

3-9-2000

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Guatemala Urges Belize to Accept Arbitration of Territorial Dispute

by LADB Staff

Category/Department: Region

Published: 2000-03-09

In February, President Alfonso Portillo's administration took up Guatemala's longstanding territorial claim against Belize a claim that is now more than a century old. Guatemala holds that approximately half of Belize's territory belongs historically to Guatemala, and that if Belize does not negotiate a settlement, it will take the case to an international tribunal.

A Foreign Ministry spokesperson said, "The government of Guatemala insists that the issue is one based on state policy and is not one of [political] parties." Guatemala says that its border with Belize should be at the Rio Sibun, which would effectively cut Belize in half and cede to Guatemala some 12,000 sq km of Belizean territory.

In 1859, when Belize then British Honduras was still under British control, Great Britain and Guatemala signed an agreement fixing the current boundary. But in 1946, the Guatemalan Corte de Constitucionalidad nullified the agreement. Guatemala says its claim is based on Great Britain's failure to build a transisthmian road for Guatemala in exchange for giving up territory to Belize after the 1859 treaty. When Great Britain refused to submit the issue to mediation in 1963, Guatemala broke diplomatic relations with Belize, then renewed them in the 1970s.

Belize declared independence from both Guatemala and Great Britain in 1981 and was recognized in 1993 by Guatemalan President Jorge Serrano (1991-1993). Serrano's successor, President Ramiro de Leon Carpio (1993-1996), withdrew recognition. President Alvaro Arzu (1996-2000) made several unsuccessful efforts to negotiate a settlement.

Occasional bilateral talks have not ended repeated incidents along the border in the northern Guatemalan department of El Peten. The boundary line is so ill defined that campesinos living on both sides of the border come into constant conflict with border guards. In June 1999, Belizean soldiers killed a Guatemalan campesino. The soldiers claimed self-defense. In October 1999, tensions reached crisis level when Belizean soldiers arrested four Guatemalan campesinos.

The Guatemala City daily newspaper Siglo Veintiuno said the four were arrested in Guatemalan territory and demanded an energetic government response and reinforcements along the border. The four were tried in Belize for illegal possession of arms, illegal entry into Belize, and other charges. Three of the four were convicted on the charges and fined US\$260 each. Failing to pay the fine, they face two and a half years in prison. "Given the incompetence of our authorities, it wouldn't be strange that [these incursions] were a bellicose strategy to take over our El Peten territory," said a Siglo Veintiuno editorial.

Defense Minister Gen. Marco Tulio Espinosa said the border situation did not warrant sending more troops to the area. However, Arzu's Foreign Minister Eduardo Stein recalled the Guatemalan

ambassador from Belize for consultations as a show of concern. Stein said the Guatemalan government was satisfied with what it had learned about the prison conditions of the four, and that Guatemala had good relations with Belize. "But we are considerably irritated and worried about this latest incident," he said.

In late October, Stein handed Belizean Vice Prime Minister John Priceno an ultimatum setting a deadline for Belize to agree to resolve the territorial question through arbitration. Without a positive response, Guatemala would take its case to the International Court of Justice at The Hague. Prime Minister Said Musa rejected arbitration and called Guatemala's claim "ridiculous." The two governments have been talking past each other for years, indicating that no negotiations under the present circumstance are likely to result in a settlement.

Belizean Ambassador in Guatemala Mike Mena said, "We will not cede any of our territory; what we want is to reach an agreement drawing the boundary line." Francisco Villagran, legal counsel to the Guatemalan government, said the problem is that Belize does not see the seriousness of Guatemala's territorial demands and continues to think merely of agreeing on a border. "But we are saying that it's a bigger package," said Villagran.

Talks on settlement stall over border incursions

Both sides agreed to hold talks in Miami beginning on Feb. 25 of this year to work out technical details for a presidential meeting later in the year. This would have been the first bilateral meeting on the issue in a year.

But as delegates gathered in a Miami hotel, Musa suddenly backed out of the talks. David Gibson, leader of the Belizean delegation, said his government had suspended the talks because of recent border incidents, especially the arrest on the eve of the Miami meeting of three Belizean soldiers and a police officer by Guatemalan soldiers. As the price for holding the talks, Musa demanded the release of the four prisoners, and he began an international campaign to pressure Guatemala, appealing to Costa Rica, Mexico, Taiwan, and the US.

On Feb. 28, unidentified assailants threw a homemade bomb at the Guatemalan Embassy in Belize. No injuries were reported and the Portillo administration took the explosion as "an isolated incident," accepting Musa's reassurances that his government had nothing to do with it. A Belize government spokesperson said the bomb went off under a car and was not directed at the embassy. Musa offered to strengthen security around the embassy building.

Guatemala says Belize is provoking incidents

The Portillo administration sees the border incidents, if not the embassy bombing, as part of a pattern of provocation. Congressional Deputy Mario Rivera of the governing Frente Republicano Guatemalteco (FRG), who is chair of the Foreign Relations Committee, said, "It's regrettable that the government of Belize really is unable to control its security forces."

"The interference of the Belizean army in Guatemalan territory is a provocation" to get a reaction from the Portillo administration that would set back the diplomatic efforts Portillo has made, said Rivera. In a March 3 press conference, Guatemalan Foreign Minister Gabriel Orellana said the

administration would formally denounce the Belizean provocations to the Organization of American States (OAS). He cited a military intelligence report indicating that Belize had sent troops into Guatemalan territory to incite an armed confrontation.

"If this is correct, I will urge the Belizean government with all my powers to reconsider what it plans to do, because incidents of this type can get out of control," said Orellana. He also announced that a Guatemalan court had ordered the release of the four Belizeans arrested in February on condition they remain under house arrest in Guatemala and post bond. Ignoring the order, Belize's interim Ambassador Salvador Figueroa returned the four to Belize and told Siglo Veintiuno, "It doesn't matter to me if there is a bond or not, my responsibility is with the soldiers." He added, "For us, the arrest/kidnapping of the soldiers was illegal, therefore returning them to their country cannot be illegal."

On March 7, the Foreign Ministry announced that the government was expelling Figueroa for slights to "national dignity," and gave him 48 hours to leave Guatemala. Guatemalan Foreign Relations Vice Minister Rafael Salazar said the incident only confirms that the Belizean government's intention is to "provoke a rupture in any kind of dialogue regarding the territorial dispute." Meanwhile, a recent opinion poll showed that Guatemalans were not uniformly enthusiastic about the territorial issue.

Forty-nine percent of respondents agreed with the administration's goal of submitting the dispute to international arbitration, but 52% said the Portillo administration was focusing its attention on the dispute when there were more pressing matters of state. [Sources: El Nuevo Herald (Miami), 10/29/99; Excelsior (Mexico), 02/03/00, 02/11/00, 02/29/00; Siglo Veintiuno (Guatemala), 03/07/00; Notimex, 10/14/99, 02/18/00, 02/24/00, 02/25/00, 02/26/00; 02/27/00, 02/28/99, 02/29/00, 03/01/00, 03/07/99]

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