

BORDER AND TERRITORIAL DISPUTES

3rd Edition

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5.4 Belize-Guatemala

The British Crown Colony of Belize (formerly British Honduras) became independent in September 1981, notwithstanding the existence of an unresolved Guatemalan claim to its territory dating back to 1859. Under the Guatemalan constitution of 1945 Belize was regarded as the 23rd department of that country, and Guatemala thus claimed that the granting of self-determination to Belize would disrupt its own national unity and territorial integrity. While the British government had been ready to grant full independence to the colony much earlier, Belize feared that in the event of a British withdrawal without adequate defence guarantees Guatemala would invade to implement its claim. However, following an overwhelming vote at the United Nations in November 1980 in favour of the independence of Belize, the British government decided to proceed with granting independence and convened a constitutional conference followed by tripartite negotiations in which the basis for Guatemalan acceptance of Belize's independence appeared to have been established. Although it later transpired that Guatemala had not substantially modified its position, Belize nevertheless proceeded to full independence as a constitutional monarchy on Sept. 21, 1981, with British troops continuing to be stationed there for an indefinite period. Since then Guatemala has maintained a territorial claim against Belize, while indicating since 1983 a willingness to accept a compromise settlement giving it improved access to the Caribbean Sea.

Mexico also has a dormant claim to the northern half of Belize and had previously stated that it would reactivate this claim "in the event of any change in the colony's status which is not in accordance with the right of its inhabitants to self-determination".

History of the Dispute

Extending over an area of 8,866 square miles (23,000 sq km), British Honduras was granted internal self-government in 1964 and changed its name to Belize on June 1, 1973. It had become a Crown Colony in 1871, having been a British colony since 1862 and under British sovereignty since 1798.

The first settlers were English timbercutters and their black slaves in the mid-17th century. Under the 1670 Treaty of Madrid, Spain conceded certain rights to the timbercutters who, over the previous 30 years, had established themselves on the uninhabited shores of the Belize river. The British government did not, however, lay claim to the territory officially. Over the next 130 years the territory was subjected to repeated attacks by Spain, which claimed sovereignty over it. Finally, a Spanish naval flotilla was defeated by a small Belizean boat fleet at the Battle of St George's Caye on Sept. 10, 1798, and British sovereignty over Belize was explicitly recognized by the Peace of Amiens in 1802.

When Mexico and Guatemala became independent in 1821 they both claimed sovereignty over Belize as successors to the Spanish Crown in the region. Their claims were rejected by Britain, however, in view of the fact that British settlers had by this time already established themselves as far south as the Sarstoon river (the present southern boundary). Mexico recognized British Honduras in 1826 and renounced claims to it in 1893 by treaty; the United States recognized it in 1850 (together with British Guiana) as exceptions to the Monroe Doctrine. However, Guatemala continued to regard Belize as part of its territory.

In 1859 Britain tried to settle the territorial dispute between Guatemala and British Honduras by means of a frontier convention, one of whose articles provided for the

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joint construction of a means of communication between Guatemala and the Caribbean across Belize; this article was never implemented and has remained a bone of contention. A supplementary convention was signed in 1863 under which the British government undertook to pay a substantial amount towards the cost of a road, although this never came to fruition despite the later renewal of the offer by Britain.

Guatemala on Sept. 24, 1945, conveyed to the British government the text of a draft decree declaring the 1859 convention null and void and inserting into its own constitution a clause laying claim to the whole of British Honduras as Guatemalan territory. Its claim was based on the contention that, as the 1859 convention on communications had never been implemented, the whole convention was null and void and that Guatemala therefore had a claim to the whole of British Honduras, or at least to the southern part. The claim was wholly rejected by Britain, which said that even had the convention lapsed this would be no reason why any part of the territory should belong to Guatemala, since Britain had been in possession for 150 years (i.e. since before the convention was signed or Guatemala became independent). In January 1946 Britain invited Guatemala to submit the dispute to the International Court of Justice, and repeated the invitation on subsequent occasions, but Guatemala never took it up.

British Honduras achieved internal self-government on Jan. 1, 1964, following a constitutional conference in London on July 10-22, 1963, at which only British Honduras and Britain were represented. Guatemala (ruled at that time by Col. Enrique Peralta) broke off diplomatic relations with Britain on the last day of the conference, claiming that the British government's decision to move towards the independence of British Honduras was "a unilateral action which is a flagrant violation of the inalienable and sovereign rights of Guatemala". Prior to this, President Ydigoras Fuentes of Guatemala had raised the issue of sovereignty in December 1961 and talks on the issue had taken place in Puerto Rico in April 1962 at the instigation of Britain. Among matters agreed on this occasion were the creation of mixed committees of representatives of Guatemala, Britain and British Honduras on mutual relations, and on economic and social development.

