

Background
information on
disputes between
belize and guatemala
politics essay



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This chapter gives an overall sketch of the paper starting with some background to the dispute through an examination of the States; discussion of the purpose of conducting the research and its possible contribution; and the methodology that will be used for analysis.

BACKGROUND:

Belize and Guatemala are neighbors geographically but territorial rivals historically. Their proximity as well as other natural/geographical characteristics exemplifies the limited nature of the similarities that exists between the two countries. Perhaps, it is the vast array of differences and the absence of a common will, which have contributed to the prolongation of the territorial dispute. The supported opinion suggests that the strongest approach to dispute resolution in this case is within a legal framework, and that by practically merging some of the differences and similarities of the nation States, there may exist an avenue of compromise to assist in ascertaining an amicable yet functional relationship before and after dispute resolution. This paper seeks thus to answer two main questions:

What are the legal justifications of Belize's claim to its existing land and maritime boundaries?

What are the present motivating factors for a dispute resolution between Belize and Guatemala?

Initially, however, a brief examination of the individual nations will be done as a background for later analysis.

Map A: Map showing the geographic location of Guatemala[1].

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Territorial Facts

Guatemala, as Map A illustrates, borders the North Pacific Ocean in the west, Mexico in the north, Belize in the east, the Gulf of Honduras (Caribbean Sea) and Honduras in the southeast and El Salvador in the south. Looking at three key areas (its land, its water and its internal and external politics),

Guatemala displays “ mountainous” characteristics as compared to Belize’s. Housing approximately 13 million people (with approximately 5 million fit for military service) in its total land area of 108, 430 sq. km., the nation remains densely populated with most of its available land space being utilized[2]. J.

Ann Zammit, in her article published by the Latin American Bureau in London, states that it “ might be argued that pressure on the land in Guatemala is a real factor in pushing the Guatemalan government to pursue her claim with Belize”[3]. Guatemala’s large population and the manner in which it uses its available land is very pertinent to this analysis as conflict frequently erupts on land areas bordering the two territories. Most recent attacks involve Guatemalan residents clearing Belizean rain-forest reserves or squatting on Belizean forested areas[4]. These acts continue to highlight the need for a more precise territorial boundary to avoid bloody attacks or counter-attacks by the people of the States.

Map B: Map showing the geographic location of Belize[5].

On its perimeters, as illustrated by Map B above, Belize borders Guatemala to the south and west; Mexico in the north and the Caribbean Sea in the east. Belize houses a very small population of about 301, 270 people, according to the 2008 statistics[6], which makes it sparsely populated by

density. Its land area spans approximately 22, 806 sq. km.[7]Most of its protected rainforest area lies in the south-western part of the country, adjacent to Guatemala. For this reason, a temporary territorial boundary presently exists by mean of an Adjacency Line/Zone. As previously mentioned, illegal settlements and other such conflicts along the border between the two States have the possibility of catalyzing conflict, which would threaten the internal peace of the nation States. In light of this and with the assistance of the Organization of American States (OAS), both States agreed to the establishment of an Adjacency Line and Zone[8].

Maritime Facts

The maritime boundary zone is another central issue for the disputing territories. In the case of Guatemala, its coastline extends to about 400 kilometers; 12 nautical miles (nm) of territorial sea; 200 nm of exclusive economic zone and a 200 meter depth or to the depth of exploration of continental shelf. Guatemala in its negotiations in the past and present has insisted on retaining or even extending its sea route to the Caribbean Sea, but what makes the sea route a compromising situation is the fact that Belize, Guatemala and Honduras are adjacent States sharing a coastline[9]. As previously mentioned both States have similar natural (geological) characteristics, so oil discovery in Belize would be a welcoming element[10]. Therefore, crucial to the dissolution of the boundary dispute is the delimitation of the maritime areas of the States[11].

Belize, in contrast, has a coastline which measures to about 386 km. A small portion of its territorial sea is affected by the intersection of its coastline with

that of adjacent States' - Guatemala and Honduras. According to Belize's Maritime Areas Act[12], most of Belize's territorial sea measures up to a distance of 12 nautical miles from the baseline and extending seawards. However, " to provide a framework for the negotiation of a definitive agreement on territorial differences with the Republic of Guatemala"[13], Belize has claimed only 3 nautical miles at the southern tip of its coast. With regards to the Exclusive Economic Zone (EEZ), Belize has claimed 200 nautical miles " distant from the nearest point of that baseline"[14]. It has ensured through law that if a case arises whereby the EEZ must be delimited, it shall be done in accordance to international law " to achieve an equitable settlement"[15].

