

**Propuesta del
Mediador Webster al
Reino Unido y Guatemala
de 1965**

Propuesta Webster

APR 18 1968

TREATY BETWEEN THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND
THE REPUBLIC OF GUATEMALA RELATING TO THE
RESOLUTION OF THE DISPUTE OVER BRITISH
HONDURAS (BELIZE)

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, and The President of the Republic of Guatemala:

Mindful of the request made by Her Britannic Majesty's Government in the United Kingdom and the Government of the Republic of Guatemala to the Government of the United States of America to mediate in the dispute over British Honduras (Belize) and to formulate suggestions on the basis of which the Government of the United Kingdom and the Government of Guatemala might be able to arrive at a final resolution of the dispute;

Taking Note, with appreciation, of the suggestions which have been conveyed by the Government of the United States of America through its representative, Ambassador Bethuel M. Webster;

Reaffirming their desire to strengthen the friendly relations between the peoples and Governments of the United Kingdom and Guatemala;

Recognizing the common interests of the people of British Honduras (Belize), the people of Guatemala, and the other peoples of Central America, and desiring to increase the ties of friendship between the people of British Honduras (Belize) and the people of Guatemala;

Further recognizing that peaceful settlement of the dispute, which for many years has unfortunately harmed the relations of the United Kingdom and Guatemala, is desirable for the successful development of, and the security of, the area concerned;

Desiring to achieve the resolution of the dispute in such a way that the position and rights of both High Contracting Parties are reconciled with the interests and aspirations of the people of British Honduras (Belize), and in such a way that the relationship of British Honduras (Belize) with Guatemala, and consequently, in the near future, with Central America, is constructively resolved;

Have decided to conclude this Treaty and have appointed as their Plenipotentiaries for this purpose;

Her Majesty the Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth:

The President of the Republic of Guatemala:

Who, having communicated to each other their respective full powers, which were found in good and due form, have agreed as follows:

ARTICLE 1

(1) The territory heretofore referred to by Her Britannic Majesty as British Honduras shall be known as Belize after the appointed date mentioned in paragraph (2) of this Article and shall hereafter in this Treaty be referred to as Belize.

(2) On a date hereinafter referred to as "the appointed date", which shall not be later than December 31, 1970, the Government of the United Kingdom shall grant to Belize its independence from the United Kingdom and shall transfer to Belize supreme authority in respect of Belize. Thereafter sole responsibility for, and the right to exercise, all and any powers, both internal and external, of government, administration, legislation, and jurisdiction shall vest in Belize.

(3) The exercise of the authority described in paragraph (2) shall be consistent with the international obligations of Belize including the treaties under which it has assumed such obligations. The Government of the United Kingdom shall take measures to secure that Belize, on the appointed date, accedes to this Treaty, thereby assuming the obligations, responsibilities, rights, and benefits under this Treaty which apply to Belize.

ARTICLE 2

(1) Using one or more transit routes, the products of Guatemala may be exported, and any goods destined to Guatemala may be imported, through Belize without Belize imposing tariffs, duties, taxes, or any other restrictions of that nature. Nothing shall be done to impose restrictions upon the proper use of the transit routes. A transit route is hereby established along the roads indicated in the Annex to this Treaty leading from Belize City and Stann Creek Town to Melchor de Mencos. Other transit routes may be established by decision of the Authority established under Article 9 of this Treaty.

(2) The products of Belize may be exported, and any goods destined to Belize may be imported, through Guatemala without Guatemala imposing tariffs, duties, taxes, or any other restrictions of that nature.

ARTICLE 3

(1) Areas within the ports of Belize City and Commerce Dight, as agreed between Belize and Guatemala, shall be set aside as duty-free ports for the use of Guatemala under the control of the Authority established under Article 9 of this Treaty. Belize and Guatemala may agree to establish other duty-free port areas to be under the control of the Authority.

(2) By duty-free port is meant, for the purpose of this Article, a place to which merchant vessels of all States shall be allowed unrestricted access (within the limits of the facilities available) for loading of goods from, and unloading of goods destined for, Guatemala. The importation of such goods into, their export from, transit through, or storage within the duty-free port shall be free from any payment of duties or taxes, but not charges reasonably levied for services rendered. Operations necessary for the preservation, sale, shipment or disposal of such goods shall be permitted within the area of the duty-free port, but nothing in this Article shall authorize the manufacture of goods within that area, without permission of the Government of Belize.