In July 1965 Britain and Guatemala requested the United States to mediate in their dispute. Accordingly, President Johnson commissioned a report from a New York lawyer, Bethuel M. Webster, who on April 18, 1968, proposed that Britain and Guatemala should conclude a treaty, and that the former should endeavour to persuade British Honduras to accede to it on becoming independent. It was proposed that the treaty should contain the following conditions: (i) that British Honduras should attain independence by Dec. 31, 1970, with the probable name of Belize; (ii) that there should be unrestricted trade, travel and other contacts between Guatemala and British Honduras; and (iii) that a road should be constructed between the two countries.

George Price, the Prime Minister of British Honduras, declared on May 9, 1968, that his government rejected Webster's proposals because they failed to recognize the colony's right to sovereignty. Britain thus responded on May 20 that since the British Honduras government, with the endorsement of its House of Representatives, had asked Britain not to accede to such a treaty with Guatemala, and since the dispute with Guatemala could only be settled in accordance with the wish of the British Honduras people, it could not endorse the mediator's proposals.

Developments in the 1970s

In 1971 Guatemalan troop movements in the border area gave rise to fears of a Guatemalan invasion of British Honduras. Guatemala subsequently protested over a British military training exercise held there in February 1972 to coincide with British naval manoeuvres in the Caribbean, and the outcome was that Guatemala in March 1972 broke off informal talks on the Belize issue. At the end of the troop exercise

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Britain decided to increase the size of its permanent British garrison in Belize from one to two companies (i.e. to about 700 men), giving rise to another protest from Guatemala. The presence of an increased number of troops proved a stumbling block to further talks, which did not resume until February 1975. On their resumption, Britain rejected Guatemalan proposals envisaging the cession of the southern quarter of Belize (south of latitude 16°30'), including an area thought to contain oil deposits, in return for the renunciation by Guatemala of its claim to the rest of the colony. The talks broke down in July 1975.

Reports of increased Guatemalan military activity in the border areas in October 1975 led Britain in November 1975 to send reinforcements to its garrison in Belize at George Price's request. By Nov. 8 its military strength in the colony had been increased to over 1,000 men, supported by six Hawker Harrier vertical takeoff aircraft and a frigate, which patrolled offshore with a detachment of Marines aboard. The UK Foreign and Commonwealth Secretary in the then Labour government, James Callaghan, told the House of Commons in a statement on Nov. 6 that the British garrison in Belize had been strengthened because of the increased Guatemalan military activity on the border and because of "statements by Guatemalan ministers of their intention to incorporate Belize in Guatemala". He said that he had informed Guatemala in September that "if there were an invasion of a British colony which is seeking to become independent and whose independence is denied only by the Guatemalan claim, we would fulfil our responsibilities to that colony".

Despite Guatemalan opposition to the reinforcement of the British military presence in Belize, however, no further action was taken by Guatemala, and at the end of November 1975 Britain and Guatemala agreed to hold fresh talks, with Belizean participation, early the following year.

The UN General Assembly on Dec. 8, 1975, adopted a resolution on Belize (3432/XXX)—with Mexico abstaining and Guatemala not participating—which had already been adopted by the UN Trusteeship Committee on Nov. 21. This resolution (i) reaffirmed the "inalienable right of the people of Belize to self-determination and independence"; (ii) declared that the "inviolability and territorial integrity of Belize must be preserved"; (iii) called upon all states to respect the right of the people of Belize to self-determination, independence and territorial integrity and to facilitate the attainment by them of their goal of a secure independence"; (iv) called upon Britain as the administering power, acting in close consultation with the government of Belize, and on Guatemala, to "pursue urgently their negotiations for the earliest possible resolution of their differences of opinion concerning the future of Belize in order to remove such obstacles as have hitherto prevented the people of Belize from exercising freely and without fear their inalienable right to self-determination and independence"; and (v) declared that "any proposals for the resolution of these differences of opinion that may emerge from negotiations between the administering power and the government of Guatemala must be in accordance with paragraphs (i) and (ii) above".

A similar resolution (31/50) was adopted by the General Assembly on Dec. 1, 1976, urging all states to refrain from any action threatening the territorial integrity of Belize, on which Mexico again abstained. Panama, which had previously supported Guatemala's claim, voted in favour of Resolution 31/50, causing Guatemala to sever diplomatic relations with Panama in May 1977.

