

BELIZE

No.24/1/13

SENATE

Wednesday, 3rd October 2018

9:30 A.M.

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ORDERS OF THE DAY

- 1. Prayers.**
- 2. Oath of Allegiance or Affirmation.**
- 3. Announcements by the President.**
- 4. Bills brought from the House of Representatives.**

1. General Revenue Supplementary Appropriation (2018/2019) Bill, 2018.
2. General Registry (Amendment) Bill, 2018.
3. Registration of Births and Deaths (Amendment) Bill, 2018.
4. Companies (Amendment) Bill, 2018.
5. Business Names (Amendment) Bill, 2018.
6. Patents (Amendment) Bill, 2018.
7. Crime Control and Criminal Justice (Amendment) (No.2) Bill, 2018.

(Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration)

6. Papers.

- 42/1/13 - Supplementary Appropriation Schedule for Fiscal Year 2018/2019.
- 43/1/13 - Coastal Zone Management Authority and Institute Audited Financial Statements for the Year Ended March 31, 2017.
- 44/1/13 - Development Finance Corporation 2017 Annual Report.
- 45/1/13 - The Fourteenth Annual Report of the Contractor General – April 01, 2012 to March 31, 2013.
- 46/1/13 - The Fifteenth Annual Report of the Contractor General – April 01, 2013 to March 31, 2014.
- 47/1/13 - The Sixteenth Annual Report of the Contractor General – April 01, 2014 to March 31, 2015.

- 48/1/13 - The Seventeenth Annual Report of the Contractor General – April 01, 2015 to March 31, 2016.
- 49/1/13 - The Eighteenth Annual Report of the Contractor General – April 01, 2016 to March 31, 2017.
- 50/1/13 - The Seventeenth Annual Report of the Ombudsman of Belize for the Year Ending 2017.
- 51/1/13 - Management Services Contract for the Belize Central Prison Between the Government of Belize and the Kolbe Foundation Limited 1st July, 2018 – 31st June, 2023.
- 52/1/13 - Harbours and Merchant Shipping (Certificate of Competency) Regulations, 2018.
- 53/1/13 - Social Security Board Annual Reports 2017 – Actuarial Review of the Social Security Scheme – 31 December 2017; and Audited Financial Statements for Years Ended - December 2017 and 2016

13. Motions relating to the Business or Sitzings of the Senate.

14. Public Business.

A. GOVERNMENT BUSINESS

I MOTIONS (F or Text of Motions see Notice Papers attached)

1. Resolution Authorizing the Ratification by Belize of the Framework Agreement on Friendship and Technical Cooperation between the Government of the Republic of Peru and the Government of Belize Motion, 2018.
2. Resolution Authorizing the Accession by Belize of the Geneva (1999) Act of The Hague Agreement Concerning the International Registration of Industrial Designs Motion, 2018.
3. Resolution Authorizing the Accession by Belize of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations Motion, 2018.
4. Resolution Authorizing the Accession by Belize of the WIPO Copyright Treaty Motion, 2018.
5. Resolution Authorizing the Accession by Belize of the WIPO Performances and Phonograms Treaty Motion, 2018.
6. Resolution Authorizing the Accession by Belize of the Marrakesh Treaty to Facilitate Access to the Published Works For Persons Who Are Blind, Visually Disabled, or Otherwise Print Disabled Motion, 2018.

7. Resolution Authorizing the Accession by Belize of the Beijing Treaty on Audiovisual Performances Motion, 2018.

8. International Fund for Agricultural Development US\$8,000,000 – Resilient Rural Belize (Be-Resilient) Project Loan Motion, 2018.

9. Conditional Settlement Agreement between NEWCO Limited and the Government of Belize Ratification Motion, 2018.

10. Caribbean Development Bank Third Water (South Ambergris Caye Water and Sewerage Expansion) Project – Belize Water Services Limited Loan Guarantee Motion, 2018.

(Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development and Immigration)

BILLS FOR SECOND READING

COMMITTEE OF THE WHOLE SENATE ON MOTIONS AND BILLS

BILLS FOR THIRD READING

BELIZE

No.24/1/13

SENATE

Wednesday, 3rd October 2018

9:30 A.M.

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NOTICES OF QUESTIONS AND MOTIONS

MOTIONS

1. **Resolution Authorizing the Ratification by Belize of the Framework Agreement on Friendship and Technical Cooperation between the Government of the Republic of Peru and the Government of Belize Motion, 2018.**

WHEREAS, the Framework Agreement on Friendship and Technical Cooperation Between the Government of the Republic of Peru and the Government Belize (hereafter called the “Contracting Parties”) was signed on 27 April 2018;

AND WHEREAS, the objective of the Framework Agreement is to strengthen the traditional ties of friendship, cooperation and respect existing between both countries;

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

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 Framework Agreement on Friendship and Technical Cooperation Between the Government of the Republic of Peru and the Government of Belize, a full text of which is hereto annexed.

2. **Resolution Authorizing the Accession by Belize of the Geneva (1999) Act of The Hague Agreement Concerning the International Registration of Industrial Designs Motion, 2018.**

WHEREAS, the Geneva (1999) Act of The Hague Agreement concerning the International Registration of Industrial Designs (hereafter “the Geneva (1999) Act”) was adopted on 2 July 1999;

AND WHEREAS, the objective of the Geneva (1999) Act is to modernize the Hague System that allows users to seek protection for their designs in various contracting parties signed to this treaty by means of a single application filed in the World Intellectual Property Organization;

AND WHEREAS, the Government of Belize is desirous of acceding to the Geneva (1999) Act which is an upgrade to the application of the treaty pursuant to section 26 of the Industrial Design Act, Chapter 254, Revised Edition 2011;

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 accession of any treaty by the Government of Belize;

NOW, THEREFORE, BE IT RESOLVED that the Senate authorizes the Government of Belize to accede to the Geneva (1999) Act, a full text of which is hereto annexed.

3. Resolution Authorizing the Accession by Belize of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations Motion, 2018.

WHEREAS, the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (hereafter “the Rome Convention”) was adopted on 26 October 1961;

AND WHEREAS, the objective of the Rome Convention is to secure the protection in performances for performers, in phonograms for producers of phonograms and in broadcasts for broadcasting organizations;

AND WHEREAS, the Government of Belize is desirous of acceding to the Rome Convention;

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 accession of any treaty by the Government of Belize;

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

4. Resolution Authorizing the Accession by Belize of the WIPO Copyright Treaty Motion, 2018.

WHEREAS, the WIPO Copyright Treaty (hereafter “the WCT”) was adopted on 20 December 1996;

AND WHEREAS, the objective of the WCT is to develop and maintain the protection of the rights of authors in their literary and artistic works within the digital environment;

AND WHEREAS, the Government of Belize is desirous of acceding to the WCT which is a special agreement within the meaning of Article 20 of the Berne Convention for the Protection of Literary and Artistic Works;

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 accession of any treaty by the Government of Belize;

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

5. Resolution Authorizing the Accession by Belize of the WIPO Performances and Phonograms Treaty Motion, 2018.

WHEREAS, the WIPO Performances and Phonograms Treaty (hereafter “the WPPT”) was adopted on 20 December 1996;

AND WHEREAS, the objective of the WPPT is to develop and maintain the protection of the rights of performers and producers of phonograms within the digital environment;

AND WHEREAS, the Government of Belize is desirous of acceding to the WPPT which aligns with the criteria for eligibility for protection provided under the Rome Convention as it concerns these beneficiaries;

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 accession of any treaty by the Government of Belize;

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

6. Resolution Authorizing the Accession by Belize of the Marrakesh Treaty to Facilitate Access to the Published Works For Persons Who Are Blind, Visually Disabled, or Otherwise Print Disabled Motion, 2018.

WHEREAS, the Marrakesh Treaty to Facilitate Access to the Published Works for persons who are blind, visually disabled or otherwise print disabled (hereafter “the Marrakesh Treaty”) was adopted on 27 June 2013;

AND WHEREAS, the objective of the Marrakesh Treaty is to introduce a standard set of limitations and exception to the Copyright Act in order to permit reproduction, distribution and making available of published works in formats designed to be accessible to the blind, visually disabled or otherwise print disabled and to permit exchange of these works across borders by organizations that serve those beneficiaries;

AND WHEREAS, the Government of Belize is desirous of acceding to the Marrakesh Treaty;

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 accession of any treaty by the Government of Belize;

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

7. Resolution Authorizing the Accession by Belize of the Beijing Treaty on Audiovisual Performances Motion, 2018.

WHEREAS, the Beijing Treaty on Audiovisual Performances (hereafter “the BTAP”) was adopted on 24 June 2012;

AND WHEREAS, the objective of the BTAP is to develop and maintain the protection of the intellectual property rights of performers in audiovisual performances;

AND WHEREAS, the Government of Belize is desirous of acceding to the BTAP which extends the protection to performers in respect of their performances fixed in audiovisual fixations not provided within the WIPO Performances and Phonograms Treaty;

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 accession of any treaty by the Government of Belize;

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

8. International Fund for Agricultural Development US\$8,000,000 – Resilient Rural Belize (Be-Resilient) Project Loan Motion, 2018.

WHEREAS, Belize, being a member of the International Fund for Agricultural Development (IFAD), is eligible for development assistance in the form of loans, grants, and technical assistance from IFAD on such terms and conditions as may be agreed between Belize and the International Fund for Agricultural Development from time to time;

AND WHEREAS, the Government of Belize has approached the International Fund for Agricultural Development for financial assistance in the execution of a Resilient Rural Belize Project;

AND WHEREAS, such project consists of Climate Resilient Value Chains Development (CRVC); this component shall introduce/strengthen smallholder participation in select value chains through the promotion of climate resilient production methods, product diversification, and related innovations; value chain development will be participatory, with the objectives of: (i) supporting high quality smallholders’ production for commercialization; and (ii) enhancing sustainable smallholder farmer access to markets; additionally, this component shall support self-consumption and healthy food choices through support for backyard gardens;

The project also consists of Climate Resilient Rural Infrastructure and Assets Development which will support climate resilient productivity and improved market access through rehabilitation and provision of new road, drainage, and irrigation infrastructure in priority areas; the overarching goal of this component is to support climate resilience infrastructure, enhancing smallholder farming business/rural enterprise opportunities, while serving the largest number possible of direct and indirect Programme beneficiaries;

AND WHEREAS, the International Fund for Agricultural Development has offered financing of up to US\$8,000,000 for the said purpose under the following terms and conditions:

Lender: International Fund for Agricultural Development;

Loan Principal Amount:	US\$8,000,000.00 Single Currency Facility Loan;
Disbursement Schedule:	Over a period of six (6) years from the date of signature of the Loan Contract;
Loan Term:	Eighteen (18) years inclusive of thirty-six (36) months Grace Period on Principal Repayments;
Grace Period:	Thirty-six (36) months beginning from the date of signature of the Loan Contract;
Repayment Period:	To be repaid in 30 approximately equal, semi-annual and consecutive installments of some US\$266,666.66, commencing thirty-six (36) months after signature of Loan Contract;
Purpose:	To minimize the impacts of climatic and economic events on smallholder farmers while supporting sustainable market access for their produce;
Rate of Interest:	A rate equal to the IFAD Reference Interest Rate which is reviewed semi-annually and the new rate takes effect January 1 and July 1 of each year;

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 to minimize the impacts of climatic and economic events on smallholder farmers while supporting sustainable market access for their produce, approves and confirms that the Government may borrow from the International Fund for Agricultural Development the sum of US\$8,000,000 on the terms and conditions set out above, and further authorises the Minister of Finance to execute and deliver the Loan Agreement and all other documents associated therewith.

9. Conditional Settlement Agreement between NEWCO Limited and the Government of Belize Ratification Motion, 2018.

WHEREAS, NEWCO, Belize and the Belize Airports Authority (BAA) entered into a concession agreement dated November 27, 2002, to develop and operate the Philip S.W. Goldson International Airport in Belize City, Belize (the “**Concession Agreement**”);

AND WHEREAS, Belize terminated the Concession Agreement on October 27, 2003;

AND WHEREAS, NEWCO commenced an UNCITRAL arbitration against Belize in 2005, pursuant to the terms of the Concession Agreement;

AND WHEREAS, the arbitration tribunal issued an arbitration award in favor of NEWCO, and against Belize, on June 23, 2008, in the face amount of US\$4,259,832.81, plus interest at 8%, compounded quarterly (the “**Award**”);

AND WHEREAS, the arbitration tribunal issued an arbitration award in favor of the BAA, and against NEWCO, on June 23, 2008, in the face amount of US\$9,998.00, plus interest at 8%, compounded quarterly (the **“BAA Award”**);

AND WHEREAS, the United States District Court for the District of Columbia has issued a final judgment recognizing and confirming the Award in the United States (the **“U.S. Confirmation Judgment”**), and the U.S. Confirmation Judgment has been affirmed on appeal by the U.S. Court of Appeals for the District of Columbia Circuit;

AND WHEREAS, in October 2008, Belize commenced proceedings against NEWCO in Belize to collect allegedly unpaid taxes in the amount of Belizean Dollar 5,477,805.00 (the **“Belizean Tax Case”**);

AND WHEREAS, in December 2008, Belize commenced proceedings in the Supreme Court of Belize to enjoin NEWCO from pursuing the U.S. Confirmation Judgment and certain other relief related to the Award (the **“Belizean Injunction Proceedings”**);

AND WHEREAS, Belize and NEWCO seek to settle their differences arising out of the Concession Agreement, including the Award, the BAA Award, the U.S. Confirmation Judgment, the Belizean Tax Case and the Belizean Injunction Proceedings;

