

**An Investigation into Corporate and Role Identities in  
International Relations: The Case of the Belize-  
Guatemala Territorial Border Dispute**

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## **Abstract**

In the 19<sup>th</sup> century, Belize became the centre of a territorial dispute between Britain and Guatemala. Since then, the Belize-Guatemala territorial dispute has maintained an obdurate presence, despite Belize's independence from colonial administration by Britain. At Belize's independence, the United Nations General Assembly recommended that both Guatemala and Belize seek a peaceful settlement to their territorial dispute. In this thesis, my goal is to provide an understanding of how this territorial dispute persisted and explain why Belize and Guatemala have not had any success in settling their territorial dispute.

In order to address the thesis questions, I look at how border and territorial disputes are treated in International Relations (IR). I draw on the contributions of constructivism to create understandings of the dispute, its context and the social structures in which the states were engaged to seek its settlement. My purpose is to contribute to constructivism by (a) expanding an investigation into the underlying complexities of pursuing mutual constitution in the contexts of a territorial claim, and (b) furthering an examination of how states channel territorial dispute settlement in the processes of identity and interest formation. My use of a constructivist approach provides empirical material that is indicative of the changes in state identities as they form and interact in distinct dispute settlement structures.

I contend that, in dispute settlement attempts, Belize and Guatemala interacted in social structures that were supportive of their simultaneous constitution as cooperative and disputing states. These states were subsequently constituted in a settlement structure that reinforced their management of the territorial dispute but which excluded its denaturalization and immediate resolution. In this thesis, the persistence of the territorial dispute was contingent on Belize and Guatemala forming and maintaining state identities that were supportive of settling the territorial dispute and not its management.

## **Contents**

Abstract	2	
Acronyms	6	
List of Figures	6	
Acknowledgements	7	
Declaration	9	
<b>Chapter One</b>	<b>Introduction</b>	
1.1	Research Puzzle	10
1.2	Research Question	15
1.3	The Argument	15
1.4	Thesis Contributions	17
1.5	Research Methodology and Design	22
1.6	The Thesis Outline	32
<b>Chapter Two</b>	<b>State Borders and Interactions in Territorial Disputes</b>	
2.1	Introduction	37
2.2	Locating Borders in International Relations	38
2.3	What International Relations Theories Say About Territorial Disputes	48
2.4	Proposing a Social Approach to Territorial Disputes	55
2.5	Conclusion	66
<b>Chapter Three</b>	<b>Constructing the Territorial Dispute</b>	
3.1	Introduction	68
3.2	Naming and Categorizing the Territory in Belize	70
3.3	Evolution of Sovereignty in the Territory	77
3.4	A Corporate Identity	85
3.5	A Different Path to Statehood	92
3.6	Conclusion	94

<b>Chapter Four</b>	<b>New State in a Territorial Dispute</b>	
4.1	Introduction	96
4.2	The Reality of Independence	98
4.3	State-to-State Actions Made Possible	116
4.4	A Formative Moment	120
4.5	Conclusion	127
<b>Chapter Five</b>	<b>A Substantive Settlement Structure</b>	
5.1	Introduction	130
5.2	The Absence of Predictability	132
5.3	The Path to a Facilitation Process	138
5.4	Instituting a Facilitation Process	146
5.5	Conclusion	155
<b>Chapter Six</b>	<b>A ‘Managed’ Territorial Dispute</b>	
6.1	Introduction	157
6.2	Enabling Continued Interactions	160
6.3	Institutionalisation of Post-Facilitation Interactions	169
6.4	Pursuing a Legal Approach to Settlement	174
6.5	Maintaining Inter-State Interactions	183
6.6	Conclusion	190
<b>Chapter Seven</b>	<b>Conclusion</b>	
7.1	Introduction	192
7.2	Chapter Findings	194
7.3	Distinct Contributions	198
7.4	Future Research	200
Appendices		205
References		206

## **List of Figures**

Table 6.1 Influence of Referendum Results on Dispute Settlement

## **Acronyms**

CARICOM	Caribbean Community
CBM	Confidence Building Measures
ICJ	International Court of Justice
OAS	Organization of American States
SA	Special Agreement
SERG	Secretariat on Relations with Guatemala
SICA	Central American Integration System
UNGA	United Nations General Assembly
UN	United Nations

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## **Declaration**

I declare that this thesis is a presentation of original work and I am the sole author. This work has not previously been presented for an award at this, or any other, University. All sources are acknowledged as References.

## **Chapter One      Introduction**

### **1.1                  Research Puzzle**

This thesis examines two puzzles that are central to the obdurate nature of a territorial dispute. The first puzzle relates to the identity of the actors in territorial dispute settlement structures. Territorial disputes are a phenomenon of the interstate system and hence, what is studied are states and the interests they pursue (see Wendt 1999, p.7-9). Scholars that investigate territorial disputes have also located the state as the primary actor and typically, these disputes occur where statehood is already established among disputants (Mandel 1980; Murphy 1990; Vazquez 1993; Agnew 1994; 2005; Huth 1996; Huth and Allee 2002; Forsberg 2003). However, my research investigates territorial contestation using the attribute of a corporate identity – the categorical marker of a unit in the system of states – as the foundation for ‘a more social conceptualization’ of the way states interact (Wendt 1999, p. 229). I discuss state identity in detail in chapters two and four but the constructivist leaning of my research is to examine unit inclusion - specifically, who gets to act upon a territorial claim, since these disputes tend to occur as an inter-state matter. I situate Wendt’s corporate identity of the state as the foundational attribute from which other state identities progress in systemic interactions, and this carries the production of my thesis.

Importantly, the territorial state is foremost in my thesis because it ‘is the constituent actor . . . in international relations’ (Ruggie 1998, p. 867). Its main goal is to maintain ‘territorial integrity’ and autonomous, ‘domestic political order’ (Mearsheimer 2016, p. 53). On the matter of the state in processes of interactions, this thesis reflects that, ‘the state is defined by the rules, actions and practices of different agents’ (Biersteker 2013, p. 245). In the context of a territorial claim and contested borders, this thesis additionally advances that the state is a universally accepted form of territorial, political organization which proceeded decolonization (Reus-Smit 2011). It also adopts Wendt’s characterization of the state as ‘an organizational actor embedded in

an institutional-legal order that constitutes it with sovereignty and a monopoly on the legitimate use of violence over a society in a territory' (1999, p. 213). My thesis includes a substantive period of colonial context but the initial object of the territorial dispute, theoretically, is not constituted in a dispute settlement structure. This is because the contested territory was at first a colonial space and lacked legitimacy to conduct international relations. Here, the combination of colonial status, ideas of statehood and an extant territorial claim form the complex social structure in which I situate the disputing states and their interactions. My thesis thus examines how international relations are conducted as an emergent state is introduced in a nascent geopolitical space. It also draws attention to a territorial dispute that directly confronts the attainment of a corporate identity.

There is thus a structural dimension to my thesis, and this aids an understanding of how states are at the same time enabled and constrained in certain types of interactions. Specifically, this intersubjective structure is reflective of systemic constructivism of which Wendt is the principal exponent (Price and Reus-Smit, 1997, p. 268). At the systemic level, Wendtian constructivism accords, and this thesis deploys that, international institutions 'constitute states as legitimate international actors and state practice in return reproduce such structures'(ibid.). However, Wendt brackets corporate identity which is the foremost categorization by which the territorial state can conduct international relations. In doing so, Emmanuel Adler (2013) argues that Wendt locks in politics as interstate relations that is devoid of any room for structural contingencies. In other words, Adler contends that Wendt does not grant room for the vagaries of the human actor in international relations and is instead committed to states as *a priori* actors. Wendt's position confronts the social construction of reality - including states - that 'thick' constructivism espouses (see Weber 2005; Adler 2013).

Thick constructivism more than Wendt's variant, questions 'the notion of an unchanging reality of international politics . . . and the social world is seen as constructed not given' (Zehfuss 2002, p. 4). What is central to thick constructivism is the '[interpretation] of meanings and the grasping of the influence of changing practice'(ibid.). Of note, post-structuralists also question the centrality of the state 'as

the most important actor in world politics and how [it] came to be understood as a unitary, rational actor' (Campbell and Bleiker 2016, p. 199). Furthermore, Campbell and Bleiker suggest that post-structuralism is concerned with the historical and social exclusion of the state, and herein views the construct of state identity in negative terms (ibid.). For post-structuralism, processes of state identity formation 'necessarily leads to exclusion' (Hobson 2000 p. 157). Here, the primary distinction between Wendtian constructivism and post-structuralism the former's acceptance of the pre-existence of states in a manner that is consistent with 'certain tenets of mainstream methodology' and 'positivist assumptions' (Fierke 2016, p. 169).

I do not discredit this critique, but I draw on Wendt's theory on systemic interaction because it affords a pathway of inclusion in the interstate system. Hence, the first thesis puzzle analyses the necessity of a corporate identity as the means by which actors are *included* in state-to-state interactions and can engage in interstate phenomena, such as a territorial dispute. Wendtian constructivism therefore enables my accounting for the constitution of the state in dyadic interactions to settle a territorial claim. To this extent, and specific to post-colonial interactions, this identity provides the foundation from which the states in my thesis can engage in and legitimately conduct systemic practices. What is more, a Wendtian perspective shows that state interactions are not automatic but that they happen gradually and intentionally. Put simply, a corporate identity locates how and that the state is eventually 'constituted and poised in a problem-solving mode' (Ruggie 1998, p. 867).

In addition to states, Wendt also suggests that any investigation regarding 'relations among states must take territory in some sense as given' (1999, p. 211). For Wendt, this does not mean that territory should never be problematized, especially as it is an intrinsic character of the territorial, sovereign state – states are after-all located in territory. However, state territory is also bounded and a Wendtian conception removes that fixed boundary positions also indicates fixed interests and identities of states. Wendt acknowledges that territoriality is not 'in every sense exogenous' to the system of states and that the 'meanings of boundaries do change' (ibid.). On this, he suggests that in principle - not in practice - state boundaries can be 'fuzzy', so that the exact

form they take should not be pre-judged because ‘their social *meaning* can vary’ (ibid., pg. 212). Indeed, Biersteker (2013, p. 260) suggests that state territory, as a core component of sovereignty, is also socially constructed. Here, borders and bordering are viewed as ongoing processes of territorialization and reterritorialization as territoriality takes on different meanings at both the global and state levels (Newman and Paasi 1999; Albert 1999). Murphy (2001) points out that the continuing allure of territory articulates with the material and functional shifts in traditional, political–territorial arrangements. For this thesis, changes in the meaning of state borders and territory additionally define the identity and interests of the disputing states.

The second prevailing puzzle in this thesis thus relates to the systemic norms that bear on the interactions of states in a territorial dispute. Here, a Wendtian perspective elucidates how a territorial dispute was constructed to remain a social reality between the disputing states. My thesis aims to show that at the systemic level, states interact in social structures they form and that they depend on international norms to do what is acceptable in these interactions. Furthermore, this thesis offers that even with a corporate identity, states do not automatically engage in international relations. When states do interact, however, Wendtian constructivism illuminates that they shape and sustain identities and interests endogenous to their social structures. This is also consistent with thicker constructivism, which proposes that the identities and interests of states are not exogenous but that they are defined in context (Finnemore 1996; Adler 1997; Ruggie 1998; Ba and Hoffman 2003). Here, states rely on their own interpretation of international norms to navigate if and how they interact with each other. An investigation into the motivations of states to form and act in social structures also enables my examination of settlement structures formed by states in their attempts to settle a disputed territorial claim. These structures include treaties, mediation proposals, post-independence state negotiations, a facilitation process and bilateral agreements. The thesis suggests that in these structures, the disputing states formed salient and distinct identities which affected the interests they subsequently pursued.