Meanwhile, George Price's People's United Party (PUP), which was returned to power in Belize in the October 1974 general elections after calling for early independence, tried during 1975 to internationalize the sovereignty issue, winning the support of the Non-Aligned Movement and being backed by various independent Caribbean states including Jamaica, Cuba, Guyana, and Trinidad and Tobago. The Belize government also decided to seek UN support for its cause, and invited the opposition United Democratic Party (UDP) to join the PUP in formulating a case. The UDP accepted, after agreeing to a formula which affirmed its own commitment to Belize's right to self-determination while

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reserving its position on the timing of independence (to which it adopted a more gradualist approach).

Talks recommenced between the three parties in April 1976 (after delays due to the earthquake in Guatemala in February 1976) and more talks were held in June and September 1976, the latter (in Panama City) being followed in October by the first ever bilateral meeting between Belizean and Guatemalan officials (in Honduras). At this stage (the end of 1976) Guatemala was said to have agreed to certain economic co-operation proposals including the use of free-port facilities in Belize City, but it still refused to abandon its claim to that part of Belize south of latitude 16°30'. No progress was made on the fundamental issue of Belizean territorial integrity.

In July 1977 the British military presence was again strengthened in Belize because of tension between the colony and Guatemala; the latter's troops were reported to be massing on the border, and Guatemalan leaders spoke of the possibility of an armed conflict with Britain. A Royal Navy frigate took up position off Belize, British forces were moved to within two miles of the border, and the Hawker Harrier detachment (which had been withdrawn just before the April 1976 talks) was again deployed in the colony. Despite the military tension, however, further tripartite talks were held in July 1977 in Washington.

While in Washington, the British and Guatemalan delegates also had separate talks on the Belize issue with Cyrus Vance, the US Secretary of State in the Carter administration. George Price said on July 8 that he would welcome a US endorsement of Belize's right to "complete independence" and he called for a US defence guarantee after independence if Britain continued to decline to undertake such a commitment.

Negotiations leading to Independence of Belize

Over the next two years (i.e. until the end of 1979) no substantial progress was made towards a settlement, although the parties concerned had numerous contacts and negotiations. The United States assumed an active role, and an increasing number of countries of the region came to support Belize's position.

Following talks in London in January 1978 involving Dr David Owen (then UK Foreign and Commonwealth Secretary), George Price and Edward Rowlands, Dr Owen told the House of Commons on Jan. 25 that "various proposals including the possibility of territorial adjustments" had recently been discussed between Britain and Guatemala. Price himself emphasized at a press conference later on Jan. 25 that no Belizean territory could be ceded. He revealed for the first time that during the past six months the British government had been considering various proposals for the cession to Guatemala of an area of Belize's southern territory which had been progressively reduced in size over that period, ranging from about 2,000 square miles (comprising land south of Monkey River plus seabed) to about 1,000 square miles (land south of the Moho river plus seabed between the Moho river and Ranguana Caye, where oil prospecting was in progress); this latest proposal would give Guatemala sovereignty over an alternative access route (by sea) to its Caribbean port of Puerto Barrios. Price's own view was that the cession of land would create not solve problems and, since the latest London talks had failed to produce an acceptable basis for settlement, Belize would now seek security guarantees from Caribbean countries.

Belize's aim at this stage appeared to be the stationing of a security force in Belize which would be strong enough to allow Belize to attain independence without having to negotiate a settlement with Guatemala first. However, the Guatemalan government indicated in mid-May 1978 (while a further round of Anglo-Guatemalan talks was in progress) that it was maintaining its demand for a territorial concession and was also demanding in the current talks the formation of a joint Guatemala-Belize military staff and joint consultations on Belize's external relations.

Subsequently, at a meeting in New York in June 1978, Dr Owen, Price and Dean

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Lindo (the UDP leader) drew up a "memorandum of understanding" whereby (i) Britain undertook to invite the Belize government and opposition to participate in all future talks with Guatemala, (ii) Britain agreed to submit any agreement reached at such talks to a national referendum in Belize and (iii) Price and Lindo agreed to "put the issue of the Anglo-Guatemalan dispute above party politics and treat the search for a solution as a national objective".

