

INTERNATIONAL COURT OF JUSTICE

SPECIAL AGREEMENT

BETWEEN GUATEMALA AND BELIZE TO SUBMIT TO
THE INTERNATIONAL COURT OF JUSTICE GUATEMALA'S
TERRITORIAL, INSULAR AND MARITIME CLAIM

notified to the Court on 22 August 2018 by Guatemala
and 7 June 2019 by Belize

COUR INTERNATIONALE DE JUSTICE

COMPROMIS

ENTRE LE GUATEMALA ET LE BELIZE VISANT À SOUMETTRE À
LA COUR INTERNATIONALE DE JUSTICE LA REVENDICATION
TERRITORIALE, INSULAIRE ET MARITIME DU GUATEMALA

notifié à la Cour le 22 août 2018 par le Guatemala
et le 7 juin 2019 par le Belize

2019
General List
No. 177

THE AMBASSADOR OF THE REPUBLIC OF GUATEMALA
TO THE KINGDOM OF THE NETHERLANDS TO THE
REGISTRAR OF THE INTERNATIONAL COURT OF JUSTICE

21 August 2018.

With the usual courtesy, I am honoured and pleased to convey to you the attached letter of the Republic of Guatemala's Minister for Foreign Affairs, H.E. Ambassador Sandra Erica Jovel Polanco, dated August 3rd 2018 — one she would have wanted to deliver herself to you had her agenda allowed her to — related to the Special Agreement between Guatemala and Belize to submit Guatemala's Territorial, Insular and Maritime claim to the International Court of Justice.

As you may recall from my own letter dated May 15th 2018, the Republic of Guatemala conducted a referendum — a precondition to granting its consent to seising the Court with the dispute referred herein — one that its population approved with enthusiasm. Once the results were in and the said event was declared valid and without any pending recourse, the Republic of Guatemala took the remaining steps — as stipulated in its domestic legislation — to be able to fulfil Article 8 of the referred Special Agreement. It is Article 8's obligations that Guatemala is complying with through the attached ministerial letter.

I beg Your Excellence to kindly receive the attached letter, one that should be construed as the official notification of the Special Agreement referred to here, by the Republic of Guatemala, one which, together with Belize's own notification, shall grant the parties' consent for the Court to decide over this long-standing dispute.

(Signed) Gladys Marithza RUÍZ SÁNCHEZ DE VIELMAN.

THE MINISTER FOR FOREIGN AFFAIRS OF GUATEMALA
TO THE REGISTRAR OF THE INTERNATIONAL COURT
OF JUSTICE

[Original English text]

Guatemala, 3 August 2018.
DEMIN 386-2018

It is my honour to address you and to refer to the Special Agreement between Guatemala and Belize, to submit to the International Court of Justice the territorial, insular and maritime claim of Guatemala, dated 8th December 2008, in its amended form by virtue of the Protocol to such Special Agreement, dated 25th May 2015. You will find attached to this letter a certified true copy of the said text*.

Given that pursuant to Article 6 of the Special Agreement, its provisions will come into force once both Parties have exchanged their respective Instruments of Ratification, I take this opportunity to inform you that last 30th July 2018, Guatemala presented its Ratification Instrument to the Honourable Government of Belize, whilst Belize handed its own to the Government of Guatemala on 24th January 2017.

With the above, Guatemala has exhausted all formalities that according to its domestic legislation had to be fulfilled and consequently, to abide by Article 8 of the Special Agreement in its amended form, by means of this letter. I hereby duly notify Your Excellency — within the specified time frame — the Special Agreement and its Protocol. The Government of Guatemala — observant of its international obligations — is in the process of complying with Article 102 of the Charter of the United Nations.

The notification of the Special Agreement in its amended form, by the Honourable Government of Belize, once it has conducted its own referendum, shall perfect the granting of both Parties' consent to seise the Court and submit the said dispute to the Court, activating at the same time the jurisdictional and procedural provisions of the Special Agreement in its amended form. The Government of Belize has publicly expressed its willingness to conduct its referendum on 10th April 2019.

