Belize and Guatemala Agree on Date for Referenda on Whether to Take Territorial Dispute to The Hague

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by Louisa Reynolds
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After a centuries-old territorial dispute that has strained diplomatic relations between Belize and Guatemala (NotiCen, Sept. 5, 2002, and April 15, 2010), both countries announced that simultaneous referenda would be held in both countries on Oct. 6, 2013, on whether the matter ought to be taken to the International Court of Justice (ICJ) at The Hague.

Belizeans and Guatemalans will be asked: "Do you agree that any Guatemalan claim on Belizean continental and insular territory as well as maritime areas belonging to those territories should be taken to the ICJ so that the issue can be definitely resolved and the court can establish the two countries’ respective borders?"

The announcement was made on April 27 at the headquarters of the Organization of American States (OAS), following a meeting between the Belizean and Guatemalan foreign ministers and OAS Secretary-General José Miguel Insulza.

Both countries must now draw up a report with estimates of how much the referendum could cost and launch information campaigns to inform the population about when and why the referendum will take place, the pros and cons of taking the matter to the ICJ, and the importance of finding a permanent solution to the dispute, which arose after Guatemala claimed Belize’s entire territory.

"I think that in the education process we will attempt to have both the pros and the cons put to the Belizean people; they must know everything that we do. They must know the risk that we run in going to the ICJ and the possible benefits that would be arrived from going that route. Everybody will be expected to pull their weight to educate themselves and of course to help educate the rest of the society to make the proper choice at the right time," said Belizean Foreign Minister Wilfred Elrington.

Given that 22 Mayan languages are spoken in Guatemala as well as Spanish, carrying out a widespread and effective information campaign could prove to be complex and costly.

"Taking the dispute to the ICJ will put an end to the conflict. The process could last up to four years and would allow our governments to turn the page and focus on cooperation and exchange between our countries," added Guatemalan Foreign Minister Harold Caballeros.

**Pros and cons of going to The Hague**

The dispute arose in the late 18th century, when the Spanish crown authorized Great Britain to log and transport timber along the Hondo and Sibún rivers in northern Belize. However, Great Britain gradually began to encroach on a larger territory than had been agreed.

In 1859, the Aycinena-Wike Treaty was signed, which allowed British presence in Belize in exchange for compensatory clauses for Guatemala, such as access to the Atlantic coast. In 1946, the
Guatemalan Congress declared the treaty null and void, arguing that the British government had not kept its part of the deal and asserting a claim over Belize’s entire territory.

In 1981, the UN recognized Belize’s independence from the British crown, although Guatemala voted against it, and the differendum was formally acknowledged.

Guatemalan legal experts say that, when Guatemala ceded the disputed territory to the British crown, Spain had not acknowledged Guatemala’s status as an independent nation. At the time, there was an agreement between European countries forbidding them to interfere with other nation’s colonies.

Between 1783 and 1786, Spain ceded Great Britain part of northern Belize for the extraction of wood. However, the Guatemalan legal experts behind the territorial claim have argued that this did not give Great Britain sovereignty over Belize.

But even if Guatemala manages to argue its case successfully, it is unlikely that the ICJ would rule in favor of a measure that would effectively lead to the disappearance of a sovereign state, especially when many ICJ judges belong to Commonwealth countries that are likely to favor Belize.

If Guatemala and Belize voted against taking the dispute to The Hague, the other option available would be an arbitration tribunal (NotiCen, March 9, 2000), which according to some legal experts would increase Guatemala’s chances of success. However, if the dispute is taken to the ICJ, the UN would bear most of the expenses, whereas resorting to an arbitration tribunal would leave Guatemala and Belize with exceedingly high legal bills to pay.

While both countries agree that a referendum is the only way forward, agreeing on a suitable date has not been easy. Because of the high cost involved, Guatemala proposed that it should be carried out during last year’s general elections. However, Belize opposed the idea, fearing that the referendum issue could become politicized in the midst of an election campaign.

Guatemala’s Tribunal Supremo Electoral (TSE) spent US$63 million on the 2011 elections, which means the cost of the referendum could be similar for each of the two countries. Canada and Great Britain, among other countries, have offered financial assistance to fund the referendum.

**Easing tensions on the border**

During the meeting in OAS headquarters last week, it was also agreed that a commission including the Guatemalan and Belizean governments as well as OAS representatives would be set up to solve border conflicts.

On Jan. 28, tensions between the two countries flared up after Guatemalan farmer Juan Choc Chub was shot dead (NotiCen, March 15, 2012) by the Belize Defense Forces (BDF).

The Belizean authorities have repeatedly complained that Guatemalan farmers enter their territory to cut xate leaves, an ornamental plant that they sell in local markets to eke out a miserable living, and that eight families are living illegally in the Chiquibul Nature Reserve, where they are clearing this protected forest in order to plant crops.

Guatemala’s Vice Foreign Minister Carlos Raúl Morales pledged to set up food-security programs for the Mayan Qeqchi population living along the border, which will seek to give these communities
an alternative source of income, such as growing rubber and cacao, to prevent impoverished campesinos from straying across the border.

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