he informed this Honourable Senate of what he would have liked to ask her if she would have been brought before us. And in the legal profession, Mr. President, the short response to him would be questions asked and answered. If he has already gotten all the answers to his questions, why bring them here? He speaks of a rubber stamp and not wanting the Senate to be a rubber stamp. As far as my reading of the Motion, a constitutional duty, a constitutional responsibility is the furthest thing from a rubber stamp. Whenever you carry out your constitutional duty, as a Senator, you are doing what you were placed here to do. It is unfortunate that you would see it as a rubber stamp.

And, Mr. President, if I may, let's compare and contrast what happens with regards to the appointment of Members of the Elections and Boundaries Commission. The Governor General appoints after the advice of the Prime Minister given after consultation with the Leader of the Opposition, 2. And then he appoints after concurrence with the Leader of the Opposition, 2. This is for the Elections and Boundaries.

Under section 3 (2), of the Prevention of Corruption Act, the Act provides that two Members shall be appointed by the Governor General acting in accordance with the advice of Prime Minister given with the concurrence of the Leader of the Opposition, and the other Members shall be appointed by the Governor General acting in accordance with the advice of the Prime Minister given after consultation. But section 3 (2) of that Act goes further, and that 3 (2) provides that in the process of consultation with the Leader of the Opposition for the appointment of the Chairperson, the Prime Minister shall use his best endeavors to secure the agreement of the Leader of the Opposition. So, there is an additional tier, there is an additional responsibility placed on the shoulders of the Prime Minister. It is Act into an agreement by both parties, and when a Motion like this comes to the Senate we have to be satisfied that the Prime Minister consulted with the Leader of the Opposition. So before the Honourable Senator called Ms. Arzu Torres, he ought properly to have called the Leader of the Opposition and ask of him what was the nature of the consultation between him and the Prime Minister? What was the nature of the concurrence between him and the Prime Minister. What was the nature of the best endeavors used in seeking his concurrence in the appointment of Mrs. Arzu Torres? That is our responsibility, we are no interview panel. We are constitutional office holders and we must carry out our constitutional mandate. It is our responsibility to make sure that those consultations took place and happened according to the process laid down in law. And, the mere fact that this Motion is before this House is proof positive, the Leader of the Opposition would be railing hell as this meeting is taking place if it were that things did not happen according to law. These are the responsibilities placed on this body. It is not any interview panel. And I would dare suggest, Mr. President, that there will be ample time to bring Mrs. Arzu Torres before this Senate. Whenever one year has passed and only 44% of what is submitted has been examined, she ought to be brought before here, or whatever time frame, there will be ample time. You don't need to get to know her now, you are putting the cart before the horse. There will be time to know her and time to question whether or not she is capable. But on the face of it, when you look at Mrs. Arzu Torres' CV, there can be no question. There can be absolutely no question of her qualification. And as far as precedent being created by a 13th Senator asking for an interview, with the greatest of respect, Mr. President, precedent is not created in a vacuum. It is created when live and pertinent issues are before those who are deliberating and no decision has been made on it previously. There are no live and pertinent issues before us. The Leader of the Opposition was consulted, the Prime Minister used his best efforts and as a consequence, today, this Motion is before us.

In closing, Mr. President, I know Mrs. Deshawn Arzu Torres personally. She is a Member of the profession, a very good one at that. And if you were to ask any Member of the Bar Association who has come in contact with her over the years, they would concur. I unreservedly place my support on the Table for this Motion. Thank you, Mr. President.

