Guatemala Demands That Belize Change Date for ICJ Referendum

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Guatemala has complained that a change in Belize’s Referendum Act requiring a 60% threshold of voter participation for the vote to be deemed valid will place the two countries on an unequal footing in the forthcoming referendum, scheduled to take place on Oct. 6, since Guatemalan law has no such requirement (NotiCen, May 3, 2012).

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 International Court of Justice (ICJ) so that the issue can be definitely resolved and the court can establish the two countries’ respective borders?"

Both countries require a "yes" vote in this referendum to take their long-standing border dispute to the ICJ in The Hague.

The date for the referendum was announced on April 27, 2012, 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.

However, the Guatemalan government claims that the change in Belize’s Referendum Act came into effect since 2011 but the Belizean authorities failed to notify their Guatemalan counterparts.

In January this year, Guatemalan President Otto Pérez Molina ordered Foreign Minister Fernando Carrera to investigate why the change in Belize’s Referendum Act had taken place and explain why Guatemala found out about the changes more than a year later. He also accused the Comisión de Belice (COMBEL), a commission of experts that is supposed to advise the Guatemalan Ministerio de Relaciones Exteriores (MINEX) on the resolution of the border dispute, of "sloppiness" for failing to notify the executive of the change in Belizean law and announced that COMBEL would be dissolved. Carrera also made similar accusations against the Guatemalan Embassy in Belize.

President Pérez Molina added that the government will seek an agreement with Belize "to create an appropriate environment to hold the referendum on the territorial dispute." He added, "If the right conditions are not met and the bilateral agreement between the two countries is at risk and the possibility of taking the dispute to the ICJ is jeopardized, one possible solution would be to postpone the referendum."

The Guatemalan government hopes that by postponing the referendum it can buy time while it persuades Belize to annul the change it made to the Referendum Act in 2011.

Guatemala’s former foreign minister Gabriel Orellana has gone so far as to claim that the Belizean government acted "in bad faith" by modifying the Referendum Act. "Belize has clearly violated the principle of good faith that is supposed to prevail in the adherence to the agreement signed by that country. This change had the clear intention of derailing the referendum process. It is obvious that it was done in bad faith," he told Guatemalan newspaper Siglo Veintiuno.
Belize will not backtrack on changes to Referendum Act

During the second week of April, Carrera travelled to Washington to meet OAS Secretary-General Insulza to voice Guatemala’s concerns regarding the referendum. However, Belizean Foreign Minister Wilfred Elrington told the OAS that his government was unwilling to postpone the referendum.

Belizean newspaper Amandala reports that Belizean officials say Guatemala’s complaints regarding changes to the threshold in voter participation required for a referendum to be deemed valid are "a red herring to mask internal conflicts they have regarding the whole ICJ issue."

Elrington says there have been indications that Guatemala is not ready to hold a referendum in October, a sentiment that Carrera conveyed to him personally during a meeting on March 4, though he insists that there was no discussion of changing the Referendum Act.

"When we met with the foreign minister, he made no suggestion that they wanted us to change our Referendum Act. I don’t think that was raised at all. They recognized that this is our own internal issue, so that was not a consideration that they raised. They raised their own problem of their readiness or their own capacity to be able to conclude their own education process in a satisfactory matter within the time that we have. I think that was what he was saying, that they had their own reservations about whether they would be able to successfully launch a campaign to ensure a yes vote," Elrington told Channel 5 Belize.

"The foreign minister, to be very fair to him, is very insistent that they want to get a yes vote. They want to get a yes vote. They want to save the Special Agreement. They don’t want anything to happen that would derail that. And so to try to ensure that the Special Agreement is saved and that they do get a yes vote, he thought that they would need more time," Elrington added.

The referendum would cost Guatemala 260 million quetzales (US$33.3 million), which more than doubles the budget assigned to the Ministerio de Ambiente y Recursos Naturales (MARN) and other government bureaus. In January, the Tribunal Supremo Electoral (TSE) suspended the tendering process to purchase the equipment and materials necessary to launch a nationwide information campaign on the referendum and hold the referendum, as it was unclear whether the necessary funds had been allocated.

Elrington believes that a possible solution would be for Belize to hold its referendum on Oct. 6 as planned and Guatemala to hold its referendum at a later date, although this would breach the agreement between the two countries, which states that the referenda should be held simultaneously in the two countries.