

AGREEMENT TO ESTABLISH A TRANSITION PROCESS AND CONFIDENCE BUILDING MEASURES BETWEEN BELIZE AND GUATEMALA

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I. Preambular Considerations:

Delegations from Belize and Guatemala, headed by H.E. Assad Shoman, Minister of Foreign Affairs of Belize, and by H.E. Edgar A. Gutiérrez, Minister of Foreign Affairs of Guatemala, met at OAS Headquarters in Washington D.C. on February 7, 2003, with Assistant Secretary General, in charge of the General Secretariat, Ambassador Luigi R. Einaudi to continue their discussions aimed at concluding an Agreement to Establish a Transition Process and Confidence Building Measures Between Belize and Guatemala within the framework of a just, equitable and permanent solution to the territorial differendum between the two countries.

The Delegations and the Assistant Secretary General recognized that the Panel of Facilitators of the Belize-Guatemala Facilitation Process completed its mandate with the presentation of the Facilitators' final Proposals on September 16, 2002, and that as a result, the Facilitation Process ended on September 30, 2002.

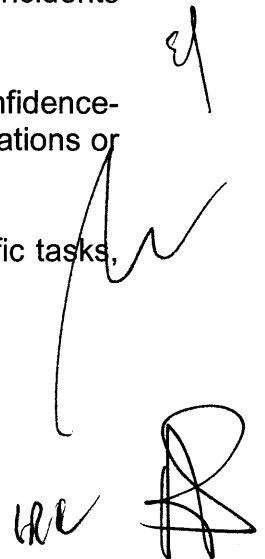
The Parties also recognized, however, that there were practical difficulties which prevented them from holding the referenda simultaneously in both countries within the timeframe recommended by the Facilitators. In light of this, the Delegations agreed to preserve the Proposals until such time as the appropriate constitutional procedures of each State have been completed.

Recognizing the need for a mechanism to manage their relations and the situation in the Adjacency Zone until the referenda are held, the Parties agreed to establish a Transition Process and Confidence Building Measures, which are described in this Agreement. The Agreement contains three sections and contains three annexes which are an integral part of the Agreement.

II. Purpose and Scope:

1. In light of the conclusion of the Facilitation Process on September 30, 2002, this Agreement establishes a Transition Process, in which the Governments of Belize and Guatemala ("the Parties") agree to continue to work constructively and in good faith to manage their relationship until they reach a final just, equitable, honorable and permanent resolution of their territorial differendum.
2. The Confidence Building Measures have as their central purpose the preservation of peace in the Adjacency Zone.
3. All actions under this Agreement shall be consistent with the laws of the Parties.

4. The Parties, as signatories of the Charter of the Organization of American States are bound by the American Declaration of the Rights and Duties of Man. Annex A lists human rights which the Parties agree all persons in the Adjacency Zone enjoy.
5. Belize and Guatemala agree to call upon the General Secretariat of the Organization of American States, on the Counselors that may be appointed by the Secretary General (as described in section II, paragraph 9, below) and on the Group of Friends, (as described in section II, paragraph 10, below) to assist them during the Transition Process.
6. The Transition Process stipulated in this Agreement has a limited and temporal character and shall expire the day following the ratification, by the appropriate legislative bodies in Belize and Guatemala, of the Treaties of Settlement for a permanent solution to their territorial differendum, unless an extension is mutually agreed upon by the Parties in writing prior to that date. The constitutional processes in both countries require that, prior to ratification, the proposals be approved by referenda, which should be held simultaneously in both countries, as recommended by the Facilitators.
7. The confidence-building measures stipulated in this Agreement shall be valid for a period of one year, and shall be reviewed every six months by the General Secretariat of the OAS in consultation with the Parties to ensure they are being complied with by the Parties.
8. The General Secretariat of the OAS:
 - 8.1. 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:
 - 8.1.1. To convene meetings between representatives of the two States;
 - 8.1.2. To develop and recommend specific measures, mechanisms or processes aimed at preventing or resolving specific problems or incidents which may occur between the Parties;
 - 8.1.3. To monitor the implementation and execution of the confidence-building measures established in this Agreement, and suggest alterations or revisions where necessary;
 - 8.1.4. To appoint individuals or organizations to undertake specific tasks, where expert or specialist knowledge or skill is required;

