

Appendix 4

Agreement on Confidence Building Measures

BELIZE / GUATEMALA NEGOTIATIONS **AGREEMENT ON CONFIDENCE** **BUILDING MEASURES**

The Delegation of Belize, headed by H.E., Assad Shoman, and the Delegation of Guatemala headed by H.E., Gabriel Orellana Rojas, Minister of Foreign Affairs of Guatemala, met in Washington D.C. on November 7-8, 2000 and agreed to the following confidence-building measures which, by avoiding incidents that could create or lead to confrontation between citizens or security forces of the two countries, will facilitate the negotiating process that both parties are pursuing in good faith.

1. These measures have a limited and temporal character consistent with the objective of establishing confidence between the parties sufficient to allow them to prevent or avoid incidents that could undermine progress toward the solution of the territorial differendum that is the subject of this negotiating process. Consequently, the confidence-building measures that are proposed or accepted during the negotiation 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. Moreover, the parties agree that neither party will use against the other party, in any forum in which this territorial differendum may be addressed in the future, the fact that either of the parties has accepted, agreed to, complied with or implemented any of the confidence-building measures included herein. In carrying out these confidence-building measures both parties shall respect the principles of humanitarian law, as applicable to the circumstances.

2. These measures will expire on 31 August 2001, unless their extension is mutually agreed upon by the parties prior to that date.
3. For the sole purpose of facilitating the acceptance and implementation of these confidence-building measures, and subject to paragraphs 1 and 2 above, the Adjacency Line³¹³ 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 use of this line as the Adjacency Line does not constitute a determination by the Facilitators, nor an agreement of 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.
4. The parties will work together to locate and identify all reference markers, whether of concrete, limestone, or cairn located along or in the vicinity of the Adjacency Line. The parties will cooperate in clearing areas around the reference markers so that they can easily be seen. The parties will also jointly prepare a map of the entire Adjacency Line, utilizing available technical assistance from friendly countries, identifying all reference markers and all settlements located within one kilometer of the Adjacency Line (either to the east or to the west). Neither the acceptance of this recommendation, nor the location, identification or clearing of areas around the reference markers by either party shall be interpreted in this or any other forum in which the parties' territorial differendum may be addressed as a recognition, understanding or admission

³¹³ "Adjacency Line" was the term used for the Belize-Guatemala land border in, and solely for purposes of, the 8 November 2000 Agreement on Confidence Building Measures. Unless explicitly required by quotation, this *Handbook* uses the word "border" to identify and/or describe what is in fact the Belize-Guatemala border, as agreed by the "Convention between Her Majesty and the Republic of Guatemala, relative to the Boundary of British Honduras," signed at Guatemala City on 30 April 1859 by Charles Lennox Wyke for Great Britain and Pedro de Aycinena, Guatemalan Foreign Minister, ratifications exchanged on 12 September 1859.

by Guatemala that said reference markers denote the international boundary between Guatemala and Belize.

5. For the sole purpose of facilitating the acceptance and implementation of these confidence-building measures, and subject to paragraphs 1 through 4 above, 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.
6. The Adjacency Zone shall be subject to a special regime, as follows:
 - A. All human settlements, including homes and/or farms, roads, buildings and other infrastructure, established within one kilometer of the Adjacency Line as of 1 October 2000, shall remain undisturbed during the pendency of this negotiation process, except that: (i) any settlement established anywhere in the Adjacency Zone for the purpose of cultivating marijuana or any other illicit drug shall be removed, as set forth below; and (ii) any settlement established in the Adjacency Zone to the east of the Adjacency Line after 1 October 2000 may be removed at the option of the Government of Belize, as set forth below.
 - B. The parties shall work in collaboration with one another to prepare a list encompassing the names of all of the settlers described in Paragraph 6(A) who shall be entitled to remain undisturbed in the Adjacency Zone. Each such settler will retain his/her current nationality, citizenship and official documentation of identity. In addition, the Government of Belize shall issue a license to each Guatemalan settler situated to the east of the Adjacency Line authorizing such settler to remain undisturbed in the Adjacency Zone during the pendency of this negotiation process; and the Government of Guatemala shall issue to each Belizean settler situated to the west of the Adjacency Line a similar license. There