Internal and External Politics

Although this research specifically focuses on the legal aspects of the dispute, the domestic politics as well as the responses to regional and international pressure has interestingly affected State action in this present case. Reciprocally, some legal agreements are honored or, in some instances, breached due to internal and external politics of the States.

In a perusal of the relevant events in Guatemala's internal politics, it is learnt that following the ending of much political instability, including a 36-year guerrilla war[16], a more favorable climate for negotiation was established. Internally, domestic politics has always regarded Belize as a part of its territory. J. Ann Zammit interestingly comments that neither water, oil nor land is the fundamental reason for Guatemala's persistent claim; rather, she fittingly states that it is the " exaggerated pride and power pretensions on

the part of a small privileged sector of the population, [dominating] Guatemalan policy making"[17]which is fostering the dispute. Perhaps it is a combination of this internal factor as well as others such as that of international pressure which has promoted the on-going dispute.

One example of the underlying ideology driving Guatemalan domestic politics in relation to the dispute with Belize is in 1961 when Belize was admitted as an associate member of the Economic Commission for Latin America (ECLA) with co-sponsorship from Britain and Guatemala. During that time, Guatemalan President Ydigoras Fuentes invited Belize " to become an associate state of Guatemala"[18]; this implies one of two things: recognition of Belize as a separate state capable of being annexed or recognition of Belize as a part of Guatemala capable of becoming a part of regional organizations only through linkage with Guatemala. Such was the general approach of Guatemala's relations towards Belize as further revealed by President Fuentes' successor, President Vinicio Cerezo Arevalo, whose Vice-President " argued for a ' new realism' on the Belize issue"[19]. His schematic approach included, among other things, military invasion and maintenance of the status quo.

Nevertheless, international pressure seems to be the most plausible reason for Guatemala's continued claim, especially after the 1954 CIA overthrow of President Arbenz. Guatemala and the United States have since enjoyed a close relationship in which " large amounts of military, logistic and financial support [have been aided] to the Guatemalan government"[20]. In the 1960's an allegation was made about Guatemalan President Ydigoras

Fuentes agreeing to have the U. S. establish a military base in Guatemala if <https://assignbuster.com/background-information-on-disputes-between-belize-and-guatemala-politics-essay/>

President Kennedy would “ pressure Britain to settle the Belize question in favor of Guatemala”[21]. Although speculative, there is no doubt as to the degree of U. S. interest in the internal politics of Guatemala or Belize, but certainly, the U. S. would rather not threaten the regional security of the hemisphere, in which it has vowed to keep stable[22].

On the other hand, Belize’s internal politics in relation to the Guatemalan territorial claim has been driven back and forth via the various political parties, with civil society contributing on the sidelines. The following quote echoes the sentiments of many Belizeans: “ Guatemala never had any rights in regard to Belize; we owe them nothing. Why should we give up anything, or make any concessions to them”.[23] Justified in ideology, such comments and their emotional attachments have far-reaching consequences on the domestic reactions towards the Guatemalan Claim. The complexity of the issue on the domestic politics has been multi-dimensional. Although Belize has agreed in several areas and on several occasions to work towards further cooperation with Guatemala, in hope of paving a smooth path towards dispute resolution, there has always emerged some issue within the negotiation which to Belize infringes on its sovereignty[24].

This struggle for national survival became more pronounced during the nationalist era (post-1950’s). National politics forced the emergence of a shift from British/Guatemalan negotiations to Belize/Guatemala negotiations. However, a rift developed amongst the political leaders in Belize as some believed that greater allegiance and association with Central America would be paramount to the nation’s future, while others aligned with the “ British-favored West Indian Federation”[25]. However, in the 1970’s national victory
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resulted from the combined resilience of Belizean politicians who refused to yield despite “ intense pressure...by Britain and the US to cede land in the south of Belize”[26].

Belizean politician such as Dean Barrow made public awareness of the December 14, 1960 declaration adopted by the United Nations General Assembly, which was the “ Declaration on the Granting of Independence To Colonial Countries and Peoples”[27]. Although Belize gained its independence 12 years after the declaration was made, it was meaningful to Belize’s domestic political ideology and gave significant international bargaining power to Belize. Among other things, Articles (1) and (6) of UNGA Resolution 1514 speaks clearly to the plight of Belize’s territorial integrity as it declares that:

“ The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations”[28].

It is for this reason that Belize as a small state continues to internationalize the dispute in order to ascertain global support.