A Wendtian approach is particularly important to situate how the identities of states evolve and progress in prolonged processes of dyadic interactions. Indeed, Weber (2005) suggests that the interests of states can move from survival to proprietary to trust, and this transformation can also be viewed as a function of the changing identities of states during prolonged interactions. In this thesis, therefore, I posit that a similar process of state identity change occurred as the states in the Belize-Guatemala dispute sought to conclude its existence. Additionally, my analysis uncovers the extent to which material as well as ideational matters shaped the behaviour of the main actors representing these states. Principally, this thesis adopts Wendt's systemic constructivism to illustrate that the intersubjective structure of the international system and the degree of identification between the disputing states were as much a part of their interaction as the material reality of the claimed territory.

Belize and Guatemala were unable to settle their territorial dispute despite committing to and using several dispute resolution mechanisms. There are no definitive positions on why this territorial claim remains unresolved, though there are several contributing factors which were salient throughout its history. Historical accounts have pointed to the longevity of the dispute owing to: Guatemala's existent claim of inheritance of the territory in Belize; the absence of compensation from Britain to Guatemala to accept fully the extent of the British settlement in the territory; and, the absence of mutual acceptance of the boundary agreement between Guatemala and Britain as defined by the Treaty of 1859. The purpose of this single case study is to examine how these representations were constructed to maintain an extant territorial claim in spite of dense political and social interactions.

These three predominant representations of the dispute aid an explanation of the identities and interests of Guatemala and Britain in early social interactions to settle the claim to territory in Belize. However, the change in the international political context, specifically decolonization, led to the colony of Belize attaining a corporate identity after its independence from Britain in 1981. With this identity Belize became a legitimate actor, capable of engaging in state-to-state relations to settle Guatemala's claim to its territory. The inclusion of the state of Belize in dispute settlement,

expanded and changed the social structure in which the states and their principal agents interpreted and approached the territorial claim.

## **1.2 Research Question**

Using the case of the Belize-Guatemala territorial dispute impasse, my central research question is: Why does this dispute persist? In seeking an explanation to this question, I ask:

- i. How are borders and territory contestations treated in the discipline of International Relations?
- ii. To what extent can the identities of states render a territorial dispute unresolved?
- iii. How do the identities and interests of states in a territorial dispute impact on the settlement structures they form?

## **1.3 The Argument**

The essence of my argument can be summarised as follows. I explain that the Belize-Guatemala territorial dispute persists because it was constructed over an extended period. I argue that the dispute was not a static, one-time event but that it was formulated and reformulated as the states interpreted the contexts and norms of interactions that bore on its existence. This argument suggests that the meanings and salience of territory made it possible for the identities and the interests of the states to be repeatedly ‘produced, reproduced and transformed’ (see Weldes *et al.* 1999, p. 2). Furthermore, I posit that these same identities and interests were changed in colonial and postcolonial contexts. Notably, in the colonial period, the territory in Belize was contested as Guatemala and Britain sought to leverage the power vacuum created by the departure of the Spanish empire from Central America (Naylor 1962). The change in colonial dynamics in the Belize territory facilitated interactions between Britain and Guatemala, out of which the territorial dispute emerged. In turn, what started out as a

dispute over territory became a territorial claim for the colony and then the state of Belize. Decolonisation allowed that this territory would become a state and this changed the meanings ascribed to the Belize territory as well as Guatemala's claim to it. I argue that during interactions, the states 'imbued [the territory] with social values, norms and assumptions' (see Fierke 2016, p. 163). Hence, I examine the meanings which supported the prolonged existence of the territorial claim. As 'constructivism is about change', (Adler 2013, p. 123) the evolutions in the Belize territory provided significant insights on the meanings that the disputant states projected unto it.

What is more, I contend that Belize's transition from colony to state was a significant factor that also aided the persistence of the territorial claim. Critically, this transition emphasized the primary function of the state as the central actor in international politics (Hobson 2000 p. 2). However, rather than situate this role as pursued in interaction, Wendt's systemic constructivism affords that territorial integrity is a non-social, objective interest of the state's corporate identity (see Wendt 1999). Hence, this thesis suggests that because territory and borders are not situated as self-interests, states are challenged to resolve territorial contestations through social interactions. In this thesis, therefore, territorial dispute settlement is explained as existing beyond the domain of social interactions between states because states interact on the premise that their corporate identities are established. Hence, a Wendtian approach underscores that states interact to maintain the stability of international institutions, and this affects that systemic interactions are about 'sustaining [boundaries] over time' (Wendt 1999, p. 213). Furthermore, states attainment of a corporate identity legitimizes their conduct of international relations. On this basis, the pursuit and maintenance of a corporate identity is more than a transitory phase but it underscores that territory and the borders that surround it also exist as 'social phenomena' when states interact over territorial contestations (Williams 2003, p. 25).

Indeed, the findings of this thesis show that the states of Belize and Guatemala were unable to resolve their territorial dispute and border contestation. Rather, both states developed and advanced cooperation agreements and partnerships while the territorial claim remained unresolved. For systemic interactions, the existence of the dispute



including its varied formulations, did not prevent these states from pursuing and implementing inter-state actions and bilateral actions. In a particular instance, the dispute enabled the conduct of bilateral actions such as confidence building measures (CBMs). In their modern attempts to resolve the territorial dispute, the states enacted measures and developed partnerships which were otherwise typical of international relations. Though the agents of both states formed several dispute settlement structures, Belize and Guatemala were also constrained by an already structured state system to do so. On this basis, I submit an explanation and understanding of the dispute as constructed in a social structure in which the states navigated dual identities as disputant and cooperating states.

This dual relationship between Belize and Guatemala is critical to the argument I make in this thesis. That is, that states in a territorial dispute are not precluded from other cooperative, bilateral interactions. Of note, in this thesis, international norms are conceptualised as facilitating and enabling interactions between states but they do not impose any time limits on a territorial dispute or its settlement. The Belize-Guatemala case demonstrates the longevity and persistence of this territorial dispute since it involved the lengthy and numerous construction of settlement approaches which were compatible with international institutions and norms of interactions. The dispute settlement structure is thus seen as an amalgam of negotiations, treaties, agreements, and joint development partnerships, which together indicate that Belize and Guatemala were tacitly committed to a distinct formula. This formula impute that the states embraced ‘soft’ elements of increased cooperation and a legal determination of borders location by the International Court of Justice. Systemically, the states were cognizant of the limitations of their bilateral settlement structures to resolve the extant claim to territory.

## **1.4 Thesis Contributions**

In this thesis, the empirical material I present extends my analysis of the state as an actor in territorial disputes. My original contribution to knowledge stems from the

focus on the Belize-Guatemala case as an under-studied territorial dispute; the application of Alexander Wendt's systemic constructivism to investigate the identity and inclusion of actors in a territorial dispute; and further understanding of how international relations work in the context of a postcolonial territorial dispute.

The Belize-Guatemala dispute is a persistent but little investigated case in academic circles; it has not generated or sustained significant international interest. Furthermore, its endurance remains a puzzle for international relations but its longevity has been attributed to a vague claim and constrained settlement approaches including those proposed prior to Belize's independence (see Maguire 1981-1982; Shoman 1994). Wiegand (2004) argues that for this dispute, nationalist sentiments in both Belize and Guatemala have had significant influence on domestic politics but citizens have responded punitively to governments and political parties for their positions on the territorial dispute (see Wiegand 2004). Portillo Orellano (2011) contends that Belize's prior refusal to seek a juridical settlement of the dispute has also contributed to its persistence. Shoman (2010) contends that Guatemala does not hold a justifiable claim to any territory in Belize. He asserts that international norms held that Belize should negotiate with Guatemala and do so by international rules. He contends, however, that Britain tried to give meaning to these negotiations by proposing real concessions but Belize stubbornly held on to the United Nations resolution 25/30 which 'effectively outlawed such concessions' (pg. 18). Successive governments in Belize have expressed that the dispute is invalid and Guatemala has maintained its right to claim the disputed territory.

Examining this dispute exposes a constellation of issues on how the states involved attempted to peacefully resolve this protracted, territorial claim. Notably, this case offers distinct insights on approaches that were contingent on spatial, historical, political and social contexts. However, the states were embedded in systemic contexts that accommodated but also bound their actions and prolonged dispute settlement. With this perspective, this thesis probes even further to create an understanding of the dispute, while it also examines the social and systemic structures that enable its continued existence. Specifically, this research adds to what is known about territorial

contestation but it also raises questions about previously held views on state identity and inclusion in these phenomena. This case also challenges the war-proneness of territorial disputes since the Belize-Guatemala case has not prevailed on military terms. In addition, my thesis suggests a conception of territorial dispute settlement structure as a composite of material as well as ideational factors, with the latter factor having increased salience as the actors' conceptions of territory as well as their identities changed. To this extent, this thesis offers an expanded view of systemic inclusion, particularly at the margins of international relations.

Furthermore, by adopting Alexander Wendt's systemic constructivism, this thesis situates a contested, colonial territory as a constructed entity that had central influence on the interaction between disputing states. Wendt's theory is particularly significant here, because it helps to explain the emergence and inclusion of a postcolonial entity - itself a systemic actor in a territorial dispute. Principally, historic and normative changes enabled the idea that statehood or a corporate identity was possible and accessible to this territory. Specifically, a Wendtian approach affords that my thesis illustrates how this territory attained legitimacy as an actor in the state system, which is critical as well as valid for interaction in a territorial dispute between the states. This is an analytical position that, in this thesis, supports the significance of both material and social factors in the construction of reality. Indeed, a Wendtian perspective facilitates that territorial disputes are embedded in both material and ideational circumstances.

Of note, the territorial space that Belize occupied as a colony did not change geographically but systemically, it gained significant attributes as it was transformed from a colony and then to a state. These attributes of sovereignty and territorial integrity also changed how Britain, Guatemala and Belize could then interact to settle Guatemala's contestation of the Belize territory. Hence, Wendt's commitment to dyadic social interaction (see Weber 2005) underscores my explanation of the importance of the changed salience of territorial possession and conceptions of territory in the postcolonial era (see Biersteker 2013). Importantly, this distinction is facilitated by Wendt's conception of a corporate identity and this includes the

postcolonial state as a legitimate actor in an ongoing boundary process. It is also in the pursuit and attainment of a corporate identity that states and their agents exercise agency.

The thesis proposes that we should therefore see the postcolonial state with a territorial claim as an actor negotiating historic, spatial, systemic and normative changes. At the same time, we should also see territorial dispute settlement as a complex, norm driven process that can promote a gradual process of positive identification between states. There are no prescriptive rules for territorial dispute settlement and states may construct the social structures in which they can attempt to resolve this systemic problem. Indeed, territorial disputes are highly normative but not formalized (Duffield 2007). In this way, we also see territorial dispute settlement as being less about efficacy and more about states forming and enacting international institutions to manage their interactions in a structured and bounded space. What is more, the Wendtian approach in this thesis emphasises the interaction of states in these circumstances as constructed continuity, such that their territory and boundaries also exist in an ongoing process of social construction.

Throughout this thesis, the interactions between dyads – Britain and Guatemala or Guatemala and Belize – show that the context in which they interacted also bore on their ability to reach a resolution. My research points to the methodological value of constitutive interactions between the states to understand how these actors - through their negotiators and senior diplomats - interpreted the dispute context and formed specific structures and identities as they developed and then attempted several settlement options. Hence, Wendt's systemic constructivism also facilitates an understanding of the social interaction of states which this thesis espouses, and it aids to locate the significance of dyadic interaction in these contexts. Of note, Wendt's claim of primacy of the state in the international system is considered anathema to constructivism (see Hay 2002). This is considered a 'consecration' of the state as the inherent unit of the interstate system when 'constructivism is supposed to open structures to different understandings of world politics (Inayatullah and Blaney 1996 in Adler 2013, p. 133). From a Wendtian perspective, however, the evolving social

and political relations among states in a territorial dispute can be accommodated through an understanding of social interaction that replicate systemic practices and continuity.

