



**AGREEMENT ON A FRAMEWORK FOR NEGOTIATIONS AND
CONFIDENCE BUILDING MEASURES
BETWEEN BELIZE AND GUATEMALA**

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**AGREEMENT ON A FRAMEWORK FOR NEGOTIATIONS AND
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A. PREAMBULAR CONSIDERATIONS:

Delegations from Belize and Guatemala, headed by H.E. Assad Shoman, Chief Negotiator of Belize and Senior Ambassador with Ministerial Rank, and by H.E. Jorge Briz Abularach, Minister of Foreign Affairs of Guatemala, met at OAS Headquarters in Washington D.C. on September 7, 2005, with Secretary General, Mr. José Miguel Insulza to sign an Agreement on a Framework of Negotiation and Confidence Building Measures between Belize and Guatemala.

In order to maintain and deepen their friendly bilateral relationship until the Territorial Differendum is permanently resolved, and with the understanding that the following Agreement does not constitute a total or partial waiver of their rights or claims, the Government of Belize and the Government of Guatemala agree to respect and implement, with the help of the General Secretariat of the Organization of American States, the following measures:

B. FRAMEWORK FOR NEGOTIATIONS:

1. Definition of the process of negotiations:

Belize and Guatemala agree, under the auspices of the Secretary General of the OAS, to commence a new round of negotiations, designed to reach an equitable solution of the Territorial Differendum between the countries that is general, definitive, honourable and permanent on the land, insular and maritime issues. To this end, the Parties agree that during this new round of negotiations, and with the assistance of the OAS, they will proceed to:

- a. Identify those issues of fact and law that shall be the subject of negotiation to resolve the Territorial Differendum;
- b. Identify the respective positions of the Parties on the issues already so identified;
- c. Seek to resolve differences, where possible, on the differing positions on the issues so identified;
- d. Make efforts to arrive at a closer understanding so that the Parties reach an equitable solution that includes a general, definitive, honourable and permanent solution of the Territorial Differendum on the land, insular and maritime issues, and
 - e. Identify those issues of fact and law upon which the Parties are unable to resolve differences by way of negotiations.

2. Purpose of the Negotiation Process:

The Process of Negotiation has as its objective the reaching of an agreement to solve all the issues pertaining to the Territorial Differendum, that assures its approval in both countries within the constitutional and legal framework of each and that allows for the effective implementation of the said Agreement.

It also has as an objective the treatment of economic, commercial, tourism, cooperation, integration and other transitory measures of good neighbourliness.

3. Meeting Venues and Timetable:

To achieve the objectives of the present Agreement, the Parties accord to meet regularly in Washington, D.C., Belize and Guatemala or in other places at intervals of no more than 45 days.

4. Functions of the Secretary General:

The Secretary General shall coordinate the meetings of the present Process and shall participate in the same. The Secretary General will appoint in his discretion a functionary of high rank as his Special Representative, to attend all the meetings including those which the Secretary General cannot attend, in order to observe the negotiations and provide any assistance required by the Parties.

5. Eventual recommendation of the Secretary General for the solution of the controversy:

While the Territorial Differendum is being negotiated with the assistance of the OAS, if the Secretary General determines that it is not possible to arrive at an agreement on some of the issues, he shall recommend that the Parties submit those to either the International Court of Justice or an International Court of Arbitration, Juridical Bodies established under International Law for the solution of controversies.

The Parties agree to submit the recommendation of the Secretary General to the appropriate authorities of their respective countries for their consideration and decision.

The Secretary General shall assist the Parties to reach an agreement on which of the Juridical Bodies is more adequate, on the matters that will be submitted to the same, and the procedures that must be followed to go to such Body.

The OAS shall provide technical support and will make every efforts to get the necessary financing to support this process in its different phases and which

will allow the Parties to reach their objective of resolving the Territorial Differendum.

6. Support of the Group of Friends:

The Group of Friends shall be an advisory body to the Secretary General which will provide political and operational support for the implementation of the various activities proposed in the present agreement.

7. Funding:

The General Secretariat and the Parties shall work to secure financial assistance for undertaking the activities described in this Agreement, by means of contributions to the OAS Fund for Peace (Belize-Guatemala).

