

Note on Belize/Guatemala Dispute (from State Dept website and ASIL ILIB):

The Belize/Guatemala dispute originated in Imperial Spain's claim to all "New World" territories west of the line established in the Treaty of Tordesillas in 1494. Nineteenth-century efforts to resolve the problems led to later differences over interpretation and implementation of an 1859 treaty intended to establish the boundaries between Guatemala and Belize, then named British Honduras. Guatemala contends that the 1859 treaty is void because the British failed to comply with all its economic assistance clauses. Neither Spain nor Guatemala ever exercised effective sovereignty over the area.

Negotiations have been underway for many years, including one period in the 1960s in which the U.S. Government sought unsuccessfully to mediate. A 1981 trilateral (Belize, Guatemala, and the United Kingdom) "Heads of Agreement" was not implemented due to continued contentions. Belize became independent on September 21, 1981, with the territorial dispute unresolved. Significant negotiations between Belize and Guatemala, with the United Kingdom as an observer, resumed in 1988. Guatemala recognized Belize's independence in 1991, and diplomatic relations were established.

Eventually, on November 8, 2000, the two parties agreed to respect an "adjacency zone" extending one kilometer east and west from the border. Around this time, the Government of Guatemala insisted that the territorial claim was a legal one and that the only possibility for a resolution was to submit the case to the International Court of Justice (ICJ). However, the Government of Belize felt that taking the case to the ICJ or to arbitration represented an unnecessary expense of time and money. So the Belizean Government proposed an alternate process, one under the auspices of the Organization of American States (OAS).

Since then, despite efforts by the OAS to jumpstart the process, movement has been limited to confidence-building measures between the parties. In November 2007, the Secretary General of the OAS recommended that the dispute be referred to the International Court of Justice.

On December 8, 2008, Guatemala and Belize signed an agreement to submit their border dispute to the International Court of Justice (ICJ). Before the dispute can go before the ICJ, however, both parties have agreed to hold simultaneous referenda in their respective countries giving the people the right to decide whether the case should proceed to the ICJ (Article 7). According to the Preamble, both parties desire to "finally put an end to any and all differences regarding their respective land and insular territories and their maritime areas."

Assuming that the referenda allow for the adjudication of the dispute at the ICJ, the parties agree that they will "accept the decision of the Court as final and binding, and implement it in full and in good faith" (Article 5). Furthermore, "the Parties agree that, within three months of the date of the Judgment of the Court, they will agree on the composition and terms off reference of a Bi-national Commission to carry out the demarcation of their boundaries in accordance with the decision of the Court" (Article 5). In case the parties cannot reach agreement regarding the make up of the Commission, "Secretary General of the Organization of the American States [will] appoint members" (Article 5).