

PANEL OF FACILITATORS

Belize/Guatemala Territorial Differendum

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February 7, 2001

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

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

Gentlemen:

We have the honor to address you concerning the Guidelines for Public Statements that the parties have asked us to provide, and which we have revised to take into account the Parties' comments on the version we sent you on February 5. The following are issued in substitution for the Guidelines we sent you on that date.

Guidelines for Public Statements

1. As you will recall at the Emergency Ministerial Level Meeting in Miami on January 17-18, 2001 the Parties agreed, inter alia, as follows:

Public Statements: To reinforce the Confidence Building Measures agreed to on November 8, 2000 and in this Plan of Action, and to facilitate the negotiation process concerning the territorial differendum, the Parties reiterate their prior agreement to exercise caution and restraint in the treatment of all issues related to this negotiation process. To this end the Parties shall frame all public statements relating to the negotiation process in a manner that is consistent with their obligations to timely and fully inform their respective public opinions concerning the progress of the negotiations, conducive to the successful conduct of the negotiations, the facilitation of harmonious relations between Belize and Guatemala, and the maintenance of peace. The Parties have also asked the Facilitators to provide them with guidelines for public statements concerning the negotiation

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process, any agreements reached therein, and any alleged violations of such agreements. The Facilitators have agreed to provide such guidelines by February 5, 2001.

2. The Facilitators fully recognise that the mere existence of a territorial controversy tends to generate and sustain an environment inimical to harmonious relations between the countries involved - at both the governmental and public levels. However, the general need for an atmosphere of peace and stability between neighbours as well as the specific need for the promotion of conflict resolution require special efforts towards a lessening rather than a heightening of tension. Where, as in the Belize-Guatemala differendum, it is recognised by the parties from the outset that 'confidence building measures' must occupy a primary place in any process for the resolution of the controversy, the obligation on the Parties to make such efforts is even more specific and substantial. In this context, the matter of 'public statements', on both sides, becomes crucial to the success of efforts for the peaceful resolution of the differendum. Hence the agreement above concluded by the Parties at their Emergency Meeting.

3. It is the essential task of the facilitation process with which we are engaged to recommend to the parties a resolution on the merits of the matters that presently divide them. But we cannot do so save in an environment that is relatively free of tension. This was recognised in the initial agreement of November 8, 2000 adopting the Confidence Building Measures. **Our First Guideline, therefore, is to invite specific recognition on both sides that not only incidents on the ground but statements in the media or elsewhere can also be disruptive of confidence between the parties and inimical to the process of conflict resolution.** This is particularly so given the pressures to which both Governments are subject from their respective public opinions which must of course remain supportive of the basic effort of resolving the differendum. A measure of official and public calm is required if negotiations are to have a chance of success.

4. **This means - and it is our Second Guideline - that each Party must observe a self-denying ordinance in avoiding public accusations and attribution of hostile motives to the other in the interest of furthering the negotiations. We appreciate, as did the Parties in their agreement above, that the negotiations must be transparent and that Governments must keep their publics informed of progress. But we believe it is important as far as possible to communicate strongly held views at a governmental level in a non-public way. We regard the role of the accredited representatives in each State as especially important to the creation of a climate of confidence necessary for the carrying out of this process of negotiation; we would urge such representatives, who should make extra efforts to build understanding and good will, to avoid to the maximum extent possible making any public statements that are critical of the actions, policies or intentions of the State to which they are accredited. If the Confidence Building Measures succeed in minimising incidents on the ground, it will be essential that their healing effect is not vitiated by the escalation of tension through publicly aired recriminations, remonstrations and accusations.**

5. **It is our Third Guideline that the self-denying ordinance should apply to all formal diplomatic notes and correspondence between the parties, and that these should not be publicly released, unless such release is legally required or warranted by extreme circumstances. We believe strongly that exercise of restraint in language**

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and tone, and respect for the confidentiality of official communications, will contribute to the minimisation of tension and the improvement of confidence. When a party drafts diplomatic correspondence with the intention of making it public, the nature of the message, as well as the language and tone, could be affected in ways that are not conducive to conflict resolution, and therefore this is to be avoided.