C. THE GENERAL SECRETARIAT OF THE OAS:

1. The General Secretariat of the OAS shall endeavor to provide such assistance as is requested by the Governments of Belize and Guatemala in order to implement this Agreement. This assistance, shall include the following:
 - 1.1 To convene meetings between representatives of the two States;
 - 1.2 To develop and recommend specific measures, mechanisms or processes aimed at preventing or resolving specific problems or incidents which may occur between the Parties;
 - 1.3 To monitor the implementation and execution of the Confidence Building Measures established in this Agreement, and suggest alterations or revisions where necessary;
 - 1.4 To appoint individuals or organizations to undertake specific tasks, where expert or specialist knowledge or skill is required;
 - 1.5 To conduct in situ visits in either of the two States when necessary for the verification of incidents which may have occurred in the Adjacency Zone;
2. The General Secretariat of the OAS will prepare a follow up report on the advances made on the agreement every six (6) months.
3. Agreement for keeping the local populations informed: The Office of the Secretary General in the Adjacency Zone shall develop an information campaign on the Confidence Building Measures agreed upon by the



Governments, including the location of the settlements, and shall also promote projects and activities aimed at fostering good bilateral relations.

4. The Governments shall extend to the personnel of the General Secretariat of the OAS and contractors assigned to the Office of the General Secretariat in the Adjacency Zone, the same privileges and immunities conferred upon the General Secretariat of the OAS personnel under the agreements already in force on privileges and immunities between the General Secretariat of the OAS and the Governments and all other applicable laws. Similarly, the Governments will extend to that Office and its assets all of the same privileges and immunities conferred upon the Office of the General Secretariat in each of their respective territories under those agreements and laws.

5. **THE OFFICE OF THE GENERAL SECRETARIAT IN THE ADJACENCY ZONE:** The Parties agree that the "Office of the General Secretariat in the Adjacency Zone" established in July of 2003 shall remain in its current location and considered as an extension of both, the Office of the General Secretariat in Belize, and the Office of the General Secretariat in Guatemala. Acting under instructions from the OAS General Secretariat's Headquarters, the Office shall have the following functions:

- 5.1. To organize and foster community to community contacts across the Adjacency Line;
- 5.2. To monitor the implementation and execution of the Confidence Building Measures agreed by the Parties, and suggest alterations or revisions where necessary;
- 5.3. To develop and execute activities designed to improve relations, confidence and cooperation among the inhabitants of the Adjacency Zone;
- 5.4. At the written request of either Party, to investigate, verify and report on any transgression by the Parties of the Confidence Building Measures contained in this Agreement;
- 5.5. To provide information on the Territorial Diferendum and on the Confidence Building Measures agreed by the Parties to the residents of the Adjacency Zone and surrounding areas.
- 5.6. To execute other Confidence Building Measures projects or development projects in the Adjacency Zone agreed upon by the Parties.

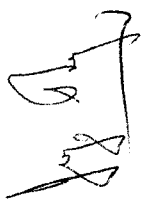


6. THE COUNSELLORS OF THE SECRETARY GENERAL

- 6.1. The Secretary General shall appoint Counsellors and advisors that he may deem necessary on a case by case basis, and these shall have those responsibilities assigned by the Secretary General in consultation with the Parties.
- 6.2. Each Party shall appoint one Counsellor who shall advise the Secretary General on the best ways to fulfill the duties and responsibilities described in this Agreement.
- 6.3. The Counsellors agree to provide their services without remuneration. The Fund for Peace shall defray the travel and accommodation expenses incurred by the Counsellors under this agreement.

7. THE GROUP OF FRIENDS:

- 7.1 The Group of Friends, previously established to support the Secretary General, remains open to the participation of other states and shall be an advisory body to the Secretary General which will provide political and operational support for undertaking the various activities contemplated under this agreement, both at the General Secretariat as well as in Guatemala and Belize.
- 7.2 Members of the Group of Friends shall endeavor to provide financial assistance for the activities undertaken under this Agreement, by means of contributions to the OAS Fund for Peace (Belize-Guatemala).



D. CONFIDENCE BUILDING MEASURES:

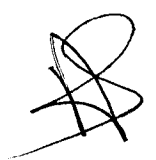
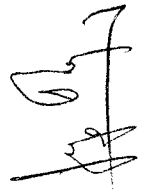
- 1. The Confidence Building Measures shall not constitute a total or partial waiver of sovereignty over any territory (land, insular or maritime) claimed by either Party; nor shall any rights of either Party to such territory be prejudiced; nor shall any precedent be established for the strengthening or weakening of either Party's claims to any such territory. Each Party expressly reserves its rights with respect to its claims of sovereignty over any territory (land, insular or maritime).
- 2. The Parties agree that neither Party will use against the other, in any forum in which this Territorial Differendum may be addressed in the future, the fact that either of the Parties has accepted, agreed to, complied with or implemented any of the Confidence Building Measures included herein.
- 3. In carrying out these Confidence Building Measures both Parties shall respect the principles of International Law, as applicable to the circumstances.



4. Neither Party shall use force, or the threat of force, to pursue their positions with respect to the Territorial Differendum.
5. For the sole purpose of facilitating the implementation of these Confidence Building Measures, the Adjacency Line referred to in these Confidence Building Measures shall consist of a line running generally in a south-to-north direction from the reference marker at Gracias a Dios in the south to the reference marker at Garbutt's Falls and from there to the reference marker at Aguas Turbias in the north. The territory lying within one kilometer of the Adjacency Line, in either direction (that is, to the east or to the west), shall be considered the Adjacency Zone. All existing rights and claims with respect to territory located within the Adjacency Zone are expressly reserved by the Parties. The Adjacency Zone is further described in the map dated February 6, 2001 produced by the Pan-American Institute of Geography and History.
6. The use of this line as the Adjacency Line does not constitute an agreement by the Parties that such line represents the international boundary between Belize and Guatemala. All rights and claims with respect to this issue are expressly reserved by the Parties.
7. The Governments will cooperate in clearing the areas around the three reference markers mentioned in paragraph 5, above.
8. The clearing of areas around the three reference markers by either Party shall not be interpreted in this or any other forum in which the Parties' Territorial Differendum may be addressed as a recognition, understanding or admission by Guatemala that said reference markers denote the international boundary between Guatemala and Belize.
9. The Adjacency Zone shall be subject to a special regime, as follows:
 - a. Those settlers of the community known as Santa Rosa who individually and voluntarily wish to change their place of residence shall be offered the option of relocating to a new settlement in Guatemala, where the OAS General Secretariat, with the help of international cooperation, shall provide them with houses and land in accordance with Guatemalan law.
 - b. Any settler established inside the Adjacency Zone after October 1, 2000 and before October 1, 2002, as verified by the General Secretariat of the OAS, shall be relocated by the respective government with the assistance of the General Secretariat of the OAS. All settlers shall be subject to the laws of the country of their location.



- c. All other settlers in the Adjacency Zone shall be subject to the provisions of Annexes A and B of this Agreement.
 - d. Without prejudice to each Party's claims of sovereignty over any part of the Adjacency Zone, all persons residing to the west of the Adjacency Line shall be required to abide by and respect the laws, including human rights laws, and law enforcement authorities of Guatemala, and all persons residing to the east of the Adjacency Line shall be required to abide by and respect the laws, including human rights laws, and law enforcement authorities of Belize.
 - e. There shall be no new Guatemalan settlers joining any settlement to the East of the Adjacency Line, and no extension of any existing settlement after 1 October 2000.
 - f. The Government of Guatemala will take effective measures to dissuade its citizens and/or residents from establishing new settlements, or joining existing settlements, to the east of the Adjacency Line.
10. All military and police patrols within the Adjacency Zone will be coordinated by both countries. The General Secretariat of the OAS shall be informed of the time and location of all such patrols. And, from time to time, the Secretariat shall send a representative to participate as an observer at the patrol contact points. In discharging their tasks under this Agreement the Parties' security forces shall use GPS equipment and radio communication gear provided by the OAS General Secretariat
 11. The Ministers of each of the Parties responsible for defense matters may meet on mutually agreeable dates to discuss topics of their common interest. Meetings at the level of the Joint Chief of Staff of the National Defense of Guatemala and the Commander of the Belize Defence Force shall also be convened on mutually acceptable dates.
 12. The Parties, with the assistance of the General Secretariat of the OAS, shall promote community to community contact across the Adjacency Line to improve relations and understanding.
 13. The Parties shall, by mutual agreement, establish mechanisms to facilitate transit of persons, goods and services with minimum restrictions at agreed crossing points.
 14. The Parties shall cooperate to ensure the prevention of the illegal harvesting of Xate leaves in both countries.