After Maj.-Gen. Fernando Romeo Lucas García became President of Guatemala on July 1, 1978, fresh talks involving representatives of the new government opened in September in New York; in December, however, Guatemala rejected British settlement proposals whereby Belize would after independence have refrained (i) from introducing measures regarding its offshore jurisdiction in the Bay of Amatique which would block Guatemala's sea access to its Caribbean ports, and (ii) from entering into any pacts with third countries without Guatemalan agreement. Guatemala would for its part have been granted preferential customs treatment for trade through the port of Belize City, and Britain would have financed the construction of a new road from Guatemala through Belize to the Caribbean. The UN General Assembly on Dec. 13, 1978, adopted a resolution (33/36) urging a settlement to the dispute on the basis of Belize's "right to self-determination, independence and territorial integrity"; the resolution was supported by 128 states, this time including Costa Rica and Colombia (which had voted against a previous resolution on Nov. 27, 1977). On a further resolution (34/38) adopted on Nov. 21, 1979, referring to the inviolability and territorial integrity of Belize, Latin American countries voting for the first time in favour of Belize's right to self-determination included Brazil, Dominican Republic, Ecuador and Nicaragua.

Tripartite talks opened in May 1980 at which Britain was reported to have taken the line that, if mutually acceptable agreement could not be reached, Britain would unilaterally move the territory towards independence. Guatemala's position in 1980 was considerably weaker than it had been hitherto due to the deterioration of Guatemala's internal security situation, which led the United States and also Mexico to wish to seek a stable solution to the Belize issue in the interests of regional security. Washington was also anxious at this stage that Britain should continue to exercise its defence commitment to Belize after eventual independence.

On Nov. 11, 1980, the UN General Assembly adopted by 139 votes (including the United States) to none, with seven abstentions and with Guatemala absent, a resolution (35/20) to the effect that Belize should be granted independence by the end of 1981, calling upon Britain to convene a constitutional conference to prepare for Belizean independence; and urging Britain to "continue to ensure the security and territorial integrity of Belize". It also called on Guatemala and independent Belize to "work out arrangements for post-independence co-operation on matters of mutual concern". The British government accordingly announced on Dec. 2, 1980, that it intended to convene a constitutional conference in the near future.

At a round of talks involving Britain, Guatemala and a Belizean delegation in London beginning on March 5, 1981, all three delegations accepted 16 heads of agreement, whose text was formally signed on March 16 by ministerial representatives of the three countries as follows:

"The United Kingdom and Guatemala, in order to settle the controversy between them over the territory of Belize, have reached agreement on the following points:

"(1) The United Kingdom and Guatemala shall recognize the independent state of Belize as an integral part of Central America, and respect its sovereignty and territorial integrity in accordance with its existing and traditional frontiers, subject, in the case of Guatemala, to the completion of the treaty or treaties necessary to give effect to these heads of agreement.

"(2) Guatemala shall be accorded such territorial seas as shall ensure permanent and unimpeded access to the high seas, together with rights over the seabed thereunder.

"(3) Guatemala shall have the use and enjoyment of the Ranguana and Sapodilla

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[Zapotillo] cayes, and rights in those areas of the sea adjacent to the cayes, as may be agreed.

"(4) Guatemala shall be entitled to free port facilities in Belize City and Punta Gorda.

"(5) The road from Belize City to the Guatemalan frontier shall be improved; a road from Punta Gorda to the Guatemalan frontier shall be completed. Guatemala shall have freedom of transit on these roads.

"(6) Belize shall facilitate the construction of oil pipelines between Guatemala and Belize City, Dangriga and Punta Gorda.

"(7) In areas to be agreed an agreement shall be concluded between Belize and Guatemala for purposes concerned with the control of pollution, navigation and fishing.

"(8) There shall be areas of the seabed and the continental shelf to be agreed for the joint exploration and exploitation of minerals and hydrocarbons.

"(9) Belize and Guatemala shall agree upon certain developmental projects of mutual benefit.

"(10) Belize shall be entitled to any free port facilities in Guatemala to match similar facilities provided to Guatemala in Belize.

"(11) Belize and Guatemala shall sign a treaty of co-operation in matters of security of mutual concern, and neither shall permit its territory to be used to support subversion against the other.

"(12) Except as foreseen in these heads of agreement, nothing in these provisions shall prejudice any rights or interests of Belize or of the Belizean people.

"(13) The United Kingdom and Guatemala shall enter into agreements designed to re-establish full and normal relations between them.

"(14) The United Kingdom and Guatemala shall take the necessary action to sponsor the membership of Belize in the United Nations, the Organization of American States, Central American organizations and other international organizations.

"(15) A joint commission shall be established between Belize, Guatemala and the United Kingdom to work out details to give effect to the above provisions. It will prepare a treaty or treaties for signature by the signatories to these heads of agreement.

"(16) The controversy between the United Kingdom and Guatemala over the territory of Belize shall therefore be honourably and finally terminated."

George Price said in a nationwide broadcast on March 17, 1981, that "Belize has gained its overwhelming objectives while protecting the basic rights of the Belizean people and adhering fully to the UN resolutions that protect our sovereignty and territorial integrity". In Guatemala, the government presented the heads of agreement as an honourable means of settling the dispute in the face of strong international pressure.