6. Obviously, there will be from time to time public statements made within each country by the authorities of that country which are objectionable to the other. However, such statements can and should be consciously minimised, both in tone and volume. That would be a good start in this process of mutual restraint, and it is our Fourth Guideline. Of course, it presupposes the absence of conduct (including public statements) which provoke and invite such statements. The lowering of the verbal temperature involves positive restraint on all sides.
7. It is not only Governments on whom such obligations rest. We believe that every effort should be made within each country to secure the concurrence of political parties and interest groups in an understanding that they too would not contribute to a heightening of tensions by public statements of their own. This is our Fifth Guideline.
8. The Parties have already in this process for resolving the differendum agreed on specific procedures for ensuring that incidents on the ground, or the perceived imminence of such incidents, should be subjected to specific procedures, whether in the Mixed Commission, or by Government to Government communication, or otherwise. We believe that these are all wise arrangements. In the current situation, it is necessary to take steps to avoid the scenario where one State receives a report of an "incident" allegedly provoked by the other, and reacts in a way that produces a counter-reaction by the other, and so on in series of reprisals and recriminations that could escalate into an unwanted and unnecessary confrontation. This is especially regrettable where the "incident" is reported inaccurately to the first State, or where it is a mere misunderstanding that, if the opportunity is given, can be explained to everyone's satisfaction. Thus, whenever a State receives a report of an "incident" allegedly caused by the other, the State receiving the report, before it denounces the other State or publicly comments on the "incident," should immediately communicate with the allegedly offending State to determine what occurred and the explanation for it, and make every attempt to verify the facts before making the issue public. It is our Sixth Guideline that these agreed procedural safeguards against a heightening of tension by precipitate public declamation or action should be faithfully observed on both sides.
9. We do not imply that these are easy matters to accomplish; but we believe that so long as the level of verbal confrontation remains high the temptation for the Parties to resort to unilateral action will be enhanced and efforts at facilitating resolution of the more basic differences in mutually acceptable ways will fail to achieve their goal.
10. We urge the Parties, therefore, especially during the period of this special process, to endeavour to follow these guidelines as a positive contribution to resolving the differendum and facilitating peace and stability between their countries and the region as a whole.

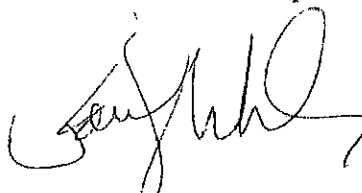
We invite you to signify your acceptance of these Guidelines by signing in the indicated spaces below.

Please accept assurances of our highest consideration.

Sincerely,



Sir Shridath Ramphal



Paul S. Reichler

ACCEPTED BY BELIZE:



ACCEPTED BY GUATEMALA:



c.c. H.E. Dr. Cesar Gaviria

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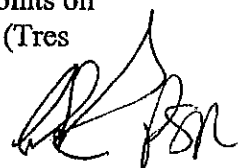
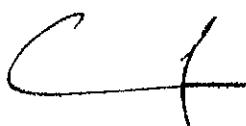
Gentlemen:

We have the honor to address you regarding the status of the settlements located at Río Blanco and Machaquilá (Tres Puentes), and the dwellings located in the vicinity of Valentín Camp.

Paragraph 4 of the Plan of Action to Implement the November 8, 2000 Agreement on Confidence-Building Measures ("Plan of Action") states that:

"Determination of Locations of Certain Settlements: Immediately following the identification of the Adjacency Line, the PAIGH shall determine the precise distance from the nearest point on the Adjacency Line to the settlement known as Río Blanco, and the precise distance from the nearest point on the Adjacency Line to the settlement known alternatively as Machaquilá or Tres Puentes. The PAIGH will also determine the precise distances from the nearest point on the Adjacency Line to dwellings located in the vicinity of Valentín Camp. These determinations shall be provided to the Parties, to the Facilitators and to the Secretary General of the Organization of American States. The Facilitators will then issue an interpretation as to the status of these settlements and dwellings under the Agreement on Confidence Building Measures, with which the Parties will comply in good faith."

On February 7, 2001, the Pan American Institute of Geography and History ("PAIGH") delivered to the Parties, the Facilitators and the Secretary General of the Organization of American States ("Secretary General") a map of the Adjacency Zone, in which the Adjacency Line and the lines constituting the perimeter of the Adjacency Zone are identified, as set forth in Paragraph 2 of the Plan of Action. The PAIGH also delivered to the Parties, the Facilitators and the Secretary General a report containing its determinations of the precise distances between the nearest points on the Adjacency Line and, respectively, the settlements known as Río Blanco and Machaquilá (Tres



Puentes) and the dwellings located in the vicinity of Valentín Camp, as set forth in Paragraph 4 of the Plan of Action. It is now the responsibility of the Facilitators, under that Paragraph, to issue an interpretation as to the status of these settlements and dwellings under the Agreement on Confidence Building Measures, and the responsibility of the parties to comply with such interpretation in good faith.