SENATOR A. MAHLER: Good morning everyone. Like my colleague, I don't have a problem with the appointment of Mrs. Arzu Torres, I think, from my research she is an excellent attorney. She has integrity, I know her, she is a personal friend of mine. What I do have a concern about is the lack of infrastructure at the Commission and the Secretariat. There are several positions that should have been filled that have not been filled. I think, in fact, the budget for the Commission falls under the National Assembly so it's not financed appropriately. And I don't know if Mrs. Arzu Torres will run into similar problems that I believe the Chairperson of the Elections and Boundaries Commission has encountered because it is a lot of work. She has her full-time practice, Elections and Boundaries Commission, she is for the Integrity Commission but the Elections and Boundaries Chairperson or Commission Chairperson has his business but he hasn't filed his report since 2010, I believe, and I don't know if she will run into the same problem. She may not have the resources, the infrastructure at her disposal to carry out her duties efficiently and effectively. So that's my concern here today.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Thank you, Mr. President. Just to correct a few things, Senator Panton is right, but I think the listening public and Senators needs to understand the genesis of this provision in the Constitution with respect to Integrity Commission, Ombudsman, Contractor General, etcetera. Sometime in 1998, after the General Election in which the People's United Party had swept the poles, I think it was 26 to 3, there was a judge by the name of Justice Sosa that had been appointed just previously. And after the General Elections, there was a challenge brought to the Supreme Court by one, if I remember well, James John Muhammed, that said that the judge was improperly appointed because the Leader of the Opposition had not been properly consulted and not concurrence, he had not been properly consulted. And, as a result, the judge was improperly appointed. That became a serious issue because it meant, and fortunately at the time perhaps you were legally docile because lots of persons that he had heard their cases could probably have brought a challenge saying, look, I was improperly heard by a judge that was not properly appointed. So in 2002, when the Political Reform Commission was constituted and I sat on it, as a Member, together with Senator Courtenay, I raised the issue that perhaps the Senate could be the intermediary to ensure that this process of the Prime Minister recommending and getting support from the Leader of the Opposition before going to the Governor General, would be properly done and therefore there could be no question of the appointment. And therefore, the Constitution was amended to insert the Senate in between that process because on the opposite side from me sits Representative of the Leader of the Opposition who would obviously know whether, in fact, the Leader of the Opposition was satisfied and there could be no challenge thereafter once the Governor General approved.

The second point is, the search for a person and the interviews, etcetera, is done by the Head of the Executive, well, by the Prime Minister, the Governor General is the Head, whose office carries out this, supported then by the Leader of the Opposition whose office carries that out. It would be an insult if this Senate were to usurp its role and say to the Honourable Prime Minister and the Honourable Leader of the Opposition, you have chosen a person to ask the Governor General to appoint, but we want to make sure that that's a proper and fit person and therefore we want to interview that person. That would be usurping our role as Senators and an insult to the Office of both the Prime Minister and the Leader of the Opposition. Our role is clearly to see that that process has been carried out properly and I am sure, as Senator Panton said, had it not been Senator Valerie Woods and Senator Mahler would have been jumping up and down and saying, "Oh no, our Leader was not consulted and as a consequence we cannot move forward. That is the role of us. It is open to any Senator to speak to the persons so appointed. And, as Senator Peyrefitte, the Attorney General said, you could also vote no.

On the issue of section 7(1), yes, Senator Woods and yes, Senator Mahler, I will. And Senator Lizarraga, I will undertake to see what happens there because the Commission does need it secretarial support to be able to achieve its aims and get it done properly. It doesn't reside in them to be able to do this, this is not the job they have, it is the job of the Secretariat and then the Secretariat advises them, that is their role. And so, Senator Salas, it is not really a job interview, the job will really be the Executive Director, not the Chair. And so, to clarify that then, there are also other processes in law and in the Constitution which require the appointment of persons. For example, I myself have been appointed by the Governor General, but he never once called me to interview me to see if I am a proper and fit person to be the Minister of Agriculture, etcetera. There are other procedures again, where he himself is appointed by Her Majesty the Queen. So it is not always that the appointer interviews the person to be appointed to make sure. But this will come up again, and again, and again, so I wanted to clear the genesis of this, why we have the Senate in the midst because after Mrs. Deshawn Arzu Torres is appointed by the Governor General, no challenge can be brought against her appointment that it was improperly done because the Senate sat in the middle to make sure that the process was carried out properly. Thank you, Mr. President.

