

BELIZE

No.28/1/14

SENATE

Monday, 10th July 2023

9:00 A.M.

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ORDERS OF THE DAY

- 1. Prayers.**
- 2. Oath of Allegiance of a new Senator.**
- 3. Announcement by the President.**
- 4. Bills brought from the House of Representatives.**
 1. *International Banking (Amendment) (No. 2) Bill, 2023;*
 2. *Domestic Banks and Financial Institutions (Amendment) (No. 2) Bill, 2023;*
 3. *Limited Liability Partnership (Amendment) Bill, 2023;*
 4. *Trusts (Amendment) Bill, 2023; and*
 5. *Criminal Code (Amendment) Bill, 2023.*

(Leader of Government Business and Minister of Foreign Affairs, Foreign Trade, and Immigration)

- 13. Motions relating to the Business or Sitzings of the Senate.**
- 14. Public Business.**

A. GOVERNMENT BUSINESS

I MOTION *(For Text of Motion see Notice Paper attached)*

1. Inter-American Development Bank - Skills for the Future Program – (US\$15 Million) Loan Motion, 2023.

(Leader of Government Business and Minister of Foreign Affairs, Foreign Trade and Immigration)

II BILLS FOR SECOND READING

III COMMITTEE OF THE WHOLE SENATE ON BILLS

IV BILLS FOR THIRD READING

B. PRIVATE MEMBER'S BUSINESS

**I MOTION (*For Text of Motion see Notice
Paper attached*)**

1. 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 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 2020, being presented to Cabinet (accompanied by draft legislation and Cabinet White Paper) in May, 2023.

(Senator Janelle Chanona)

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NOTICES OF QUESTIONS AND MOTIONS

MOTION

1. Inter-American Development Bank - Skills for the Future Program – (US\$15 Million) Loan Motion, 2023.

WHEREAS, Belize, as a member of the Inter-American Development Bank (the “Bank”), is eligible for development assistance in the form of loans, grants, and technical assistance from the Bank on such terms and conditions as may be agreed between Belize and the Bank from time to time;

AND WHEREAS, the Government of Belize has approached the Bank for financial assistance to execute a “Skills for the Future” Program that will contribute to the closing of the skills gap to prepare tomorrow’s workforce for the Fourth Industrial Revolution (“4iR”), (hereinafter called “the Program”);

AND WHEREAS, the Program will consist of three components whose activities will (i) increase access to instruction that accelerates learning in foundational skills; (ii) increase access to instruction that promotes learning in 4iR skills; and (iii) increase access to gender-specific education services to promote inclusive education;

AND WHEREAS, the proposed program will be financed through an IDB direct investment loan in the sum of US\$15,000,000.00, and a non- reimbursable investment financing of US\$5.0 million, financed from the resources of the Global Partnership for Education Fund;

AND WHEREAS, it is intended that the execution of the Program shall be carried out, on behalf of the Government, by the Ministry of Education, Culture, Science and Technology (MoECST), acting as Executing Agency;

AND WHEREAS, the Bank has offered financing of up to US\$15,000,000.00 from its Ordinary Capital Resources for the said purpose under the following terms and conditions:

Lender:	The Inter-American Development Bank;
Loan Principal Amount:	US\$15,000,000.00;
Disbursement Schedule:	Over a period of four (4) years from the date of signature of the Loan Contract;
Loan Term:	Twenty-five (25) Years inclusive of sixty-six (66) months Grace Period on Principal Repayments;
Repayment Period:	To be repaid in 39 approximately equal, semi-annual, and consecutive installments of about US\$384,615.38;

Purpose:	To execute a Program that will provide 4iR and STEAM skills to secondary and TVET students, which is expected to increase student engagement in school and secondary education graduates accessing 4iR and STEAM jobs with better salaries;
Rate of Interest:	Interest will be charged on the daily outstanding balance of the loan, as per the SOFR-Based Interest Rate, plus the applicable lending spread for the Bank's ordinary capital loans;
Credit Fee:	A Credit Fee will be charged on the undisbursed loan balance at a percentage to be established by the Bank on a periodic basis, not exceeding 0.75% per annum;

AND WHEREAS, under the provisions of section 7 (2) of the Finance and Audit (Reform) Act, 2005, the Government of Belize is required to obtain the prior authorisation of the National Assembly, by way of a Resolution, for such a borrowing;

NOW, THEREFORE, BE IT RESOLVED that this Honourable House, being satisfied that the Loan proceeds would significantly assist the Government of Belize in its efforts to expand the pedagogical model of the Belize City STEAM Laboratory school to more education institutions and to respond to the gaps in learning that widened during the pandemic, approves and confirms that the Government may enter into a Loan Contract with the Inter-American Development Bank on the terms and conditions set out above, and further authorizes the Minister of Finance to execute and deliver the said Loan Contract and all other documents associated therewith.

(Leader of Government Business and Minister of Foreign Affairs, Foreign Trade and Immigration)

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NOTICES OF QUESTIONS AND MOTIONS

(PRIVATE MEMBER'S BUSINESS)

MOTION

1. **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 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 2020, being presented to Cabinet (accompanied by draft legislation and Cabinet White Paper) in May 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 2020, and given that that document has been subsequently presented to Cabinet along with draft legislation and a Cabinet White Paper in May 2023, on the recommendation of the Ministry of Finance and the Ministry of Tourism, and within the context of questions regarding the legality of the contexts 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 2020, and to determine which, if any, established procedures and/or investment policy were followed;
 - to determine what advice, policy or basis the Cabinet relied upon to establish the validity 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 2020;
 - 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 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 2020, being presented to Cabinet (along with related draft legislation and a Cabinet White Paper) in May 2023, on the stated recommendation of the Ministry of Finance and the Ministry of Tourism;
- 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 six Senators, as follows -
 1. one 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.

(Senator Janelle Chanona)