On this basis, this thesis adopts an approach that leads with social interactions and their deep influence on the identities and interests of states. It also establishes the plausibility that historic complexities, norms and state interactions add new meanings to a territorial dispute context and make it amenable to a systemic constructivist enquiry. Viewed this way, this thesis advances that settlement approaches are not thus places of efficiency, since states tend to lump other issues in the structures they form (see Finnemore and Sikkink 1998). In this regard, an expeditious settlement may not be a motivating factor for states in a territorial claim. Hence, this thesis offers that prolonged dispute settlement structures increasingly accommodate the identities and interests of states that are formed in long processes of interaction and collective pursuits. Accordingly, state actors, especially negotiators and diplomats are seen to progressively pursue settlement approaches that are compatible with identities of a partner and cooperating state.

The efforts of the disputant states to settle Guatemala's claim to territory in Belize, is not then viewed in a deterministic manner. Here, the thesis applies a methodological approach that focuses on discerning the evolving identities of the states in specific contexts. In this way, the territorial dispute is also removed from settlement structures that are zero-sum, which invariably promote state positions of resolute opposition (see Kratochwil 2006). The thesis further proposes that new insights are gained from examining territorial disputes as social constructs rather than fixed, immutable facts. Importantly, it contributes that states can and do indicate when they have reached points of interactions that exceed their ambit. The implications for IR theory is to examine how such an admission does not then prevent states from further interactions, despite that these might not lead to a settled dispute.

## **1.5 Research Methodology and Design**

The thesis is developed to understand a current outcome where social elements of state identity, intersubjective structures and discursivity aid in explaining how the practices and actions of states render a territorial dispute persistent. To do so, my research relies on the empirical accessibility and sustainability of the meanings created by actors who are already part of a territorial dispute settlement structure, and who engage in ‘overt social practices’ that make certain actions possible (see Weldes and Saco 1996, p. 371). Methodologically, this approach complements the assumption of constructivism which follows that: states are sensitive to meanings formed in social interactions and they act based on their interpretation of these meanings (Adler 1997; Hobson 2000; Zehfuss 2002; Adler 2013). Moreover, I use these meanings to move away from assumptions that actors have a fixed identity and pre-given interests. Thus, in this thesis, I embark on uncovering the meanings social actors attribute to the circumstances in which they are embedded.

### **Ontological and Epistemological Considerations**

My argument is premised on an ontological position that locates the identities and interests of states as endogenous to the social entities in which they are interacting. Put simply, the disputing states and the structures they form are mutually constituted in the dispute resolution process. Constructivists (Finnemore 1996; Adler 1997; Ruggie 1998; Wendt 1999) argue that actors are themselves constituted when they constitute structures in which they interact. This is unlike the decision-making style of states in realism and neoliberal institutionalism, which at their core, define states as entities making decisions based on methodological individualism and rational choice (MIRC) assumptions (see Kydd 2008). In these traditions, states make rational decisions and their identity and interests are conceived as fixed; socialization has limited or no impact on the interests the states form and the actions they undertake. Note that Mearsheimer (2016) points out that realist theories, for instance, ‘ignore the cultural differences among states and they are all assumed to be alike.’ The holism of constructivists and the individualism of realism and neoliberal institutionalism is

where the ontological distinction of this research lies. This is because my approach positions territorial disputes within a social structure, such that it is the constituted identity of interacting states in a given context, and not the fixity of their identities and interests that shape their actions.

However, the internal identity of the pre-state entity is considered to be in formation at the same time that, following from constructivism, its corporate identity is being pursued. I heed, Wendt's definition of corporate identity as the 'self-organizing, homeostatic structures that make actors distinct entities' (1999, p. 224). This is a pre-social identity. Hence, this identity is treated as a critical rite of passage for subsequent interaction with other states – the units of the international system. In this thesis, I explain that the identities of states form the basis for certain kinds of interactions and interests in a territorial dispute. I adopt a constructivist approach to explain state identity and interests in a manner that traditional IR theories are hard-pressed to do. This is because traditional IR theories bracket the identities of states as unchanging and as having no causal effect on what states want and how they pursue their interests (see Ruggie 1998; Finnemore 1996). Whereas identity and interest are bracketed in both realism and neoliberal institutionalism, in constructivism they are problematized and assumed to be shaped during interactions and not before (Wendt 1999; Ruggie 1998). Hopf (1998) argues that constructivism assumes *a priori* that the identity of the state is a constitutive practice, and that the same state can have various identities at different points of interactions with other states. I extend the analysis of state identities and the influence of their social interactions on interest formation to explain how these are applicable to the examination of persistent territorial dispute. What is more, this analytic space aids to further understand that what drives the interests and actions of states is the intersubjectivity of state identity at specific points in social interaction.

Consistent with the logic and method of constructivist inquiry, my research undertakes an interpretive orientation to enable an understanding of the historical and systemic context in which meanings are made. This involves my commitment to 'thick' narrative explanation that integrates the ideas that are foremost in the interactions of the states, which I 'tap into [to] help interpret' how and why some identities were

formed and some actions were chosen (Ruggie 1998, p. 301). To do so, I rely on the discursive practices of the disputant states who articulate who they are and what drives the actions they take. The identities of states as actors are important in the settlement of a territorial dispute because they attribute to the performative and intersubjective ‘character of discursive practices’ (see Weldes and Saco 1996). This suggests that actors develop and express linguistic and non-linguistic understandings and meaning of the same situation in which they are also constituted. Hence, what actors say and what they do are discursive projections that can contribute to the persistence of the territorial dispute. This discursivity render meanings and make actions possible. My thesis points out, however, that while the territorial dispute is embedded in dense discursivity, these meanings are not always immediately discernible to actors; at the same time, actors may not be able to interpret them or accept interpretation even as they may be formed socially. But there is always hegemonic control of the discourse in the case dispute. Indeed, Neumann (2008) argues that in discourse there is usually a ‘dominating representation and one or more alternatives’ (p. 70). Actors depend on discursivity because it allows them to draw on social and cultural influences to make sense of the context they are in. The empirical material in this thesis include discursive mechanisms which generate certain meanings that bear on the persistence of the territorial dispute.

Further, by adopting a constructivist approach to territorial disputes, my research embraces an ‘ontology of becoming, of emergence, of entities in flux’ (Green 2002, p. 11). Here, the structure of the social world is deemed not to be composed of facts outside of human interpretation but of shared meanings and ideas, of how actors view the world. This ontology necessitates an epistemological position that is interpretivist in orientation and which provides a logic of explanation about how actors make sense of the world, or create meanings to take action (see Saunders et al., 2012). To aid my interpretation of the identities of states and the meanings they attribute to the territorial dispute, I adopt research tools that aid in my generation of substantive understanding of the settlement outcomes.



## The Case

I examine the case of Belize and Guatemala as they pursued settlement of their obdurate territorial dispute. This thesis focuses predominantly on Belize owing to the theoretical underpinnings that I apply in the analysis of the dispute. Here, the focus on mutable state identities and interests necessitates significant attention on the emergent state of Belize. Invariably, it is the convergence of the territorial dispute and the processual change in this territory that together influence the subsequent changes in state interactions to settle the dispute. In effect, the evolution of Belize – from a social polity (pre-state entity), then British colony, and finally state - accommodates the empirical foundation from which to analyse the changing identity and interests of the states interacting to settle the dispute over its territory. In this thesis, I seek to establish that corporate identity is a foremost priority for a pre-state entity in order that it can engage in the international system of states. The existence of a territorial claim over Belize as a pre-state entity elucidates that in the decolonisation process, the achievement of corporate identity was foremost in spite of the historical claim to its territory.

I examine this case in three dominant periods in which I situate the territorial dispute. One such period is defined as the pre-colonial period to reference the interactions of Guatemala and Britain during which the territorial dispute is eventually constructed and typified. In this period, Belize is a territory under construction that is pursued as a colonial legacy and the object of the dispute. Another period places the existence of the territorial dispute in the context of the colonial rule of Britain in Belize. Belize eventually gained independence from Britain and this normative turn offers another distinct period in which I examine the territorial dispute. But, it was the late recognition of the state of Belize by Guatemala that impacted significantly on any prospect of interactions between these two states. In the absence of mutual constitution, the states were unlikely to search for and reach an expedited settlement to their dispute. In addition, this period was no longer amenable to the typification of the dispute solely as territorial usurpation by Britain since at independence, the disputed territory became a state. Subsequent recognition of Belize by Guatemala in

1991 enabled reciprocal acts of neighbourliness through diplomatic relationships but, the territorial dispute remained in place.

A third period of dense interaction to settle the dispute occurred in a post-independence context and culminated with the implementation of a facilitation process. The primary function of the facilitation process was for the states to jointly produce proposals that could lead to dispute resolution. The facilitation process was critical to settlement of the territorial dispute because it was a social structure that would enabled the constitutions of states identities that were simultaneously cooperative and disputing. I propose an explanation of the social elements that had an influence on the decisions and actions within this process and that led to its outcome.

Guatemala's rejection of the facilitation proposals is not readily reconcilable – at least not pointedly – on material interests alone. Hence, I conduct an explanation of how the states arrived at this stage in their dispute and further analyse their actions following the outcome of this substantive, dispute settlement structure. Consequently, I develop a research design that places territorial disputes in a framework that stresses the influence of the contingent 'or open-ended nature' of states (Hay 2002, p. 201). Relatedly, Ruggie (1998) clarifies that at the level of individual states, a constructivist approach seeks to map ideational factors which bear on the state's outlook and behaviour in a manner 'that is not simply determined by material interests' (pg. 34). Hence, my research approach here is to locate the articulated ideas of the states, and the eventual appearance of intersubjectivity when ideas were shared in the facilitation process. My research does not discredit the material value of borders or territory; rather, I seek to locate the meanings that the case states of my study attribute to territory and borders material factors. I apply these conceptions as informed by the states identities and interests in the dispute settlement structures.

## **Case Study**

The case study is defined as 'an instance of a class of events' where an event is considered 'a phenomenon of scientific interest' (George and Bennett 2005, p. 17). Hancké (2009) presents that a case study should be thought of as 'the study of a single

instance of a decision, policy, institution, event or process' that grows in importance because it 'sheds light on a broader theory or argument . . . and allows you to say something meaningful beyond the case in question' (p. 62). The validity of this case study is that it provides insight into actions of actors, which other methods are hard-pressed to do (Hancké 2009). Though inclusive of two disputant states, the thesis considers the Belize-Guatemala territorial dispute as a single case study on the basis that the collective actions of both countries have generated singular outcomes at the periods of focus in the dispute. The states collective actions – the negotiations they have attempted, and the settlement structures they have formed - have rendered the territorial dispute unresolved. Such a case, according to Gerring (2006), registers a single outcome rather than a range of scores. Hence, the study of this single outcome is to explain how and why the Belize-Guatemala territorial dispute remained unresolved.

The focus by necessity is to link observations to the single outcome and to 'interrogate within-case evidence' (Gerring 2006, p. 711). Here Gerring points out that a case study can have dual operational levels because it can at the same time 'say something about a more general subject as well as about the specific contours of the case under study' (ibid, p. 712). When used in this way, the case study allows the researcher to say, 'something meaningful beyond the case in question' (Hancké 2009, p. 72). Bennett and Elman (2009) additionally emphasize that in choosing to generalize from a single outcome case study, for example, the researcher needs to clarify the applicability of the case to another population or to broader populations even if it is that only 'one or a limited feature' of the case is shared (p. 8). Using the case of the Belize-Guatemala dispute, I explore how territorial disputes evolve as the identities of the states involved also change. More specifically, the case study approach also explains how the identities of states gradually move - away from zero-sum efforts - to social identities as a prerequisite requisite for dispute settlement.

