



INTERNATIONAL COURT OF JUSTICE

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Press Release

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The Court seized of a dispute between Guatemala and Belize

THE HAGUE, 12 June 2019. On 7 June 2019, the International Court of Justice (ICJ), the principal judicial organ of the United Nations, was seized of a dispute between Guatemala and Belize by way of a special agreement.

On 8 December 2008, the two States concluded a “Special Agreement . . . to submit Guatemala’s territorial, insular and maritime claim to the International Court of Justice”, which was subsequently amended by a Protocol concluded on 25 May 2015 (hereinafter “Special Agreement”). Under the terms of Articles 1 and 2 of this Special Agreement, the Parties agree to submit the following dispute to the Court:

“The Parties request the Court to determine in accordance with applicable rules of international law as specified in Article 38 (1) of the Statute of the Court any and all legal claims of Guatemala against Belize to land and insular territories and to any maritime areas pertaining to these territories, to declare the rights therein of both Parties, and to determine the boundaries between their respective territories and areas.”

Article 3 indicates that the procedure will “consist of two stages: one for presentation of written pleadings and another for oral hearings”, and further provides the views of the Parties on the submission of the written pleadings and the time-limits thereof.

Article 5 of the Special Agreement contains the following undertaking:

“The Parties shall accept the decision of the Court as final and binding, and undertake to comply with and implement it in full and in good faith. In particular, the Parties agree that, within three months of the date of the Judgment of the Court, they will agree on the composition and terms of reference of a [b]i-national [c]ommission to carry out the demarcation of their boundaries in accordance with the decision of the Court. If such agreement is not reached within three months, either Party may request the Secretary General of the Organization of American States to appoint the members of the Bi-national Commission and to prescribe its Terms of Reference, after due consultation with the Parties.”

Under the terms of Article 7 (2) of the Special Agreement, as amended by the Protocol, “[a] referendum will be held simultaneously or separately on the dates most convenient to the Parties”, whereas Article 8, as amended by the Protocol, provides that the Registrar of the Court “shall be

notified . . . jointly or by either of the Parties within a month after the referendum in each country has approved, pursuant to Article 7 (2), submission of the dispute to the [Court]”.

In accordance with Article 7 of the Special Agreement, Guatemala and Belize held referenda on the following question:

“Do you agree that any legal claim of Guatemala against Belize relating to land and insular territories and to any maritime areas pertaining to these territories should be 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?”

By a referendum held on 15 April 2018, the Guatemalan population approved the submission of the dispute to the Court. By a letter dated 21 August 2018 and received in the Registry on 22 August 2018, Guatemala officially notified the Court of the Special Agreement and its Protocol.

By a referendum held on 8 May 2019, the population of Belize approved the submission of the dispute to the Court. By a letter dated 7 June 2019 and received in the Registry the same day, Belize officially notified the Court of the Special Agreement and Protocol thereto.

With these two official notifications, the Court is now seised of the matter.

The full text of the Special Agreement and its Protocol will be available shortly on the Court’s website.

Note: The Court’s press releases are prepared by its Registry for information purposes only and do not constitute official documents.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The seat of the Court is at the Peace Palace in The Hague (Netherlands). Of the six principal organs of the United Nations, it is the only one not located in New York. The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States (its judgments have binding force and are without appeal for the parties concerned); and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. Independent of the United Nations Secretariat, it is assisted by a Registry, its own international secretariat, whose activities are both judicial and diplomatic, as well as administrative. The official languages of the Court are French and English. Also known as the “World Court”, it is the only court of a universal character with general jurisdiction.

The ICJ, a court open only to States for contentious proceedings, and to certain organs and institutions of the United Nations system for advisory proceedings, should not be confused with the other — mostly criminal — judicial institutions based in The Hague and adjacent areas, such as the International Criminal Court (ICC, the only permanent international criminal court, which was established by treaty and does not belong to the United Nations system), the Special Tribunal for Lebanon (STL, an international judicial body with an independent legal personality, established by the United Nations Security Council upon the request of the Lebanese Government and composed of Lebanese and international judges), the International Residual Mechanism for Criminal Tribunals (IRMCT, mandated to take over residual functions from the International Criminal Tribunal for the former Yugoslavia and from the International Criminal Tribunal for Rwanda), the Kosovo Specialist Chambers and Specialist Prosecutor's Office (an ad hoc judicial institution which has its seat in The Hague), or the Permanent Court of Arbitration (PCA, an independent institution which assists in the establishment of arbitral tribunals and facilitates their work, in accordance with the Hague Convention of 1899).

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