

BELIZE:

**PROTECTED AREAS CONSERVATION TRUST
(AMENDMENT) BILL, 2024**

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BELIZE:

BILL

for

AN ACT to amend the Protected Areas Conservation Trust Act, Chapter 218 of the Substantive Laws of Belize, Revised Edition 2020, to provide for the streamlining of the functions of Protected Areas Conservation Trust to achieve greater efficiency in the distribution of PACT grants and to provide for the harmonization of the PACT Act with the National Protected Areas Systems Act.

(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:

1. This Act may be cited as the

Short title.

PROTECTED AREAS CONSERVATION TRUST
(AMENDMENT) ACT, 2024.

And shall be read and construed as one with the Protected Areas Conservation Trust Act, which, as amended, is hereinafter referred to as the principal act

2. Section 2 of the principal Act is hereby amended as follows:—

Amendment of section 2.

(a) by repealing and replacing the definition of

““Minister” means the Minister responsible for the National Protected Areas System

(b) by adding the following new definitions in their proper alphabetical order:

““Community Based Organization” means a Non-Governmental Organization that is driven by community residents in all aspects of its existence, including: governance, staffing and the identification of priority issues and solutions.

““Concession agreement” means formal arrangements made by a legally recognised management organisation of a protected area in Belize with groups of people, or with companies or individuals, allowing such people, companies or individuals to conduct business within the protected area”;

““Core Cost” means financial resources required to meet a range of demands of a given protected area thus ensuring at least basic operations are maintained. Core cost is further categorized into Capital Costs, Recurrent Personnel Expenditures and Recurrent Operation Expenditures.”

““For-Profit organization” means an organization or entity that operates with the goal of making money”

““Managing Authority” in section 21(2) means the Public Managing Entity or the Co-managing Entity.”

Amendment of
section 4.

3. Section 4 of the principal Act is hereby amended as follows:-

(a) in paragraph (v) of subsection (1)(a), by deleting the words “National Emergency Management Organization” and replacing it with the words “Blue Economy”

(b) repeal and replace paragraph (vi) of subsection (1)(a), with the following

“president or equivalent of any nationally accredited university”

(c) repeal and replace subsection (1)(b) with the following:

“one representative from the largest private sector membership-based umbrella organization representing a cross-sector of the tourism industry, subject to that organization being in good legal standing;”

Amendment of
section 5

4. Section 5 of the principal Act is hereby amended as follows:-

(a) in subsection (1), by deleting the word “fourteen” and replacing it with the word “twenty one”

(b) repeal subsection (4).

5. Section 7 of the principal Act is hereby amended as follows:-

Amendment of section 7

(a) repeal and replace subsection (2) with the following:

“A director may at any time be removed from office for misconduct, or neglect of duty, or whether by reason of infirmity of body or mind becomes incapable of performing his duties.”

(b) in subsection (3), by inserting the words “as per subsection (2) above” immediately after the words “or is removed from office”

6. Section 8 of the principal Act is hereby amended in subsection (3) and subsection (5) by deleting the word “special” and replacing it with the word “extraordinary”.

Amendment of section 8

7. Section 14 of the principal Act is hereby amended as follows:-

Amendment of section 14

(a) in subsection (2), by deleting the word “economical” and replacing it with the words “financially prudent”

(b) in subsection (4), by deleting the word “subsection (4)” and replacing it with the words “subsection (3)”

8. The principal Act is hereby amended by repealing section 15.

Amendment of section 15

9. The principal Act is hereby amended by repealing section 16 and replacing it with the following:-

Amendment of section 16

16.–(1) The general functions of the Trust shall be to contribute to the sustainable management and development of Belize’s natural and cultural assets as well as ensuring the financial sustainability of the National Protected Areas System for the benefit of Belizeans and the global community, both now and for future generations.

(2) In particular, but without limiting the general functions described in sub-section (1), the specific functions of the Trust shall be–

(a) to facilitate the development of national strategies and plans that support the management of the National Protected Areas System;

(b) to facilitate the conduct of management effectiveness and financial scorecard assessments and general monitoring and reporting on the performance of the Trust’s investments in the National Protected Areas System every three years.