This single case study provides for an expanded context of related factors that are otherwise difficult to measure and are considered intangible for analytical purpose such as identity 'political culture, [and] state strength,' (Farrell 2002; George and Bennett 2005, p. 19). I posit that these concepts additionally include dual identities of

disputing and cooperating states which may not otherwise be considered to influence the settlement of a territorial dispute. Here the case study allows for a higher level of 'concept validity' by which to 'measure the indicators that best represent the theoretical concepts' (George and Bennett 2005, p. 19). However, my research relies on the discursive interactions of the states since they articulate their identities and the interests they pursue. Finally, this case study can accommodate complex and changing relationships between states. This alone, grants significant validity to the research, given the historicity of the Belize-Guatemala dispute.

## **Interviews**

Interviews are considered an essential method for this research. Tansey (2005, p. 2) posits that other data sources, such as documents and secondary information, provide initial insights whereas interviews often contribute towards triangulation of data to enhance the robustness of findings. Given that comparatively little research has been done on the present case, semi-structured elite interviews were developed and implemented to gather the interpretations of individuals who were directly involved with the case. Critically, elite interviews have high relevance to the case study because they offer deep insights into the analysis of political development at the highest level (Tansey 2007). Elite interviewing also enables access to individuals who can express how specific ideas were linked to outcomes, and they can make these ideas known if they were not yet available in the public domain. Within the confines of politics, Lilleker (2003) suggests, elites can be defined as those with 'close proximity to power and policymaking' (p. 1). In this thesis, senior politicians, negotiators and professionals directly involved in the negotiation process were interviewed.

The data from interviews have a confirmatory role in this research and they corroborated the findings from my documentary review and discourse analysis. In other words, the interviews enabled me to probe for details from those who were closest to the dispute settlement structure and socialized in state-to-state interactions. From the interviews, I drew inferences from participants' account of events and actions as well as their interpretation of the contexts in which they interacted. Here, interview participants gave accounts of 'the activities that [took] place out of the public

or media gaze' (Lilleker 2003, p. 208). The interviewees were thus considered as those having engaged in 'collective intentionality' (Ruggie 1998).

The interviewees selected for my research were identified through non-random sampling since this tool permits direct targeting and the aim was to contact those individuals who were at the forefront of dispute negotiations and settlement attempts. From public records, I chose a sample of individuals inclusive of: former foreign ministers and/or lead negotiators as well as senior diplomats and public officials from both states. An additional group of participants were also chosen using the snow-ball technique. Here, the previously selected participants pointed me in the direction of other closely associated individuals who were also active in the formulation and execution of the modern settlement structures. In the end, the elite, semi-structured interviews in this research were conducted with Belizean officials and negotiators. The actual interview sample was smaller than planned because of the lack of response or unavailability of other officials, including from Guatemala. The absence of these interviews reduced but did not eliminate my ability to include Guatemala's perspectives on the dispute and the settlement structures which they formed with their Belizean counterparts.

Potentially, the scope of the interview sample could indicate a privileging of one perspective over another but in this thesis, this empirical data is used to corroborate data found in secondary and documentary material. Hence, the empirical data from the interviews conducted with Belizean officials, is used alongside the discursive articulations of Guatemalan and Belizean counterparts and this ensures that it is distinctly corroborative. The use of interview data from Guatemalan officials could have updated some of the earlier interpretations of the dispute, and aid in tracking the possibility of emergent ideas on the prospect for a settlement of the dispute. However, the historicity of the case and its expansive chronological records were sufficient to ground my interpretations in a cohesive and well-structured manner. The lack of interviews on the Guatemalan side meant I relied more on documentary evidence, the veracity of which could be corroborated by comparing several different sources including both first-hand testimony and speeches as well as archival records and academic commentary and analysis.

## Document Review

A detailed review of relevant print, audio/visual and electronic documents was particularly important to this process. The Belize-Guatemala dispute is a minimally researched topic and access to the related documentary resources was critical in the formulation of the case study and the sourcing of empirical material. For additional sources of data and to corroborate interviews, I conducted extensive analysis of secondary data. The sources for this information were official press releases, reports from both states endorsed by the Organization of American States (OAS), public speeches from the lead negotiators in each country on the specific settlement attempts, treaty agreements, treaty proposals, bilateral agreements, state presentations and rejoinders of the facilitation process, and related United Nations General Assembly (UNGA) speeches before and after the independence of Belize. These data sources were available in electronic, online and in print format. My analysis of documents provided textual data to establish the empirical material for a detailed examination of the context, events, conditions and formulations of the dispute.

In addition, my document search was developed to identify both monument and pioneer texts which, according to Iver B. Neumann point to canonical material. Texts of these types are broadly referenced and often point to the existence of ‘anchor points’ out of which certain actions emerged (Nuemann 2008, p. 67). I also used pioneer texts because they presage certain events; the monument texts in this research were critical to link the rhetoric and actions of the states. Critically, I analyse the rhetoric of foreign ministers in Belize and Guatemala as they used official state reports to articulate specific interests in the dispute resolution processes. My document analysis was not conducted to answer *why* questions about the lack of dispute settlement; rather it allows my interpretation of the interests and ideas of some of the main state agents. Checkel and Moravcsik (2001) agree that through archival analysis the ‘beliefs and motivations’ of actors can be further checked (p. 223).

## **Data Analysis**

My analytic technique is explanation building (Yin 2009, p. 141). This technique is designed to ‘test a theoretical proposition, albeit in an iterative manner’ (Saunders et al 2012, p. 580). This technique underpins ‘the need to specify theoretical propositions before the commencement of the data collection process and analysis’ (ibid.). In doing so, my research analysis approach situates the propositions of constructivism and its assumptions about the identities of states, mutual constitution and interest as endogenous to interactions in social structures. The approach is necessarily a holistic one and the empirical material is applied across the entire case (Cresswell 2013; Yin 2009). Another element of my analytic strategy is case description. This is considered the first step in analysis of qualitative data (Creswell 2013, p. 294). Here, I conduct a detailed description of the Belize-Guatemala territorial dispute from its emergence to through to specific periods of its existence. Furthermore, I analyse and detail the contexts and the conditions in which the case existed. This context included historical settings, the international normative environments and the political and social matters in which the dispute was embedded. Part of my case description is to specify time periods and I do so treating each period as a specific focus on territorial dispute framing, legitimation processes and proposed settlement patterns.

I additionally conduct an analysis of the main themes including actors’ identities, interests and ideas and the relationships between these social elements as they existed in a persistent territorial dispute. The strategy was to trace the actors’ projection of ideas and interests in the social structures that they developed to settle the dispute. In addition, I used the articulated and inferred identities, ideas and interests that were coded and categorized from elite interviews and documentary analyses. In doing, I uncovered relationships and situations in an interpretive manner which I then use to plausibly explain the identities of Belize and Guatemala in context, situate what they wanted, and examined how they perceived these could be achieved in settlement structures. Coding and categorization facilitated the examination of data and the conduct of analytic strategies. This data was processed using a combination of manual effort and computer-assisted data analysis software. I then generated a thick narrative to build an explanation of the case.

## **1.6 The Thesis Outline**

I set out my contribution to the study of this case in the remaining chapters of my thesis. I outline how each of the chapters contribute to the formation of a substantive narrative that incorporates empirical material to explain the thesis puzzles and interpret the research questions. I set out the organization of this thesis below.

### **Chapter 2**

In this chapter, I present the dominant approaches of IR and discuss their major assumptions about the way in which territorial states interact with each other. In international relations, the focus on borders has typically been on where they are located. As Williams (2003, p. 25) suggests, borders are seen as unproblematic in that they ‘delimit sovereign ownership and what goes along with this - international autonomy and domestic ownership – is largely uncontested’. Here, traditional views of territorial disputes discount that any other entity can engage in the settlement of territorial disputes since this is a matter for international relations or state-to-state interactions. My main critique of these traditional approaches, however, is that they fall short to account for the pre-social identities that influence the long-term interests of states in a territorial dispute. Interactions over a territorial dispute necessitates established corporate identities which only states have. I present, however, that pre-state entities, such as those emerging from decolonization are challenged to settle territorial disputes in the absence of having a corporate identity. Further, I deploy this conception in Alexander Wendt’s systemic constructivism to aid in an accounting of territorial disputes which does not isolate from the histories in which they emerge. Thus, the aim of this chapter is to also show that territorial disputes and the structures used to form them, are not ahistorical but that their histories necessitate systemic accommodation and inclusion. The central theoretical underpinning in this chapter is Wendt’s conception of corporate identity – the categorization of state as a constituted actor in international relations. It is this identity that is foremost for inclusion in territorial dispute settlement structures.



I opt for an approach that assumes that states - through their representatives, diplomats and other government officials – form identities and interests that are endogenous to social interactions and that these cannot be assumed as fixed and unchanging in a territorial dispute. The next chapter is an accounting of the structural and normative constraints that the states faced as they constructed the dispute.

### **Chapter 3**

This chapter is a contextual and historical account of the construction of the territorial and border dispute that emerged between Guatemala, Britain and eventually, Belize. It is the case description of the various articulations, interpretations and norms that were used to formulate the territorial claim. The case context is inclusive of the political environment and the focus is an episodic and social accounting of the processes in which the dispute was constructed. The chapter explains the dispute formation beyond a chronological presentation of events and further presents its construction as part of the far-reaching inter-state preferences and interests. It also situates the early efforts and interactions of the states to develop and participate in a settlement process.

Starting in this chapter, this thesis teases out the emergence of the territorial claim and the justifications used by Guatemalan state officials to contest Britain's sovereignty in the Belize territory. It then situates that the departure of the Spanish empire and the presence of British settlers in the territory as the conditions that enabled Guatemalan state officials to address their counterparts in the British government about the right to claim ownership of the same territory. This chapter locates the emergence of the dispute, and situates the Belize territory in the wider context of regional political dynamics and decolonisation. It also generates a substantive focus on Belize and aids in an initial understanding of how this territorial and political space emerged from being the object of the dispute to a legitimate actor in settlement attempts. From this chapter, I position the thesis to account for the actions of the states in modern dispute settlement structures.

## **Chapter 4**

This chapter is particularly critical to the empirical matter of this thesis. In it, I provide a detailed examination of postcolonial interactions specifically between leaders of the new state of Belize and the officials of Britain and Guatemala who were still engaged to lead and reach dispute settlement. Here, I conduct an extensive analysis of the necessity for mutual constitution of the states after the independence of Belize. I argue that in its absence, the states were constrained to form identities and interests that were conducive to resolve the territorial claim. In this chapter, I also analyse the reach of norms, specifically state recognition and do so to generate an understanding of how its non-application by Guatemala toward Belize, challenged Belize's independence and confronted the formation of a settlement structure in which Belize was constituted. I show that as a political outcome of decolonization, independence provided the normative context in which Guatemala and Belize could interact, but I also discuss that this was also insufficient for dispute settlement. I explain that, a dispute settlement structure inclusive of these two states and which the United Nations resolution 25/30 recommended, necessitated that Guatemala recognize Belize if they were to agree on a settlement approach. Hence, this chapter examines non-recognition of Belize at independence as an impediment to dispute settlement. At the same time, I also conduct an analysis of the conditions that allowed for the eventual recognition of Belize by Guatemalan President Serrano Elías. This chapter subsequently details the necessity of state-to-state recognition for the formation of settlement structures by Belizean and Guatemalan negotiators. This is the focus of the next chapter.

## **Chapter 5**

Essentially, this chapter examines how lead negotiators, diplomats and government officials from Belize and Guatemala acted to develop and implement a comprehensive settlement structure which resulted in a facilitation process. In this chapter, both states, through their foreign affairs ministers, conceded that previous settlement efforts were ineffective, and doing so allowed Belize and Guatemala to consider settling the dispute in a new way. Specifically, I examine how the senior negotiators from both states led and constituted a facilitation process in which they accommodated an

intersubjective turn in the conceptualization of the dispute and its settlement structure. I posit also, that in the constitution of the facilitation process, the states enacted institutions for their joint management of the adjacency zone (border). In the same process, senior government officials and representatives from Belize and Guatemala, conceived of and implemented bilateral agreements that directly supported positive interactions between the states. In this context, the states simultaneously formed and engaged in a facilitation process and a parallel cooperation program. In the following chapter, I explain state interactions after the conduct of the facilitation process.

