Peaceful Settlement of Territorial Disputes

by Magdalena Talamas

The Peace Fund, as it is most commonly known, is a mechanism designed to enable the OAS to react swiftly to provide financial resources to OAS member states in an unforeseen crisis involving a territorial dispute. It is also designed to increase the General Secretariat’s knowledge and experience in the fields of conflict resolution and territorial dispute settlements. It includes a General Fund, which provides seed money during unanticipated conflicts, and sub-funds established for specific disputes. The Peace Fund is open to contributions from OAS member states, permanent observers, and other states, as well as other entities, including companies and individuals. The Peace Fund operates within the OAS Secretariat for Political Affairs, through its Department of Democratic Sustainability and Special Missions.

The Peace Fund is more than a simple financing tool, however. By jointly appealing to the OAS for assistance in peacefully resolving a territorial dispute, parties in conflict can avail themselves of a range of conflict resolution mechanisms provided for in the OAS Charter. These include direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and any other mechanism to which the parties jointly agree.

The first case that the Peace Fund addressed was a maritime boundary dispute between Honduras and Nicaragua. In December 1999, at the request of both governments, the OAS Permanent Council convened a special session to address the tensions that had arisen as a result of a boundary dispute in the Caribbean Sea. In the ensuing months, the OAS held four rounds of talks with the Honduran and Nicaraguan foreign ministers. Working with the OAS, Honduras and Nicaragua signed a series of agreements committing to peaceful relations while the substance of their boundary dispute was sent to the International Court of Justice in The Hague. In the meantime, the OAS implemented a series of confidence-building measures aimed at reducing tensions. This included communications between the two countries’ armed forces, restrictions on military activities along the border, and combined patrols in the Caribbean Sea.

On October 8, 2007, the International Court of Justice made a ruling on this case. It was accepted by both countries, putting an end to the long-time dispute.

The second case taken on by the Peace Fund had to do with completing the demarcation of the border between El Salvador and Honduras. Between July 2003 and August 2004, at the request of both governments, the OAS General Secretariat and the Pan American Institute of Geography and History helped to resolve a series of technical problems that had prevented the full demarcation of the international border between the two countries after a 1992 judgment by the International Court of Justice and a General Peace Treaty signed by the two countries in 1980.

The third and currently active case involves a territorial dispute between Belize and Guatemala. In March 2000, the governments of the two countries restarted talks on this longstanding issue. In February 2003, the foreign ministers of Belize and Guatemala signed an “Agreement to Establish a Transition Process and Confidence-Building Measures,” which was later amended in September 2005. The two parties agreed to continue working constructively and in good faith to manage their relationship until they reached a permanent resolution.

Top, from left to right: Wilfred Elias Ion, Foreign Minister of Belize; OAS Secretary General José Miguel Insulza; Haroldo Rodas Melgar, Foreign Minister of Guatemala; OAS Assistant Secretary General Albert R. Ramdin at the signing of the Special Agreement to Submit Guatemala’s Territorial, Insular, and Maritime Claim to the International Court of Justice. Right, from left to right: Ambassador Raúl Lago, Special Representative of the Secretary General for Belize and Guatemala; OAS Secretary General José Miguel Insulza; and Víctor Remírez, OAS Secretary for Political Affairs during a meeting of the Group of Friends of Guatemala and Belize.

Since the governments of Belize and Guatemala recommended talks on their centuries-old territorial dispute in March 2000, much progress has been made under the auspices of the OAS Peace Fund.
The Institute also offers GPS workshops, experts, and specialized equipment to the efforts of the OAS/AZ Office by providing these cases, the Pan American Institute, particularly in cases where the verification sites present in challenging circumstances. Some demand a high level of precision in terms of cartography and coordinates reading, particularly in cases where the verification sites are very close to the adjacency line. In these cases, the Pan American Institute of Geography and History supports the efforts of the OAS/AZ Office in selecting identifying experts and specialized equipment to ensure the utmost accuracy of the data.

The Institute also offers GPS workshops and training to OAS staff.

The OAS/AZ Office also works to promote increased communication, coordination, and rapprochement between local and central government officials of Belize and Guatemala and between communities inside the Adjacency Zone. It participates and supports meetings between the Belize Defense Forces and the Guatemalan Army, for example. The OAS/AZ Office also helps coordinate meetings between natural disaster response bodies, institutions responsible for forest reserves, and the municipalities of the two countries by providing space and management services.

Support for children and youth is also part of the Office’s ongoing efforts geared towards the promotion and development of a culture of peace in the Adjacency Zone. To this end, and in coordination with the mayors of the communities of Melchor de Mencos and Benque Viejo on either side of the adjacency line, the OAS/AZ Office facilitates music (wind and string instruments), singing, painting, and theater workshops and training programs for Belizean and Guatemalan students who reside in the area. Individuals, communities, and institutions in the Adjacency Zone are also provided support in the form of fuel for transport, food, transportation tickets, school supplies and toys, and overnight shelters. The beneficiaries are the schools, firemen, hospitals, and needy families whose situation is directly linked to incidents in the Adjacency Zone or to processes for strengthening confidence-building measures in that area.

The OAS/AZ Office has also successfully executed community resettlement projects, such as the resettlement of the Nueva Judá and Santa Rosa communities. The Nueva Judá project was designed to resettle 186 Guatemalan citizens who were living on the eastern-side of the adjacency line, or very near the line. The project was executed in collaboration with the municipality of Melchor de Mencos between February 2004 and August 2005 and included the construction of 31 new houses, which were designed in consultation with the beneficiaries so as to respect local designs and traditions.

The resettlement of the Santa Rosa community took place between June 2007 and April 2008. In that project, seventeen families—more than 100 people—were resettled from the Belize side of the Adjacency Zone to Guatemala. All of the new dwellings were equipped with electricity, drinking water, and sewage facilities. Both communities received a new school, community center, and park area. All the precarious houses and community infrastructure in the old settlements were completely demolished. These kinds of community resettlement projects are an innovation among resettlement processes in the hemisphere. Occurring in the context of territorial disputes, they eliminate an obstacle to the process of dialogue between both countries. They also accomplish the resettlement of the communities in a way that respects the residents’ human dignity and improves their living standards.

Another important mandate of the OAS/AZ is to help promote development in the Adjacency Zone. To this end, the Peace Fund is working with various technical areas of the General Secretariat to help promote cooperation projects and training programs in the field of tourism, security, environment, education, and culture, among others. One clear example of this institutional coordination is the partnership begun with the Young Americas Business Trust (YABT) to offer training in rural tourism to young people and teachers who live in the Adjacency Zone. The courses are held in the OAS/AZ Office and provide training in agro-tourism project management and strategic marketing concepts to help maximize profits and create competitive projects in a local context. The OAS Peace Fund also organizes workshops in collaboration with the Department of Public Security to help increase the capacity of immigration, customs, and law enforcement officials from Belize and Guatemala to understand and identify human trafficking cases.

On December 8, 2008, the governments of Belize and Guatemala, acting on the recommendation of OAS Secretary General José Miguel Insulza, signed the "Special Agreement to Submit Guatemala’s Territorial, Insular, and maritime Claim to the International Court of Justice." Currently, both countries are making the necessary arrangements within their respective domestic systems to ask their citizens to vote on whether or not to send the territorial dispute between the two countries to the International Court of Justice. The plebiscites will take place simultaneously in both countries on a previously agreed upon date.

Since the governments of Belize and Guatemala recommenced talks on their centuries-old territorial dispute in March 2000, much progress has been made under the auspices of the OAS Peace Fund. Now, the countries are closer than ever to resolving their longstanding differences.

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