

BELIZE:

GLOBAL FUND PRIVILEGES AND IMMUNITIES BILL, 2024

ARRANGEMENT OF CLAUSES

1. Short title.
2. Interpretation.
3. Privileges and Immunities.

SCHEDULE.

BELIZE:**BILL****for**

AN ACT to provide privileges and immunities to the Global Fund and to persons who are representatives constituting the organs of the Global Fund, officials acting in the interest of the Global Fund, members of the Global Fund Technical Review Panel, members of the Global Fund Technical Evaluation Reference Group, and Experts on missions in the interests of the Global Fund in the fight against AIDS, Tuberculosis and Malaria; and to provide for matters connected therewith or incidental thereto.

(Gazetted, 2024)

BE IT ENACTED, by and with the advice and consent of the House of Representatives and Senate of Belize and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the

GLOBAL FUND PRIVILEGES AND IMMUNITIES ACT, 2024.

Interpretation.

2. In this Act—

“Global Fund” means a multilateral financing institution established in 2002 for the purpose of attracting, managing, and disbursing financial resources globally as well as providing such resources to countries to support national and regional programs that prevent, treat and care for people with the diseases of HIV/AIDS, tuberculosis and malaria.

Privileges and Immunities. Schedule.

3. The Privileges and Immunities set out in the Schedule shall, to such extent as is specified, be accorded to—

- (a) the Global Fund;
- (b) representatives and other persons constituting the organs of the Global Fund;
- (c) officials acting in the interest of the Global Fund;

- (d) members of the Global Fund Technical Review Panel and members of the Global Fund Technical Evaluation Reference Group; and
- (e) experts on missions acting in the interests of the Global Fund.

SCHEDULE

GLOBAL FUND PRIVILEGES AND IMMUNITIES ACT

*Privileges and Immunities**[Section 3]*

PART I

Juridical Personality

1. The Global Fund shall be accorded juridical personality, and it shall have the capacity to—
 - (a) contract;
 - (b) acquire and dispose of immovable and movable property; and
 - (c) institute legal proceedings.

PART II

Property, Funds and Assets

1. The Global Fund and its property and assets, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except in so far as in a particular case it has expressly waived its immunity, with the understanding that no waiver of immunity shall extend to any measure of execution.
2. The property and assets of the Global Fund, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of interference, whether by executive, administrative, judicial or legislative action.
3. The archives of the Global Fund, and in general all documents belonging to it or held by it, shall be inviolable, wherever located.
4. Without being restricted by financial controls, regulations or moratoria of any kind—
 - (a) the Global Fund may hold funds, gold or currency of any kind and operate accounts in any currency; and

- (b) the Global Fund may freely transfer its funds, gold or currency from one country to another or within any country and convert any currency held by it into any other currency.

5. The Global Fund shall, in exercising its rights under Part II paragraph 4, pay due regard to any representations made by the Government of Belize in so far as it is considered that effect can be given to such representations without detriment to the interests of the Global Fund.

6. The Global Fund, its assets, income and other property shall be exempt from—

- (a) all direct taxes, but shall not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Global Fund for its official use, and such articles imported under such exemption shall not be sold in Belize unless authorised by the Government of Belize under such conditions as may be agreed; and
- (c) duties and prohibitions and restrictions on imports and exports in respect of its publications.

7. The Global Fund shall not claim exemption from excise duties and taxes on the sale of movable and immovable property which form part of the price to be paid, except where the Global Fund is making purchases for official use of property on which such duties and taxes have been charged or are chargeable and, the Government of Belize shall, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

8. Any goods, supplies, materials, equipment, property, services or funds introduced into, acquired, or used in Belize as part of, or in conjunction with, assistance provided under a Global Fund grant—

- (a) shall be exempt from any and all taxes, including value-added taxes or other similar charges;
- (b) shall be exempt from any and all tariffs, customs duties, investment or deposit requirements or similar charges, and from currency controls; and
- (c) may be exported or sold or transferred to another person or entity in Belize that is exempt from taxation and shall be exempt from any and all taxes, including value-added taxes

or other similar charges, tariffs and customs duties on such export, sale or transfer.

PART III

Representatives of States and Other Persons Constituting the Organs of the Global Fund

1. Representatives and other persons constituting the organs of the Global Fund at meetings convened by the Global Fund shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities—

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind;
- (c) inviolability for all papers and documents;
- (d) the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (e) exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations;
- (f) the same facilities and privileges in respect of currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions; and
- (g) the same immunities and facilities in respect of their personal baggage as are accorded to members of comparable rank of diplomatic missions.

2. Representatives and other persons constituting the organs of the Global Fund at meetings convened by the Global Fund shall enjoy complete freedom of speech and complete independence in the discharge of their duties, and the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that such persons are no longer engaged in the discharge of such duties.

3. Where the incidence of any form of taxation depends upon residence, any period during which the representatives and other persons constituting

the organs of the Global Fund are present in Belize for the discharge of their duties shall not be considered as a period of residence.

4. Privileges and immunities are accorded to the representatives of States and other persons constituting the organs of the Global Fund, not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Global Fund.