## **Chapter 6**

In this chapter I conduct an analysis of the post-facilitation interactions between Belize and Guatemala. I examine the Belize-Guatemala dispute as it was firmly placed on a legal footing by the governments of both countries. By doing so, Belize and Guatemala agreed after the failed facilitation process, that they could not resolve this territorial claim through negotiations or other non-judicial means. Further, I investigate how it was possible that both states, with the lead of their foreign affairs ministers and diplomatic officials, pursued cooperation and bilateral actions rather than an expeditious settlement to their territorial dispute even after it was declared to be of a juridical nature. The chapter presents that the states have maintained the dispute owing to the implementation of the tacit regime of CBMs. In the post-facilitation interactions, however, I introduce the salience of the role identities of the states to show how they prioritise cooperation over the resolution of the territorial dispute. The empirical data shows how this new identity was formed and that the states were foremost interested in advancing bilateral programs and cooperation. Tellingly, in this period, bilateral partnerships were salient features in the settlement structure.

## **Chapter 7**

This final chapter is a revisit of the substantive findings from each of the previous chapters. I discuss the context of the research question, the debate that this generates, my arguments and the case presented. This chapter subsequently elaborates on the main findings of my research. It further provides the main contributions that thesis

makes to knowledge and international relations. The conclusion additionally focuses on the gaps in this research and opportunities for further investigation. The research acknowledges that the dispute resolution process remains an issue that the case states are committed to resolve. My thesis contributions and the understandings it elaborates can serve as reflective points for future action towards a resolution of the Belize-Guatemala territorial claim and border dispute.

## **Chapter Two**

### **State Borders and Interactions in Territorial Disputes**

#### **2.1 Introduction**

This chapter has two goals. First, it advances an understanding of territorial disputes from the theoretical positions of traditional IR theories and critiques the predominant assumptions of these approaches. Second, it proposes a logic of explanation that can be applied to examine and explain the research questions and empirical puzzles that underlie this thesis. Specifically, traditional IR theories adopt a materialist approach to territorial disputes such that military and economic capabilities have a foremost influence on the settlement of territorial claims. Traditional approaches tend to view territorial dispute settlement as zero-sum and they assume that the actions of states are based predominantly, if not solely on their power capabilities. Indeed, these assumptions are also supported by empirical findings which show that territorial claims, especially those that occur along contiguous borders, are a major source of war (see Vasquez 1993). Hence, given the war proneness of territorial disputes, these traditions suggest that settlement is favourable to the most powerful states. However, this chapter proposes a move away from a zero-sum and purely material approach to territorial disputes as espoused by traditional theories. Instead, it additionally interrogates the constitutive and social factors that are present in the interactions of disputing states and show that these bear on how states act towards each other in dispute settlement attempts. In this thesis, I posit that traditional approaches are not amenable to an accounting of social factors to impact on territorial dispute settlement.

I begin firstly with a review of the literature on borders and border disputes. I do so primarily to analyse how borders, the eminent markers of territorial distribution in the system of states, are treated in IR. This analysis shows the dual location of borders in territorial disputes – that they can be a site of contestation at the same time that they

are the markers of state territory. Next, I review and critique traditional theoretical assumptions in the context of border and territorial disputes. I situate these assumptions, which suggest that, in territorial disputes states use power, military and economic capabilities to pursue exogenous, interests. These assumptions rely on states having fixed identities as they interact with each other. By contrast, and in the subsequent section of this chapter, I propose a logic of explanation that seeks to advance an understanding of territorial disputes from the conceptual viewpoints of systemic constructivism and sociological underpinnings of relational positions.

This logic of explanation also points to the constraints that states encounter as they interact in the international system. It imports the view of the state as an actor and treats the formation of identity and interests as constructed in social interactions. I conclude that traditional approaches, while parsimonious, do not provide a satisfactory account for state identity as formed in the social structure of dispute settlement approaches. Hence, they discount the progression of identity and interests that occur as states interact in the social structures they form. Here, too, I challenge the assumption of a priori state interests and argue that these are determined in context. By problematizing state identity progression and the changing contours of state interests, my thesis proposes a logic of explanation that can accommodate these two issues in an ontologically consistent framework. I posit that this framework sufficiently accommodates historically contingent factors and normative constraints that bear on the ability of states to seek a settlement to their territorial dispute.

## **2.2 Locating Borders in International Relations**

Whereas norms constrain the behaviour of states with each other, borders constrain the geographical and physical reaches of a state. Borders are human constructs (Wilson and Donnan 1999; McCorquodale 2001). They are ‘imaginary lines that were invented and created by the international legal system,’ primarily to separate one state from another (McCorquodale 2001, p. 137). This designation confines the function of borders in international relations as the foremost physical and spatial markers of states.

Accordingly, Giddens (1987) posits that a ‘border is a known and geographically drawn line separating and joining two or more states’ (p. 50). Even more, suggests Giddens, they are ‘nothing more than lines drawn to demarcate the sovereignty of states’ (p. 51). However, it is these lines that are critical to the identity of a state as a unit in international relations. Thus, borders facilitate a mapping of states and provide a ‘compass’ that orients the interaction of states in the conduct of both inter-state relations and global politics (Vaughan-Williams 2009, p. 3).

Borders are vital elements of the modern state and the starting points for differentiation in the international system. State borders are the foundations on which the order of international politics and interstate relations rest. Borderlines have become markers in the international system through a conception of space that has resulted in the modern, territorial state (see Elden 2009). Given that the territorial state exists as the unitary structure of the international system, borders will continue to be the ‘self-organizing’ features and relational markers that separate one state from the other (Wendt 1999, p. 74). These markers afford the territorial state a distinctive existence - an internal one to accommodate domestic affairs and an external one via the relationships it shares with other states. Without borders, there would be no distinction between international and national politics, or systemic and unit level matters which constitute modern international relations. State borders are thus unique. They are prior to or ‘scene setting’ for the international system while at the same time, they specify the existence of inter-state relations (Wilson and Donnan 1999, p. 26). As Ruggie (1998) argues, borders as an entity of international relations are ‘expected to exist already’, such that the principal features of the modern international system begin after states have been designated (p. 23). More specifically, Article 1 of the Montevideo Convention on the Rights and Duties of States (1933) specifies that the state should possess: a permanent population; a defined territory; a government; and capacity to enter into relations with other states. Despite being human constructs, however, borders have become reified features of the international system and are *sine qua non* for a state to participate in the international system.

In traditional IR approaches, borders are treated as material elements of the state - an element without which a state could not exist (Williams 2003). State borders are a blind spot in IR theories (see Vaughan Williams 2009). They do not have 'meaningful theories' (Mandel 1980, p. 2). According to Williams (2003), IR like political geography lack concerted efforts on territorial borders (p. 29). Theories of state rest on the pre-existence of borders to determine state interaction qua states. A postmodernist view evinced by critical geopolitics see borders and bordering as an ongoing process of territorialization and reterritorialization as territoriality takes on different meanings at both the global and state levels (Newman and Paasi 1999; Albert 1999). Underlining all these approaches, however, is that the borders of states signal the reach of territorial authority and left unchallenged, state borders maintain their internationally accepted role as geographic markers which determine what is included and excluded within the territory of a state.

### **The State and Its Borders**

The state and its borders are inextricably linked. They locate the population, natural resources, and administrative reach of a state within a geographic and political expanse. Borders delimit the space in which a state subsequently secures its people and resources to create an inside and outside dimension to its territory (see Wilson and Donnan 1989). Geographically, borders give an account of the physical location of a state's natural and human resources. Politically, borders enable the institutionalisation of border practices that control flows in and out of a state. Borders demarcate the territorial sovereignty of a state and with this function, the institution of 'sovereignty has arisen to legitimately enforce internal order and to protect against external threat' (Agnew 2009, p. 6). Here, borders are indicative of the first order of sovereignty, which traditionally implies that sovereignty is principally territorial. Agnew (1994) argues, however, that to hold sovereignty to the limits of territory is to fall into a territorial trap. His view holds that geographic boundaries maintain primacy in systems of rule or political organization but increasingly 'the global nature of business, politics and a multitude of agreements show that territoriality has been unbundled to avoid total mutual exclusion' (p. 54). This traditional view that borders necessarily



confine the physical location and material resources of a state, also limit the meanings of borders to the physical placeholders of state sovereignty and territorial control. However, the increasing use of state resources – physical, human, economic – by non-state actors such as corporations which are not bound by the borders of a state now challenge the territorial dimensions of sovereignty. Note for instance that Wendt (1999) views state sovereignty as both internal as well as external. Internal sovereignty is about being recognized by society as having certain powers, as having authority. External sovereignty is ‘merely the absence of any external authority higher than the state’ to restrain behaviour (pg. 208). However, states are not subject to outside authority and to a large degree, state borders continue to function under the convention of internal territorial sovereignty. States thus have territorial exclusivity which is afforded to them by sovereignty (see Cederman and Daase 2003).

Still, state borders have maintained dual functions - they keep the resources of the states in and keep out what is deemed undesirable. This dual existence has also led to institutionalized characteristics that create an interdependence between the state and its borders (Wilson and Donnan 1998). When states lack the capacities to control their borders they can become ‘domains of contested power’ (p. 10). Here, borders are as much markers of political boundaries as they are geographical placeholders of states. In this context, states rely on their borders as ‘first lines of defence, institutions of social coercion and symbols of a variety of state power’ (ibid.). Borders demonstrate their constraining effect on states since they determine the reach of a state’s authority and power while they safeguard the sovereignty of the state (Most and Starr 1980, p. 935). In their geographic confines, states exercise authority in their respective societies. According to Beth Simmons, ‘sovereign control over territory has long been the quintessential feature of modern statehood’ (2002, p. 1). This is a function that lends for a distinction between domestic and international matters since the state is considered as having separate inside and outside presence. It is the outer aspect of the state that engages internationally (see Sorenson 2001, p. 21). In this thesis, the state elites, including elected officials, representatives of government, and diplomats lead on this outside presence since they also manage the relations and interactions between states. For instance, the settlement approaches for the Belize-Guatemala dispute constituted a core group of state officials from both countries. In the conduct of state-

to-state interactions, these officials also served as the gatekeepers of the norms and institutions by which international relations are conducted.

### **The Emergence of Border Disputes**

The state's relationship with its borders also shape its interactions with other bordering states. This necessitates a consideration of borders and territory as more than material factors; they are also 'social practices' (Williams 2003, p. 26). An international legal approach establishes borders as requisite structures for the settlement of boundary disputes (see McCorquodale 2001). Yet, territorial conflicts are little studied by political scientist interested in international law and institutions (Simmons 2002, p. 831). As Vasquez (1993) asserts, 'if the territorial divisions among neighbours are not challenged but accepted as legitimate, peaceful relations can govern' (p. 146). However, border disputes emerge where there are disagreements about the physical location of the lines that separate states. The location of these lines is critical because the underlying reason states want their boundary lines precisely demarcated is sovereignty (McCorquodale 2001). Sovereignty is the resultant attribute of a direct link between territorial borders and statehood and it is 'a source of power' (ibid.). Note for instance, that Huth (2000) argues that the reason two countries might be engaged in a border dispute relates to determining who has legitimate governing rights over a territory. Border disputes are not mere inconveniences between neighbouring states; they challenge the unproblematic nature of the 'fixed-state territoriality' (Agnew 1994, p. 57). Thus, when a state's borders are contested, the verities of a state are questioned - specifically, its sovereignty (authority and ownership) over a specific territory.