In fulfillment of our responsibility under Paragraph 4 of the Plan of Action, and based on the map and determinations produced by the PAIGH under Paragraphs 2 and 4 of the Plan of Action, we hereby issue the following interpretation:

1. The settlement of Rio Blanco lies outside the Adjacency Zone described in Paragraph 5 of the Agreement on Confidence Building Measures, and is not subject to the special regime described in Paragraph 6 of that Agreement.

2. The settlement of Machaquilá (Tres Puentes) lies outside the Adjacency Zone and is not subject to the special regime.

3. The dwellings in the vicinity of Valentin Camp lie both inside and outside the Adjacency Zone. Those inside the Adjacency Zone (as described in the report of the PAIGH) are subject to the special regime. Those outside the Adjacency Zone (as described in the report of the PAIGH) are not.

4. Occupants of both settlements and occupants of the dwellings outside the Adjacency Zone should be removed to locations on the west side of the Adjacency Line promptly and in a manner that fully respects their fundamental human rights and international humanitarian norms.

5. To this end, we urge the Parties to agree to the following removal procedure:

A. Within 24 hours from the signing hereof, each Party will appoint three members to a six-member joint commission and provide the names of the appointees to the other Party; each Party will name one of its appointees a co-chairman of the joint commission. The members of the joint-commission may be accompanied by the technical advisors they consider necessary.

B. Within seven days from the signing hereof, the joint commission will visit the settlements at Rio Blanco and Machaquilá (Tres Puentes) and the dwellings in the vicinity of Valentin Camp that lie outside the Adjacency Zone, and compile a census of occupants and an inventory of crops and dwellings; the joint commission will advise the occupants that their settlements and dwellings lie outside the Adjacency Zone, and that they are obligated to remove themselves to locations on the west side of the Adjacency Line within 24 hours; the joint commission will deliver immediately to all occupants who so remove themselves voluntarily a cash stipend equivalent to the value of their crops and dwellings, such cash stipend to be furnished by the Government of Guatemala; the joint commission will inform all occupants that if they fail or refuse to remove themselves voluntarily, they will not receive the cash stipend, and they will be removed involuntarily by the Government of Belize.

C. Occupants who refuse to remove themselves voluntarily, if any, shall be removed pursuant to the terms of Annex B (Protocol for the Removal of Settlements outside of the Adjacency Zone) of the Plan of Action

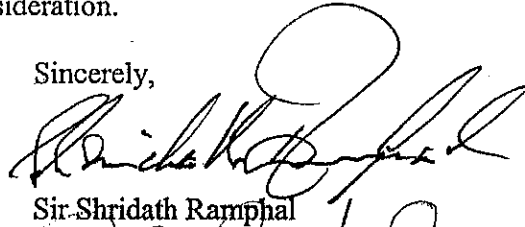
D. The members of the Parties' delegations to the Ministerial Level Meeting in Washington, February 5-7, 2001, will work together to facilitate the smooth and peaceful implementation of these measures.

6. The removal of the occupants of these settlements and dwellings is essential to the progress of this negotiation process concerning the Parties' territorial differendum, and is pursuant to the Agreement on Confidence Building Measures and the Plan of Action. Accordingly, such removal does not constitute or imply a waiver of sovereign rights or claims to the territory that is the subject of the territorial differendum, and 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 the removal of these occupants or any of the measures or procedures concerning such removal described herein.

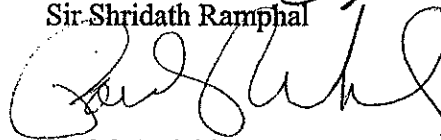
In fulfillment of the Parties' obligation under Paragraph 4 of the Plan of Action to comply with the foregoing interpretation in good faith, we invite the Parties to formally accept the interpretation by signing in the indicated space at the bottom of this page. We also invite the honorable Secretary General to sign as Witness of Honor.

Please accept assurances of our highest consideration.

Sincerely,

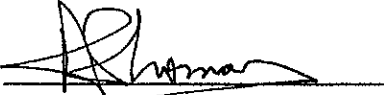


Sir Shridath Ramphal

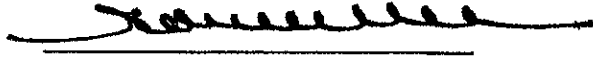


Paul S. Reichler

ACCEPTED BY BELIZE:



ACCEPTED BY GUATEMALA:



WITNESSED BY THE REPRESENTATIVE
OF THE SECRETARY GENERAL OF THE OAS

