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LETTER DATED 10 SEPTEMBER 1981 FROM THE PERMANENT REPRESENTATIVE
OF GUATEMALA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

On instructions from my Government, I have the honour to address myself to you on behalf of the Republic of Guatemala as a Member of the United Nations in order to call the attention of the Security Council, over which you are so ably presiding, to Guatemala's legitimate territorial dispute with the United Kingdom of Great Britain and Northern Ireland over Belize, which has continued for more than a century, having recourse, in so doing, to the powers conferred upon it under the first case envisaged in Article 35, paragraph 1, of Chapter VI of the United Nations Charter on the PACIFIC SETTLEMENT OF DISPUTES.

In 1859 Great Britain, in order to justify usurpation of the north-eastern part of the Republic of Guatemala, which was known as Belize and was legally an integral part of its territory, obliged Guatemala to sign an Agreement which, although it ostensibly related to boundaries, concealed the actual cession of territory illegally occupied by Great Britain, with no other title to it than a limited concession of usufruct for the felling of timber granted by Spain many years earlier, and extended without title of any kind as far as the river Sarstún, a cession which was accompanied by the enticement of a compensatory clause concerning the construction of a cart track which was never implemented; as a result, the said Agreement was rendered null and void, since the condition on which Guatemala had concluded it had not been fulfilled.

In the course of many decades Guatemala submitted its claim to Great Britain to no avail whatsoever, which was why the Government of the Republic declared in 1946 that the 1859 Agreement had terminated, and under the Constitution of the Republic Belize was declared to be part of its territory.

In order to avoid its commitments under the 1859 Agreement, Great Britain in 1958 exerted its considerable influence with a view to having that part of Guatemalan territory subjected irregularly to a trustee administration, against the opposition of the representatives of Guatemala. The Committee on decolonization accordingly granted administration of the territory, which was not a colony within the proper meaning of the term under the Charter and which in no case came under a trustee administration.

In 1962, with the good offices of the United States, a round of direct negotiations was held between Guatemala and Great Britain in San Juan, Puerto Rico,

culminating in a Declaration in which both parties acknowledged that Belize was "a territory in dispute", the British delegation having comprised representatives of the local Government, including Mr. George Price.

The direct negotiations were expanded at all levels, and included Ministers for Foreign Affairs, high-level officials, technical experts, etc., always on the basis of reasonable proposals by Guatemala to settle the territorial dispute; however, they were nearly always met by Great Britain in an unreasonable and unacceptable manner with regard to the territorial dispute, Great Britain accompanying its attitude by the intimidating deployment of land, sea and air forces in Belize, unnecessarily creating a permanent source of insecurity in the area and leading to unjustified hostility towards Guatemala among sectors of the population of Belize, who were incited by politicians interested in power for their own ends. Guatemala was, and remains, inspired by firm objectives of sincere friendship and co-operation vis-à-vis Belize, with a view to creating the conditions for a fraternal and fruitful coexistence for the well-being, peace and security of all.

Guatemala and the United Kingdom, as the sole legitimate parties to this territorial dispute relating to Belize, are convinced beyond any doubt that its continuance is likely to pose a danger to the maintenance of international peace and security, a danger magnified by the interference of other States in the area which have nothing to do with the dispute. In compliance with the provisions of Article 33 of the United Nations Charter, they have, by agreement, intensified during the past two years their efforts to find a solution which would be just and honourable for all parties, with a determination to reach such a solution before the independence of Belize, so that independence would be granted in an orderly manner with the consent of both parties rather than unilaterally by the administering Power alone.

Since the beginning of the presidency of General Fernando Romeo Lucas García, the Republic of Guatemala has expressed and reaffirmed on various occasions a well-defined open policy for finding a civilized solution to the dispute.

The President of the Republic of Guatemala, General Fernando Romeo Lucas García, in an address delivered on 1 July 1978 on the occasion of his inauguration before the Congress of the Republic, said the following in connexion with the case of Belize: "That we would behave in a civilized manner to achieve a peaceful, negotiated solution, taking into account the interests of the Belizeans and without acting behind the back of the Guatemalan people, which, in the final analysis, will be the one to ratify or rectify whatever my Government may decide in pursuit of a decorous and dignified formula for Guatemala." This statement signalled a new and positive attitude which is the basis for Guatemala's international policy, namely, the belief that disputes should be settled by peaceful means.