The Mexican government was reported to be happy with the agreement and to have no intention of pressing its dormant claim, but the Honduran government made an official protest to Britain over the status of the Sapodilla cayes, to which it had a longstanding dormant claim. Honduras also claimed a right to participate in the proposed negotiations on the grounds that "the delimitation of sea areas could lead to situations of conflict to the detriment of Honduras's legitimate rights".

The British government formally announced on March 20, 1981, that a constitutional conference would begin in London on April 6. However, the UDP continued to oppose the heads of agreement as a sell-out of Belizean interests, and mounted an anti-government campaign which developed into public disorders and led to the declaration of a state of emergency in Belize from April 2 to 24. In view of the emergency George Price did not attend the London constitutional conference, the Belize delegation being led by Carl Rogers, the deputy leader of the PUP. The UDP boycotted the conference.

Negotiations on a treaty to give formal effect to the heads of agreement were held in New York from May 20 to 28, 1981, by a tripartite commission of British, Guatemalan

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and Belizean government representatives. A further round held in New York on July 6-10 became deadlocked after Guatemala reportedly insisted that its interpretation of the heads of agreement would allow the establishment of naval facilities on Ranguana and Sapodilla cayes, this being rejected by Britain and Belize.

In the absence of agreement on a treaty, and following Belize-UK talks in London on July 19-23, 1981, it was announced on July 26 that independence would be granted to Belize notwithstanding on Sept. 21 and that British troops would continue to be stationed there for "an appropriate period" thereafter. Guatemala responded by restating its intention to "reserve its legal and historic rights" over Belize, although it made it clear that no attempt would be made to occupy Belizean territory by force after independence. On Sept. 7 Guatemala broke off all remaining diplomatic links with Britain, severed commercial ties, and closed its border with Belize. Independence Day on Sept. 21, 1981, was declared a day of national mourning in Guatemala, and the ceremony in Belize was boycotted by the UDP. At the request of George Price (who became the first Prime Minister of independent Belize), the ceremonial lowering of the British flag took place in total darkness to symbolize the fact that Britain was not wholly relinquishing its responsibilities towards Belize.

A schedule to the Belize constitution defined the territories of the new independent country with reference to (i) the Guatemalan frontier prescribed by the UK-Guatemala treaty of 1859, and (ii) the Mexican frontier prescribed by the UK-Mexico treaty of 1893. Belize's offshore reefs, islands and islets were listed, together with "their adjacent waters as far as the outer limits of the territorial seas appertaining to them".

Continuation of Dispute in Post-Independence Period—Guatemala's Apparent Willingness to accept Compromise Settlement

Belize was admitted to the United Nations on Sept. 25, 1981, its application being sponsored by Mexico, which subsequently became the first non-Commonwealth country to establish diplomatic relations with Belize. The Guatemalan government stated (on Sept. 25) that it would "continue to struggle, in a peaceful manner, to defend its rights by diplomatic means and international law". In December 1985, apparently in response to local economic pressures, Guatemala reopened one border crossing to Belize.

A statement by the Price government that Belize would apply for full membership of the Non-Aligned Movement was welcomed by the movement's then chairman, President Castro of Cuba, who urged all member countries to "offer their rapid recognition" of the new state. As regards the Organization of American States (OAS), Belize submitted a formal application in October 1981 but stated that it did not wish to be considered for membership immediately (its admission being effectively blocked under the OAS rule requiring the exclusion of applicant states currently involved in territorial disputes with existing members). Nevertheless, Belize was invited to send observer delegations to subsequent OAS conferences. Belize's first post-independence bilateral friendship agreement was concluded with Costa Rica in November 1981.

Following the accession to power in Guatemala of Gen. Efraín Ríos Montt in March 1982, a new attempt was mounted to solve the territorial issue. Although the new regime maintained Guatemala's refusal to recognize the independence of Belize, the Guatemalan Foreign Minister formally proposed in July 1982 (via the Swiss embassy, which was then representing British interests in Guatemala) that Britain and Guatemala should resume negotiations, it being subsequently announced that tripartite talks would open in New York in January 1983. Initially Guatemala had proposed bilateral talks with Britain, which had objected on the grounds that Belize was now an independent country and should therefore be fully represented.

Prior to the new talks, President Ríos Montt announced on Jan. 13, 1983, that whereas Guatemala had previously claimed the whole territory of Belize "now the Guatemalan position has changed: we want the district of Toledo to form part of our

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territory". He said that the Guatemalan claim to this area—about one-fifth of the total area of Belize and including the southern part of Punta Gorda—was based on considerations of cultural traditions, geography and national security, adding that if the claim were met Guatemala would recognize the independence of Belize. However, this Guatemalan offer (which was reported to have been encouraged by the US government) was immediately rejected by the Belize government.