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

3. Resolution Authorizing the Acceptance by Belize of the Doha Amendment to the Kyoto Protocol Motion, 2018.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I move that - **WHEREAS**, the Doha Amendment to the Kyoto Protocol (hereafter "the Doha Agreement") was adopted on 8 December 2012;

AND WHEREAS, the objective of the Doha Amendment is to establish a second commitment period (2013-2020) and a set of emission reduction targets for most Annex I Parties in an amended Annex B;

AND WHEREAS, the Government of Belize is desirous of accepting to the Doha Amendment pursuant to Articles 20 (4) and 21 (7) of the Kyoto Protocol;

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

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

Mr. President, just a few quick words why we want to, as a nation, be supportive of the issues and things that affect human kind, emission, reduction and all the rest to preserve the environment. We are just but a teenie weenie itsy bitsy player, because as we do know, the giants, especially the now new giant to the north has decided that several of these things have gone the way of the arch, and are going the way of the dinosaur. I ask my colleagues to accept and support this amendment.

SENATOR V. WOODS: Just a question, Mr. President, again, perhaps Leader of Government Business could clarify. In the opening statements it says, "WHEREAS, the

Doha Amendment to the Kyoto Protocol (hereafter “the Doha Agreement”) was adopted on 8 December 2012;” I just want to make sure I understand that the amendment was adopted just about 6 years ago, and we are just now ratifying 6 years later, and if there is any reason why it has taken that long, notwithstanding all that you said about us being a small country and so forth. And just to take the opportunity to recognize so it’s not remiss of me that this comes, perhaps coincidentally, at a time when we really have something to champion regarding us coming off the list of World Heritage Site being in danger, and that certainly was done with bipartisan approach, another rare occasion that we have that here, but I found it rather coincidental that this comes right after such a momentous occasion. But I am curious as to understand why it took 6 years, if I read it correctly?

SENATOR M. LIZARRAGA: Mr. President, while we support all initiatives to move along this direction, what I, and my colleagues would like to ask is what tools do we have in place to measure our compliance, if any, and can we hear on that?

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Thank you, Mr. President. Two things, one, I don’t know why we took 6 years to bring the amendment. I notice that some of these things take quite a long time before we get them up, but we can find out from the Ministry of Foreign Affairs.

To answer Senator Lizarraga’s questions, tools in place, generally if you understand we have, and I thank the Honourable Senator for referring to the fact that our reef is once more re-established as a heritage, and that is a good move and it is something that we should all applaud. We as a country, I don’t think have to invest any significant amount of money to monitor compliance because the emitters of any oxides and Sulphur, etcetera, those factories and firms that would do that are subject, in this country to rigorous environmental analysis. There is an EIA done, there is an ECP that must be complied with, and to be honest Belize is quite rigorous with respect to those, so we do comply even in absence of having signed the Protocol. If you look at some of the requirements of BSI and several of the other projects that come online, they are taking quite a long time because the environmental compliance is strict. I move the question.

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

4. Resolution Authorizing the Ratification by Belize of the Cooperation Framework Agreement Between the Government of the Republic of Panama and the Government of Belize Motion, 2018.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, I move that - **WHEREAS**, the Cooperation Framework Agreement between the Government of the Republic of Panama and the Government of Belize (hereinafter referred to as “the Agreement”) was signed by the Government of Belize and the Government of the Republic of Panama (hereafter referred to as “the Parties”) on 6 April 2018, in Belize City, Belize;

AND WHEREAS, the objective of the Agreement is to promote and intensify bilateral cooperation between the Parties;

AND WHEREAS, the Government of Belize is desirous of ratifying the Agreement pursuant to Article 8 of the Agreement;

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

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

Mr. President, just a quick word. This is a framework agreement, it sets out areas of potential cooperation, it does nothing more than that. But those areas of potential cooperation are governed by clauses 1, 2, 3, 4, 5, which says, reaffirm their desire to create a framework for cooperation and continuous exchange between the 2 governments in areas of common interest. It doesn't mean that the areas that we cite under the article 2 sectors have been agreed. These then would be subject to, each area would be subject to an agreement which would be hashed out if we ever get to that. And what we mean by cooperation in health, what we mean by cooperation in political, social, economic, tourism, technical training, etcetera. This is just the framework that says both countries agree to cooperate, agree to work together in these general areas on a friendly basis. But nothing can happen, and, of course, until we sit down and hammer out these areas in great detail whether it happens or not. Thank you.