As part of the negotiations which have been going on since then, a meeting was held at London from 5 to 11 March 1981 between the Ministers for Foreign Affairs of Guatemala and the United Kingdom, with the participation of the Prime Minister of Belize. At that meeting a fundamental document entitled "Heads of

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Agreement" was signed. It contains 16 general points for the settlement of the dispute, and the parties undertook to develop them into explicit rules which would constitute an integral part of specific treaties.

At a press conference held on 16 March 1981, the President of the Republic said: "The Government of the Republic of Guatemala considers it prudent to settle the matter of Belize, which should be viewed objectively, realistically and in the light of the circumstances currently prevailing in the world, a world which is striving for an end to colonialism, for the elimination of hotbeds of tension and for the right of peoples to decide their destiny freely. It should be pointed out that, by reaching a basic agreement through direct negotiations, Guatemala is setting an example for the international community."

On 1 July 1981, the President of the Republic of Guatemala clearly outlined the position of the Government concerning the Heads of Agreement and their consequences, depending on whether they are developed and brought to fruition in treaties that conform strictly to their letter and spirit or whether an attempt is made to diminish them, distort them or do away with them. The message reads as follows:

"During my term of office, the Government has made every effort to find a solution to the long-standing problem of the Territory of Belize.

"Provisional article 1 of the Constitution of the Republic imposes on the Executive the specific obligation to take all necessary steps to resolve the situation of Belize in accordance with our national interests.

"In accordance with this provision of the Constitution, my Government has actively pursued a process of direct negotiations with representatives of the United Kingdom of Great Britain and Northern Ireland, in an attempt to settle this dispute in a civilized manner, as I pledged to do in my inaugural address as President of the Republic.

"I believe that this problem must be resolved peacefully, for Central America already has quite enough areas of disturbance of the peace. The negotiations culminated in the signing of the so-called Heads of Agreement on 11 March of this year at London.

"We agreed that it was in our national interest to safeguard peace in the area, to define a frontier that we do not at present recognize and to ensure that we shall have the use and benefit of the cays of Zapotillo and Ranguana because of their strategic position overlooking Amatique Bay and our Atlantic ports. We were assured of our access to the high seas through an adequate corridor through which we Guatemalans have always passed, which we have patrolled with our navy and in which we have carried on commercial and sport fishing activities. In addition, the Heads of Agreement seek to determine the necessary elements for a fruitful and friendly relationship between Belize and Guatemala.

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"In this way we demonstrated once again to the community of nations our indisputable desire for peace and our belief that international problems must be solved intelligently and calmly, without threats or polemics.

"My Government hopes that the draft treaties which would implement the Heads of Agreement will materialize. In the meantime, Guatemala has surrendered none of its rights; all of them remain intact, and the Territory of Belize continues to form part of the territory of Guatemala, as stated in our Constitution.

"If the proposals for such draft treaties do not conform strictly to the letter and spirit of the Heads of Agreement and an attempt is now made to haggle over them or water down their contents, we are prepared to consider the negotiations ended and to reject any proposal which we believe to be contrary to our national interest or offensive to our national honour. We will not tolerate any attitude of arrogance, presumption or political immaturity. If it proves impossible to implement the Heads of Agreement, Guatemala will have lost nothing and will have won recognition for its constructive international policy aimed at preserving the peace.

"Should this be the case and should the United Kingdom grant Belize independence unilaterally, we declare outright, quite calmly, that such an act is unlawful. We declare that we will not recognize that new State and that in our eyes the lines between us will not be frontiers. What Guatemala does now and the regions through which Guatemala now passes will remain unchanged, and we will allow no one to take them from us, for in our eyes any attempt to prevent us from exercising the rights which we have always enjoyed would be an act of aggression.

"This, deputies and people of Guatemala, is our true position with regard to Belize."

The Heads of Agreement were signed at London on 11 March 1981 in a round of negotiations between Guatemala and the United Kingdom, the United Kingdom delegation consisting of representatives of the Government of Belize. The Heads of Agreement contained the 16 points on which agreement had been reached and their signature represented a solemn and formal undertaking to finally settle the dispute by means of a treaty or treaties which would remove the obstacles to Belize's independence. The views of the people of Belize were to be sought on the issue, just as the Government of Guatemala was to seek the views of its people in accordance with Guatemala's constitutional procedures.