(c) to support the financial sustainability of the National Protected Areas System by-

(i) setting strategic priorities for the development, mobilization and allocation of financial resources for the National Protected Areas System;

(ii) allocating financial resources across the National Protected Areas System based on the criteria established for the system;

(iii) developing standards, guidelines and procedures to ensure efficient use of the Trust's financial resources invested within the National Protected Areas System;

(iv) coordinating the implementation of all strategies and activities funded by the Trust aimed at making the National Protected Areas System financially sustainable;

(d) conducting periodic protected areas management capacity assessments, prioritizing capacity needs for managing the system and ensuring that the right resources and partnerships are developed to create this capacity;

(e) promoting public understanding, appreciation and awareness of the National Protected Areas System;

(f) funding activities included under the Schedule, in such a manner that funds are allocated first to primary activities then to secondary activities as described in the Schedule;

(f) serving as the national implementing entity for multilateral and international funding sources related to the sustainable management of natural resources, climate change and other environment related issues, in collaboration with other relevant agencies as necessary;

(g) accessing regional and international funds in regard to natural resources, biodiversity and other related matters;

(3) Sub-section (2)(d) shall not apply to the National Institute of Culture and History or the Institute of Archaeology or any archaeological reserves declared under section 59 of the National Institute of Culture and History Act.

(4) In sub-section (2)(f), the reference to the Trust as a national implementing entity for certain funding sources is a reference to its being duly accredited by those funding sources to receive funding to carry out projects and programmes approved by the respective funding sources.

10. The principal Act is hereby amended by repealing section 18A. Amendment of section 18A

11. The principal Act is amended in section 18B by inserting the following new sub-section immediately after sub-section (5) Amendment of section 18B

“(6) The Board may as needed appoint suitably qualified non-voting persons having specific expertise who are not board members to serve on committees.”

12. The principal Act is hereby amended in section 21(1) as follows Amendment of section 21

(a) in paragraph (b) by deleting the words “twenty per centum of” and replacing it with the words “all income derived from”

(b) by deleting paragraph (ba) and substituting the following

“(ba) All income derived from all recreation-related licence, permit, user and visitor fees collected in conjunction with protected areas”

13. The principal Act is hereby amended by repealing section 23(2) and replacing it with the following— Amendment of section 23

“(2) Any conflict of interest, relating to subsection (1), shall be dealt with in accordance with the relevant Conflict of Interest policies and procedures established by the Board in its Board Manual.”

14. The principal Act is hereby amended by repealing section 24 and replacing it with the following— Amendment of section 24

“24. (1) Moneys from the Trust Fund may be awarded to recipients

(a) based on the Conservation Investment Plans that PACT develops and implements in 3-year cycles, outlining priorities and investment targets, financing modalities, financing ceilings and other specific provisions as well as strategic partnerships linked to the implementation of the National Protected Areas System Plan, or

(b) based on a procedure identified by a donor and”

(c) based on recipients’ development of Environmental and Social Risk Assessments and Management Plans and any

other criteria developed by the Board to achieve the goals and objectives of the Trust;

(2) The Trust shall annually invest at minimum 80% of its programmatic budget directly in advancing the management and development of the protected areas comprising the Belize National Protected Areas System.

Amendment of
section 25.

- 15.** The principal Act is hereby amended in section 25(1) by deleting the words “shall be subject to an annual maximum which shall be determined by the Board” and replacing it with the words “used for administrative and operational costs shall not exceed a maximum of 40% of annual revenues”

Amendment of
section 27

- 16.** The principal Act is hereby amended by repealing section 27 and replacing it with the following:-

“27. The Board shall arrange for an annual evaluation of the Trust’s administrative operations to be carried out as part of the Trust’s Internal Audit Function, and such evaluation shall include administrative, financial risk management, etc. as per the Trust’s Internal Audit Charter approved by the Board.”

Amendment of
section 28

- 17.** The principal Act is hereby amended in section 28 as follows

(a) in the side notes, by deleting the words “Further Evaluation of Trust operations” and replacing it with the words “External Evaluation of Trust Operations”

(b) subsection (1) is repealed and replaced with the following:-

“(1) Every five (5) years, an institutional assessment shall be commissioned by the Board that will include an evaluation of administration, operations, and investments and which will inform the Trust’s five year Strategic Plan.”

(c) in subsection (2) by deleting the words “team of not more than five professionals” and replacing it with the word “firm”

(d) subsection (3) is repealed and replaced with the following:-

“(3) The independent evaluating firm shall be appointed by the Board”

(e) in subsection (5) by deleting the words “and the Honorary Board”

Amendment of
section 31

- 18.** The principal Act is hereby amended in section 31(3) by deleting the words “one month” and replacing it with the words “three months”