SENATOR A. MAHLER: I just have a basic question. I think we tend to sign on to these cooperation agreements without having a clear understanding of what the material impacts that that agreement have on Belize. So I know there is a list here, what are we going to get from health? What are we going to get from the political agreement, social? I would just like to know what material impact would this agreement have on Belize?

SENATOR M. LIZARRAGA: Mr. President, I have some, we, those that I represent, would first seek some clarification and perhaps even modification, but certainly clarification and definitions. I tried to reach the Clerk, I tried to reach the Honourable Attorney General, and I tried to reach the Honourable Leader of the Government Business, this morning, to get some clarity on these things for them to elucidate. And I am going to go through some of our concerns. Let me start off though, first by saying, that Panama has shared great friendship with Belize over the years and we certainly thank them for that friendship. Panama was one of the first countries in the region that supported our move towards Independence and vocally so. And we have every right to formalize a cooperation framework agreement between 2 friendly governments.

My concern stems, Mr. President, and I had requested and I still request that perhaps a copy of the Agreement in Spanish be provided to us. And why do I say that, because there are several instances in the translation, I believe, and we believe, where errors perhaps have been made or grammatically the phrases just do not flow, they end short, and it could be one of these lost in translation moments. But its concerning because one would want to be able to read quite clearly and grasp and understand quite clearly, what it is that we seek to gain from these Agreements. In the preamble, if we read the preamble, I mean, it doesn't read right, recognizing the need to create conditions that allow the exchange of experiences and knowledge to mutual benefit. It sounds like a poor translation in many instances. You know, when we talk about ensure the prosperity and sustainable development of what, of whom? It falls short. But, Mr. President, what I would like to say is that we are happy to see that this Agreement confirms that both parties confirm their commitment to the principles of equality, sovereignty, independence of the states and noninterference in the internal affairs, that is crucial.

In article 1, this Agreement clearly states that the purpose of this Framework Agreement is to promote and intensify a bilateral cooperation on the basis of respect for the principles of equality, sovereignty, independence of states and to develop mutually beneficial programs and projects in accordance with our respectful laws.

And article 2, it goes on to say that the parties agree that the cooperation programs and projects to be developed and implemented under this Agreement will, not may, will cover the following sectors. And included in those sectors are health, social sectors, economic, trade and industry, tourism, and I think we can learn a lot from them from the

tourism sector, they have a wonderful retirement program going on in Panama that we could strengthen our own. Technical scientific, training and improvement of resources, humans, again, poor translation, I mean, natural resources, education, culture, sports, scientific and technical information exports, and any other sector agreed by mutual agreements between the parts. Again, I think they mean the parties, poor translation.

The section that we would like to be very clear and we seek more clarity is section 2 (b), which speaks to political, political is an adjective, right. And while, in a brief conversation this morning with my colleagues we agreed that that word political can have several definitions, and I would like to remind us of some of those definitions according to Google and Merriam Webster. It says, the art or science concerned with winning and holding control over a government, is this what we mean when we seek political? I am also saying, Honourable Attorney General, that you know, you know fully well that a word can have many different meanings. What I am saying, Mr. President, is that we need to be very careful when we sign these Agreements, because I did not know, I mean, I don't know if the political parties have agreed that they are going to learn from Panama and that we add this political sector. What is it that we are going to learn from them? I don't have any problems with the other sectors. I am hoping that this was, again, lost in translation and political in this sense means policing, *la politica de una empresa*, means the policy of a particular industry or whatever. So, we are not clear, and I sought to get that clarity this morning and I was unable to get it and I sought to get a copy of the Agreement this morning and I was not able to get it. And while we would wholeheartedly support this Agreement with Panama, we want to be absolutely sure of what it is that we are seeking mutual beneficial programs, or mutual beneficial projects in the following sectors, right. What it is that is going to be mutually beneficial in the political sector of Panama and Belize. Thank you, Mr. President, I hope we can get those clarifications.