shall be no new settlers joining any such settlement, and no extension of any existing settlement after 1 October 2000. Without prejudice to each party's claims of sovereignty over any part of the Adjacency Zone, all persons residing to the west of the Adjacency Line shall be required to abide by and respect the laws and law enforcement authorities of Guatemala, and all persons residing to the east of the Adjacency Line shall be required to abide by and respect the laws and law enforcement authorities of Belize.

- C. The parties will meet and agree upon a protocol for removal of settlements described in items (i) through (ii) of paragraph 6(A). The protocol will include: notification by the party discovering such a settlement to the other party within 72 hours of discovery; bi-national on-site verification of the existence of the settlement and its prohibited status within 72 hours of notification; cooperation by both countries in the removal of such settlement and settlers; use by Belize, in the removal process, of security personnel fluent in Spanish, Maya-Kekchi or Maya-Mopan; strict respect for the human rights of the settlers including, where appropriate, the presence of representatives of the Human Rights Commissioner of Belize and the Procuraduria de Derechos Humanos of Guatemala.

- D. Guatemala will take effective measures to dissuade its citizens and/or residents from establishing new settlements, or joining existing settlements, to the east of the Adjacency Line. The parties will meet to discuss such measures, with Guatemala retaining the right to determine which measures to implement, but which shall include, at a minimum, a public information campaign urging Guatemalan citizens and residents not to settle to the east of the Adjacency Line and warning of the consequences of such settlement, and a program to identify land to the west of the Adjacency Line that can be allocated to Guatemalan citizens or residents who would otherwise be likely to attempt to settle to the east

of the Adjacency Line. Guatemala's implementation of these measures is linked to the respect to be granted by Belize to pre-existing settlements to the east of the Adjacency Line.

- E. Military and police patrols in the Adjacency Zone will be coordinated, with close communication between the security forces of both countries, including regular military to military (or police) contact throughout the Adjacency Zone, and at the highest national level. The security forces of both countries will meet within seven days of the acceptance of these confidence-building measures to reach agreement on a schedule for patrols in the Adjacency Zone and a process for rapid and effective communication with one another. They will also discuss coordination of activities to conduct joint efforts against illicit drug cultivation and trafficking in the Adjacency Zone.
7. The parties will promote community to community contact across the Adjacency Line to improve relations and understanding.
 8. The parties will by mutual agreement establish mechanisms to facilitate traffic of persons, goods and services with minimum restrictions at agreed crossing points.
 9. The parties will meet to discuss and attempt to reach agreement on confidence-building measures to avoid conflicts or incidents in the territorial sea or exclusive economic zone of either party, or on the high seas.
 10. The parties will meet to develop plans for cooperative efforts to respond to natural resources.
 11. The parties will cooperate to avoid incidents on the ground conducive to tension between them. In the event of such an incident, the parties will immediately communicate with one another to contain it and prevent its recurrence. Each party will exercise caution in its public statements so as not to exacerbate tensions or inflame opinion.

12. The parties shall monitor the implementation of these confidence-building measures, and work together to resolve any problems or issues that might arise. Any problems or issues that cannot be resolved by the parties themselves, in the first instance, should be referred to the facilitators for their assistance in helping the parties reach agreement. The facilitators shall be able to request the Secretary General of the Organization of American States to appoint a fact-finding mission in the event of an incident or if they consider it desirable.
13. For all purposes, the English and Spanish versions of this document shall be equally authentic.

Washington, D.C., November 8, 2000

For Belize:

H.E. Assad Shoman
Senior Ambassador with
Ministerial Rank

For Guatemala:

H.E. Gabriel Orellana Rojas
Minister of Foreign Affairs

As a Witness of Honor

César Gaviria
Secretary General
Organization of American States