

JOINT DECLARATION ON THE OCCASION OF THE SIGNING OF THE  
SPECIAL AGREEMENT BETWEEN BELIZE AND GUATEMALA TO SUBMIT  
THE TERRITORIAL, INSULAR, AND MARITIME CLAIM OF GUATEMALA TO  
THE INTERNATIONAL COURT OF JUSTICE,  
DONE AT OAS HEADQUARTERS, WASHINGTON, D.C.  
ON DECEMBER 8,2008

The Ministers of Foreign Affairs of Belize and Guatemala express their satisfaction on the achievement of the signature of the Special Agreement between Belize and Guatemala to submit the territorial, insular and maritime claim of Guatemala to the International Court of Justice, as recommended by the Secretary General of the OAS, subject to the approval of the citizens of both countries in referenda.

They commit themselves to proceed as soon as possible, once the special Agreement is signed, to carry out the necessary arrangements in their respective States to comply with the legal procedures contemplated in Article 7 of the aforementioned Agreement.

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The Honorable  
Haroldo Rodas Melgar  
Minister of Foreign Affairs  
Guatemala

The Honorable  
Wilfred Elrington  
Minister of Foreign Affairs and Trade  
and Attorney General  
Belize

The Honorable  
José Miguel Insulza  
Secretary General of the Organization of American States  
(Witness of Honor)

SPECIAL AGREEMENT BETWEEN BELIZE AND GUATEMALA  
TO SUBMIT GUATEMALA'S TERRITORIAL, INSULAR AND MARITIME  
CLAIM TO THE INTERNATIONAL COURT OF JUSTICE

The Government of Belize and the Government of the Republic of Guatemala (hereinafter "the Parties");

Wishing to finally put an end to any and all differences regarding their respective land and insular territories and their maritime areas;

Bearing in mind the recommendation of the Secretary General of the Organization of American States of November 19, 2007, based on article 5 of the "Agreement on a Framework for Negotiations and Confidence-Building Measures between Belize and Guatemala" of September 7, 2005, that the Parties submit the dispute to the International Court of Justice;

Whereas said recommendation has been formally accepted by both Parties,

Have agreed as follows:

#### Article 1

Pursuant to Article 36(1) of the Statute of the International Court of Justice (hereinafter, the "Court"), the Parties agree to submit to the Court the dispute described in Article 2 of this Special Agreement.

#### Article 2

The Parties request the Court to determine in accordance with applicable rules of international law as specified in Article 3B(1) of the Statute of the Court any and all legal claims of Guatemala against Belize to land and insular territories and to any maritime areas pertaining to these territories, to declare the rights therein of both Parties, and to determine the boundaries between their respective territories and areas.

#### Article 3

1. The procedure shall consist of two stages: one for presentation of written pleadings and another for oral hearings.
2. The Parties request that the Court authorize the following written procedure:
  - (a) The Government of Guatemala shall submit a Memorial within twelve months of the date on which this Special Agreement was notified to the Registrar of the Court;
  - (b) The Government of Belize shall submit a Counter-Memorial within twelve months of the date on which it was notified of the submission and contents of the Memorial presented by Guatemala;
  - (c) The Government of Guatemala may submit a Reply within six months of the date on which it was notified of the submission and contents of the Counter-Memorial;
  - (d) The Government of Belize may submit its Rejoinder within six months of the date on which it was notified of the submission and contents of Guatemala's Reply;
  - (e) The Court may, ex officio or if both Parties so agree, prescribe or authorize the presentation of additional pleadings.
3. The Court may extend these deadlines at the request of either of the Parties.
4. The foregoing provisions are without prejudice to any question as to the burden of proof which might arise.
5. All other procedural matters shall be governed by the provisions of the Statute and Rules of the Court.

#### Article 4

The Parties may submit their cases in the English or Spanish languages, provided that any pleadings or documents submitted in Spanish shall be accompanied by a translation into English.

#### Article 5

The Parties shall accept the decision of the Court as final and binding, and undertake to comply with and implement it in full and in good faith. In particular, the Parties agree that, within three months of the date of the Judgment of the Court, they will agree on the composition and terms of reference of a Bi-national Commission to carry out the demarcation of their boundaries in accordance with the decision of the Court. If such agreement is not reached within three months, either Party may request the Secretary General of the Organization of American States to appoint the members of the Bi-national Commission and to prescribe its Terms of Reference, after due consultation with the Parties.

#### Article 6

This Special Agreement shall enter into force upon the exchange of instruments of ratification, and remain in force unless and until terminated by agreement of the Parties.

#### Article 7

1. The Parties commit themselves to undertake the procedures set forth in their respective national systems to submit to referenda the decision to bring to the International Court of Justice the final settlement of the territorial dispute.
2. The referenda shall take place simultaneously in both countries on a date to be agreed between the Parties.
3. The question to be submitted to referenda shall be: "Do you agree that any legal claim of Guatemala against Belize relating to land and insular territories and to any maritime areas pertaining to these territories should be submitted to the International Court of Justice for final settlement and that it determine finally the boundaries of the respective territories and areas of the Parties?"

#### Article 8

This Special Agreement shall be notified to the Registrar of the Court jointly or by either of the Parties within a month after referenda in both countries have approved submission of the dispute to the Court.

#### Article 9

This Special Agreement shall be registered with the Secretariat of the United Nations pursuant to Article 102 of the United Nations Charter, jointly or by either of the Parties. At the same time it will be brought to the attention of the Organization of American States.

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