(3) The Government of Guatemala shall, at the request of the Government of Belize, make available duty-free port areas in Guatemala, as agreed between Belize and Guatemala, for the loading of goods from, and unloading of goods destined for, Belize.

ARTICLE 4

(1) Subject to regulation by the Authority established under Article 9 of this Treaty, Belizeans and Guatemalans may travel freely between and within Belize and Guatemala without presentation of documents other than valid identification documents issued

(a) in the case of Guatemalans, by the authorities of Guatemala; or

(b) in the case of Belizeans, by the authorities of Belize; or

(c) in the case of Belizeans or Guatemalans, by the Authority established under Article 9 of this Treaty, pursuant to regulations to be formulated by the appropriate authorities of Belize and Guatemala.

(2) Belizeans shall be accorded in Guatemala the same treatment that is accorded Guatemalans, and Guatemalans shall be accorded in Belize the same treatment that is accorded Belizeans, with respect to the protection and security of the following personal and property rights:

(a) access to courts of justice and to administrative tribunals and agencies, both in pursuit and defense of their rights;

(b) engaging in commercial, industrial, financial and other activities for gain, subject to local labor legislation, and scientific, educational, religious and philanthropic activities;

(c) acquiring and disposing of property, including testate and intestate succession;

(d) obtaining and maintaining patents of invention, rights in trademark, trade names, and trade labels;

(e) the assumption of undertakings for, and the making of, payments, remittances and transfers of moneys and financial interests.

(3) The Government of Belize and the Government of Guatemala shall conclude arrangements to secure the return to the one from the other of persons accused or convicted of criminal offenses.

(4) This Article does not affect rights of Belize or Guatemala to deport from their territories undesirable persons.

ARTICLE 5

The transportation and communication facilities of Belize and Guatemala shall, insofar as they involve co-operation between Belize and Guatemala, be improved and co-ordinated as soon as practicable and, where feasible, integrated, by means to be determined by the Authority established under Article 9 of this Treaty. The Authority shall, as soon as it is established, take steps to achieve this objective. These steps shall include provision by the Authority for the construction or improvement of a road which shall provide an effective link between Belize and Guatemala. The Government of the United Kingdom shall, through its contribution to the funds of the Authority pursuant to Article 9 of this Treaty, assist in that endeavor.

ARTICLE 6

(1) Educational degrees, certificates and diplomas recognized in Belize shall in Guatemala be accorded the same significance as, and shall be recognized as evidence of achievement in the same manner as, those of Guatemala of equivalent level; and educational degrees, certificates and diplomas recognized in Guatemala shall in Belize be accorded the same significance as, and shall be recognized as evidence of achievement in the same manner as, those of Belize of equivalent level. Degrees, certificates or diplomas granted

outside Belize or Guatemala shall be excluded from the provisions of this Article.

(2) The Authority established under Article 9 of this Treaty shall organize educational exchange programs under which students from Belize may study at, and receive valid degrees and diplomas from, Guatemalan educational institutions and under which Guatemalan students may study at, and receive valid degrees and diplomas from, Belizean educational institutions.

(3) Exchanges in the cultural field shall also be arranged by the aforementioned Authority.

ARTICLE 7

(1) Belize and Guatemala undertake, through the Authority established under Article 9 of this Treaty, to cooperate in furthering the exchange and use of scientific and technical knowledge, particularly in the interests of increasing productivity and improving standards of living within their respective territories.

(2) Studies and programs relating to cultural and scientific resources of mutual interest and to land use and soil improvement, watershed management and protection, wildlife protection, and nutrition and health of Belize and of Guatemala shall be initiated, and thereafter regulations relating thereto shall be promulgated, under the supervision of the Authority established under Article 9 of this Treaty.

ARTICLE 8

(1) Belizean vehicles of all types, for land, water and air transport, may enter into, and travel in, Guatemala subject to no greater restrictions and conditions than those imposed on vehicles of Guatemala; and Guatemalan vehicles of all types, for land, water and air transport, may enter into, and travel in, Belize subject to no greater restrictions and conditions than vehicles of Belize. Vehicles of Belize

traveling in Guatemala shall not be required to be licensed or registered in Guatemala, and vehicles of Guatemala traveling in Belize shall not be required to be licensed or registered in Belize.