Once again, the United Kingdom and the representatives of Belize who had made up its delegation went back on their solemn and formal undertaking entered into in the Heads of Agreement, which had been approved unanimously and unreservedly, and did everything in their power to distort and avoid compliance with the obligation to conclude a treaty which would fully implement the Heads of Agreement. The Heads of Agreement included the following points which were to be incorporated into such a treaty: agreement on an end to the dispute and acceptance of Belize's

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independence by both parties, Guatemala and the United Kingdom, provided that the other agreed Heads were fulfilled, all of the 16 points being equally important and integral components of the Heads of Agreement.

Now, Great Britain is seeking to leave this dispute unsettled and, for this purpose, is basing its position on General Assembly resolution 35/20 of 1980. This resolution is nothing more than a recommendation which is subject to the prior implementation of Article 33 of the Charter, because the dispute is a matter submitted for negotiation, i.e., a process of pacific settlement resulting in a formal undertaking accepted unreservedly by the parties. Without disregarding the authority of the General Assembly to recommend the independence of Belize, Guatemala did not accept that resolution because it interfered with the process of negotiation, in violation of the Charter of the United Nations.

To accept the declaration of the independence of Belize before a solution is found to the dispute, as a result of the stubborn attitude of Great Britain, would mean that a Power is being authorized to violate the obligations which it must assume under Article 33 of the Charter of the United Nations which states:

"1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

"2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means."

The negotiations between Great Britain and Guatemala have reached a stage in the process of a final settlement, through the undertaking set forth in the Heads of Agreement, which should be elevated to the status of a treaty. The refusal of Great Britain to do so means that it is evading its responsibilities, to the serious detriment and in defiance of the rights of a Member State of the United Nations, and is thus perhaps abusing its status as a great Power. It also means that the burden of the dispute will be transferred to Belize, after its independence is achieved, when in fact Great Britain could have continued to negotiate in good faith with Guatemala in accordance with its international responsibilities. It could thus have terminated the dispute and have given effect to the Heads of Agreement by elevating that document to the status of a treaty before the unilateral granting of independence. Great Britain will thus deprive Belize of the friendship and co-operation of Guatemala, which would be undoubtedly of mutual advantage for their development, and will also knowingly foster within this area a situation which is dangerous for international peace and security.

For all these reasons the Government of the Republic of Guatemala:

1. Under the powers conferred upon it by Article 35 of the Charter of the United Nations, brings to the attention of the Security Council the long-standing territorial dispute with the United Kingdom of Great Britain and Northern Ireland concerning Belize so that, in fulfilment of the basic responsibilities assigned by

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the Charter to the Council for the pacific settlement of disputes, it may take the decisions it considers to be pertinent, following consideration of the case and the status of the direct negotiations whose agreements have remained unfulfilled by the United Kingdom of Great Britain and Northern Ireland, thus creating a situation of insecurity in the area. Article 35, paragraph 1, states: "1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly."

2. In accordance with Article 34 of the Charter of the United Nations, the Government of Guatemala requests the Security Council to investigate the dispute between Guatemala and the United Kingdom of Great Britain and Northern Ireland over the Territory of Belize, the settlement of which has been agreed upon in an undertaking known as the "Heads of Agreement", entered into by the parties in London on 11 March 1981. The "Heads of Agreement" were to become a formal treaty which, when signed, will give full effect prior to the independence of Belize to the 16 points which it contains and which were approved unanimously and without reservation by Guatemala, Great Britain and the representatives of the local Government of Belize. That is the only way to prevent the continuance of the dispute from ultimately endangering the maintenance of international peace and security in the area, primarily as a result of the unlawful meddling of other States totally foreign to the dispute. Article 34 of the Charter of the United Nations states: "The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security."

3. In accordance with Article 38 of the Charter of the United Nations, the Government of Guatemala further requests the Council to consider whether there is a need for it to make recommendations to the parties with a view to a pacific settlement of the dispute prior to the declaration of Belize's independence.

4. It requests the Council formally to consider the Heads of Agreement and the commentaries of the Government of Guatemala on that document, which are annexed to this communication.

5. It further requests, in accordance with rule 3 of the provisional rules of procedure of the Security Council, that a meeting of the Council should be convened for the purpose of considering this request of the Government of Guatemala.

I would ask you, Sir, to deal with this request in the appropriate manner.

(Signed) Eduardo CASTILLO-ARRIOLA
Ambassador, Permanent Representative