15. The Parties shall meet to develop Confidence Building Measures to avoid conflicts or incidents in the territorial sea or exclusive economic zone of either Party, or on the high seas. The Parties may jointly request the participation of the General Secretariat of the OAS to facilitate agreement.
16. The Parties shall meet to develop plans for cooperative efforts to respond to natural disasters.
17. The Parties shall meet to develop plans for cooperative efforts to fight drug trafficking and other criminal activity including international criminal activity.
18. The Parties shall cooperate to avoid incidents on the ground conducive to tension between them. In the event of such an incident, the Parties shall immediately communicate with one another, and with the General Secretariat of the OAS, to contain it, resolve it, and prevent its recurrence.
19. The Parties, with the assistance of the General Secretariat of the OAS shall monitor the implementation of these Confidence Building Measures, and work together to resolve any problems or issues that might arise.
20. The Parties shall establish a Belize-Guatemala Joint Commission consisting of appropriate governmental authorities, which will also include a representative of the General Secretariat of the OAS. The Joint Commission will be charged with exploring and designing projects and programs of cooperation between the two countries aimed at strengthening friendship between the people of Belize and Guatemala and their development. The Joint Commission shall consider, *inter alia*, how to promote and put into practice the following:
 - a. The conclusion of negotiations of a partial scope agreement as a first step towards a future free trade agreement between Belize and Guatemala.
 - b. The development of a bi-national border development plan.
 - c. The promotion of tourism in Belize and Guatemala, including multi-destination tourism.
 - d. A memorandum of understanding for the protection of the environment including the sustainable use of forestry resources in the respective countries.
 - e. A return of stolen vehicles treaty based on SICA instruments.

- f. A hot pursuit agreement.
- g. A mutual legal assistance treaty.
- h. A prisoner exchange agreement.
- i. A memorandum of understanding between higher education institutions.
- j. The facilitation of visas for students.
- k. The establishment of procedures for the summary deportation of nationals who enter the territory of the other Party without the necessary documentation.
- l. The establishment of a Police cooperation mechanism for the combat of common delinquency and trans-national crime, including coordinated operations.
- m. A ground transportation agreement.
- n. An air transportation agreement.
- o. A memorandum of understanding between national emergency organizations.
- p. Facilitation of the transit of goods through the ports of Belize City and Santo Tomas/Puerto Barrios.
- q. The mutual recognition of drivers' licenses.
- r. Establishment of Consulates of Belize in Flores and in Puerto Barrios.
- s. Reestablishment of a Consulate of Guatemala in Benque Viejo del Carmen.
- t. The regular exchange of visits of parliamentarians and municipal mayors.
- u. Establishment of development zones at Benque Viejo del Carmen and at Melchor de Mencos.
- v. A cooperation agreement for the preservation, protection and return of archaeological and cultural artefacts.



21. Any problems or issues that cannot be resolved by the Parties themselves, in the first instance, should be referred to the General Secretariat of the OAS for its assistance in helping the Parties reach agreement. The General Secretariat, at the request of either Party, may design just and equitable solutions to any problems encountered. The General Secretariat may appoint fact finding missions in the event of an incident or if it is considered desirable.
22. Wherever the Confidence Building Measures established under this Agreement call for cooperation between the Parties or for joint action and one of the Parties refuses or fails to cooperate or act jointly, the other Party shall be free to submit the matter to the General Secretariat who shall make a recommendation, as a matter of urgency, for the carrying out of the action, and the Parties hereby agree to comply in good faith.
23. In any dispute regarding the interpretation or performance of this Agreement involving the General Secretariat of the OAS as a complainant or respondent and not as an intermediary between the Parties, the interested Parties shall resolve their differences through negotiations between them. Nothing in this Agreement constitutes a waiver of the lawful privileges and immunities of the Parties or the General Secretariat of the OAS.
24. The Parties agree to exercise caution and restraint in the treatment of all issues related to the Territorial Differendum. To this end the Parties shall frame all public statements relating to the Territorial Differendum in a manner that is consistent with their obligations to timely and fully inform their respective public opinions concerning the advances of the Process, thus contributing to the successful resolution of the Territorial Differendum, the facilitation of harmonious relations between Belize and Guatemala, and the maintenance of peace. The Parties further agree to abide by the guidelines for public statements attached as ANNEX C.
25. The Parties may modify this Agreement by a written instrument of modification agreed to and signed by the Parties and the General Secretariat of the OAS. Such an instrument may be formalized by an exchange of letters or a more formal amendment document.
26. The Parties agree to automatically extend this Agreement of Confidence Building Measures for one-year periods, except if one of the Parties notifies the other, two months in advance of its date of expiration, of its decision not to pursue a further extension. The present Framework Agreement of Negotiations will remain in force until a permanent solution to the Territorial Differendum is reached.