AND WHEREAS, NEWCO and Belize entered into a Conditional Settlement Agreement on 31 August 2018, under certain terms and conditions;

AND WHEREAS, the key terms and conditions of the Conditional Settlement Agreement are as follows:

Settlement Amount:	Six Million United States Dollars (US\$6.0 million);
Payment:	In two equal installments of Three Million United States Dollars (US\$3.0 million) each;
Payment Dates:	First Installment Due on 30 October 2018, and Second Installment Due on 30 September 2019;
Releases:	Upon receipt by NEWCO of the two installments in full, each of the Parties agrees to release the other Party from any and all claims, liabilities, obligations, losses, actions or causes of action of any kind or nature whatsoever arising out of or relating to the Concession Agreement;
Stay and Dismissal of Pend Proceedings:	A. During the pendency of this Conditional Settlement Agreement: <ul style="list-style-type: none"> (i) NEWCO agrees to stay enforcement related activities of any kind against Belize relating to the Award or the U.S. Confirmation Judgment; and (ii) Belize agrees to stay the Belizean Tax Case and the Belizean Injunction Proceedings; <p>B. Within 30 days following receipt by NEWCO of the Second Installment:</p>

NEWCO and Belize shall take appropriate steps to dismiss with prejudice all legal proceedings commenced by them against the other;

AND WHEREAS, this Conditional Settlement Agreement shall only have full force and effect upon the ratification by the House of Representatives and the Senate;

AND WHEREAS, the Government of Belize is desirous of settling its differences with NEWCO;

NOW, THEREFORE, BE IT RESOLVED that this Honourable House, being satisfied that it is in the public interest to settle outstanding differences with NEWCO, and being further satisfied that the proposed terms and conditions are appropriate and acceptable in the circumstances, hereby authorizes the Minister of Finance or his designate to execute the Conditional Settlement Agreement between the Government of Belize and NEWCO Limited and approves the terms and conditions contained therein.

10. Caribbean Development Bank Third Water (South Ambergris Caye Water and Sewerage Expansion) Project – Belize Water Services Limited Loan Guarantee Motion, 2018.

WHEREAS, section 12(1) of the Loans (Caribbean Development Bank) Act, Chapter 74 of the Substantive Laws of Belize, Revised Edition 2011, provides, *inter alia*, that the Government may in such manner, and on such terms and subject to such conditions, as may be agreed by it and the Caribbean Development Bank (the “Bank”), guarantee the discharge by a company of the company’s obligations under any agreement for borrowing from the Bank;

AND WHEREAS, subsection (5) of the said section 12 provides that no guarantee above the sum of BZ\$5.0 million shall be given by the Government without the approval of the National Assembly;

AND WHEREAS, section 7(6) of the Finance and Audit (Reform) Act (No. 12 of 2005) provides that, before the Government offers any guarantee or some other form of security in support of any loan made directly to a private sector entity or statutory body by any public or private bank, financial institution or capital market in or outside Belize, the Government shall seek the approval of the National Assembly;

AND WHEREAS, the Bank has offered a Loan of **US\$8,517,000.00** to Belize Water Services Limited (“BWSL”), on the condition, among others, that the Loan shall be guaranteed by the Government of Belize;

AND WHEREAS, the main purpose of the Loan is to purchase the shares of Consolidated Water Belize Limited; expand the existing water treatment plant; retrofit the San Pedro water and sewage system; supply and install water distribution pipelines; water transmission mains; sewage collection pipelines; water service connections; and sewer connections; and supply and installation of 41kW photovoltaic generation system;

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

- (a) **US\$8,517,000.00 from the Bank’s Ordinary Capital Resources (OCR)** – to be repaid in forty (40) equal or approximately equal and consecutive quarterly installments on each Due Date, commencing on the first Due Date, two (2) years after the Loan Agreement date;
- (b) **Interest** at the rate of 4.5% per annum to be paid quarterly on the outstanding portion of the loan;

- (c) **Commitment Fee** at a rate of 1% per annum to be paid quarterly on the amount of the Loan withdrawn from time to time;

NOW, THEREFORE, BE IT RESOLVED that this Honourable House, being satisfied that the Loan would contribute to the social and economic development of Belize by improving the capacity of BWSL to supply water and sewerage to South Ambergris Caye, approves and confirms that the Government may enter into a Guarantee Agreement with the Bank on the terms and conditions set out above, and further authorizes the Minister of Finance to execute and deliver the said Guarantee Agreement and all other documents associated therewith.

(Leader of Government Business and Minister of Agriculture, Forestry, Fisheries, the Environment, Sustainable Development, and Immigration)