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8.1.5. 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;

8.2. The Parties agree that the General Secretariat shall establish an office in the Adjacency Zone (the Zone is defined in section III, paragraph 10, below), in a location agreed by the Parties. This Office, to be known as the Office of the General Secretariat in the Adjacency Zone, shall be an extension of both the Office of the General Secretariat in Guatemala, and the Office of the General Secretariat in Belize. The Office shall have the following functions:

8.2.1. To organize and foster community to community contacts across the Adjacency Line;

8.2.2. To develop and execute activities designed to improve relations, confidence and cooperation among the inhabitants of the Adjacency Zone;

8.2.3. At the request of either Party, and with the proper approval from the Headquarters of the General Secretariat, to verify incidents which may occur in the Adjacency Zone;

8.2.4. At the request of either Party, and with proper approval from the Headquarters of the General Secretariat, to verify any transgression by the Parties of the confidence-building measures contained in this Agreement;

8.2.5. To provide information on the Transition Process and on the confidence-building measures agreed by the Parties to the residents of the Adjacency Zone.

8.3. The Governments shall extend to General Secretariat of the OAS' Personnel and contractors assigned to the Office provided for under paragraph 8.2 (and its sub-sections) of this Agreement 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.

9. The Counselors of the Secretary General

9.1. The Secretary General shall appoint Counselors 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.

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9.2. Each Party shall appoint one Counselor who shall advise the Secretary General on the best ways to fulfill the duties and responsibilities described in this Agreement.

9.3. The Counselors agree to provide their services without remuneration. The Fund for Peace shall defray the travel and accommodation expenses incurred by the Counselors under this agreement.

10. The Group of Friends:

10.1. The Secretary General, in consultation with the Counselors, and at the request of the Parties, shall establish a broadly representative Group of Friends of Belize-Guatemala Transition Process (the "Group of Friends"), consisting of OAS Member and Observer States, and others interested in supporting a peaceful resolution to the territorial differendum.

10.2. The Group of Friends shall be an advisory body to the Secretary General. It shall provide political and operational support for undertaking the various activities contemplated under this Agreement.

10.3. The Group of Friends shall provide assistance to the Parties for holding the referenda on the Proposals of September 16, 2002.

10.4. Members of the Group of Friends shall endeavor to provide financial assistance for the activities undertaken under the Transition Process and Confidence Building Measures, by means of contributions to the Belize-Guatemala sub-fund of the Fund for Peace.

III. Confidence Building Measures:

The Parties agree to comply in good faith with the following confidence-building measures:

1. The confidence-building measures that are proposed or accepted during the Transition Process 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

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Parties has accepted, agreed to, complied with or implemented any of the confidence-building measures included herein.

3. In the event that a judicial solution to the territorial differendum is sought by either Party, following a rejection of the Proposals by popular referenda in either country, the Parties agree that the confidence-building measures shall remain in effect for one year, and renewable thereafter for periods of one year, until a final ruling on the merits of the case is handed-down by the competent judicial body.
4. In carrying out these confidence-building measures both Parties shall respect the principles of international humanitarian law, as applicable to the circumstances.
5. Neither Party shall use force, or the threat of force, to pursue their positions with respect to the territorial differendum.
6. 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.
7. 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.
8. The Parties will cooperate in clearing the areas around the three reference markers mentioned in section III, paragraph 6, above.
9. 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.
10. The Adjacency Zone shall be subject to a special regime, as follows:
 - A. The community of Santa Rosa, including homes, farms, roads, buildings and other infrastructure established before October 1, 2000, shall remain



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