27. For purposes of receiving and sending the written notifications required under this Agreement, the Parties and the General Secretariat of the OAS designate the following officials:

a. For the General Secretariat of the OAS:

The Secretary General
OAS Main Building, MB2
17th St. and Constitution Ave., N. W.
Washington, D.C. 20006
FAX:202-458-6826
TEL: 202-458-3500 y 202-458-3668

b. For Belize:

Chief Executive Officer
Ministry of Foreign Affairs and Cooperation
NEMO, Belmopan Belize
FAX: 501 822 2854
TEL: 501 822 3764

c. For Guatemala:



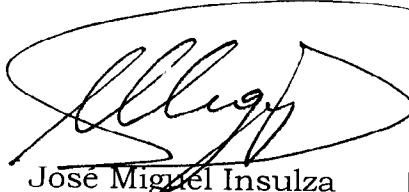
Executive Secretary, Belize Commission
Ministry of Foreign Affairs of Guatemala
2da.Avenida 4-17 Zona 10, Ciudad de Guatemala
FAX: 502 332 0910, 2410-0017
TEL: 502 2410-0016




Any Party may substitute its Official designated to give and receive notice under this Article with another upon prior written notice to the other Party and to the General Secretariat of the OAS.



Signed on September 7, 2005, by the duly appointed representatives of the Parties and the Secretary General in three English originals and three Spanish originals, all equally authentic.

For Belize	For Guatemala	For the General Secretariat of the OAS
 H.E. Assad Shoman Chief Negotiator for Belize and Senior Ambassador with Ministerial Rank	 H.E. Jorge Briz Abularach Minister of Foreign Affairs	 José Miguel Insulza Secretary General

ANNEX A

Human Rights in the Adjacency Zone

The Governments of Belize and Guatemala agree to place special emphasis on the following human rights which are enjoyed by all persons in the Adjacency Zone. In addition, the Parties will ensure adherence to the Universal Declaration of Human Rights, the Charter of the Organization of American States, the American Declaration of the Rights and Duties of Man, and other international human rights instruments ratified by both Parties. The existence of the Territorial Differendum shall not affect the full exercise of all the human rights of the two countries' inhabitants.

1. All persons in the Adjacency Zone are entitled to all the rights and freedoms set forth in this Annex, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. All persons in the Adjacency Zone have the right to life, liberty and security of person.
3. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
4. Everyone has the right to recognition everywhere as a person before the law.
5. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Annex and against any incitement to such discrimination.
6. Everyone has the right to an effective remedy by the competent national tribunals in Belize and Guatemala for acts violating the fundamental rights granted by the respective constitutions or by laws in force on the East and West side of the Adjacency Line.
7. No one shall be subjected to arbitrary arrest, detention or exile.
8. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
9. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the conditions necessary for his defense.

10. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.
11. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.
12. The Procurador de Derechos Humanos of Guatemala (Attorney General for Human Rights), the Ombudsman of Belize, and national or international human rights organizations, shall be able to observe any judicial process involving settlers from the Adjacency Zone.
13. The authorities of Belize and Guatemala shall, on their respective side of the Adjacency Line, destroy any goods or uninhabited dwellings, once these have been determined to be illicit or illegal by the competent authorities. Illegal drug cultivation shall also be destroyed.
14. Should any sort of incident occur in the Adjacency Zone that affects the physical well-being or goods or property of any settler, then Belizean or Guatemalan authorities, depending on whether the incident occurred to the east or west of the Adjacency Line, shall be obligated to:
 - a. Immediately advise the Consulate of the other Party and the Office of the General Secretariat in the Adjacency Zone, of any judicial proceedings.
 - b. Cause any report of an alleged criminal offense to be investigated immediately by the proper authorities and judicial proceedings to be instituted, where warranted.
 - c. Ensure that any proceedings and actions shall be public.
 - d. Ensure that there is free access to arrested, accused and sentenced persons, according to regulations and laws in force.
15. In extra judicial cases in which victims of human rights violations are to receive monetary indemnities, the *Procurador de Derechos Humanos* of Guatemala and the Ombudsman of Belize, at the request of the Parties shall assess and recommend the amounts of monetary indemnity to be paid.

ANNEX B

PROCEDURE TO DEAL WITH CERTAIN PERSONS IN THE ADJACENCY ZONE BETWEEN BELIZE AND GUATEMALA

The following protocol provides the terms for relocating certain residents of the Adjacency Zone described in section III, paragraph 10 (A and C) of the Agreement on Confidence Building Measures Between Belize and Guatemala.

Execution of activities by sequence:

Stage I Settlers/settlements which are discovered in the Adjacency Zone shall be reported to the relevant authorities in Belize and Guatemala and to the Office of the General Secretariat of the OAS in the Adjacency Zone.

Stage II The respective Ministry of Foreign Affairs shall proceed to notify the Embassy of the other State as well as the Office of the General Secretariat of the OAS in the Adjacency Zone, and shall request joint verification of the existence, location and status of the settlement.

Stage III On-site verification shall occur within 72 hours of the request. The verification shall be conducted by the General Secretariat of the OAS and representatives of the Governments of Belize and Guatemala will be invited to participate.

The Ombudsman of Belize and the *Procurador de Derechos Humanos* of Guatemala or their duly appointed representatives shall also be invited to participate in the joint verification exercise

The exact location and the status of the settlers, their crops and settlements will be established in a written report by the General Secretariat of the OAS following the on-site visit.

Stage IV Within seven days of the on-site visit, the Office of the General Secretariat of the OAS in the Adjacency Zone shall deliver the results of the verification exercise to the Parties. The settlers shall then be notified of the results of the verification exercise by the relevant Party, accompanied by a representative of the General Secretariat of the OAS and will be allowed a period of seven days to voluntarily relocate. Upon the expiration of the seven day period, the settlers shall be subject to legal proceedings by a competent tribunal.

ANNEX C

Guidelines for Public Statements

To reinforce the Agreement on Confidence Building Measures between Belize and Guatemala, and to facilitate the negotiation process concerning the territorial differendum, the Parties reiterate their prior agreement to exercise caution and restraint in the treatment of all issues related to this negotiation process.

To this end the Parties shall frame all public statements relating to the Territorial Differendum in a manner that is consistent with their obligations to timely and fully inform their respective public opinions concerning the progress of the negotiations. The Parties agree to apply the following guidelines for public statements in this regard.

1. The Parties shall specifically recognize that not only incidents on the ground, but statements in the media or elsewhere, can also be disruptive of confidence between the parties and inimical to the process of conflict resolution.
2. Each Government must observe a self-denying ordinance in avoiding public accusations and attribution of hostile motives to the other.
3. The self-denying ordinance shall apply to all formal diplomatic notes and correspondence between the parties, and that these should not be publicly released, unless such release is legally required or warranted by extreme circumstances. The Parties shall respect the confidentiality of official communications.
4. The Governments shall moderate the language and tone of their written communications and public pronouncements of their officials.
5. Every effort should be made within each country to secure the concurrence of political parties and interest groups in an understanding that they too would not contribute to a heightening of tensions by public statements of their own.
6. Whenever a State receives a report of an "incident" allegedly caused by the other, the State receiving the report, before it denounces the other State or publicly comments on the "incident," should immediately communicate with the allegedly offending State to determine what occurred and the explanation for it, and make every attempt to verify the facts before making the issue public.