

BELIZE / GUATEMALA NEGOTIATIONS

TERMS OF REFERENCE FOR THE FACILITATORS IN THE BELIZE / GUATEMALA TERRITORIAL DIFFERENDUM

1. BACKGROUND

On May 15, 2000 Representatives of the Belizean and Guatemalan Governments held technical level talks at the Headquarters of the Organization of American States (O.A.S.) in Washington D.C. With the approval of both Governments, His Excellency Dr. César Gaviria, Secretary General of the O.A.S., served as Witness of Honor.

The representatives of both States agreed, among other things, on the concept of Facilitators, whose role would be to move the process of negotiations toward a final resolution of the territorial differendum.

It was also agreed that each Government would appoint one Facilitator and jointly define the specific role and functions of the same.

2. COMPOSITION

There shall be a Panel of two Facilitators:

- 1 Facilitator appointed by Belize: Sir Shridath Ramphal
- 1 Facilitator appointed by Guatemala:

3. FUNCTIONS

The role of the Facilitators shall be to assist the Governments of Belize and Guatemala to find formulae for a peaceful and definitive resolution of the territorial differendum between the two countries. The Facilitators shall have the following functions:

- 3.1 To request Belize and Guatemala to submit within stated deadlines, reports on incidents, position papers, documents or any other information deemed necessary by the Governments and the Facilitators to aid them in identifying specific issues in dispute between the two States. Each Government may submit additional information it deems pertinent;
- 3.2 Develop and recommend specific measures, mechanisms or processes aimed at resolving the dispute;
- 3.3 Develop and recommend a framework and target dates for the implementation of the recommendations stated in article 3.2 above;

3.4 Monitor the implementation and execution of all recommendations and suggest alterations or revisions where necessary;

3.5 Recommend the convening of meetings between representatives of the two States;

3.6 The Facilitators, when so required, shall attend and participate in ministerial level meetings convened to negotiate a peaceful and definitive resolution of the territorial dispute between the two States. The Facilitators shall, at the request of either party or on their own volition, make recommendations aimed at breaking deadlock;

3.7 Recommend guidelines and procedures for the smooth and efficient conduct of meetings between the States, including protocols for press releases and the recording and dissemination of minutes of meetings;

3.8 Meet independently to review the progress of the negotiations and make proposals for that purpose;

3.9 Recommend the appointment of individuals or working groups to undertake specific tasks, where expert or specialist knowledge or skill is required;

3.10 Agree on and conduct *in situ* visits in either of the two States when necessary;

3.11 At the request of either party, appoint investigators for the verification of incidents which have occurred or are likely to occur in the border area between the two States and to advise on preventive measures;

3.12 Recommend to the Governments pertinent confidence-building measures which will contribute to the progress of the negotiations towards the definitive resolution of the territorial controversy;

3.13 The Facilitators shall submit reports, conclusions and recommendations to the two Governments. The Governments may request any clarification or additional information they deem necessary.

4. MANDATE

The Facilitators shall have no responsibilities other than those conferred by this agreement. The installation of the Panel of Facilitators shall take place at a ceremony to be held at the Headquarters of the OAS on August 31, 2000, and its mandate shall expire on 31 August, 2001. The mandate may be extended by mutual agreement of both States.

5. AMENDMENTS

The Governments of Belize and Guatemala may, by mutual agreement in writing, amend or alter the provisions of these Terms of Reference.



6. AUTHENTICITY

For all purposes, the English and Spanish versions of this document shall be equally authentic.

For Belize:



H.E. Assad Shoman
Senior Ambassador with
Ministerial Rank

For Guatemala:



H.E. Lic. Gabriel Orellana Rojas
Minister of Foreign Affairs

TERMS OF REFERENCE FOR THE MIXED-COMMISSION FOR CONFIDENCE-BUILDING MEASURES IN THE TERRITORIAL DIFFERENDUM BETWEEN BELIZE AND GUATEMALA

1. BACKGROUND

On May 15, 2000 representatives of the Belizean and Guatemalan Governments held technical level talks at the Headquarters of the Organization of American States (O.A.S.) in Washington D.C. With the approval of both Governments, His Excellency Dr. César Gaviria, Secretary General of the O.A.S., served as Witness of Honor. The establishment of a Mixed Commission for confidence-building measures was agreed to at that meeting, among other things.

