

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

**GUATEMALA'S TERRITORIAL, INSULAR
AND MARITIME CLAIM**

(GUATEMALA/BELIZE)

ORDER OF 18 JUNE 2019

2019

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

**REVENDEICATION TERRITORIALE, INSULAIRE
ET MARITIME DU GUATEMALA**

(GUATEMALA/BELIZE)

ORDONNANCE DU 18 JUIN 2019

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INTERNATIONAL COURT OF JUSTICE

2019
18 June
General List
No. 177

YEAR 2019

18 June 2019**GUATEMALA’S TERRITORIAL, INSULAR
AND MARITIME CLAIM****(GUATEMALA/BELIZE)****ORDER**

Present: President YUSUF; Vice-President XUE; Judges TOMKA, ABRAHAM, CANÇADO TRINDADE, DONOGHUE, GAJA, SEBUTINDE, BHANDARI, ROBINSON, GEVORGIAN, SALAM, IWASAWA; Registrar COUVREUR.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Articles 40 and 48 of the Statute of the Court and to Articles 39, 40, 44, 46, and 48 of the Rules of Court,

Having regard to the “Special Agreement between Guatemala and Belize to submit Guatemala’s territorial, insular and maritime claim to the International Court of Justice” of 8 December 2008 (hereinafter the “Special Agreement”) and the Protocol thereto of 25 May 2015 (hereinafter the “Protocol”);

Whereas, by the Special Agreement and Protocol, the Republic of Guatemala (hereinafter “Guatemala”) and Belize agreed, subject to approval in a referendum in each country (Article 7 of the Special Agreement, as amended by the Protocol), to “submit to the Court the dispute described in Article 2 of th[e] Special Agreement”, which reads as follows:

“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”;

Whereas Article 8 of the Special Agreement, as amended by the Protocol, provides:

“The Registrar of the Court shall be notified of this Special Agreement 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 International Court of Justice”;

Whereas the decision to submit the dispute to the Court was approved by referendum in Guatemala on 15 April 2018; and whereas, by a letter dated 3 August 2018 and received in the Registry on 22 August 2018 under cover of a letter dated 21 August 2018 from the Ambassador of Guatemala in the Kingdom of the Netherlands, the Minister for Foreign Affairs of Guatemala officially notified to the Court the Special Agreement and the Protocol;

Whereas the decision to submit the dispute to the Court was also approved by referendum in Belize on 8 May 2019; and whereas, by a letter dated 7 June 2019 and handed in to the Registry on the same day under cover of a letter of the same date from the Ambassador of Belize to the Kingdom of the Netherlands, the Minister for Foreign Affairs of Belize in turn officially notified to the Court the Special Agreement and the Protocol;

Whereas, as a consequence of the official notifications of the Special Agreement and Protocol by Guatemala and Belize, the Court is now seized of the dispute described above;

Whereas, in accordance with Article 40, paragraph 3, of the Rules of Court, the Government of Guatemala notified the Court of the appointment of H.E. Mr. Jorge Skinner-Klée Arenales as Agent and H.E. Ms Gladys Marithza Ruíz Sánchez de Vielman as Co-Agent; and whereas, for its part, the Government of Belize notified the Court of the appointment of H.E. Mr. Assad Shoman as Agent and H.E. Mr. Alexis Rosado as Co-Agent;

Whereas in Article 3, paragraph 2, of the Special Agreement, the Parties request the Court to authorize the following written procedure (without prejudice to any question as to the burden of proof, as specified in Article 3, paragraph 4, of the Special Agreement):

“(a) The Government of Guatemala shall submit a Memorial within twelve months of the date on which this Special Agreement was notified to the Registrar of the Court;

- (b) The Government of Belize shall submit a Counter-Memorial within twelve months of the date on which it was notified of the submission and contents of the Memorial presented by Guatemala;
- (c) The Government of Guatemala may submit a Reply within six months of the date on which it was notified of the submission and contents of the Counter-Memorial;
- (d) The Government of Belize may submit its Rejoinder within six months of the date on which it was notified of the submission and contents of Guatemala's Reply;
- (e) The Court may, ex officio or if both Parties so agree, prescribe or authorize the presentation of additional pleadings";

Whereas Article 3 *in fine* of the Protocol provides that:

“For the purpose of implementing Article 3 subparagraph 2 (a), of the Special Agreement, it is understood that the time frame for the presentation of the Memorial shall begin to run from the date when both Parties have notified the Registrar of the International Court of Justice of their approval based on the results of the referendum to submit the dispute to its jurisdiction”,

Fixes the following time-limits for the filing of the initial written pleadings in the case:

8 June 2020 for the Memorial of the Republic of Guatemala;

8 June 2021 for the Counter-Memorial of Belize; and

Reserves the subsequent procedure for further decision.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this eighteenth day of June, two thousand and nineteen, in three copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Republic of Guatemala and the Government of Belize, respectively.

(Signed) Abdulqawi Ahmed YUSUF,
President.

(Signed) Philippe COUVREUR,
Registrar.