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- 19.** The principal Act is hereby amended by repealing section 32. Amendment of
Section 32
- 20.** The principal Act is hereby amended in section 33 as follows:- Amendment of
section 33
- (a) in subsection (4A) (b) by deleting the words “for onward submission” and replacing it with the words “who shall within thirty days of receipt of the payment of the development fee from the airlines, transfer/submit such payment excluding any late penalty fee applied by PACT”
 - (b) in subsection 5(b) by deleting the words “two thousand” and replacing it with the words “five thousand”.
- 21.** The principal Act is hereby amended in section 34 as follows:- Amendment of
section 34
- (a) in the side notes, by deleting the word “National” and replacing it with the word “PACT”
 - (b) subsection (2) is repealed
 - (c) in subsection (2.01) by deleting the words “general public” and replacing it with the words “relevant stakeholders”
 - (d) subsection (4) by deleting the words “and shall be submitted to Cabinet for approval and endorsement”
 - (e) subsection (5) is repealed
- 22.** The principal Act is hereby amended in section 35 as follows:- Amendment of
section 35
- (a) subsection (1) is repealed and replaced with the following
“(1) A recipient of Trust moneys shall be:
 - (a) Non-Governmental Organizations (NGOs) established, operating under and in good standing with the NGO Act 2000 and involved directly in or executing projects related to protected areas management, natural resources management or climate resiliency.
 - (b) Government Agencies, Statutory Bodies and Local Government involved directly in or executing projects related to the conservation, management, promotion and development of protected areas and natural resources.
 - (c) Private Sector entities involved in or being engaged via strategic partnerships in conservation, climate resiliency and advancing the Belize National Protected Areas System Plan.

(d) Stakeholder Groups, entities and individuals identified based on procedures of a third-party donor in respect to their funds.”

(b) subsection (2) is repealed

Amendment of
section 35A

23. The principal Act is hereby amended by repealing section 35A.

Amendment of
section 35B

24. The principal Act is hereby amended in section 35B as follows:-

(a) in subsection (1)(a) by deleting the word “account” and replacing it with the words “annual report”

(b) in subsection (1)(b) by deleting the words “audited statements” and replacing it with the words “annual audited financial statements”.

(c) in subsection (2) by deleting the words “account” and “audited statements” and replacing it with the words “annual report” and “annual audited financial statements” respectively.

Amendment of
section 35C

25. The principal Act is hereby amended by repealing section 35C

Amendment of
section 35D

26. The principal Act is hereby amended by repealing section 35D.

Amendment of
section 36

27. The principal Act is hereby amended by repealing subsection 36(2)

Amendment of
Schedule 1

28. The principal Act is hereby amended by repealing Schedule 1 and replacing with the following Schedule 1

SCHEDULE 1

[section 16(2)(h)]

PRIMARY ACTIVITIES THAT QUALIFY FOR TRUST FUNDING

(a) core cost including cost of permanent staff of non-governmental organizations at such levels or positions as determined by the Trust;

(b) implementation and improvement of management plans for protected areas that provide for sustainable use of their resources

SECONDARY ACTIVITIES THAT MAY QUALIFY FOR TRUST FUNDING

Secondary activities will support short term activities that are in the protected area or related to protected areas that do not qualify for targeted investment funding. --These are activities that will be outside of a protected area's management plan and for specific eligible applicants only.

1. Protected Areas Management and Conservation:

(a) capital expenditure of Government of Belize's agencies and non-governmental organizations for 'green-oriented' infrastructure projects within protected areas consistent with approved management plans.

2. Income Diversification in Protected Areas:

(a) Development and Enhancement of Specific Income Generating Plans, such as Tourism Development/Management Plans, Small Business Plans, Concession Plans, etc.

(b) Implementation of the plans in (a), including the funding of infrastructure in protected areas, marketing activities, inventory procurement, etc.

3. Capacity Development and Environmental Education:

(a) conferences and workshops in country aimed at building capacity for protected areas management and natural resources management via training for the protected areas workforce;

(b) television and radio programs aimed at generating public awareness on the need to protect and preserve the natural resources;

(c) posters, leaflets and newsletters aimed at generating public awareness on the need to protect and preserve the natural resources;

(d) other media that informs the public, businesses, schools on the importance of the environment and the need to protect and preserve it.

4. Community Development around Protected Areas:

(a) support community-driven projects which complement the Trust's objectives and mission;

(b) support community activities that enable sustainable development and use of natural resources in protected areas;

(c) organizational development of non-governmental organizations involved in protected areas management and conservation via technical assistance;

5. Climate Mitigation and Adaptation:

(a) support for small mitigation and adaptation projects within watersheds, coastal zones, buffer zones, and biological corridors.

(b) support for short-term activities listed as priorities within the climate change component of protected area management plans and national climate change strategies and plans.

ACTIVITIES NOT ELIGIBLE FOR TRUST FUNDING

Funding for private organizations which are organized for profit.

i. Funding for private sector entities not in accordance with the eligibility criteria for recipients.

ii. Funding for Private Reserve managers who are ineligible for PACT funding under the Trust's Conservation Investment Plans.

iii. Projects and investments that may:

1. Degrade or convert critical natural habitats

2. Introduce potentially invasive, non-indigenous species

3. Adversely affect physical cultural resources

4. Promote the use, directly or indirectly, of any substance listed under the Stockholm Convention on Persistent Organic Pollutants

5. Affect Indigenous peoples without attainment of free, prior and informed consent.