SENATOR H. PANTON: Mr. President, it would seem to me that my learned colleague, Senator Lizarraga, has a better grasp of the Spanish language than he does of the English. In that regard, I would like to draw his attention to article 9, denunciation. So it doesn't matter what 1 to 8 says, article 9, each party may denounce this Framework Agreement. Such denunciation shall take effect within 90 days after its notification to the other party. Story done (*kilich kalach*). This is just step one, there has to be agreement on every single thing listed in article 2, and even where there are 3, and 4, and 5, and 6 agreements in place, article 9 brings everything to an end. Oblige, Mr. President.

SENATOR M. PEYREFITTE: I agree with Senator Lizarraga, words do matter. He said he tried to contact me and he couldn't. He called me at 9:30 this morning, half hour before the meeting started. He hasn't been tracking me down for days to get information, 9:30 this morning. I just want that to be clear, because I have said in the past that if people have any questions or want to know anything they can call me at my office and I will provide the information. I didn't know that any Senator in here wanted a Spanish translation of this version that we have here. The national language is English and that is why if you look at article 9, again, it says that this is done in Belize City on the 6th April 2018, in 2 copies, in English and Spanish languages, both text being equally authentic. It's been authenticated. This is the translation that's been authenticated by the Belizean and Panamanian Governments. This is the translation. So the Spanish translation won't help you, and it's been signed. What will we do, unsign it? Panama, and, well they do say, you know, Mr. President, that even a clock that's not working is correct twice a day.

Senator Lizarraga is correct in that Panama is one of the first countries in the world, certainly in this region, who supported Belize's Independence and has always been a staunch ally of Belize in its fight with Guatemala. So right away, Senator Mahler, when I heard you wonder what we could benefit from this, we have benefitted so much from Panama, their support, their allegiance to Belize, so, I was going to say if you are going to question any treaty that we may have with Panama, please be careful, Sir. The Right Honourable George Price would turn in his grave if he were to ever hear one of his

Senators, question any treaty that the Government of Belize would have with the good people of Panama.

And let me repeat, again, Mr. President, you are asking for a definition of what it means to be political, that is exactly what would be defined further as we go along. It could mean parliamentary cooperation. We already have parliamentary cooperation with Central America, as you know, Mr. President, with FOPPREL, with SICA, with different things. All we are saying is that we want a special relationship with a special friend. That's all this is saying. And then, each of these things would be fleshed out as we go along to know exactly what the agreement will be. And to repeat Senator Panton's position, if we don't like any definition that they may want to put to us for any of these things, we can come out of the agreement. We are not stuck for life. We have 90 days and we are over. So this is just something that we would set forward, a framework for work to be done, Sir. Thanks, Mr. President.

MR. PRESIDENT: Don't forget ParlAmericas, Senator Peyrefitte.

SENATOR M. PEYREFITTE: Yes, yes, yes, my apologies, 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 think my colleagues have cleared it up. Political, of course, which bothered the Honourable Senator, as the Attorney General has said, we have a lot of these Agreements at the political level. In fact, in the next two weeks, we take over the Presidency of CAC, and then we go to SICA, where Belize, at the political level does that. It doesn't do it at the administrative level only, it has to do it at the political level first. The Ministry of Agriculture, and they have secretaries of agriculture will cooperate and I will take over the Chairmanship of that, that lasts for 6 months and then it rotates, it goes to Guatemala and on, and on.

But to make the point very clear, that is why there is a Joint Committee. The Committee sits down and hash out all these different areas, these thematic areas they will hash out and there will be agreement, and if there is no agreement, fine. As everybody has said so far, we can withdraw. So Senators are asked, because again, and let me just repeat the history, one of the reasons why that was put in the Constitution that the Senate must approve these treaties was very simple. Back then when we were debating this heatedly, and as I said, I served on that Political Reform Commission, never missed a meeting. The argument I had put forward at the time, which has served us well so far, is that the pressures that would be brought to bear by the United States or any major country trying to get Belize to sign an agreement and bringing that pressure on one simple Minister would be fine. But to insulate him, he could say, look, that is fine, but we have to get that ratified by a Senate, and I don't know if we can get that. So that insulates him, the same way the United States Senate had to approve a saulteau and didn't, and that was the principle behind it. So if you bring these to the Senate, it gives the Honourable Minister a way out from the kind of pressure that would be brought on him and the kind of influence that would be brought on him to force him to do things at the Executive level without the ratification at the National Assembly and Legislative level. That is the reason, but we do not get into the details of these agreements because that is not our responsibility. We are asked today, do we agree with a Framework Agreement between Panama, a friendly country and a supporter of Belize, and Belize and our answer should really be yes. The Executive Branch of Government now will sit down and hammer out all these nitty gritty details if they ever get to it. We may wind up with one of this, two of this, or none of this for all we know; and within 90 days, if we don't like it, well we could say goodbye to that. Thank you, Mr. President.

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

II COMMITTEE OF THE WHOLE SENATE ON MOTIONS

MR. PRESIDENT: Honourable Members, in accordance with Standing Order 68A the Senate will now resolve itself into the Constitution and Foreign Affairs Committee to consider the Motions referred to it.

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

Members in the gallery, can you please excuse us, we will be in Committee. We will call you guys when we are done.

(In the Constitution and Foreign Affairs Committee)

MR. PRESIDENT in the Chair.

1. **Appointment of Members of the Elections and Boundaries Commission Motion, 2018.**

Motion in its entirety agreed to.

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

2. **Appointment of Ms. Deshawn Arzu Torres as Chairperson of the Integrity Commission Motion, 2018.**

Motion in its entirety agreed to.

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

3. **Resolution Authorizing the Acceptance by Belize of the Doha Amendment to the Kyoto Protocol Motion, 2018.**

Motion in its entirety agreed to.

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

4. **Resolution Authorizing the Ratification by Belize of the Cooperation Framework Agreement Between the Government of the Republic of Panama and the Government of Belize Motion, 2018.**

Motion in its entirety agreed to.

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

THE SENATE RESUMES

PUBLIC BUSINESS

A. GOVERNMENT BUSINESS

III MOTIONS

(Adoption of Motions)

1. Appointment of Members of the Elections and Boundaries Commission Motion, 2018.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, the Constitution and Foreign Affairs Committee has met and considered the Appointment of Members of the Elections and Boundaries Commission Motion, 2018, and has agreed that it be returned back to this 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 Senate, being satisfied that the above-mentioned persons are persons of integrity and high national standing, approves their appointment as Members of the Elections and Boundaries Commission for a period of five (5) years with effect from 1st May 2018, in accordance with the aforesaid provisions of the Belize Constitution.

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

2. Appointment of Ms. Deshawn Arzu Torres as Chairperson of the Integrity Commission Motion, 2018.

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, the Constitution and Foreign Affairs Committee has met and considered the Appointment of Ms. Deshawn Arzu Torres as Chairperson of the Integrity Commission Motion, 2018, 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 Senate, having perused the curriculum vitae of Ms. **DESHAWN ARZU TORRES**, and being satisfied that she is a fit and proper person to be appointed as the Chairperson of the Integrity Commission, hereby approve her appointment as such, for a period of **two (2) years** with effect from 1st June 2018.

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

3. **Resolution Authorizing the Acceptance by Belize of the Doha Amendment to the Kyoto Protocol Motion, 2018.**

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, the Constitution and Foreign Affairs Committee has met and considered the Resolution Authorizing the Acceptance by Belize of the Doha Amendment to the Kyoto Protocol Motion, 2018, 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 the Senate authorizes the Government of Belize to accept the Doha Amendment.

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

4. **Resolution Authorizing the Ratification by Belize of the Cooperation Framework Agreement Between the Government of the Republic of Panama and the Government of Belize Motion, 2018.**

SENATOR G. HULSE (Leader of Government Business and Minister Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration): Mr. President, the Constitution and Foreign Affairs Committee has met and considered the Resolution Authorizing the Ratification by Belize of the Cooperation Framework Agreement Between the Government of the Republic of Panama and the Government of Belize Motion, 2018, 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 the Senate authorizes the Government of Belize to ratify the Agreement between the Parties.

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

ADJOURNMENT

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

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

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

The Senate now stand adjourn.

The Senate adjourned at 11:27 a.m. to a date to be fixed by the President.

PRESIDENT.
