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## **Guatemala's Border And Territorial Dispute With Belize Intensifies As Trade Talks Advance**

*by LADB Staff*

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Guatemala's Foreign Minister Jorge Briz has said that Belize has assumed an "intransigent" posture in its effort to resolve a border dispute whose history reaches back beyond the birth of Belize as an independent country. Briz challenged the latest Belizean attempt at border security while simultaneously the two countries were on the verge of finalizing a trade pact between them. Intransigence in this case, however, is a two-way street.

Guatemala failed to submit a treaty for ratification by referendum in 2002, which would have ended the dispute. With that aborted attempt at resolution as justification, Asaad Shoman, Belize's minister of foreign affairs, in late May sent a letter to Luigi Einaudi, then acting secretary-general of the Organization of American States (OAS), accusing Guatemala of trying to delay a resolution indefinitely.

In that letter, Shoman said his country would seek ways other than negotiation to end the stalemate. Shoman wants the border dispute settled, and he also wants his country out from under the cloud of Guatemala's historic claim to half of Belize. Briz denied any heel dragging on his country's part and returned the accusation. "Guatemala has followed a process without affecting the claim. If it hasn't advanced, it's Belize's fault," said Briz, adding that he has asked for a meeting with the new OAS secretary-general, Chile's Jose Miguel Insulza, to discuss the situation.

It was the OAS that created conditions for the unsuccessful negotiations almost five years ago. With the 2000-2002 negotiation with Guatemala well under way, Belize assembled a panel of international law consultants to evaluate the Guatemalan territorial claim. The panel included Sir Elihu Lauterpacht, CBE, QC, an academic and practitioner of public international law; Shabtai Rosenne, an Israeli lawyer practicing before the International Court of Justice (ICJ) and a former member of the UN International Law Commission (1962-1971); and Professor Orrego Vicuna, a Chilean international arbitrator who had participated in dispute settlements between Honduras-El Salvador and Chile-Argentina.

In January 2002 the panel issued a 98-page report, released as a book entitled *Legal Opinion on Guatemala's Claim to Belize*. Part one of the publication begins, "We have been asked to consider whether Guatemala can validly question the sovereignty of Belize over the whole or any part of its territory. We can state our conclusion immediately and without qualification. The answer is 'No'."

With the 2002 OAS-brokered solution effectively dead, Belize Prime Minister Said Musa recently took Guatemala to task for rejecting it and said he might take the case to the ICJ if a round of talks within the next couple of months fails. "We may be forced, if this kind of intransigence continues on

the part of Guatemala, to go to the international court, and we believe we have a very strong case," Musa said at a May meeting of the Caribbean Community (CARICOM) in Guyana.

### *Little hope for settling between themselves*

Musa held little hope for the proposed bilateral talks. He said, "We don't have a solution, and indeed none is in sight. The government of Guatemala is really scared of taking on this issue. I don't expect that there will be any early solution." Musa's analysis comports with history, not least because Musa was part of that history. The Guatemalan government is well aware that ownership of half the 22,792-sq km territory of Belize is deeply embedded in the national psyche. Jorge Serrano (1991-1993), president of Guatemala before he was booted into exile after a Fujimori-style palace coup, faced massive popular protest for even suggesting recognition of Belize.

Serrano normalized relations between the countries in September 1991. In August of that year, Serrano acknowledged that Belize was recognized internationally. He recognized the right of its people to self-determination and stated his willingness to settle the dispute, but he did not drop Guatemala's territorial claim. In return, Musa introduced legislation in Belize allowing Guatemala access to international waters from its Caribbean coast. Musa said then that the concession, much needed by Guatemala for shipping, was an act of good faith to promote settlement of that claim.

After Serrano's ouster, however, President Ramiro de Leon Carpio (1993-1996) withdrew what Serrano bestowed (See NotiCen, 2002-06-20). Now, Musa is for a second time threatening to go to the ICJ for a final solution.

It was with the possibility of a court appearance in mind that his government first commissioned the 2002 legal opinion. Briz countered that, if Guatemala refuses to go to court, Belize could not file the case unilaterally. "First, we have to discuss with Belize what it is they are going to submit for consideration to an international court," he said. "These declarations have no serious context, they don't help resolve the differences....Both governments must work responsibly." He said the ICJ option should be used only "as a last resort." Briz and the government he represents see their best chances lying with the OAS.

The foreign minister has an appointment scheduled in early June with Insulza for reopening the discussions there. Briz said he will ask in a private consultation with Insulza in Fort Lauderdale, Florida, that the intervention that ended in the 2002 stalemate be reactivated.

### *The march of commerce undeterred*

As Guatemala and Belize continue to stare each other down over the twin issues of their common borders and the legitimacy of Belizean sovereign territory, the trade officials and private sectors of both countries are on the verge of cementing a trade deal. The work on the trade pact puts in perspective the geopolitical tensions that have in times past threatened open warfare. Guatemalan producers of animal feeds, iron, steel, and plastic seek to export their wares to Belize without restrictions under an Acuerdo de Alcance Parcial (AAP). The Camara de Industria de Guatemala

(CIG) opened a third round of discussions May 17 leading to finalization of most texts of the pact in Antigua, Guatemala, at month's end.

Ricardo Sagastume, CIG executive director, said that preliminary talks had been going smoothly and that the CIG was ready to offer tariff concessions on a number of products to their counterparts. The AAP is not a free-trade agreement, but it will lift tariffs on some 1,300 items. By contrast, the free-trade agreement Guatemala negotiated and ratified with the US lifts these barriers on more than 6,000 products. That agreement, the Central America Free Trade Agreement (CAFTA), has not been ratified by the US and is therefore not in effect.

The terms of the AAP are expected to be favorable to Guatemala, whose central bank, Banco de Guatemala, has reported the country exported US\$33 million in goods to Belize and imported US\$27 million.

The Belizean imports were principally petroleum derivatives, electrical appliances, scrap metal, construction iron and steel, chemicals, fertilizers, and other agricultural inputs.

Negotiations for the accord began in February 2005 in Guatemala, and a second round was held in Belize in March. The rounds were notable for their lack of rancor and the swiftness with which technical obstacles were resolved, even as the territorial dispute turned bitter. Guatemalan Foreign Minister Briz turned from his focus on the conflict to say that it "does not necessarily have to oppose the achievement of the AAP." The technical obstacles included phytosanitary measures that slowed the cross-border flow. Other products that will flow more smoothly will be the petroleum derivatives, the oils, lubricants, and others that Belize will now be able to export duty free.

The third round ended May 28 with a commitment to conclude the treaty in June. Enrique Lacs, vice minister of economy, told the media the round had been "successful," chapters on legal and investment aspects had been agreed upon, and the parties had "reached the objective of closing the texts that contain the accord and beginning the discussion of the products to be included." The June meeting was scheduled to be held in Belize City from June 15-18. It is expected that at that time the technical aspects will be concluded and the list of products will receive final approval. That done, said Lacs, only the smallest of points will be left to settle between the countries and the agreement should conclude. Lacs said the list would not present problems because only those products in which the parties are mutually interested are included.

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