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IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF  
INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Letter dated 17 July 1981 from the Permanent Representative  
of Guatemala to the United Nations addressed to the  
Secretary-General

I have the honour to inform you of the latest development in the direct negotiations between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Guatemala, the purpose of which is to find a just and equitable solution for all parties involved in the dispute in which these two States Members of the United Nations have been engaged for many years over the Territory of Belize, pursuant to the mandate contained in Article 33 of the United Nations Charter, which states that "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice." Representatives of the Government of Belize have participated in these negotiations as members of the British delegation, since the said disputed Territory is under the colonial rule of the United Kingdom, which is acting as the administering Power.

Guatemala has legitimately claimed the totality of the Territory of Belize as an integral part of its territory, on legal, historical, geographical, economic, racial and other grounds, and has denounced the occupation of that Territory as illegal, since it is based on nothing more than, first, the granting of usufruct and, later, a secret agreement for cession of the Territory which was imposed on Guatemala and in which certain boundaries of the Territory were specified, in exchange for compensation to be paid by the United Kingdom of Great Britain and Northern Ireland; the United Kingdom never fulfilled that obligation, and therefore the agreement is null and void in its entirety.

\* A/36/150.

The negotiations have been lengthy and complex. However, during the past year the Government of Guatemala took an important step forward, with great open-mindedness and willingness to find a solution that would serve to settle the dispute in the best possible way and thus bring about the independence of Belize.

The President of the Republic of Guatemala, General Fernando Romeo Lucas-García, in an address delivered on 1 July 1978 on the occasion of his inauguration before the Congress of the Republic, said the following in connexion with the case of Belize: "That we would behave in a civilized manner to achieve a peaceful, negotiated solution, taking into account the interests of the Belizeans and without acting behind the back of the Guatemalan people, which, in the final analysis, will be the one to ratify or rectify whatever my Government may decide in pursuit of a decorous and dignified formula for Guatemala." This statement signalled a new and positive attitude which is the basis for Guatemala's international policy, namely, the belief that disputes should be settled by peaceful means.

As part of the negotiations which have been going on since then, a meeting was held at London from 5 to 11 March 1981 between the Ministers for Foreign Affairs of Guatemala and the United Kingdom, with the participation of the Prime Minister of Belize. At that meeting a fundamental document entitled "Heads of Agreement" was signed. It contains 16 general points for the settlement of the dispute, and the parties undertook to develop them into explicit rules which would constitute an integral part of specific treaties.

At a press conference held on 16 March 1981, the President of the Republic said: "The Government of the Republic of Guatemala considers it prudent to settle the matter of Belize, which should be viewed objectively, realistically and in the light of the circumstances currently prevailing in the world, a world which is striving for an end to colonialism, for the elimination of hotbeds of tension and for the right of peoples to decide their destiny freely. It should be pointed out that, by reaching a basic agreement through direct negotiations, Guatemala is setting an example for the international community.

On 1 July 1981, the President of the Republic of Guatemala clearly outlined the position of the Government concerning the Heads of Agreement and their consequences, depending on whether they are developed and brought to fruition in treaties that conform strictly to their letter and spirit or whether an attempt is made to diminish them, distort them or do away with them. The message reads as follows:

"During my term of office, the Government has made every effort to find a solution to the long-standing problem of the Territory of Belize. Provisional article 1 of the Constitution of the Republic imposes on the Executive the specific obligation to take all necessary steps to resolve the situation of Belize in accordance with our national interests.

"In accordance with this provision of the Constitution, my Government has actively pursued a process of direct negotiations with representatives of the United Kingdom of Great Britain and Northern Ireland, in an attempt to

settle this dispute in a civilized manner, as I pledged to do in my inaugural address as President of the Republic.

"I believe that this problem must be resolved peacefully, for Central America already has quite enough areas of disturbance of the peace. The negotiations culminated in the signing of the so-called Heads of Agreement on 11 March of this year at London.

"We agreed that it was in our national interest to safeguard peace in the area, to define a frontier that we do not at present recognize and to ensure that we shall have the use and benefit of the cays of Zapotillo and Ranguana because of their strategic position overlooking Amatique Bay and our Atlantic ports. We were assured of our access to the high seas through an adequate corridor through which we Guatemalans have always passed, which we have patrolled with our navy and in which we have carried on commercial and sport fishing activities. In addition, the Heads of Agreement seek to determine the necessary elements for a fruitful and friendly relationship between Belize and Guatemala.

"In this way we demonstrated once again to the community of nations our indisputable desire for peace and our belief that international problems must be solved intelligently and calmly, without threats or polemics.

"My Government hopes that the draft treaties which would implement the Heads of Agreement will materialize. In the meantime, Guatemala has surrendered none of its rights; all of them remain intact, and the Territory of Belize continues to form part of the territory of Guatemala, as stated in our Constitution.

"If the proposals for such draft treaties do not conform strictly to the letter and spirit of the Heads of Agreement and an attempt is now made to haggle over them or water down their contents, we are prepared to consider the negotiations ended and to reject any proposal which we believe to be contrary to our national interest or offensive to our national honour. We will not tolerate any attitude of arrogance, presumption or political immaturity. If it proves impossible to implement the Heads of Agreement, Guatemala will have lost nothing and will have won recognition for its constructive international policy aimed at preserving the peace.

"Should this be the case and should the United Kingdom grant Belize independence unilaterally, we declare outright, quite calmly, that such an act is unlawful. We declare that we will not recognize that new State and that in our eyes the lines between us will not be frontiers. What Guatemala does now and the regions through which Guatemala now passes will remain unchanged, and we will allow no one to take them from us, for in our eyes any attempt to prevent us from exercising the rights which we have always enjoyed would be an act of aggression.

"This, deputies and people of Guatemala, is our true position with regard to Belize."

The talks between Guatemala and the United Kingdom were resumed, with the participation of Belize, at New York from 6 to 10 July of this year, with the aim of reaching agreement on the terms of the treaties or treaty which would implement the Heads of Agreement. Although these talks took place in a cordial atmosphere, they did not yield any final results which were satisfactory to Guatemala, for the Heads of Agreement were watered down and distorted in terms that are thus far unacceptable to my country.

Guatemala will continue to insist on strict compliance with the Heads of Agreement on the terms actually agreed to on 11 March 1981, as the sole means of settling a dispute which, if it persists, will perpetuate a source of insecurity and unease in the area instead of co-operation, understanding and mutual trust between two peoples with a view to promoting and preserving the peace.

Guatemala is still prepared to use the channels of communication open to it in the past in order to make every effort to achieve a final result consisting in an agreement for solving the problem. Should such efforts fail and independence be granted unilaterally in violation of Article 33 of the Charter of the United Nations, the Republic of Guatemala would adopt the position outlined earlier by its President in his message to the Congress of the Republic on 1 July 1981.

I should be grateful if you would see to it that this statement, which I am making on behalf of my Government, is included in the report on the Territory of Belize that the Secretariat will prepare for the General Assembly and that it is circulated as an official document of the General Assembly under item 19 of the provisional agenda.

(Signed) Eduardo CASTILLO ARRIOLA  
Ambassador  
Permanent Representative

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