

PEACE FUND

Peaceful Settlement of Territorial Disputes

PROTOCOLO AL ACUERDO ESPECIAL ENTRE GUATEMALA Y BELICE

PROTOCOL TO THE SPECIAL AGREEMENT BETWEEN BELIZE AND GUATEMALA



Organization of
American States

THE ORGANIZATION OF AMERICAN STATES

The Organization of American States (OAS) brings together the nations of the Western hemisphere to promote democracy, strengthen human rights, foster peace, security and cooperation and advance common interests. The origins of the Organization date back to 1890 when nations of the region formed the Pan American Union to forge closer hemispheric relations. This union later evolved into the OAS and in 1948, 21 nations signed its governing charter. Since then, the OAS has expanded to include the nations of the English-speaking Caribbean and Canada, and today all of the independent nations of North, Central and South America and the Caribbean make up its 34 member states.

OAS PEACE FUND

The Peace Fund consists of a tool available to OAS member States which was created in 2000 through General Assembly Resolution 1756 to help prevent and resolve conflicts and disputes, strengthen regional peace and security, and enhance the General Secretariat's knowledge and expertise in the field of dispute settlement. Through the Peace Fund, the member States avail themselves of a range of conflict resolution mechanisms contemplated under the OAS Charter, including direct negotiation, good offices, mediation, facilitation, investigation, conciliation, confidence-building measures, judicial settlement, and arbitration. The Peace Fund also promotes and preserves the institutional memory of the Organization's peace-building and conflict resolution efforts, through a series of courses, programs and activities advanced within the framework of the Inter-American Peace Forum.

**PROTOCOLO AL ACUERDO ESPECIAL ENTRE
GUATEMALA Y BELICE**

**PROTOCOL TO THE SPECIAL AGREEMENT BETWEEN
BELIZE AND GUATEMALA**

**PROTOCOLO
AL ACUERDO ESPECIAL ENTRE GUATEMALA
Y BELICE
PARA SOMETER EL RECLAMO TERRITORIAL,
INSULAR Y MARÍTIMO
DE GUATEMALA A LA CORTE
INTERNACIONAL DE JUSTICIA**

La República de Guatemala y Belice en lo sucesivo "las Partes";

CONVENCIDOS: Que el Derecho Internacional provee la base para la coexistencia pacífica y para la solución pacífica de controversias entre estados;

TOMANDO EN CUENTA: Que las partes llegaron a la conclusión en el 2007 que todos los esfuerzos pacíficos para la resolución de la disputa, han sido agotados, salvo los medios jurídicos;

RECORDANDO: Que Guatemala y Belice aceptaron la recomendación del Secretario General de la OEA de someter el reclamo territorial, insular y marítimo de Guatemala a la Corte Internacional de Justicia para un fallo definitivo, aceptación que Guatemala confirmó por escrito el 17 de diciembre de 2007 y nuevamente el 16 de junio de 2008; y Belice confirmó por escrito el 29 de mayo de 2008;

CONSIDERANDO: Que el "Acuerdo Especial entre Guatemala y Belice para someter el reclamo territorial, insular y marítimo de Guatemala a la Corte Internacional de Justicia", firmado el 8 de diciembre de 2008, bajo los auspicios de la OEA, (En adelante el Acuerdo Especial), define el mecanismo para poner fin a dicho reclamo;

REITERANDO: Que el objeto y propósito de dicho Acuerdo Especial es: poner fin definitivo a cualquier y toda diferencia entre las Partes, respecto del reclamo territorial, insular y marítimo de Guatemala en la Corte Internacional de Justicia;

**PROTOCOL
TO THE SPECIAL AGREEMENT BETWEEN
BELIZE AND GUATEMALA
TO SUBMIT GUATEMALA'S TERRITORIAL,
INSULAR AND MARITIME CLAIM TO THE
INTERNATIONAL COURT OF JUSTICE**

Belize and the Republic of Guatemala, hereinafter "the Parties";

CONVINCED that International Law provides the basis for peaceful coexistence and for the pacific settlement of disputes between States;

NOTING that the Parties reached the conclusion in 2007 that all pacific means for the settlement of disputes between Belize and Guatemala have been exhausted, except by the juridical means;