The tripartite negotiations opened in New York on Jan. 24, 1983, but broke down after only one day. Belize refused to make any territorial concessions, while Guatemala rejected counter-proposals under which it would have gained a sector of Belize's territorial waters, transit rights through the south of Belize and participation in a joint development zone on either side of the Sarstoon river to a width of five kilometres.

After a further Guatemalan military coup in August 1983, the new regime reverted to claiming the whole of Belize, thus apparently withdrawing the Rios Montt compromise proposal of January 1983. Meanwhile, a contingent of some 1,800 British troops remained in Belize, their presence being regarded as even more essential by the Belize government in the light of the Argentinian invasion of the Falkland Islands in April 1982. In the Belize general elections of December 1984 (which resulted in a defeat for Price's PUP and the formation of a UDP government led by Manuel Esquivel) both major parties supported the retention of the British troops and also rejected suggestions emanating from the UK government that US troops might replace them.

The UDP government was represented at a further round of talks in New York in February 1985, when the Guatemalan side was reported to have again indicated a willingness to accept a compromise territorial settlement. In May 1985 the Guatemalan Constituent Assembly, in drawing up a new civilian constitution, approved an article empowering the government to take appropriate action to resolve the dispute "in conformity with national interests", thus effectively dropping the previous constitution's assertion that Belize was part of Guatemala. On Dec. 17, 1985, the new civilian President-elect of Guatemala, Vinicio Cerezo, publicly advanced the possibility of Guatemala extending recognition to Belize in return for territorial concessions which would improve Guatemalan access to the Caribbean Sea.

In August 1985 Manuel Esquivel visited London in an attempt to secure a commitment that British troops would remain in Belize until the territorial dispute with Guatemala had been finally resolved. He later stated that the UK government had reiterated its pledge to retain its forces for "as long as necessary" but had declined to give an indefinite commitment to the defence of Belize. It was agreed, however, that Britain would assist in the training and expansion of the 600-strong Belize Defence Force and would provide aid for economic and infrastructural development.

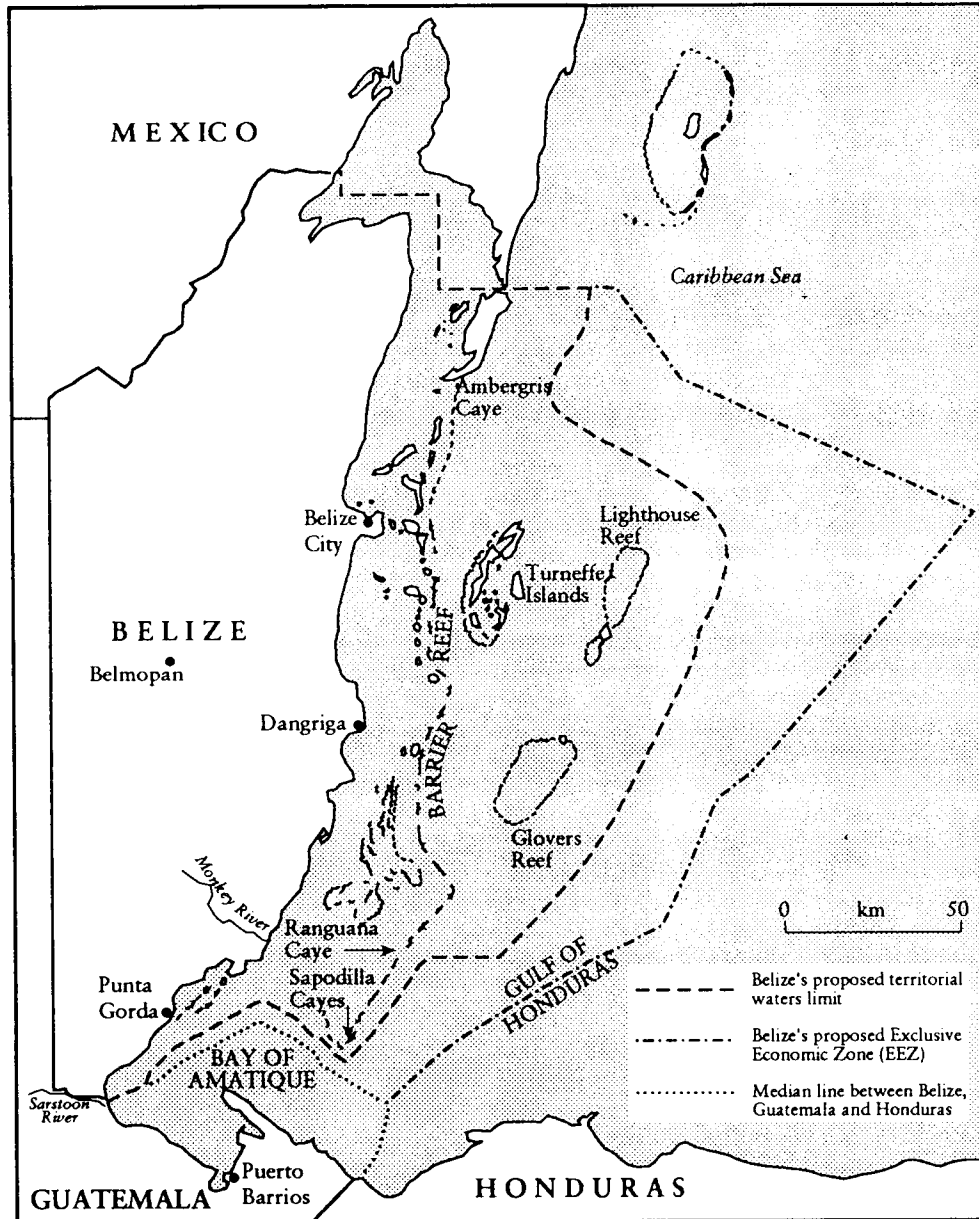
Having resumed consular relations on Aug. 19, 1986, Britain and Guatemala resumed full diplomatic relations on Dec. 29, 1986—a development which was welcomed by the Esquivel government as potentially facilitating Guatemala's recognition of the independence of Belize. The existence of a civilian government in Guatemala also assisted bilateral relations between Guatemala and Belize. On Oct. 19, 1986, restrictions on trade with Belize imposed by the Guatemalan authorities were lifted.