(2) Paragraph (1) of this Article:

(a) does not pertain to the travel of military vehicles of any type;

(b) does not authorize Belizean or Guatemalan vehicles of any type to engage in the scheduled carriage by air or otherwise of persons or goods for remuneration or hire, whether such carriage is solely between points in the territories of Belize or Guatemala, or originates at or continues to one or more points outside either of those territories. After the appointed date such carriage shall be regulated by the Authority established under Article 9 of this Treaty, although the negotiation and grant of air traffic or air transit rights and all matters appertaining thereto shall remain a matter to be settled between the Government of Belize and the Government of Guatemala.

ARTICLE 9

(1) The Government of Belize and the Government of Guatemala shall establish an Authority for the purpose of performing the functions conferred upon the Authority in Articles 2 through 8 of this Treaty, and shall take all measures, including the enactment of legislation, as may be necessary to ensure the proper functioning and administration of the Authority.

(2) The Authority shall consist of seven Members. Within 30 days of the entry into force of this Treaty, the Government of Belize and the Government of Guatemala shall each appoint three Members, all of Ministerial rank. Within 45 days of the end of that period, the Members so appointed shall appoint a person of international prominence as the seventh Member, who will serve as Chairman. If the Members are unable to appoint a seventh Member within the period referred to, they shall request the Government of the United States to make such

an appointment.

(3) The Authority shall have the powers necessary to enable it to perform its functions, and, in addition to any other powers expressly provided in the present Treaty, the Authority shall have the power to:

(a) initiate and perform or supervise studies necessary to the performance of its functions;

(b) promulgate such regulations and issue such directives as may be necessary for the Authority to perform its functions or for the internal administration of the Authority's affairs;

(c) take such action to enforce the regulations and directives referred to in paragraph (3) (b) of this Article as may be both necessary and consistent with the laws where such enforcement takes place;

(d) take steps to obtain technical assistance and external financial support in order to enable it to formulate and to carry out its plans in connection with the exercise of its functions;

(e) levy reasonable fees and charges for services performed by it in the exercise of its functions;

(f) suggest legislation that may be necessary in Belize or Guatemala for the performance of its functions; and

(g) perform other acts which it may be authorized to perform by both the Government of Belize and the Government of Guatemala.

(4) Decisions of the Authority shall be taken by a majority of the three Members appointed by the Government of Belize and the three Members appointed by the Government of Guatemala. In the event of their votes being equally divided the Chairman shall have a casting vote.

(5) The Chairman shall be a full-time servant of the Authority.

(6) The seat of the Authority shall be Belize City, but the Authority may establish other offices at convenient locations.

(7) The Government of Belize and the Government of Guatemala shall by agreement fix the terms of employment and salaries of the Members of the Authority.

(8) The Authority may recruit such staff and acquire such facilities as are necessary for it to fulfill its functions. Its administrative expenses shall be covered by Belize and Guatemala in proportion to their budgetary resources.

(9) Subject to the provisions of paragraph (10) of this Article, the United Kingdom shall pay to the Authority, to assist it to perform its functions under this Treaty, and in such installments and at such times as the Authority may need,

(i) the sterling equivalent of United States dollars 4,000,000; and

(ii) the balance, if any, of the sum referred to in paragraph (4) of Article 10 of the Treaty, which may be unexpended on the appointed date.

(10) The payments made by the United Kingdom in accordance with the provisions of paragraph (9) of this Article and of paragraph (4) of Article 10 shall not exceed in total in any one year the sterling equivalent of United States dollars 1,200,000. For the purpose of this paragraph, each year shall be deemed to commence on the same day and the same month as those on which this Treaty enters into force. Except as provided in this Article, the United Kingdom shall have no obligation to pay any sum to the Authority.

ARTICLE 10

(1) With a view to developing and strengthening the agricultural, industrial and commercial activities of Belize and of Guatemala, and to permitting the association of Belize with the economic integration of Central America and ultimately with the broader economic integration of the Hemisphere, the Government of the United Kingdom shall undertake studies relating to the participation of Belize in the institutions and treaties of the Central American economic community.

(2) At such time as Belize should decide to join the Central American Common Market, the Government of the United Kingdom shall arrange to continue for a transitional period (envisaged as being not less than ten years after joining the Central American Common Market) to accord the primary produce of Belize, when imported into the United Kingdom, tariff treatment which is no less favorable than that accorded to such products which are the produce of other Commonwealth countries, insofar as those countries receive that treatment by virtue solely of their membership of the Commonwealth Preference Area. Belize for its part shall give sympathetic consideration to the continuance of preferential tariff arrangements during the same period for goods from the United Kingdom when imported into Belize.

(3) Guatemala shall use its good offices with the other countries of Central America to secure the acceptance of Belize in the various institutions and treaties of the Central American community.