Where border disputes exist, they carry specific characteristics. Mandel (1980) defines border disputes as being either violent or non-violent and usually occurring between two countries or 'antagonists' over the location of shared territory (p. 431). Murphy (1990) posits that a 'territorial dispute encompasses interstate competition over territory, irrespective of size' (p. 545). Huth (2000) defines several conditions that can be classified as territorial disputes. His definition most applicable to my research

involves that which occurs ‘when one country contests the right of another to exercise any sovereignty rights over some or all its homeland or colonial territory’ (p. 86). Simmons (2005) describes disputes as ‘territorial claims that can be expected to instil uncertainty regarding jurisdictional authority or future policy, even in the absence of the overt use of military force’ (p. 832). The combination of Huth’s (1996) explanatory definition and Simmons’ (2005) outcome-based definition is particularly useful as together they link a cause and effect element to territorial disputes. Furthermore, the definitions employed by Huth (2000) and Simmons (2005) show distinct points of salience that can be housed in a territorial dispute. In this conception by Huth, territorial space and sovereignty are significant elements in a territorial dispute. For Simmons, uncertainty regarding sovereignty as well as the absence of cooperation are key. I discuss these two issues in chapters four and five, to show how they impact distinctly on the case territorial dispute.

Another characteristic of territorial disputes is that they can become intractable. Here, scholars contribute that when a border dispute emerges, it tends to have bureaucratic features that over time become institutionalized (see Hassner 2006/2007). Hassner argues that this institutionalisation occurs as territorial disputes assume an established presence and function. He proposes that territorial disputes can be socially constructed but that they become hard to resolve as states find it increasingly difficult to implement solutions that require territorial redefinition, partitioning or offers of compensation. Furthermore, Hassner suggests that eventually a process of functional, symbolic and material entrenchment ensues which is premised on the states renewed perceptions of a changed territory. He explains that the changes which influence intractability are exogenous to the states because essentially the states remain the same but the utility of the territory changes. Thus, the parties in a territorial dispute tend to respond to the changed status of the territory, which is unlikely to decline in material, functional or symbolic value. Hassner offers that it is the perceived exogenous utility of disputed territory that over time contributes to intractability. Territorial disputes become entrenched according to Hassner (2006/2007), when ‘the perceived cohesion of the disputed territory rises; its boundaries are perceived as becoming more clearly defined; and the availability of substitutes for the territory appear to decline’ (p. 110). Hassner

(2006/2007, p. 113) explains the interplay of territorial integration and boundaries as they contribute to the intractability of territorial disputes in the following manner:

The more integrated the territory seems, the more important it becomes to the contenders, and the more important it will become to maintain and promote its integrity. The clearer the territory's boundaries appear on maps, the more important it becomes to demarcate those boundaries on the ground and to guard the territory against infringement. Visible borders, however, further enhance the perceived rigidity of boundaries.

Hassner establishes that the source of contestation lies in the perceived functional, symbolic or material utility of the territory. Over time this perception makes it harder and harder for states to determine and resolve. According to Hassner, the locus of contestation, is in the view that states hold toward a territory although this becomes increasingly difficult to establish. When this occurs, dispute resolution takes on an institutionalized form that over time becomes unsustainable.

The institutionalisation of territorial disputes is a critical aspect of their intractability. For instance, Duffield (2007) considers inter-state disputes as comprising of institutional elements which are ontologically two-dimensional. In this conception, Duffield situates territorial disputes in international relations as having both rule-like (formal) and norm-like (inter-subjective) characteristics. He posits that, inter-states dispute settlement is normatively strong but weak on formalization or rule-like behaviour (2007, p. 11). More broadly, scholars document the persistence and duration of territorial disputes to show that they are notoriously enduring even when they do not prevail militarily. Lingering, persistent but non-military territorial disputes are said to derive a negative peace (see Wiegand 2007). Hassner (2006/2007) has also documented that the longer a territorial dispute exists, the less likely it will be resolved. The case dispute of my research manifests such characterization. This territorial dispute emerged before Belize (then British Honduras) was a colony of Britain and it

also features entrenchment aspects that survived the eventual independence of Belize in 1981. In addition, I contend that the histories of states, including this thesis case also bear on the duration of a territorial dispute.

### **Characteristics of States in Border Disputes**

Border disputes tend to emerge both in the absence of and in the ambiguity surrounding the norms by which states interact with each other (Vasquez 1993, p. 149). Though the states in traditional IR have an ontological assignment of fixed and uniformed identity, the extent and duration of a border dispute appear to depend also on the specific type of disputant states. On this, Vasquez posits that how a state enters the international system determines how it will treat its borders. He argues that states that enter the international system through violent revolutionary struggle are viewed as more threatening than those whose independence and state formation were non-violent, evolutionary processes. These states are distinctly evolutionary or revolutionary. Wendt (1999) similarly makes a distinction between states and refers to two types involved in territorial disputes - revisionist and non-revisionist states. Revisionist states, are 'out to grab territory, conquer each other, or change the rules of the system' (p. 105). Status quo states are the opposite as they are seen to promote stability and 'generally respect each other's territorial property rights' (ibid.). Evolutionary states are considered less disruptive and have the benefit of being ushered into statehood after being a colony (see Maoz 1989). These states are keen to maintain the status quo and have close ties with formal colonial rulers as reassurance that existing practices and relations will remain unchanged. Evolutionary states expect that because of their independence, they will adapt to existing systemic structures and gain international acceptance (Vasquez 1999). Revolutionary states, however, are less likely to accept the status quo afforded evolutionary states and are likely to challenge these states by using foreign policy. Vasquez (1999) asserts that, 'in terms of analysis, evolutionary states can be expected to pose less of a threat to existing understanding of boundaries; whereas revolutionary states may not accept old boundaries' (p.143). Ongoing contestations of borders elicited from revolutionary states' own

justifications, use of international norms and identity inclinations can render such border disputes durable.

The prevailing normative conditions in which states join the international system also point to the distinct role that historical circumstances can have on the emergence of territorial disputes. For instance, the norms surrounding territorial acquisitions were different than those for states emerging from colonization prior to 1945 than they were at decolonization in 1960. For instance, Guatemala became an independent state through the implementation of *uti possidetis*. Here, statehood was granted to former colonies as they existed geographically and administratively under colonial rule. Former Spanish colonies in Latin America, struggled for international recognition as newly independent states. Conversely, Belize gained her independence from Britain following decolonization. States that were granted independence after 1945 and specifically through the process of decolonization, relied on third party assistance and the prevailing international norms to enable their transition to the international system. In this period, self-determination prevailed and decolonization further removed the struggle for statehood that colonies had experienced prior to 1945. The international normative structure of international relations also highlight that post-colonial states had distinct territorial histories before they became states. Territorial disputes are not thus ahistorical.

Border disputes should not be unexpected in the system of states; borders are after all, human constructs. McCorquodale (2001, p. 137) argues that the existence of disputes points out that these constructs do not always work and may not be universally accepted at all times. In addition, their continued existence points to a gap in border theorization as static features for the differentiation of states. Once established, however, only a state can challenge another over the accuracy and expanse of its border lines. This is the location of border disputes in international relations; they exist in the domain of interactions between bordered states. Seen this way, borders remain central to the physical and geographical expanse of states. However, the identities a state forms after its borders are established are the purview of interstate interactions

where borders can take on new meanings. These meanings may be formed in historical context and supported by norms.

### **Justifications for Border Disputes and Territorial Claims**

States commonly use historical restitution to justify their claim territory. When historical restitution is used, states assert the principle that ‘a state is not entitled to seize territory from another unless that territory itself was originally wrongfully seized’ (Murphy 1990, p. 532). States that use these arguments, are generally seeking support for ‘territorial designs founded on ..., the desire for economic advantage, or the quest for strategic superiority’ (ibid., p. 533). Consequently, Murphy argues that historical justifications for territorial claims are advantageous on two bases: 1) ‘they have some basis in international law;’ and 2) they are ‘grounded in contemporary notions of justice’ (ibid., p. 537). Historical justifications are common where there are changes to the present borders of states and where land has been seized through armed force.

Another way that states justify territorial claims is through the use of international norms. Forsberg (1996) suggests that ‘international norms not only prevent disputes from arising but they can also enable them’ (p. 437). According to Forsberg, these justifications are found in assertions of self-determination and historical ownership - two of the most common norm-based recourse for a claim to state territory. They are the principles of international law and territorial integrity of Article 2, Paragraph 4 of the United Nations Charter.<sup>1</sup> Indeed, states are the only entities in the international system capable of challenging the borders of another state and they often use normative factors to claim territory and/or to justify their existing borders. The accommodation of these two norms - where states are prevented from contesting the territory of another but are at the same time able to claim their rights to territory - can

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<sup>1</sup> See Charter of the United Nations and Statute of the International Court of Justice, 1945. Article 1 Para 5 states ‘All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or any other manner inconsistent with the purpose of the United Nations.’

appear tautological in territorial disputes. This is because territorial integrity is a primary principle of international law but it is also the norm by which a claim to territory can be justified.

Biersteker (2013) argues that the postcolonial state had as its main function the guardianship of its territorial integrity. He asserts that, as decolonization was imminent, the new state was primarily concerned with the physical control of its territory and sovereignty. This function was also supported by the UN Declaration 1514, since it specified that ‘any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations’. Thus, a state either seeking to reclaim territory or to maintain its territory was also supported by this same declaration. Notably, postcolonial governments, agents of the state and elites were likely to pursue territorial integrity and advocate for this right (see Biersteker 2013). Sorenson (2001) also points out that, the emergent states were keen to maintain existing colonial borders and territory and their leaders supported and advanced the norm of decolonization. Critically, decolonization introduced new states to the international system but their positions there were unlike advanced states. Indeed, Biswas (2013) suggests that postcolonial states were located at the margins of IR and that their perspectives were not sufficiently part of the ‘dominant trajectories’ of the discipline (p. 220). On this, I turn to a discussion of the prominent assumptions of traditional IR theories in the context of a territorial dispute.

## **2.3 What International Relations Theories Say About Territorial Disputes**

### **Capabilities and Self-interested Pursuits**

In realism, states are assumed to exist in an international structure of anarchy where they lack a universal, higher authority. States in anarchy are also deemed to have a uniform identity. Mearsheimer (1994/95) posits that states are fearful and distrusting



of each other and they interact in a defensive environment where the potential for war is ever-present. In realism, states can never be certain about the intentions of the other because they are motivated by many intentions which are not always benign. According to Mearsheimer, 'no state can be certain another state will not use its offensive military capability against the first' (1994/95, p. 10). With this looming uncertainty, states pursue self-interest that are 'spun out of inclinations and incentives, deterrents, threats and punishments' (Waltz 1979, p. 186). States are here assumed to behave advantageously, calculating at all times, how to optimize their material interests. In realist tradition, anarchy underscores the nature of state interactions in the international system and territorial disputes are seen to arise owing to 'power-political interests and favourable power relations' (Forsberg 1996, p. 435). Here, territorial disputes are attempts to strengthen the capabilities of states particularly through strategic increases in access to and use of territory. Agnew (1994) asserts that realism is conceptually territorial since territory and strategic geographic position also account for realist conceptions of power and capabilities.

The ultimate material pursuit of states in realism is survival (Mearsheimer 1995/1996, p. 10). In this regard, when borders are contested state capabilities and military force are foremost considerations to guarantee state survival (see Keohane and Nye, 1989). A realist approach emphasizes state survival where the object of the threat is national security; the source of threat is other states, and the likely overcoming of that threat is inter-state warfare (Vaughan-Williams 2009, p. 3). This suggests that the overriding logic of the realist approach in border disputes, rests in the power potential of states. Territorial disputes reflect the influence of capabilities that a state imposes on the international system. Forsberg (2003) states also that 'territory is primarily a strategic asset and territorial disputes are mostly resulting from power struggles' (p. 10). This view predicates border dispute resolution as zero-sum. Here, realist perspective is 'if one of the parties is to achieve its objectives, the other one must lose' (Stefanova 2006, p. 83). From this approach, states may be seen to situate borders and territory solely as material interests. Territorial expansion and border contestation are thus accommodated within realist conceptions of state survival, exogenous interests, security and power. This is a critical distinction to a constructivist conception which I discuss further in this chapter.