(Signed) Sandra Erica JOVEL POLANCO.

* The texts of the Special Agreement and Protocol are reproduced at pp. 16 and 26 respectively.

THE MINISTER FOR FOREIGN AFFAIRS OF GUATEMALA
TO THE REGISTRAR OF THE INTERNATIONAL COURT
OF JUSTICE

7 June 2019.

I have the honor to address you in reference to the SPECIAL AGREEMENT BETWEEN GUATEMALA AND BELIZE TO SUBMIT THE TERRITORIAL, INSULAR AND MARITIME CLAIM OF GUATEMALA TO THE INTERNATIONAL COURT OF JUSTICE, in which both countries agreed to hold public referenda as required by the aforementioned agreement.

Pursuant to the result of the referendum held in Belize on May 8th of this year, the requirements to submit to this Honorable Court the dispute concerning the continental, insular and maritime claim of Guatemala against Belize have been met, having both Guatemala and Belize duly complied with their legal requirements as set forth by the aforementioned Agreement.

Hence, I also deem it appropriate to notify that the President of the Republic of Guatemala has appointed Mr. Jorge Skinner-Klée Arenales as Agent and Mrs. Gladys Marithza Ruíz Sánchez de Vielman as Coagent to represent the Republic of Guatemala before the International Court of Justice, in the continental, insular and maritime claim against Belize.

(Signed) Sandra Erica JOVEL POLANCO.

THE AGENT OF GUATEMALA TO THE REGISTRAR
OF THE INTERNATIONAL COURT OF JUSTICE

7 June 2019.

I have the honor to address the International Court of Justice, through you, in relation to the matter between the Republic of Guatemala and Belize, now submitted to the Court by means of subsequent notifications by both Governments of the Special Agreement between Guatemala and Belize to submit Guatemala's Territorial, Insular and Maritime Claim to the International Court of Justice and its Protocol.

In that regard, I allow myself to supplement the letter presented to you on, and dated June 7th 2019, signed and delivered by H.E. the Minister for Foreign Affairs of Guatemala, Ambassador Sandra Erica Jovel Polanco, by means of which the Republic of Guatemala communicated to the Court the names of its Agent and Co-agent, with the address that it has fixed for all communications concerning the above identified Special Agreement:

Embassy of the Republic of Guatemala in the Kingdom of the Netherlands
De Ruijterstraat 36
2518AS The Hague
The Netherlands

(Signed) Jorge SKINNER-KLÉE ARENALES.

THE AMBASSADOR OF BELIZE TO THE KINGDOM OF
THE NETHERLANDS TO THE REGISTRAR
OF THE INTERNATIONAL COURT OF JUSTICE

7 June 2019.

I have the distinct honour to convey to you the attached letter and attachments from the Minister for Foreign Affairs of Belize, Honourable Wilfred Peter Elrington, dated 7 June 2019 and referenced FA/SORG/LM/06/19 (56).

The letter and its attachments are in regard to developments related to the “Special Agreement between Belize and Guatemala to submit Guatemala’s Territorial, Insular and Maritime Claim to the International Court of Justice” dated 8 December 2008, as amended by the Protocol thereto dated 25 May 2015.

(Signed) Dylan VERNON.

THE MINISTER FOR FOREIGN AFFAIRS OF BELIZE TO THE
REGISTRAR OF THE INTERNATIONAL COURT OF JUSTICE

7 June 2019.

I have the honour to refer to the Special Agreement between Belize and Guatemala to submit Guatemala's territorial, insular and maritime claim to the International Court of Justice dated 8 December 2008, as amended by the Protocol thereto dated 25 May 2015. In accordance with Article 7 of the Special Agreement, on 8 May 2019 Belize submitted to a referendum the decision to bring to the International Court of Justice the final settlement of the dispute with Guatemala. I am pleased to inform you that Belize's electors approved submission of the dispute to the Court.