The first direct talks on the issues at foreign minister level were held on April 29 and 30 in Miami, with a delegation from the UK acting as observers. The talks were described as "cordial", but failed to reach any real progress after a reiteration of Guatemalan demands for sizeable territorial concessions. The following year a meeting between the then Belizean Foreign Minister, Dean Barrow, and the Guatemalan Vice-President, Roberto Carpio Nicolle, on April 24-25, 1988, led to a further meeting in Miami on May 30-31, at which it was agreed to set up a joint commission of Belizean and Guatemalan officials to meet regularly and discuss the issues further.

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Events leading to Guatemala's Diplomatic Recognition of Belize and Negotiations on Maritime Boundaries

Meetings of the joint Guatemalan-Belizean commission continued through 1989, together with informal contacts between Guatemalan and Belizean ministers and officials. Progress was made gradually, but no definitive draft treaty was reached. A general election in Belize in September 1989 led to the return of George Price and the PUP to power. On assuming office Price promised to continue the talks. Price subsequently met President Cerezo on the Honduran island of Roatán on Dec. 15,



Map 5.4 The Belize-Guatemala dispute.

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1989 and another round of talks was held on Roatán on July 9. In both cases the Belizean delegation was bipartisan, including representatives of the government and the opposition UDP. The maritime boundaries were agreed in principle, while other areas of co-operation were to be discussed by the reconvened joint commission. A further meeting, attended by British officials, was held in Miami in August 1990 to discuss a proposed economic co-operation treaty and the contribution Britain could make by providing funds for development.

A major shift in the Guatemalan attitude was displayed in January 1991 when the newly elected Guatemalan president, Jorge Serrano Elias, made several statements confirming his belief that the dispute could be settled amicably and that Guatemala should accept the fact that Belize existed and was widely recognized internationally. On Jan. 8, Guatemala supported Belize's accession to the Organization of American States (OAS) in accordance with the decision made by the OAS in December 1985 to suspend the article preventing Belize's accession after a five-year period. In July talks between officials of the two countries resumed in Miami.

Settlement of the maritime boundaries in the Bay of Amatique was seen as an important stage in the progress towards a solution of the overall dispute and Guatemala's eventual dropping of its claim. In August, Guatemala and Honduras set up a joint commission to negotiate an agreement on their territorial waters in the Bay of Amatique. This allowed the Belizean government to introduce a Maritime Areas Bill into the National Assembly on Aug. 16, establishing a general territorial waters limit of 12 miles and an exclusive economic zone of up to 200 miles, apart from the area between Ranguana Caye and the Sarstoon River where the limit was to be three miles. By limiting the maritime boundary in the south to three miles instead of the median line between the two countries, Belize would allow Guatemala access to the high seas from the port of Puerto Barrios through deep water. Guatemala had claimed a 12-mile limit since 1939, and the extension of Belize's former three-mile limit to the median line between the two countries would have closed off this traditional route of access enjoyed by Guatemala.