Realism, is premised on the assumption that the principal motivation of states is self-preservation and security. Ontologically, states are motivated by self-interests and power, that are exogenously derived in the absence of a central ruler. States are imputed common interests and they are assumed to want and pursue these interests despite the context in which they find themselves (Finnemore, 1996). Hence, in this tradition, states with significant material power or capabilities will exert inordinate influence on the international system to secure these interests. On this, however, two issues are worth considering. Firstly, while realism privileges the capabilities of states to secure their interests, states are also constrained by international norms and by 'international law [which] prohibits the settlement of territorial disputes between states by the threat or use of force,' (Crawford 2007, p. 49). Though states in realism are assumed to exist in anarchy, they are not excluded from the forces of macro-level social structures [that] impinge on them as individual actors (see Fearon and Wendt 2002, p. 56). Despite military and power capabilities, states place significant value on how they are perceived in international relations and any deliberate or unilateral disregard for a norm can negatively influence their position in the international society (see Finnemore and Sikkink, 1998; Wendt 1999; Simmons 2002). Each state in realism is presumed to pursue 'a calculus of status maximization over the other' (Agnew 1994, p. 57).

Secondly, despite the anarchical condition of the international system, norms limit the discretion of states because they set the standards for their interaction with each other (Finnemore and Sikkink 1998). Normative factors, such as international law, impose limitations on the extent to which states can exercise power (see Morgenthau 1985, p. 236). Specifically, international law clarifies that territorial disputes do not challenge the continued existence of a state since 'even a substantial boundary or territorial dispute with a new [or old] state is not enough to bring statehood into question' (Crawford 2007, p. 52). Crawford clarifies further that, in international law, 'a new State may exist despite claims to its territory, just as an existing state continues despite such claims' (2007, p. 48). Here, the normative system of international relations constrains the power of states to manifest their capabilities. Accordingly, Shoman (2010) points out that 'outcomes do not always reflect real power resource availability'

(p. 20). The power of the state is subject to limitations superimposed by norms or rules within the international system (Morgenthau 1985, p. 236). States make up the international system and determine the norms which govern them but they are also constrained by the same norms.

The underlying premise of a realist approach to territorial contestations is that the state maintains its sovereignty and satisfies its self-interest through the use of its capabilities. Realism gives primacy to the self-interested behaviour of states in the absence of an overarching authority. But here, it is the normative environment more than the condition of anarchy that imposes even greater restriction on the instrumentality and self-interested pursuits of states. Hence, a realist approach is ineffective to explain the persistence of territorial disputes in spite of power advantages, state capabilities and the condition of anarchy. The tradition of realism is inadequate to explain the persistence of territorial disputes even when capabilities and a zero-sum resolution offer expediency.

### **Institutions and Cooperation**

Another traditional approach, neoliberal institutionalism is committed to the instrumental rationality of states. Like realism, this tradition situates states in an international structure of anarchy and self-interested pursuits. However, neoliberal institutionalism differs from realism because it grants utility to institutions as states seek to secure their interests. Contrastingly, realism is wary of the utility of cooperation in a structure of anarchy (see Mearsheimer 1995/96). But, neoliberal institutionalism counters that cooperation through institutions can reinvigorate positive-sum bargaining dynamics between states. In this tradition, international institutions and organizations are the primary mechanisms that can aid states and non-state actors to jointly solve problems and achieve economic gains. Thus, while the states in realism are assumed to be interested in relative gains compared to other states, the liberal state is assumed to be interested in absolute gains. Here, neoliberal institutionalism base emphasis is on economic cooperation and the power position of

leading states. This tradition is supportive of states and non-state actors forming institutions to cooperate and to meet predominantly economic interests.

According to Keohane and Martin (1995), liberal institutionalist theory ‘posits that institutions are created in response to state interests and that their character is structured by the prevailing distribution of capabilities’ (p. 47). In this tradition, institutions operate within the power hierarchy of states and neoliberal institutionalism does not therefore discount the existence of self-interests when states cooperate. The existence of procedures, rules and regulations constrain but do not ultimately ‘change the underlying motivations of states’ (Davies and Woodward 2014, p. 28). Rather, states create institutions anticipating their effects on patterns of behaviour (Keohane and Martin 1995). Thus, in the selection and use of institutions, states reconcile their preference with already imputed interests (see Stefanova 2000). Here, neoliberal institutionalism treats outcomes as the result of structured incentives and constraints that are consistent with the strategic environment in which ‘instrumentally motivated, utility maximizing actors operate’ (Duffield 2007, p. 5). Powerful states ‘structure the choices’ of other states and institutions are viewed as epiphenomenal, reflecting the power and interests that already exist in the international system (Stein 2008, p. 6).

Keohane and Martin (1995, p. 5) contend, however, that ‘institutions make a significant difference in conjunction with power realities’. Liberal institutionalist theory accepts that while international relations occur in a structure of anarchy, it is the likely achievement of long-term absolute gains that propel states to cooperate. In this view, institutions act as powerful, stabilizing forces to mitigate against conflict and the self-interested pursuits of states (see Keohane and Martin 1995; Snidal 2010). Liberal institutionalists additionally assume the possibility of cooperation among states because institutions provide information to states. Viewed as such, a liberal institutionalist tradition establishes that institutions reduce uncertainty because states use this information to influence policy and decision-making. Information is especially useful for security matters since decisions are often made based on a worst-case scenario (Keohane and Martin 1995). Hence, neoliberal institutionalism integrates conflict with cooperation even when cooperation may include conflictual elements (Stein 2008). In a territorial dispute, neoliberal institutionalism suggests that

cooperation and economic pursuits can overcome the material interests that states may derive from a settled territorial dispute.

Simmons (1995) points out that the resolution of territorial disputes for example, ‘frequently opens up the way for mutually beneficial trade’ (p. 829). Notably, bilateral trade between Belize and Guatemala, ‘since 2003 has blossomed’ even as the border dispute persisted (Pisani 2007, p. 279). This growth in trade is not optimal but Pisani notes that trade between the two countries remains favourable and Guatemala benefits significantly from export earnings to Belize. At the same time, Belize also relies on cross-border trading with Guatemala. It is such growth in cooperation, for example, that neoliberal institutionalism views as consistent with reducing uncertainty and the promotion of issue linkage within an extant territorial dispute. Institutions can enable cooperation between disputing countries but they do not ultimately address the settlement of a persistent territorial dispute. In fact, Simmons argues that territorial disputes place a ‘serious drag’ on trading but their resolution could have ‘significant upside gains’ (1995, p. 835-836). As such, cooperation between states is not unusual even in the presence of an unresolved territorial dispute.

In the context of a territorial dispute, however, neoliberal institutionalism does not fully accommodate that in a deep manner ‘cooperation begins to re-shape intersubjective meaning and hence re-constitutes . . . identities and interests according to cooperative norms’ (Sterling-Folker 2000, p. 113). In holding self-interests as ‘exogenous to interaction’ neoliberal institutionalism ignores in the long-term the ‘preconditioning relevance of social institutions to agents’ (Adler 1997, p. 337). Ongoing interactions and social practice within institutions have the ‘capacity to transform identities and interests’ (Sterling-Folker 2000, p. 113; Checkel 1997). In long-standing border disputes, such dense interactions tend to occur between states and these increase the knowledge and expectations that states have of each other. This learning can influence interests and actions though neoliberal institutionalism does not consider its impact to be causative; it maintains the premise that the behaviour of states is rooted in power and pre-given interest (Hurd 2008). In these interactions, neoliberal institutionalism assumes that states remain instrumental and utilitarian. States in a

territorial dispute for instance, are expected to have predominantly economic interests which social interactions do not influence.

Furthermore, neoliberal institutionalism offers promise for economic cooperation between states in a territorial dispute but it falls short in accounting for its persistence between the same cooperating states. Neoliberal institutionalism is inadequate to account for this type of territorial dispute because states are generally reluctant to relinquish some of their sovereignty to a supranational entity (see Sterling Folker 2000; Simmons 2002). Here, institutions can play only a regulative role in the settlement options for territorial dispute but they do not shape the interests of instrumentally driven states. Critically, Keohane and Martin (1995) confirm that when two states exist and have conflicting interests 'institutions will not be significant' (p. 44). Other issues tend to be embedded in existing institutions which often have purposes and agendas other than promoting an existing norm, such as sovereignty (see Finnemore and Sikkink, 1998 p. 899). Here, neoliberal institutionalism does not effectively account for a territorial dispute that is intractable even as cooperation ensues between the disputing states. Like realism, neoliberal institutionalism does not account for the social matters in territorial disputes.

Overall, the traditional approaches of realism and neoliberal institutionalism tend to suggest that territorial disputes consist of exogenous interests bolstered by the power potential of states. In realist conceptions, borders demarcate the territory of a state and its power expanse. And while borders may be the subject of contestation, they are epiphenomenal in the settlement of a territorial dispute since states use their capabilities to keep their borders secure and uncontested. Here, territorial disputes are zero-sum and their resolution is indicative of the capabilities of the most powerful states involved. Furthermore, the tradition of neoliberal institutionalism would suggest that, institutions can aid states to overcome the constraints that a border dispute imposes on cooperation. Together, these approaches view border disputes as a distributional issue since their existence challenges the allocation of the material resources that states want but which only the most powerful and capable can secure. Both approaches situate border dispute resolution as preserving the territorial status

quo and power of existing states. Realism and neoliberal institutionalism are clear about state pre-existing interests and actions of states in border disputes but they are ineffective to account for the constitutive function of the social structure in which persistent border disputes are ultimately located.

Realism and neoliberal institutionalism situate the territory of a state and its borders as reified, material elements. In these traditions, the contestation of territory and borders, is an existential dilemma for states and they confirm the survival interests of the state in realism but buck the liberal state concern over predominantly economic pursuits. However, in the absence of military confrontation and, amid nascent cooperation, both traditional theories do not adequately account for the persistence of a territorial dispute between bordering states. In the next section, I propose a logic of explanation that is different from the conception of the states in realism and neoliberal institutionalism. In a move away from the conception of the state as having a fixed identity and exogenous, material interests, I propose an accounting for a persistent territorial dispute in which the identities and the interests of states were mutable.

## **2.4 Proposing a Social Approach to Territorial Disputes**

In the second half of this chapter, I propose a logic of explanation that is amenable to the social factors that bear on the interactions of states in a territorial dispute. In doing so, I aim for a starting point where the identities of the interacting states are viewed as formed in process rather than reified and static. This logic of explanation builds upon the contributions of Alexander Wendt's statist constructivism specifically, and it also draws on sociological underpinnings of interactions. This contribution provides a plausible explanation for the gradual emergence of multiple state identities, and the salient, contextual factors that come to bear upon the interests that states develop and pursue. Whereas, traditional approaches assume states to have fixed identities and immutable interests, regardless of the context they are in, constructivism is generally premised on the formation of state identities and interests in processes of interaction.

A constructivist approach in this thesis offers a conceptual shift in state identities and interests in a territorial dispute.

There are three critical assumptions that constructivism makes, and which are relevant to the logic of the explanation I propose. The first is that states do not have imputed identities. States form their identities in social structures of interaction and these identities determine the interests that they pursue. In these same structures, the interests of states are formulated and reformulated as they interact with each other (see Hobson 2000, p. 44). Second, both the state and the structure in which they interact are constituted. The identity of a state and its interests are shaped in a social structure just as the same structure is changed by the behaviour and actions of the state. Finally, since states exist in a structure of anarchy and distrust, constructivism views a relationship in anarchy as subject to construction such that states may behave differently with each other if they are for example, interacting in an anarchy of friends or an anarchy of enemies (Wendt 1999). Unlike traditional systemic theories, constructivism does not assume uniformity of state identity or immutable state interests; rather, this approach assumes dynamism and change because ‘context shape who actors are, what they want and how they behave’ (Ba and Hoffman 2003, p. 21).

