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**Advisory Panel on the Question of
South America (APQSA)**

*The Question of the territorial conflict
between Guatemala and Belize*

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Forum: Advisory Panel on the Question of South America (APQSA)

Issue: The question of the territorial conflict between Guatemala and Belize

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Introduction

The American continent was colonized by many countries such as Britain, France, Portugal, and most importantly Spain. During the colonizations of the American continent, these countries claimed some lands and acknowledged them as their own countries' land. The lands which belong to Belize currently were given to Spain by the Pope, the religious catholic leader. However, the Spanish people were unable to get past the indigenous people and settle on that land. After that, the English settled into that land. Ever since, there has been a battle between the two parties. Both Spain and England claimed that the land belonged to them, which led to many treaties and conventions.

Years later, there are two countries residing on the lands that were previously claimed by the Spanish and the English. An English speaking country, Belize, and a Spanish speaking country, Guatemala. Even though the countries have changed, the dispute regarding the land still continues. Both Guatemala and Belize claim that they own the 12,272 km² land that is currently under the Belizean administration.

Definition of Key Terms

Baymen: The Baymen are the earliest European settlers of the eventual colony of British Honduras, modern day Belize. (Definitions.net)

New World: The New World refers to the western hemisphere, especially the Americas, after the European age of discovery. (Lumen)

Colony: A country or area controlled politically by a more powerful country that is often far away. (Cambridge Dictionary)

Territory: An area of land that is considered as belonging to or connected with a particular country or person. (Cambridge Dictionary)

International Court of Justice (ICJ): The International Court of Justice is the principal judicial organ of the United Nations. Court settles legal disputes submitted to it by States and gives advisory opinions on legal questions in accordance with international law. (ICJ-CIJ)

General Overview

After the discovery of the American Continent, many European kingdoms and empires tried to conquer the lands of the American Continent. One key and early attempt is the Treaty of Tordesillas. The treaty was signed in 1494, and it split the newly discovered lands between the Portugal Empire and the Spanish Empire by the authority of the Pope. However, the Spanish conquerors, or conquistadors, were unable to conquer a land called Tipu, due to the resistance they faced by the indigenous tribes. Even though the Spanish Empire failed to conquer that land, the English Baymen were successful in settling in. The Baymens first moved into the land around the mid 17th century, and marked their permanent occupancy in the late 18th century. Throughout this settlement process of the English Baymen, there have been some treaties and agreements between England and the Spanish Empire.

The first one of these agreements is the Treaty of Madrid, which was signed in 1670. The treaty was concerning the colonizations of England in the New World. By the Treaty of Madrid, Spain recognized England's possessions and colonies in the New World on the lands that England conquered. While they agreed that England would rule all the lands they conquered on the New World before the Treaty of Madrid, Spain used the vagueness of the treaty and kept its claims on the land that is now known as Belize.

After England and Spain signed the Paris and Versailles Treaties, England left the previously mentioned land, agreeing on the Spanish sovereignty on the land. However, the Baymen who settled into the land opposed and fought against the Spanish army, which resulted in another defeat for Spain. The Baymen claimed the land until they joined England in 1862 under the name of British Honduras, and in 1821, Guatemala declared its independence from Spain.



A map showing the disputed area

The most important treaty signed between the two parties is known as the Wyke-Aycinena Treaty. The treaty was signed in 1859 and concerned the borders between Guatemala and British Honduras, which is now known as Belize. The treaty defined the borders of Britain's land as the territory between Hondo River and Sarstoon. Overall, the treaty solved the border disputes between the parties. However, it didn't last. In 1946, Guatemala officially declared that the Wyke-Aycinena Treaty was null. The reason behind such action of Guatemala was due to Article 7 of the treaty. Article 7 of the Wyke-Aycinena Treaty states that both the British and the Guatemalans would collaborate on building the "easiest communication between the fittest place on the Atlantic coast near the settlement of Belize and the capital of Guatemala" with their "highest efforts". The article states that "two High Contracting Parties" mutually agree on the aforementioned road. Guatemala declared that the treaty was null since the British party didn't show any effort on such construction of a road. So, Britain, which had the lands at the time, offered Guatemala to apply to the International Court of Justice (ICJ) on the basis of international law. Guatemala rejected the offer and kept its claims on the territory. On some occurrences, tension rose between the parties, such as the time when Guatemala threatened to invade and annex the territory in 1948. However, there weren't any armed conflicts between the two parties.