RECALLING that Belize and Guatemala accepted the recommendation by the OAS Secretary General to submit Guatemala's territorial, insular and maritime claim to the International Court of Justice for a definitive settlement, which was confirmed by Guatemala in writing on 17 December 2007 and reaffirmed on 16 June 2008; and confirmed in writing by Belize on 29 May 2008;

CONSIDERING that "The Special Agreement between Belize and Guatemala to submit Guatemala's territorial, insular and maritime claim to the International Court of Justice," signed on 8 December 2008 under the auspices of the OAS (henceforth referred to as the "Special Agreement"), defines the mechanism to put an end to such claims;

REITERATING that the objective and purpose of the Special Agreement is to definitively put an end to any and all differences between the Parties in respect of Guatemala's territorial, insular and maritime claim in the International Court of Justice;

TOMANDO EN CUENTA: Que las consultas populares simultáneas que se habían programado realizar el 6 de octubre de 2013 no se llevaron a cabo;

CONSIDERANDO: Que las Partes continúan comprometidas a la creación de un clima de confianza entre sus dos pueblos;

REAFIRMANDO: El compromiso de someter la disputa a la Corte Internacional de Justicia para su resolución definitiva, de conformidad con el Acuerdo Especial;

REITERANDO: El compromiso de las Partes de promover la buena vecindad y la cooperación bilateral en todos los campos y niveles de mutuo interés, y la necesidad de implementar los trece Acuerdos suscritos el 17 de diciembre de 2014 en Placencia, Belice; así como los compromisos contraídos en la reunión de la Comisión Conjunta de Guatemala y Belice el 10 de octubre de 2014 en la ciudad de Guatemala;

CONVENCIDOS: Que se debe hacer ahora todo esfuerzo posible para resolver las diferencias que aún subsisten, de manera que éstas no pasen a futuras generaciones;

CONSIDERANDO QUE DE MUTUO CONSENTIMIENTO, LAS PARTES ACUERDAN LO SIGUIENTE:

ARTÍCULO 1

Asegurar, a través de esfuerzos de opinión pública activa, que sus respectivos ciudadanos serán completamente informados acerca de las diferencias entre ambos países, respecto del reclamo territorial, insular y marítimo de Guatemala y de la necesidad de resolverlos de manera total y definitiva en la Corte Internacional de Justicia.

NOTING that the simultaneous referendum between the two countries programmed for 6 October 2013 did not take place;

CONSIDERING that the Parties remain committed to the creation of a climate of confidence between their two peoples;

REAFFIRMING the commitment to submit the dispute to the International Court of Justice for a final and definitive resolution in accordance with the Special Agreement;

REITERATING the commitment of the Parties to promote good neighbourliness and bilateral cooperation in all areas and levels of mutual interest, and the need to implement the thirteen Agreements signed on 17 December 2014 in Placencia, Belize, as well as the undertakings made at the meeting of the Belize-Guatemala Joint Commission of 10 October 2014 held in Guatemala City;

CONVINCED that all efforts must be made now to resolve the differences that still subsist so that they are not passed on to future generations;

WHEREAS BY MUTUAL CONSENT, THE PARTIES NOW AGREE AS FOLLOWS:

ARTICLE 1

To ensure, through active public information efforts that their respective citizens are fully informed of the differences between the two Parties in respect of Guatemala's territorial, insular and maritime claim and of the need to resolve them finally and definitively in the International Court of Justice.

ARTÍCULO 2

Realizar todas las acciones y mecanismos idóneos dentro de la normativa y los requerimientos internos, para someter en el menor tiempo posible, el reclamo territorial, insular y marítimo de Guatemala a la Corte Internacional de Justicia, de tal manera que sea ésta la que conozca, decida, resuelva y concluya el mismo de una manera definitiva.

ARTÍCULO 3

1. Modificar el artículo 7 numeral 2 del Acuerdo Especial, el cual queda de la siguiente manera: "Las consultas populares se llevarán a cabo de forma simultánea o separada, en las fechas más convenientes para las Partes".

2. Modificar el artículo 8 del Acuerdo Especial, el cual queda de la siguiente manera: "El Secretario de la Corte será notificado de este Acuerdo Especial, de manera conjunta o por cualquiera de las Partes, dentro del mes siguiente a la fecha en que la consulta popular en cada país haya aprobado, de conformidad con el artículo 7 numeral 2, la presentación de la disputa a la Corte."