With the general understanding that “ States, especially weaker states, have never been able to guarantee their control over activities within or across

their borders”[29], Belize, as a small State, utilizes its influence in regional and international bodies such as Caribbean Community (CARICOM) and the Organization of American States (OAS) to strengthen its security. As Guatemala continues to push forth a “ hard-line” position in the negotiations, Belize perseveres with a strong diplomatic offence, which has not allowed it to jeopardize its sovereignty and territorial integrity in drastic ways. In CARICOM, the Conference of Heads of Government expressed their disappointment in March 2000 about Guatemala’s “ reactivated claim to more than 12, 000 sq. km. of Belize’s territory”[30]as well as its use of force against Belizean security forces in February 2000.

As Belize rests on the support given at the Conference of Heads of Government of the Caribbean Community, so too does it seize support from other coalitions in the twenty-first century. These include: the Commonwealth, the Movement of Non-Aligned Countries, the ACP-EU Joint Assembly, and the United Kingdom (UK) itself. Although there is no existing treaty binding the UK to assist Belize in the event of an imminent threat or actual invasion by Guatemala, in a latest release on October 6, 2000, the UK has declared its willingness to “ consult in the event of a threat to Belize’s security and to play an appropriate part in any response”[31].

Moreover, the Organization of American States (O. A. S.) has embarked on one of the most recent attempts at dispute settlement through facilitated negotiations and facilitated proposals/recommendations. Unfortunately, a deadlock has been reached as Guatemala refused to conduct a referendum within the agreed ninety days[32]. Consequently, as a means of retaining what was ‘ gained’ from the negotiations, an Agreement to Establish a <https://assignbuster.com/background-information-on-disputes-between-belize-and-guatemala-politics-essay/>

Transition Process (signed in February 2003) and Confidence Building Measures Between Belize and Guatemala (signed in September 2005)

[33]exists among the two States. Therefore, in line with Stephen Krasner's theory of the actions of small/ weaker states, Belize has not relied solely on its national power to influence international behavior[34], but has utilized regional and international authority to strengthen its overall power.

Reason for conducting the research

The on-going territorial dispute between Belize and Guatemala is a special topic of interest as Belizean national sovereignty is being threatened. In addition to the right to self-determination, Belize should be able to enjoy its independence free of threats and possible territorial conquest by an external power. Moreover, the resources of Belize should not be compromised in any way. Some may argue that prolonging a dispute quite often strengthens the integrity of the disputed territory[35], but despite the benefits that may arise from such effects, it would have little legal standing, it would incur a loss of time and money due to the absence of a definitive solution and, most importantly, it would delay acceptance of a possible solution by Parties[36].

Not much investigation has been done to analyze the issues of the dispute in the context of the 21st century, which makes this research worthwhile and important. This paper will add further insight and knowledge as well as invoke greater understanding of an issue that has global significance. The research may also assist present policy makers and arbitrators with possible solutions for the resolution of the dispute; for example, would taking the case to the International Court of Justice (I. C. J.) be the best solution at this

point? In the words of Professor Thomas Malde in his paper entitled “Methods for Settling Boundary Disputes – Escaping from the Fetters of Zero-Sum Outcomes”, the O. A. S. facilitators have encouraged “ the innovative search for optimal solutions”[37]by recommending ICJ litigation only if “ either proposals were rejected at either referenda”[38]conducted by the Parties.

Therefore, as this paper concurs with the O. A. S. recommendation of using social, political, economic and legal outlooks for dispute resolution, it is also the hope that the domestic politics of the States be adjusted. Conclusively, there may be solutions but there must also be mutual acceptance for an ‘ ultimate’ solution. It is hence the hope that this paper would aid in persuading policy makers to heed to the recommendations of a progressive and continuous effort by Parties to work together in mutually beneficial areas, such as those proposed by the O. A. S. “ Confidence Building Measures”[39]. It is thus anticipated that favorable, progressive efforts would equate to a valuable future relationship.

Methodology

The general methodology comes from an analysis of existing data on the topic. Data is obtained mainly from primary and secondary sources. Primary data sources are derived from a perusal of relevant case studies, maps, treaties, legal statutes and other legal records as well as interviews with authoritative sources and the use of the Belize Archives & Records Service. Secondary data sources come from investigations and studies that have

been done as well as other various authoritative publications/text on the topic.

The chapters that follow are divided into four parts. Chapter I focuses on the general theoretical framework and rationale of the study. Chapter II looks at the historical background of the dispute between Belize and Guatemala. Chapter III gets into about the legal justification of the claim – looking at existing treaties as well as customary international law. Chapter IV is centered on recommendations or possible outlooks for dispute resolution, which includes the following: social, political, economic and legal (taking the case to the International Court of Justice). The entire content aims to uncover what Belize's legal claims are to its existing maritime and land boundaries and to propose factors for dispute resolution.