Terms of Reference for a Panel of Facilitators were approved during a meeting of Ministers of Foreign Affairs of Belize and Guatemala, held July 17-20, 2000, at the Headquarters of the OAS. In those Terms, article 3.12 states "Recommend to the Governments pertinent confidence-building measures which will contribute to the progress of the negotiations towards the definitive resolution of the territorial controversy".

2. COMPOSITION

The Mixed Commission shall be comprised of ten commissioners, five appointed by the Government of Belize and five appointed by the Government of Guatemala.

3. FUNCTIONS

The functions of the Mixed Commission shall be to receive and implement proposals for confidence-building measures submitted to it by the Panel of Facilitators, aimed at promoting permanent friendly relations and cooperation between Belize and Guatemala and to submit confidence-building proposals of its own to the Governments and to the Panel of Facilitators.

The Mixed-Commission shall have the following functions:

- 3.1 Propose confidence-building measures for submission to the Governments and to the Panel of Facilitators;
- 3.2 Implement the confidence-building measures transmitted to it by the Governments;
- 3.3 Recommend, when no fixed dates have been specified, a framework and a time-frame for the implementation of the confidence-building measures transmitted to it by the Governments;
- 3.4 Submit to the Governments for their approval, operational guidelines and procedures, including frequency of meetings, protocols for press releases and the recording and dissemination of minutes of meetings;



3.5 Recommend to the Governments, where expert or specialist knowledge or skill is required, the commissioning of individuals or working groups for the execution of specific tasks;

3.6 Conduct *in situ* visits in either of the two States when necessary;

3.7 Recommend to the Governments the appointment of working groups for specific purposes and for a specific duration of time, which will be composed of an equal number of representatives from each country, and co-chaired by a representative of each State;

3.8 Present its recommendations and quarterly reports to the Governments of both countries and to the Panel of Facilitators.

4. APPOINTMENT AND MEETINGS

Each Government shall appoint five Commissioners no later than 19 August, 2000. The Mixed Commission shall meet alternately in Belize and Guatemala, at least once quarterly, the first such meeting will take place in Belize no later than 31 August, 2000.

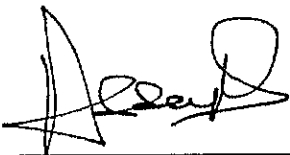
5. AMENDMENTS

The Governments of Belize and Guatemala may, by mutual agreement in writing, amend or alter the provisions of the Terms of Reference.

6. AUTHENTICITY

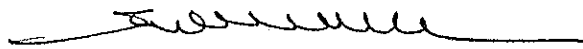
For all purposes, the English and Spanish versions of this document shall be equally authentic.

For Belize:



H.E. Assad Shoman
Senior Ambassador with
Ministerial Rank

For Guatemala:



H.E. Lic. Gabriel Orellana Rojas
Minister of Foreign Affairs

July 20, 2000

His Excellency
Dr. César Gaviria
Secretary General
Organization of American States
Washington, D.C.

Excellency:

You very graciously served as a Witness of Honor at talks held between our two countries at the technical level on the 14th March, 2000 and 15th May, 2000 at the Headquarters of the Organization of American States (O.A.S.). We thank you for the invaluable role you have played in our negotiations to date.

As you know, our Governments just held a Ministerial-level meeting July 17-20 at the OAS in which our Governments agreed to appoint a Panel of two Facilitators whose role will be to move the negotiations toward a final resolution of the territorial differendum between the two States.

We believe that the continued presence and participation of Your Excellency as an independent and impartial Witness of Honor, is indispensable for maintaining the momentum of the negotiation process. For this reason, we would be honoured if you would consider accepting to continue to perform this role.

In light of the above, Your Excellency would be asked to undertake the following responsibilities:

Convene the Panel of Facilitators at the request of either State.

Serve as Witness of Honor at Ministerial and other high-level meetings, including meetings of the Panel of Facilitators.

Convene meetings of representatives of the two States, if deemed necessary, in those instances where the Facilitators have acknowledged and reported to the Governments that the negotiation process has reached a standstill. Where, in those instances, the States are unable to reach agreement, Your Excellency may make recommendations aimed at achieving such agreement.

In situations where Your Excellency may not be able to perform these functions, you would be able to appoint a suitable person to perform any of these functions.

We avail ourselves, Excellency, of this opportunity to renew assurances of our highest esteem.



H.E. Assad Shoman
Senior Ambassador
with Ministerial Rank
Belize



H.E. Gabriel Orellana Rojas
Minister of Foreign Affairs
Republic of Guatemala