In 1981, Belize declared its independence from the United Kingdom and became a free state. At first, Guatemala didn't recognize Belize as a state. In 1991, Guatemala eventually recognized Belize and diplomatic relations started. Ever since 1991, both parties have been in contact regarding the border issue but there weren't any noteworthy attempts until 2008.

On 8 December 2008, Guatemala and Belize signed an agreement to have a simultaneous referendum in both countries on 6 October 2013. The agreed-upon referendum was about sending the issue to the ICJ, however, it got suspended. On 15 April 2018, the referendum on the issue was held in Guatemala. Around 25% of the eligible population voted, and around 96% of the votes agreed upon sending the issue to the ICJ. About 1 year later, on 8 May 2019, the Belizean referendum was held, and 55.4% of the votes supported moving the case to the ICJ. Right now, the case is in ICJ. Guatemala submitted its briefs on the issue, and Belize's briefs are due 8 June 2022.

Timeline of Events

1494	<i>Treaty of Tordesillas is signed, granting Spain half the lands of the New World</i>
1670	<i>The Treaty of Madrid is signed, Spain acknowledges that England rules all the lands they have captured in the New World.</i>
1821	<i>Guatemala becomes an independent state</i>
1859	<i>Wyke-Aycinena Treaty is signed, the borders of Belize is decided</i>

1946	<i>Guatemala declared Wyke-Aycinena Treaty is null since Article 7 is breached and not satisfied</i>
1981	<i>Belize becomes an independent state</i>
7 June 2019	<i>Both states applied to ICJ to resolve the issue after national referendums.</i>

Evaluation of Previous Attempts to Resolve the Issue

As mentioned, there have been many treaties and negotiations between both parties to resolve the issue. During the official negotiations, there weren't any solutions found that was acceptable for both parties. Neither of the states compromised and wanted to have the entire territory. It is clear that negotiations are not applicable for the issue. The other attempts to resolve the issue are the treaties signed. While the treaties offered reasonable conditions and were signed by both Guatemala and Belize, there were always some problems. For example, in the Treaty of Madrid, Spain declared that Britain did not invade the territory before the treaty, and said that they were not right to claim the disputed territory. Another example of the occurrence of a disagreement is the Wyke-Aycinena Treaty. Guatemala declared that Article 7 of the treaty was not satisfied thus the treaty is valueless. The treaties are once again setting examples of ineffective solution attempts since they are not entertained due to the own reasons of states'.

Briefly, there have been many peaceful attempts that have kept failing due to many reasons, and the inability of both states to agree on settling down makes it harder to have a successful attempt.

Possible Solutions

While coming up with solutions, it must be kept in mind that neither Guatemala nor Belize compromises to resolve the issue. The territory that is under dispute is nearly half of Belize's territory and the removal of half of a country would severely affect the state in economic, social, and humanitarian ways.

First of all, it must be ensured that a peaceful environment is kept between the states and there will be no further disputes, especially armed conflicts.

To protect the territorial integrity of Belize, an acceptable proposal could be prepared under an unbiased authority such as the United Nations (UN) or The Caribbean Community (CARICOM). This proposal could consist of a common sharing of resources or a way for Guatemala to benefit from the disputed territory.

Finally, the process of the case in the ICJ might be worked on by the experts. During the proceedings of the case, there might be any further disputes between the states regarding the territory. Experts can work

on decreasing the tension by any means since the case in ICJ has a high chance of continuing for a long time period, especially under the COVID-19 restrictions.

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