Accordingly, pursuant to its Article 8, I hereby duly notify your Excellency of the Special Agreement. Enclosed with this letter are copies of the Special Agreement and of the Protocol, together with copies of the instruments by exchange of which the Special Agreement as amended by the Protocol entered into force. I hereby certify that the enclosed documents are true copies of the originals.

Following the notification by the Republic of Guatemala by letters dated 15 May 2018 and 3 August 2018 concerning the referendum held in Guatemala, of which letters you informed Belize by your letters of 18 May 2018 and 24 August 2018, respectively, the present letter notifies you of the Parties' perfected consent to the jurisdiction of the Court. It furthermore activates the procedural provisions of the Special Agreement, in particular those in Article 3 (2).

Pursuant to Article 40 (3) of the Rules of Court, I have the further honour to inform you that for the conduct of the proceedings, the Government of Belize hereby appoints H.E. Ambassador Assad Shoman as Agent for Belize and H.E. Ambassador Alexis Rosado as Co-Agent. Their address for service is the Embassy of Belize to the Kingdom of the Netherlands, Boulevard Brand W[h]itlock 87-93, 1200 Brussels, Belgium. Their email addresses are TheAgent@mfa.gov.bz and CoAgent@mfa.gov.bz respectively.

(Signed) Wilfred Peter ELRINGTON.

LIST OF ANNEXES

- Annex 1.* Special Agreement between Belize and Guatemala to submit Guatemala's territorial, insular and maritime claim to the International Court of Justice*
- Annex 2.* Protocol to the Special Agreement between Belize and Guatemala to submit Guatemala's territorial insular and maritime claim to the International Court of Justice*
- Annex 3.* Instrument of Ratification of Guatemala, dated 19 December 2016, concerning the Protocol**
- Annex 4.* Instrument of Ratification of Belize, dated 4 January 2017, concerning the Special Agreement**
- Annex 5.* Instrument of Ratification of Belize, dated 4 January 2017, concerning the Protocol**
- Annex 6.* Note Verbale No. 039 dated 19 January 2017 to the Embassy of the Republic of Guatemala in Belize from the Ministry for Foreign Affairs of Belize**
- Annex 7.* Note Verbale No. 125/2017 dated 27 April 2017 to the Ministry for Foreign Affairs of Belize from the Embassy of the Republic of Guatemala in Belize**
- Annex 8.* Instrument of Ratification of Guatemala, dated 2 July 2018, concerning the Special Agreement**
- Annex 9.* Note Verbale No. DITRAI-738-2018 dated 30 July 2018 to the Embassy of Belize in Guatemala from the Ministry for Foreign Affairs of the Republic of Guatemala**

* The texts of the Special Agreement and Protocol are reproduced on pages 16 and 26 respectively.

** Annexes not reproduced in print version, but available in electronic version on the Court's website (<http://www.icj-cij.org>, under "cases").

SPECIAL AGREEMENT BETWEEN BELIZE AND
GUATEMALA TO SUBMIT GUATEMALA'S TERRITORIAL,
INSULAR AND MARITIME CLAIM TO THE INTERNATIONAL
COURT OF JUSTICE

[Original English text]

The Government of Belize and the Government of the Republic of Guatemala (hereinafter "the Parties");

Wishing to finally put an end to any and all differences regarding their respective land and insular territories and their maritime areas;

Bearing in mind the recommendation of the Secretary-General of the Organization of American States of November 19, 2007, based on Article 5 of the "Agreement on a Framework for Negotiations and Confidence-Building Measures between Belize and Guatemala" of September 7, 2005, that the Parties submit the dispute to the International Court of Justice;

Whereas said recommendation has been formally accepted by both Parties, subject to the approval of their citizens in national referenda;

Have agreed as follows:

Article 1

Pursuant to Article 36 (1) of the Statute of the International Court of Justice (hereinafter, the "Court"), the Parties agree to submit to the Court the dispute described in Article 2 of this Special Agreement.

Article 2

The Parties request the Court to determine in accordance with applicable rules of international law as specified in Article 38 (1) of the Statute of the Court any and all legal claims of Guatemala against Belize to land and insular territories and to any maritime areas pertaining to these territories, to declare the rights therein of both Parties, and to determine the boundaries between their respective territories and areas.

Article 3

1. The procedure shall consist of two stages; one for presentation of written pleadings and another for oral hearings.
2. The Parties request that the Court authorize the following written procedure:
 - (a) The Government of Guatemala shall submit a Memorial within twelve months of the date on which this Special Agreement was notified to the Registrar of the Court;
 - (b) The Government of Belize shall submit a Counter-Memorial within twelve months of the date on which it was notified of the submission and contents of the Memorial presented by Guatemala;

- (c) The Government of Guatemala may submit a Reply within six months of the date on which it was notified of the submission and contents of the Counter-Memorial;
 - (d) The Government of Belize may submit its Rejoinder within six months of the date on which it was notified of the submission and contents of Guatemala's Reply;
 - (e) The Court may, ex officio or if both Parties so agree, prescribe or authorize the presentation of additional pleadings.
3. The Court may extend these deadlines at the request of either of the Parties.
 4. The foregoing provisions are without prejudice to any question as to the burden of proof which might arise.
 5. All other procedural matters shall be governed by the provisions of the Statute and Rules of the Court.

Article 4

The Parties may submit their cases in the English or Spanish languages, provided that any pleadings or documents submitted in Spanish shall be accompanied by a translation into English.

Article 5

The Parties shall accept the decision of the Court as final and binding, and undertake to comply with and implement it in full and in good faith. In particular, the Parties agree that, within three months of the date of the Judgment of the Court, they will agree on the composition and Terms of Reference of a Bi-national Commission to carry out the demarcation of their boundaries in accordance with the decision of the Court. If such agreement is not reached within three months, either Party may request the Secretary-General of the Organization of American States to appoint the members of the Bi-national Commission and to prescribe its Terms of Reference, after due consultation with the Parties.

Article 6

This Special Agreement shall enter into force upon the exchange of instruments of ratification, and remain in force unless and until terminated by agreement of the Parties.

Article 7

1. The Parties commit themselves to undertake the procedures set forth in their respective national systems to submit to referenda the decision to bring to the International Court of Justice the final settlement of the territorial dispute.
2. The referenda shall take place simultaneously in both countries on a date to be agreed between the Parties.
3. The question to be submitted to referenda shall be:

“Do you agree that any legal claim of Guatemala against Belize relating to land and insular territories and to any maritime areas pertaining to these territories should be submitted to the International Court of Justice for final settlement and that it determine finally the boundaries of the respective territories and areas of the Parties?”

Article 8

This Special Agreement shall be notified to the Registrar of the Court jointly or by either of the Parties within a month after referenda in both countries have approved submission of the dispute to the Court.

Article 9

This Special Agreement shall be registered with the Secretariat of the United Nations pursuant to Article 102 of the United Nations Charter, jointly or by either of the Parties. At the same time it will be brought to the attention of the Organization of American States.

In witness whereof the undersigned have signed the present Special Agreement, in the English and Spanish languages, both versions being equally authentic.

Done in triplicate at the Headquarters of the Organization of American States in Washington, D.C. on the eighth day of December 2008.

(Signed) Wilfred ELRINGTON,
Minister of Foreign Affairs and Foreign Trade
and Attorney General,
Belize.

(Signed) Haroldo RODAS MELGAR,
Minister of Foreign Affairs,
Guatemala.

(Signed) José Miguel INSULZA,
Secretary-General of the Organization of American States.
(Witness of Honour)