Para efectos de la implementación del Artículo 3 numeral 2) literal a) del Acuerdo Especial, se entiende que el plazo para la presentación de la Memoria comenzará a contar en la fecha en que ambas Partes hayan notificado al Secretario de la Corte Internacional de Justicia la aprobación del sometimiento de la disputa a la jurisdicción de la Corte Internacional de Justicia.

ARTÍCULO 4

Este Protocolo entrará en vigor cuando se realice el intercambio de instrumentos de ratificación; y permanecerá en vigor a menos y hasta que las Partes convengan en darlo por terminado.

ARTICLE 2

To take all suitable actions and measures within their respective internal normative requirements to submit Guatemala's territorial insular and maritime claim to the International Court of Justice for the latter to hear the case, and decide and resolve it in a definitive manner.

ARTICLE 3

1. To amend Article 7.2 of the Special Agreement, which shall now read: "The referendum will be held simultaneously or separately on the dates most convenient to the Parties".

2. To amend Article 8 of the Special Agreement, which shall now read: "The Registrar of the Court shall be notified of this Special Agreement jointly or by either of the Parties within a month after the referendum in each country has approved, pursuant to Article 7.2, submission of the dispute to the International Court of Justice".

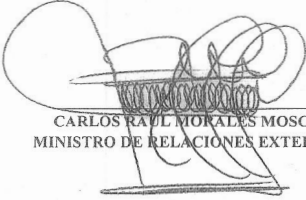
For the purpose of implementing Article 3 sub paragraph 2.a of the Special Agreement, it is understood that the timeframe for the presentation of the Memorial shall begin to run from the date when both Parties have notified the Registrar of the International Court of Justice of their approval based on the results of the referendum to submit the dispute to its jurisdiction.

ARTICLE 4

This Protocol will enter into force upon the exchange of instruments of ratification and remain in force unless and until terminated by agreement of the Parties.

Suscrito en Guatemala, el día 25 de mayo de 2015, en triplicado en español y en inglés, siendo todos los textos igualmente auténticos.

POR LA REPÚBLICA DE GUATEMALA

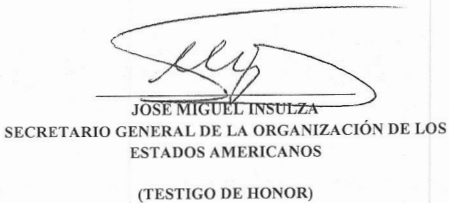


CARLOS RAÚL MORALES MOSCOSO
MINISTRO DE RELACIONES EXTERIORES

POR BELICE



WILFRED ELRINGTON
PROCURADOR GENERAL Y MINISTRO DE RELACIONES EXTERIORES



JOSE MIGUEL INSULZA
SECRETARIO GENERAL DE LA ORGANIZACIÓN DE LOS ESTADOS AMERICANOS
(TESTIGO DE HONOR)

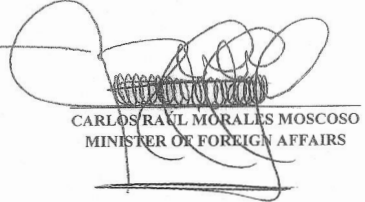
Signed in Guatemala on the 25th day of May, 2015, in triplicate in English and Spanish, being all texts equally authentic.

FOR BELIZE

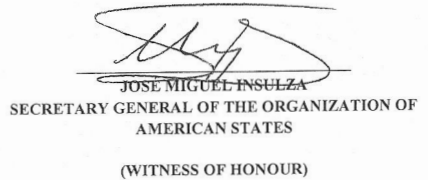


WILFRED ELRINGTON
ATTORNEY GENERAL
AND MINISTER OF FOREIGN AFFAIRS

FOR THE REPUBLIC OF GUATEMALA



CARLOS RAÚL MORALES MOSCOSO
MINISTER OF FOREIGN AFFAIRS



JOSE MIGUEL INSULZA
SECRETARY GENERAL OF THE ORGANIZATION OF AMERICAN STATES
(WITNESS OF HONOUR)

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