(4) Should the Government of Belize, with the agreement of the Government of the United Kingdom, enter, before the appointed date, into one or more of the institutions of the community referred to in paragraph (1) of this Article, the Government of the United Kingdom shall pay to the Government of Belize such sums, not exceeding in total the sterling equivalent of United States dollars 1,000,000 and subject to paragraph (10) of Article 9 of this Treaty, as it may need to enable any financial obligations to be discharged which it incurs on such entry and which come due before the appointed date.

ARTICLE 11

(1) Documents of all types duly issued in Guatemala shall not require authentication for acceptance by the courts or administrative authorities or agencies of Belize, and documents of all types duly issued in Belize shall not require authentication for acceptance by the courts or administrative authorities or agencies of Guatemala. The foregoing does not affect the probative efficacy of the documents.

(2) The authorities and courts of Guatemala shall, at the request of the courts of Belize, render judicial assistance in cases pending before the courts of Belize, and the authorities and courts of Belize shall, at the request of the courts of Guatemala, render judicial assistance in cases pending before the courts of Guatemala.

ARTICLE 12

The authorities of Belize and Guatemala shall consult and cooperate in the use of police resources in matters of internal security of mutual interest affecting Belize and Guatemala.

ARTICLE 13

(1) In the formulation and conduct of their foreign policies, the Government of Belize and the Government of Guatemala shall consult and cooperate on such matters of external affairs of mutual concern as may be raised by either the Government of Belize or the Government of Guatemala.

(2) After the appointed date, the Government of Guatemala shall afford assistance to the Government of Belize in the conduct of its international relations. In particular, when requested, the Government of Guatemala shall:

(a) act as the channel for communications between the Government of Belize and other governments and international organizations;

(b) undertake the representation of the Government of Belize at any international conference at which Belize is entitled to be represented;

(c) supply the Government of Belize with information concerning international affairs;

(d) undertake the diplomatic protection of nationals of Belize in other countries and perform consular functions on their behalf.

(3) Before the appointed date, the Government of the United Kingdom and the Government of Guatemala shall consult on matters of mutual concern affecting the foreign affairs of the Central American area.

(4) After the accession of Belize to this Treaty, the Government of Guatemala shall support the entry of Belize into the Central American community and into the Inter-American community and in particular into the Organization of Central American States, the Organization of American States, and the Inter-American Development Bank.

ARTICLE 14

(1) After the appointed date, the Government of Belize and the Government of Guatemala shall conclude arrangements concerning matters of external defense of mutual concern to Belize and Guatemala. These matters shall include:

(a) Measures considered necessary for the defense of the approaches to Belize.

(b) Consultation and coordination in case of any external threat to the security of Belize.

(c) The use of port facilities in Belize for repair, refueling, victualing and maintenance of those Guatemalan naval units which have been requested to assist the security forces of Belize in the external defense of Belize.

(2) The Government of Belize and the Government of Guatemala shall establish a Joint Consultative Committee which shall meet regularly to consider those matters of external defense governed by the arrangements referred to in Paragraph (1).

(3) The defense of Belize should be handled within the framework of the Inter-American Treaty of Reciprocal Assistance signed at Rio de Janeiro on September 2, 1947, to which Belize should become a party, to the end that Belize would not need to conclude bilateral defense arrangements with other countries.

ARTICLE 15

Any dispute as to the application and interpretation of this Treaty shall be settled by negotiation, enquiry, good offices, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of the parties' choice.

ARTICLE 16

In view of the foregoing, the United Kingdom and Guatemala affirm that their dispute over Belize has been honorably and finally resolved and accordingly that the mediation by the Government of the United States is concluded.

ARTICLE 17

This Treaty shall be ratified and the instruments of ratification shall be exchanged at Washington, D.C. as soon as possible. It shall enter into force on the date of exchange of the instruments of ratification, provided that if the Government of the United Kingdom does not secure, in accordance with Article 1 (3) of this Treaty, the accession of Belize, this Treaty shall be deemed to have no force and effect and the Parties shall be relieved of all obligations hereunder.

IN WITNESS WHEREOF, the above-mentioned Plenipotentiaries have signed this Treaty and affixed thereto their seals.

DONE in duplicate at Washington, D.C., this _____ day of _____, 196 , in the Spanish and English languages, both equally authentic.

FOR HER BRITANNIC MAJESTY:

FOR THE PRESIDENT OF THE REPUBLIC OF GUATEMALA:
