

Motion for the appointment of a Special Select Committee to investigate all documents, communications and processes tied to the signing of the document titled “Definitive Agreement by and between the Government of Belize and Portico Enterprises Limited (DBA) the Port of Magical Belize”, dated October 1, 2020, and to investigate all documents, communications, and processes that resulted in the document titled “Definitive Agreement by and between the Government of Belize and Portico Enterprises Limited (DBA) the Port of Magical Belize”, dated October 1, 2020, being presented to Cabinet (accompanied by draft legislation) as attachments to Cabinet Confidential Memo No. 84 of 2023, dated May 15, 2023.

WHEREAS, paragraph (d) of section 61A (2) of the Constitution of Belize, provides that among the powers and functions of the Senate is the instituting and conducting of enquiries and investigations on any matter of public interest or importance; at paragraph (g) thereof, requiring the attendance before it of any Chief Executive Officer in a Government Ministry in respect of any matter of which he has knowledge by virtue of his office, or in respect of anything related to his office and the due execution of his duties; and at paragraph (h) thereof, requiring the attendance before any Committee of the Senate, of any Minister of Government;

AND WHEREAS, the public has become aware of a signed document titled “Definitive Agreement by and between the Government of Belize and Portico Enterprises Limited (DBA) the Port of Magical Belize”, dated October 1, 2020, and given that that document has been subsequently presented to Cabinet along with draft legislation as attachments to Cabinet Confidential Memo No. 84 of 2023, with certain recommendations from the Ministry of Finance, Economic Development and Investment in consultation with the Ministry of Tourism and Diaspora Relations, and within the context of questions regarding the legality of the contents of that document;

AND WHEREAS, the Government has committed to “fight corruption” and “work to restore confidence in government” and tabled same in a good governance Motion in January 2021, to signal “serious about meaningful reform, and open and accountable governance” to all Belizeans;

AND WHEREAS, the Government acknowledges, and heeds the call of citizenry including several of the Social Partners represented in the Senate through the Belize Chamber of Commerce and Industry (BCCI), and the Belize Business Bureau (BBB), the National Trade Union Congress of Belize (NTUCB), the Belize Council of Churches (BCC) and the Evangelical Association of Churches (EAC), and the Non-Governmental Organizations (NGOs) in recognition that the chronology, communications, and legality tied to and related to this agreement are matters of public importance and that, in the interest of ensuring good governance and compliance with organizational best practice and statutory requirements, it is desirable that the Senate exercises its powers and functions under the Constitution of Belize to conduct an inquiry into and investigate this Agreement;

AND WHEREAS, Standing Order No. 69 of the Senate Standing Orders (which are further herein referred to) provides for the appointment of a Special Select Committee other than a Standing Committee, by order of the Senate which shall specify the terms of reference of the Committee, including its composition;

AND WHEREAS, Standing Order No. 70 provides, among other things, that every Select Committee shall be so constituted, as to ensure as far as possible, that the balance of the parties in the Senate is reflected in the Committee;

AND WHEREAS, Standing Order No. 72, provides authority to enable the Special Select Committee to summon witnesses to a sitting thereof;

NOW, THEREFORE, BE IT RESOLVED that the Senate shall approve the appointment, pursuant to Standing Order No. 69, of a Special Select Committee of the Senate (hereinafter referred to as “the Committee”) with the following terms of reference and composition:

1. TERMS OF REFERENCE:

- A. To conduct an independent and impartial investigation and inquiry -
- into the signing of the document titled “Definitive Agreement, by and between the Government of Belize and Portico Enterprises Limited (DBA) the Port of Magical Belize”, dated October 1, 2020, and to determine which, if any, established procedures and/or investment policy were followed;
 - to determine what advice, policy or basis the Ministry of Finance, Economic Development, and Investment, in consultation with the Ministry of Tourism and Diaspora Relations, relied upon to prepare “Cabinet Confidential Memo 84 of 2023”; recommendations; and draft legislation; and subsequently submitted for Cabinet’s consideration and approval;
 - into all communications and documentations tied to the document titled “Definitive Agreement, by and between the Government of Belize and Portico Enterprises Limited (DBA) the Port of Magical Belize”, dated October 1, 2020; and
 - into all communications and documentations tied to the document titled “Definitive Agreement, by and between the Government of Belize and Portico Enterprises Limited (DBA) the Port of Magical Belize”, dated October 1, 2020, being presented to Cabinet (along with related draft legislation) as attachments to Cabinet Confidential Memo No. 84 of 2023) in May 15, 2023, with certain recommendations from the Ministry of Tourism and Diaspora Relations;
- B. To require the production of such communications and documentations,

papers and records as the Committee shall deem relevant to the enquiry and to examine pertinent documentation;

- C. To determine whether, consequent on the investigation and inquiry, statutory and other procedures were complied with;
- D. To require the attendance before the Committee of former Ministers of Government, current Ministers of Government, signatories of the agreement and/or those who may have information, by virtue of his office, which may be relevant to the inquiry, pursuant to section 61A(2)(g) of the Constitution of Belize;
- E. To require the attendance before the Committee of those heads of departments, regulatory committees and/or those who may have information, by virtue of his office or responsible for and involved with the issuance of environmental compliance, clearance permits, et al. and/or any other official of Government who may have information which may be relevant to the inquiry, pursuant to section 61A(2)(h) of the Constitution of Belize;
- F. To require the attendance before the Committee of all such current and former public officers in the Ministry responsible for Ministries of Investment and Trade, Economic Development, Finance, Tourism, etc. as well as those responsible for ports, environment, etc., pursuant to Standing Order No. 72 of the Senate Standing Orders, as well as to produce all relevant communication, papers and records of the Ministry, departments, et al, as may be necessary to conduct its enquiry and investigation;
- G. To examine all such persons required to attend before the Committee as witnesses, pursuant to Standing Order No.72 of the Senate Standing Orders;
- H. To hold and conduct its sittings and meetings in public and broadcast live, except for sittings which are held only for the purpose of deliberation of the matters which are the subject of the Committee, which sittings shall be held in private;
- I. That the Committee shall hold its hearings with due urgency and expedition, in accordance with Standing Order No. 75 of the Senate Standing Orders, make a report to this Honourable Senate as soon as may be practicable of the result of its inquiries, with all such comments and recommendations as the Committee may deem fit, furnishing this Honourable Senate with a full statement of its proceedings and of the reasons leading to its conclusions and recommendations;
- J. That the report shall be tabled in this Honourable Senate and become a public document;

- K. All Committee members shall be allowed sufficient time and equal opportunity to question witnesses, and shall be permitted to question each witness who attends a sitting;
- L. Each witness shall be afforded the opportunity, pursuant to Standing Order No. 72(13) of the Senate Standing Orders, to review his/her evidence and the findings of the report, and shall have opportunity to suggest corrections due to inaccurate reporting within 14 days of the date from which the report was sent to the witness by the Clerk;
- M. The Committee shall be permitted to hire attorneys, accountants and such other experts as required by the Committee; and
- N. The Office of the Senate shall be the office of the Secretariat of the Committee;

2. COMPOSITION OF SPECIAL SELECT COMMITTEE:

- A. That the Committee be appointed consisting of seven Senators, as follows -
 - 1. two from those appointed on the advice of the Prime Minister;
 - 2. one from those appointed on the advice of the Leader of the Opposition;
 - 3. the one appointed on the advice of the Belize Council of Churches and the Evangelical Association of Churches;
 - 4. the one appointed on the advice of the Belize Chamber of Commerce and Industry and the Belize Business Bureau;
 - 5. the one appointed on the advice of the National Trade Union Congress and the Civil Society Steering Committee; and
 - 6. the one appointed on the advice of the Non-Governmental Organisations;
- B. The Senators who are members of the Committee shall, at the first meeting of the Committee, elect a Chairman of the Committee; and
- C. The Quorum of the Committee shall be four.