



MISION PERMANENTE DE GUATEMALA
Organización de los Estados Americanos

FREE TRANSLATION

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Thursday, 7 October 2010

Legislative Branch

Congress of the Republic of Guatemala
Decree number 31-2010

The Congress of the Republic of Guatemala:

Whereas

The Executive Branch signed on December 8th, 2008 the "*Special Agreement between Guatemala and Belize to submit Guatemala's Territorial, Insular and Maritime Claim to the International Court of Justice*", with the State of Belize at the Organization of American States headquarters in Washington D.C.;

Whereas

Pursuant to articles 171, section l), subsections 2 and 5; and article 172, section b), both of the Political Constitution of the Republic of Guatemala, Congress has the power to approve, before ratification, all treaties, agreements or any international settlements that may affect the Nation's sovereignty or that include a general arbitration clause or submittal to an international jurisdiction, or that affect or may affect the security of the State;

Whereas

Pursuant to article 19, first paragraph, of the Transitory and Final Provisions of the Political Constitution of the Republic of Guatemala, the Executive Branch is authorized to perform all actions directed to resolve the situation of the rights of the Republic of Guatemala in regard to Belize, in accordance with national interests; any final agreement thereto shall be submitted by Congress to the consultative procedure set forth in article 173 of the Political Constitution of the Republic of Guatemala;

Whereas

Article 173 of the Political Constitution of the Republic of Guatemala establishes that "*The political decisions of particular transcendence shall be submitted to the consultative procedure of all citizens. The consultation shall be called by the Supreme Electoral*" ^{AL}

Tribunal at the initiative of the President of the Republic or of Congress of the Republic, who shall set precisely the question or questions to be put forward to the citizens..."; so that definitely, with their approval or lack thereof, the submittal of the territorial dispute regarding Belize may be approved for submission to the International Court of Justice;

Whereas

Pursuant to article 196 of the Electoral and Political Parties Law, the Supreme Electoral Tribunal has the power to call elections. The decree calling for a popular consultation shall be issued no less than ninety (90) days prior to its taking place.

Therefore,

In exercise of the powers established in article 171, section l) and pursuant with what is provided for by article 173, both of the Political Constitution of the Republic of Guatemala,

Decrees:

Article 1. At the behest of the President of the Republic, approve the "*Special Agreement between Guatemala and Belize to submit Guatemala's Territorial, Insular and Maritime Claim to the International Court of Justice*", signed on December 8, 2008, at the Organization of American States headquarters in Washington, D.C;

Article 2. Submit to the consultative procedure provided for in article 173 of the Political Constitution of the Republic, the "*Special Agreement between Guatemala and Belize to submit Guatemala's Territorial, Insular and Maritime Claim to the International Court of Justice*", executed on December 8th, 2008 at the Organization of American States headquarters in Washington, D.C.;

Article 3. Mandates the President of Congress of the Republic to immediately submit to the Supreme electoral Tribunal, on behalf of Congress of the Republic, the Legislative Branch's initiative to call the consultative procedure appertaining the approval of the *compromise* set forth in the "*Special Agreement between Guatemala and Belize to submit Guatemala's Territorial, Insular and Maritime Claim to the International Court of Justice*", executed on December 8th, 2008 at the Organization of American States headquarters in Washington, D.C.;

Article 4. Authorize the Supreme Electoral Tribunal, in coordination with the Ministry of Foreign Affairs and their counterparts in the Belizean Government, to adopt procedures that enable the simultaneous holding of *referenda* in both countries, at a date agreed to by the Parties;

Article 5. The question to be put forth in the consultative procedure shall be: Do you agree that any legal claim of the Republic of Guatemala against Belize relating to land and insular territories and to any maritime areas pertaining to these territories should be *de*

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 6. A Transcription of the content of this Decree to be made to the Supreme Electoral Tribunal, for its cognizance and legal effects.

Article 7. This Decree will enter into force the day after its publication in the Official Gazette.

This Decree is to be sent to the Executive Branch for its sanction, promulgation and publication.

Executed at the Legislative Branch Palace in Guatemala City, this September Ninth, Two Thousand and Ten

[Illegible signatures]: José Roberto Alejos, President [Seal: Congress of the Republic of Guatemala]. Hugo Fernando García Gudiel, Secretary. Reynabel Estrada Roca, Secretary.

National Palace: Guatemala, September twenty eighth of the year Two Thousand and Ten.

This Decree is to be published and obeyed.

[Illegible signatures]: Colom Caballeros [sic] [Seal: President of the Republic of Guatemala]. Haroldo Rodas Melgar, Minister of Foreign Affairs. Carlos Larios Ochaíta, General Secretary of the Presidency of the Republic of Guatemala. *AL*