

PANEL OF FACILITATORS
Belize/Guatemala Territorial Differendum

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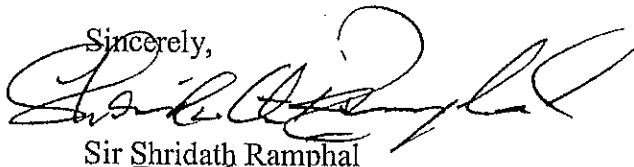
December 19, 2001

His Excellency
Dr. Cesar Gaviria
Secretary General
Organization of American States
17th & Constitution Avenue, N.W.
Washington, D.C. 20006

Dear Mr. Secretary General:

We send you herewith our Recommendations to the Governments of Belize and Guatemala consequent on our receipt of the initial Report to us from Sr. Caramagna. We have sent these Recommendations directly to Foreign Minister Gabriel Orellana and Ambassador Assad Shoman. However, following our discussions with you yesterday morning, in which Foreign Minister Orellana and Mr. David Gibson of Belize participated, we invite you, including through your representatives in Belmopan and Guatemala City respectively, to make these Recommendations public. In so doing, we hope that you will feel able to add your voice to ours in urging on the Parties their acceptance of them. We believe that this intimation from you will assist significantly in securing their prompt acceptance and immediate implementation, with beneficial implications for the Facilitation Process and peace and stability in the area.

Sincerely,



Sir Shridath Ramphal



Paul S. Reichler

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December 19, 2001

His Excellency
Dr. Gabriel Orellana Rojas
Minister of Foreign Affairs
Republic of Guatemala

His Excellency
Mr. Assad Shoman
Senior Ambassador with Ministerial Rank
Republic of Belize

Re: Recommendations Pertaining to the Events of 22 November 2001

Gentlemen:

In the matter of the tragic deaths of three Guatemalan citizens, all members of the Ramírez family, on 22 November 2001, arising from an encounter with members of the Belizean Defence Force in the Adjacency Zone, we have received the Report of the Investigator, Mr. Sergio Caramagna, appointed by the Secretary-General of the Organisation of American States in consultation with us. We thank the Secretary-General for his prompt response to our request for an investigation into these events, and we thank Mr. Caramagna for his expeditious enquiry and Report.

We deeply deplore the loss of life associated with these events and the inevitable increase of tension in the Adjacency Zone. At the same time, we applaud the decision of the Governments of Belize and Guatemala to seek resolution of this matter through the Facilitation Process. This decision exemplifies the sincere commitment of both Governments to the Facilitation Process, and to the peaceful resolution of their longstanding territorial differendum. By their actions, the Parties have strengthened the Facilitation Process, and improved the prospects for reaching a mutually satisfactory outcome. The Facilitation Process is currently in an important phase, and progress toward a solution is being made. The efforts of the Parties to achieve a solution should not be interrupted; but we are mindful that this requires that the events of 22 November be dealt with in a just and prompt manner consistent with the spirit of the Process.

In the absence of impartial witnesses, as indicated by Mr. Caramagna, we, the Facilitators, consider that we must proceed on the basis of such factual and circumstantial evidence as is available to us. At this stage, and subject to the proceedings called for in paragraph 2, below, it appears to us that there was a disproportionate use of force by BDF personnel.


Further enquiry will be necessary. But we believe that there is already a sufficient basis for us to make to the Parties the following Recommendations:

1. The Government of Belize should forthwith undertake to make ex gratia payments for loss of life to the dependents of Jesus Ramírez Solano, Jesus Ramírez Icho and Virgilio Ramírez Icho.
2. The Government of Belize should promptly initiate appropriate judicial or quasi-judicial proceedings to ascertain by due process of law the culpability or otherwise of Belizean personnel for the deaths of Jesus Ramírez Solano, Jesus Ramírez Icho and Virgilio Ramírez Icho.
3. Pending the outcome of such proceedings, Belizean military or police personnel directly involved in the discharge of firearms during the events of 22 November should be suspended immediately from active duty; and, with a view to the reduction of tension in the area, there should be an immediate withdrawal from the Adjacency Zone of other Belizean military or police personnel who were involved in those events.
4. Commencing no later than Saturday, 22 December at 6:00 a.m. local time, and continuing through 6:00 a.m. on Tuesday, 22 January 2002 (or such later date as the Parties may agree), all military patrols in the Adjacency Zone should be joint patrols. Military representatives of the Governments of Belize and Guatemala should meet prior to 22 December to work out modalities. The Facilitators will be available to assist the Parties in reaching agreement on these modalities, should their assistance be required.
5. Commencing immediately, and continuing through 6:00 a.m. on 22 January 2002 (or such later date as the Parties may agree), whenever the Government of Belize or the Government of Guatemala plans to carry out law enforcement activities in the Adjacency Zone on its respective side of the Adjacency Line, it should invite observer participation by at least one representative of the other's military or police forces. All law enforcement activities in the Adjacency Zone should be carried out with full respect for the human and civil rights of the inhabitants, regardless of nationality.

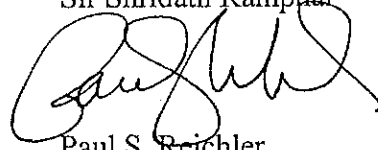
6. The Governments of Belize and Guatemala should enhance their procedures for ensuring the lawful conduct of all persons within the Adjacency Zone on their respective sides of the Adjacency Line.

We urge the Parties to quickly accept these Recommendations, and to implement them without delay. To this end, we hold ourselves available to assist.

Sincerely,



Sir Shridath Rampahal



Paul S. Reichler

cc: His Excellency Dr. Cesar Gaviria
Secretary General
Organization of American States
17th & Constitution Avenue, N.W.
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