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Belize And Guatemala To Take Sovereignty Dispute To World Court—or To War

by LADB Staff

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Guatemala and Belize have revived hopes, if not expectations, of a final solution to the border and territorial dispute between them that has been simmering for a century and a half, predating by many years even the existence of Belize as a sovereign nation. Belize gained independence from Britain on Sept. 21, 1981, and ceased to be British Honduras. Numerous attempts have failed to solve the problem, but the ongoing battle might hold a lesson for nations in conflict. These two countries have traded together, and even negotiated trade and other agreements (see NotiCen, 2005-06-02), although Guatemala does not recognize Belize's right to exist. This latest attempt at closure comes on the 150th anniversary of the treaty between Britain and Spain that started it all. In a nutshell, Guatemala understood that treaty as one of cession whereby it would give up its claims to the territory that is now Belize if and when certain conditions were met, the principal one being the construction of a road to the Caribbean coast. The government of General Jorge Ubico (1931-1944) declared the treaty invalid because the road had never been built. The dispute might have ended in 1991 when, during a short presidency ending in exile, President Jorge Serrano Elias (1991-1993) recognized Belizean sovereignty, but it did not. Serrano's action caused a nationwide furor and popular rejection at home. Also, Serrano fled into exile halfway through his term after staging an auto-coup during which he dissolved the legislature and imposed a de facto dictatorship that lasted about a week, ending when the military withdrew support (see NotiSur, 1993-05-28, 1993-06-11). Or the dispute might have ended in 2002, when a treaty between the countries was to be ratified by referendum, but it did not because Guatemala's government never held the referendum. The government of President Alfonso Portillo (2000-2004) would not risk submitting such a notion to a citizenry for whom ownership of Belize is a fundamental tenet. The country's first Constitution enshrined the idea with the declaration, "Belice es nuestra" (see NotiCen, 2005-06-02). If it please the people But now the time has come to try again. On Dec. 10, 2007, the countries jointly announced they had signed an agreement to refer the case to the International Court of Justice (ICJ) in The Hague. The document details the procedures for submitting the respective claims. It even specifies action to be taken in case one or the other is unhappy with the ICJ decision and refuses to abide by it. "More importantly, it requires that the parties will abide by the Court's ruling in good faith, including a joint demarcation of the boundary. If, however, Guatemala [or Belize] chooses to become intransigent, this provision allows Belize [or Guatemala] to request within three months of the Court's ruling that the OAS appoint members of a binational commission and to demarcate the boundary," read the announcement. If there is a fly in the ointment, it is that old bugaboo the referendum. Belize's government might easily be as frightened of submitting the document to the people as was Guatemala. Foreign Minister Wilfred Elrington has already prepared the world for a balk. He has said, "This agreement will not be sent to the ICJ if the Belizean people say they don't want to go to the ICJ." Moreover, he pressed, "If, when we have the referendum, the decision is no, the people at the ICJ will never see it, and we will simply put this one on the scrap heap and move on with a view to resolving this dispute. So what is really happening is the exercise of democratization in its most extreme form. I don't know of any other country which has, in fact,

put into the hands of the people the responsibility to determine the future of the country." The resolution Elrington alluded to, however, is not, literally, viable. It is to go to what he views as a probably suicidal war. "Regretfully, we have no military might, miniscule, just a token military might," he said. "But that is what we should do if we don't go to the ICJ. I am limited in my mental capacity. I can only think of two things: the ICJ or trying to take up arms and defend the border. I know that is almost futile, but I am reassured by the story of David and Goliath." He might be less reassured by the story of Guatemala and the 36-year civil war. The country still has enormous numbers of battle-hardened troops, schooled in a most terrible kind of population-destroying and abusive warfare. And this time all the Guatemalans would be on the same side. The ICJ solution was not a first choice. It was the result of a failure of the countries to get the matter settled with the mediation of the Organization of American States (OAS). In November 2007, OAS Secretary-General Jose Miguel Insulza, acknowledging failure, recommended the ICJ. With the signing of this Special Agreement, Insulza put rather a different face on the situation, characterizing the trip to court as a logical next step after a successful series of negotiations under OAS auspices brought the parties to that point. The US participated in the characterization, congratulating all concerned and commending the negotiators. Whichever version is closest to reality, the fact is that cases of this kind move very slowly through the ICJ, and this agreement could buy as much as five years time, during which both countries can take the burden of dispute and the threat of impending warfare off their respective shoulders, continue to enjoy the fruits of the 2005 trade agreement, and look forward to benefiting mutually as foreign companies continue to prospect for oil on both sides of the contested border.

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