On Sept. 5, 1991, Serrano announced that Guatemala in effect recognized Belize and would continue to seek a definitive solution of the dispute, although he stated that Guatemala's claim had not been formally withdrawn. On Sept. 11, full diplomatic relations between the two countries were established and ambassadors exchanged. The announcement was made without the Guatemalan Cabinet being consulted and the foreign minister, Alvaro Arzú Irogoyen, later resigned in protest stating that the constitution had been disregarded. On Sept. 16, however, a Belizean delegation visited Guatemala City for talks. In the joint communiqué issued as a result of the meeting, Guatemala acknowledged that its claim was not "an obstacle to the recognition of the people of Belize to self-determination" and both governments agreed to "continue to negotiate a definitive agreement to end their differences", with such an agreement subject to approval in referendums in both countries. A bilateral commission was to be established to reach co-operation agreements in the following areas:

- (1) Joint exploration of defined areas of Belize's exclusive economic zone (EEZ) for mutual benefit;
- (2) Permanent access for Guatemala to the Caribbean from El Petén department and the reciprocal use of port facilities;
- (3) Cultural and educational exchanges;
- (4) Tourism co-operation, particularly in the Mundo Maya project;
- (5) Co-operation in combatting the illegal drugs trade;
- (6) Development of commerce and investment between the two countries.

In support of its promise to provide funds for development if a successful agreement could be reached to the dispute, the British government offered £22.5 million after the establishment of diplomatic relations as a contribution to renewing road links between the two countries, thus in a way fulfilling its obligations under the 1859 treaty.

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The Belizean government set up a national bipartisan commission to publicize the proposed Maritime Areas Bill prior to discussion in the National Assembly. Concerns by Belizean fishermen in the south that the new boundaries would limit their activities were raised during discussions between Serrano and Price at the end of October. Serrano assured the Belizeans that traditional fishing and navigational rights would be respected. The Maritime Areas Bill was duly passed by the House of Representatives on Jan. 17, 1992, by 16 votes to 12, although the issue caused dissention within the UDP leading to a number of resignations and expulsions from the party. Belize's improved relations with Guatemala helped improve other relationships in Central America, including an invitation at the presidential summit in December to join the Central American Community, and the joint hosting of a meeting of Central American and CARICOM foreign ministers in Honduras in January 1992.

5.5 Bolivia-Chile (Lauca River Waters)

A dispute over the use of the waters of the River Lauca (which has its source in Chile and flows on to the Andean plateau of Bolivia), which had existed for several years, reached a critical point in 1962 after Bolivia had warned Chile on March 22 of that year that the diversion of water from the river by Chile would be regarded as an act of aggression, as such a diversion could not be undertaken without the agreement of both countries.¹ (For an illustration of this dispute, see map 5.6.)

Despite the Bolivian warning, the Chilean President on April 14, 1962, ordered that the sluice gates of a new dam on the Lauca river should be opened to supply an irrigation scheme and a new hydroelectric project in Chile. Bolivia in turn contended that this action reduced the flow of the Lauca river waters into Bolivia and broke off its diplomatic relations with Chile on April 16.

The Bolivian government also appealed to the Council of the Organization of American States (OAS) to find a solution to the dispute. The Council unanimously decided on May 24, 1962, to call on Bolivia and Chile to come to an agreement by making use of any of the peaceful means for settling disputes contained in the 1947 Inter-American Treaty for Reciprocal Assistance (the Treaty of Rio). Bolivia and Chile, however, failed to agree on such means, with Bolivia favouring mediation by five Latin American states and Chile wishing to call for arbitration by the International Court of Justice, on the grounds that the issue was a legal and not a political matter.

On Sept. 3, 1962, however, the Bolivian government temporarily withdrew from participation in the activities of the OAS, stating that it had acted "in strict accordance with the terms of the [OAS] resolution of May 24", whereas the Chilean government appeared not to intend to contribute to the reaching of an immediate solution because it was "the beneficiary of the present illegal situation". Bolivia also claimed that the humidity in the area had already been reduced, that the salinity of Lake Coipasa (into which the Lauca river flows) had been raised, that difficulties had been created in agriculture and cattle-raising in three provinces, and that Chile was also attempting

¹For the separate dispute between Bolivia, Chile and Peru over the question of Bolivian access to the sea, see section 5.6.