5. The Government of Belize in relation to its representatives, and the Global Fund Executive Director in the case of non-Belizean representatives, shall reserve the right and are under a duty to waive the immunity of a person in any case where, in the opinion of Government of Belize or the Executive Director, the immunity would impede the course of justice, and where it can be waived without prejudice to the purpose of which the immunity is accorded.

PART IV

Officials

1. The Global Fund shall from time to time make known to the Government of Belize, the names of the officials to whom the provisions of this Part apply and those persons to whom Part III and Part V apply.

2. Officials of the Global Fund shall—

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) be exempt from all forms of taxation in respect of the salaries and emoluments paid to them by the Global Fund;
- (c) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (d) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions;
- (e) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of

international crises as officials of comparable rank of diplomatic missions; and

- (f) have the right to import their furniture and effects free of duty at the time of first taking up their post in Belize.

3. Where it is necessary for Global Fund officials to travel for the exercise of their official functions, applications for visas made by the Global Fund shall be dealt with expeditiously.

4. The officials of the Global Fund shall be exempt from national service obligations, provided that, where the official is a Belizean national, such exemption shall be confined to officials of the Global Fund whose names have, by reason of their duties, been placed upon a list compiled by the Executive Director of the Global Fund and approved by the Government of Belize.

5. Where an official of the Global Fund is a Belizean national and is called for national service, the Government of Belize shall, at the request of the Global Fund, grant such temporary deferments as may be necessary to avoid interruption in the continuation of essential work.

6. Privileges and immunities are granted to officials in the interest of the Global Fund only and not for the personal benefit of the individuals themselves and as such, the Executive Director of the Global Fund shall have the right and the duty to waive the immunity of any official in any case where it is considered that the immunity would impede the course of justice and can be waived without prejudice to the interests of the Global Fund.

7. The Global Fund shall co-operate with the appropriate authorities to facilitate the proper administration of justice and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities mentioned in this Part.

PART V

Members of the Technical Review Panel, the Technical Evaluation Reference Group and Experts on Mission

1. The members of the Global Fund Technical Review Panel and Technical Evaluation Reference Group, and Global Fund Experts on missions, shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including during journeys made in connection with their service—

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;
- (b) in respect of words spoken or written or acts done by them in the performance of their official functions, immunity from legal process of every kind, and such immunity shall continue notwithstanding the persons concerned are no longer serving, or employed on missions for the Global Fund;
- (c) inviolability for all papers and documents;
- (d) for the purposes of their communications with the Global Fund, the right to use codes and to receive papers or correspondence by courier or in sealed bags; and
- (e) the same facilities in respect of currency and exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions.

2. Nothing in sub-paragraphs (c) and (d) of Part V paragraph 1 shall be construed to preclude the adoption of appropriate security precautions to be determined by agreement between the Government of Belize and the Global Fund.

3. Privileges and immunities are granted to the members of the Global Fund Technical Review Panel and Technical Evaluation Reference Group, and Experts on Mission in the interests of the Global Fund only and not for the personal benefit of the individuals themselves and as such, the Executive Director of the Global Fund shall have the right and duty to waive the immunity of any such person in any case where it is considered that the immunity would impede the course of justice and can be waived without prejudice to the interests of the Global Fund.

PART VI

Settlement of Disputes with Third Parties

1. The Global Fund shall make provision for appropriate modes of settlement of—

- (a) disputes arising out of contracts and other disputes of a private character to which the Global Fund is a party; and
- (b) disputes involving any person referred to in this Schedule who, by reason of his or her official position or function in

connection with the Global Fund, enjoys immunity, if immunity has not been waived.

PART VII

Settlement of Disputes on the Interpretation or Application of the Privileges and Immunities in this Schedule

1. All disputes arising out of the interpretation or application of the privileges and immunities of the Global fund between the Government of Belize and the Global Fund shall be settled by consultation, negotiation or another agreed mode of settlement.
2. If the dispute is not settled in accordance with Part VII paragraph 1 within three months following a written request by one of the parties to the dispute, it shall, at the request of either party, be referred to an arbitral tribunal according to the procedure set forth in Part VII paragraphs 3 to 8.
3. The arbitral tribunal shall be composed of three members, one to be chosen by each party to the dispute and the third, who shall be the chairman of the tribunal, to be chosen by the other two members.
4. If either party has failed to make its appointment of a member of the tribunal within two months of the appointment of a member by the other party, that other party may invite the President of the International Court of Justice to make such appointment.
5. Where the first two members fail to agree upon the appointment of the chairman of the tribunal within two months following their appointment, either party may invite the President of the International Court of Justice to choose the chairman.
6. Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own procedure and the expenses shall be borne by the parties as assessed by the tribunal.
7. The arbitral tribunal, which shall decide by a majority of votes, shall reach a decision on the dispute on the basis of the provisions set out in this Schedule and the applicable rules of international law and such decision shall be final and binding on the parties to the dispute.
8. The decision of the arbitral tribunal shall be communicated to the parties to the dispute and, in the case where the Global Fund is not a party to the dispute, to the Executive Director of the Global Fund.