A constructivist approach provides this thesis with the analytic space for an examination of territory and borders which are taken for granted in theoretical explanations of inter-state behaviour. Hence, I adopt this approach to situate a persistent territorial dispute in the context of a processual, social structure in which states interact. In doing so, the identity of the states is no longer black-boxed and its interests are viewed as endogenous to processes of interactions. Furthermore, using a constructivist approach removes my reliance on a theoretical commitment where states lack agential power and are engaged in stabilized practices (see Wendt, 1994). Conversely, in social contexts the identities and interests of states emerge in interaction since states as ‘actors do not have a portfolio of interests’ (Wendt 1982, p. 398). My turn to constructivism therefore, is to examine the social and normative contexts that accommodate changes in the identity and interests of states and which bear on the persistence of a territorial dispute.



Further, using a constructivist approach allows me to examine the influence of ‘historically contingent interactions’ between the states (Wendt 1994, p. 385). For instance, these interactions underlie how the states have interpreted and responded to the normative structures that impinge on their exercise of agential power since neither the social nor the political world is fixed (Adler 2002, p. 95; Hay 2002). The political and social world in which states interact are products of contingent interpretations and social construction that subsequently take place against the predominance of materialism and instrumentality (Hay 2002). Hence, adopting a constructivist approach to explain state interactions further pushes a theoretical reassessment of ‘what are treated as fixed either by assumption, discounted, ignored or simply cannot be apprehended within their ontologies and/or epistemologies’ (Ruggie 1998, p. 27). In addition, this level of analysis expands that, the state – the common starting point of traditional IR - is itself formed out of complex processes that vary in contexts and time.

### **The State in Formation**

Fearon and Wendt (2010) suggest that analysts must determine their treatment of interests at the onset, since this has implications for both substantive and theoretical reasons. Taking heed, I conduct an analysis of a territorial dispute by problematizing state identity since this identity informs the interests of states and the basis from which they act. Traditionally, interests are bracketed and this removes the struggle of states to choose one identity over another (see Rumelili 2004). At the same time, all theories of IR share a common starting point - states are the primary unit of the international system. However, IR theories base their assumptions on the state since this is considered fully formed and complete at the start of any systemic interactions (see Ruggie 1998). Constructivism, for the most part, also assumes the state as the starting point of analysis. However, the fundamentals of constructivism are that norms, construct the identities of states; and, because of these identities, states pursue interests that are aligned with their socially constructed identities. This is critical to the logic of understanding that I propose because, while IR does not account for the pre-state

identity, this is not discounted in my thesis. I contend that discounting the interests of the pre-social state when it exists as a colony is a ‘methodological bet’ for ‘analytic convenience’ (Fearon and Wendt 2010, p. 64). In the pre-state phase of unit or state formation, there are ‘micro-events’ that pre-date the eventual identity of state. These events later impact on international relations though they are artificially excluded in IR (see Guillaume 2010, p. 18). Where such entities are involved in a territorial dispute, a close processual analysis of their interactions aids for a deeper understanding of how micro-events can have an effect on the macro-events that later occur between states.

From this perspective, Wendt’s statist constructivism acknowledges that states have histories. Though, he does not award any analytical space for an examination of the pre-social existence of an emergent state, this is the lacuna from which my logic of explanation emerges. Furthermore, Wendt’s brand of constructivism allows for the inclusion of a process of internal state organization, which it assumes, is the base from which all other state identities develop. Wendt (1999) proposes the existence of a corporate identity as a conceptualization of the state in a pre-social process of internal organization. Specifically, corporate identity is unit forming because it involves the ‘self -organizing, homeostatic structures that make actors distinct’ (p. 224 – 225). Corporate identity is categorical (Guillaume 2011). It is an organizing principle that is not considered to depend on others in a social way for its formation. Corporate identity is the primordial identity ‘in the modern nation-state system [that rests] on the construction of clear and unambiguous inside/outside and self/other distinctions’ (Rumelili 2004, p. 30). The key features of this identity are that it: establishes the pre-eminence of the state in international relations; and it positions the state as a bounded actor (see Wendt 1999; Ruggie 1998). Corporate identity ‘always has a material base . . . territory for states’ and the emergence of this identity situates the state as the primary unit to conduct international relations (Wendt 1999, p. 225). For analytical purposes, the separation of corporate identity from other, more social identities, allows for a distinction between pre-state and formal state identities and their contextual salience.

## **The Pre-social State**

Corporate identity has been characterised as a categorical concept of systemic constructivism (see Guillame 2010; Sterling-Folker 2002). However, beyond ascribing states with this conclusive attribute, it is important in this thesis to analytically distinguish this categorical identity from the pre-state identity. On its categorical aspect, Wendt conceives of the corporate identity of a state as the starting point of the ‘essential state’ which is removed from social interaction (1999, p. 198-214). In this conception, corporate identity is central to the explanations of the social workings that exist in a territorial dispute and where the subject of the same dispute did not yet have this attribute. This is the case in the Belize-Guatemala dispute where the contested territory was a British colony. This analytical space, is not to treat the corporate identity of states as unproblematic. Rather, it is to locate the boundedness of actors in a territorial dispute settlement structure.

Corporate identity is distinctly different from the other identities of states. This identity is internally driven to secure specific ‘appetites’ or inherent interests that are consistent with its existence as a unit of the system of states (Wendt 1999, p. 385). These appetites are not self-interested as when states are interacting with each other in a social manner. The corporate identity of a state is interested in the core ‘appetites of: physical security, ontological security, recognition and development’ (see Wendt 1994, p. 385). Though these interests are inherent to this identity, there is a distinction between these and interests that are exogenous or pre-given to states as in realism and neoliberal institutionalism. The latter traditions assume that these interests are satisfied by the time a state enters the international system. According to Wendt, states satisfy these interest in processes, that do not involve ‘the agency and discourse of outsiders’ such that the process of boundary drawing ‘receives much of its impetus from forces [within] the space around which the boundary will be drawn’ (1999, p. 74). Corporate identity is therefore the platform on which the state as an entity enters the international system and this identity permits the state to engage in self-interested pursuits as it interacts with other states.

Hence, I highlight that, a social or political entity lacking this specific identity is constrained in its interactions in a territorial dispute even when it is the object of the dispute. Traditional theories of IR position territorial disputes as occurring between entities that have recognized corporate identities and have systemic acceptance to interact with other states or engage in international relations (Montevideo Convention). On this basis, having a corporate identity is more than categorical but it is the basis for the subsequent social interaction of states. Corporate identity is actor forming. Constructivists, such as Wendt, enable the inclusion of corporate identity as a starting point for the analysis of changes in state identity and from this perspective, this identity 'is a site or platform for other identities' (Wendt 1999, p. 225).

The critique of corporate identity is that its conception indicates a closing of the boundary of influence on its formation. On this basis, corporate identity can be treated as having intrinsic properties that assume 'a pre-social *utopia* demarcating a specific social entity (generally the state) as an object situated outside any interactions with its environment' (Guillame 2011, p. 14). Essentially, the argument here is that the intrinsic quality of the interests present in a corporate identity makes them exogenous matters, much as those that are found in traditional IR. Furthermore, there is contention that if corporate identity and interests are bracketed, this places this identity in the realm of fixed assumptions and concedes 'a form of reasoning that unproblematizes some social entities' states included (Cederman and Daase 2003, p. 6-7 in Guillame 2011, p.14). Bracketing the categorical nature of corporate identity is itself considered problematic. For instance, Neumann (1996) argues that in Wendt's conception of corporate identity, simultaneously brackets the struggle to 'delineate self from other in international relations' which is the same struggle 'to pin down the identity of one among many possible and rivalling selves' (1996, p. 165). Neumann points out that Wendt later removes the treatment of this self-identity as foundational and positions it as an 'identification [that] is a continuum from negative to positive – from conceiving the other as anathema to the self to conceiving it as an extension of self' (Wendt 1994, p. 386, in Neumann 1996, p.165). Wendt subsequently proposes an identity continuum for states which starts with corporate identity but then moves to more social identities from which self-interests are formed. In the context of a pre-state territorial dispute, corporate identity can be unpacked to locate the various points of struggle in the

formation of this identity and its interests. This unpacking is useful for this thesis as I explain how the territorial dispute also generated a contestation of corporate identity. This focus is significant when a pre-social state is the focus of territorial contestation.

### **State Identity Transformation and Interests**

Using corporate identity as the core identity to engage in interstate relations, I aim to examine the contours of interaction that are available to the corporate state, specifically in the settling of territorial disputes. Under this logic, corporate identity is the important base from which state identity transformation can occur and by which a state can become purposeful in its interaction with other states. The formation as well as the function of corporate identity also aid to account for the transitions in state identities. I distinguish that systemic constructivism can accommodate that states do acquire corporate identities from which they transition to social identities. While a corporate identity constitutes the state as an actor in international relations, their social identities exist in relation to other states. The problematization of state identity in this thesis is to situate that corporate identity is foremost and that, it is the basis on which state interactions to settle a territorial dispute can be legitimized.

Furthermore, the analytical space of the corporate identity of states is insufficiently accounted for in traditional theories. But social interactions in border disputes and territorial claims are a boundary drawing process and this necessarily points out that corporate identity or statehood is also a result this process. Hence, a processual examination of the conditions which enable states to engage in international relations also elucidates that the state as a 'social entity is actually participating in the same general process of identity formation, performance and transformation' (Guillaume 2011, p. 15; Rumelili 2004, p. 32-34). The explanatory contribution of corporate identity is thus two-fold. First, it establishes that states can have multiple identities and that these identities progress to more social ones as they interact with each other. Second, the corporate identity of a state draws on objective interests. Systemic constructivism, as Wendt explains, treats corporate identity and its requisite interests

as pre-social. It is the other, social identity specifically role identity - that forms the basis for the other interests that states pursue in interactions (see Wendt 1999).

The logic of explanation that I propose acknowledges the premise of corporate identity formation as entity or actor forming in the international system. This logic does not negate that the interests of corporate identity are intrinsic to the self-organization of the state. However, I argue and will present later that, when a territorial dispute occurs prior to the attainment of statehood, outside forces do influence the struggle of pre-social entities to attain their corporate identity. These same forces can be micro-events or macro-historical processes that challenge the achievement of corporate interests. Critically, the interests of corporate identity can also be contested. Hence, in this thesis, corporate identity formation is not considered as black-boxed off from external influences as Wendt poses.

However, in a move away from Wendt's position that corporate identity is pre-eminently a self-organizing process that is exempt from the influence of external forces, I aim to show in this thesis that corporate identity is not entirely pre-social. Indeed, where the territorial object of a dispute was also a colonial identity, its corporate identity will include 'histories' (Wendt 1994, p. 385). These histories also include territorial contestation even as territory is an important component of corporate identity and interest. In this context, the internal organization of an emerging state is open to scrutiny and challenge. Under contestation, these '*terms of state individuality*' that embody corporate identity are 'open to negotiation' (ibid.). On this view, I now look at the implications of contestations to the nascent corporate identities and interests of the emergent state.

### **Contested Corporate Identity**

External contestation of territory and borders confront the pre-social constitution of a corporate identity. The implication here is that there is need to recognize that there is an interplay of ideational and political factors that prioritize the attainment of

corporate identity in the international system. On this, I heed Finnemore's position that ideas, remove the specification that imputed preferences are an essential characteristic of actors' behaviour (1996, p. 2). States use ideas to understand and interpret the multiple representations present in the social and material world; in the pre-state existence, however, actors are guided by a conception of self in conjunction with these material elements.

As states move along the identity continuum - from pre-social, corporate existence to social interaction - norms come to bear on their behaviours (see Wendt 1994). As states become more social, they do not act arbitrarily because they also rely on norms to aid them with compatible manners of interaction in the social structures that they form. Hence, with the attainment of a corporate identity, an emergent state cannot evade interaction over contestation to its territory. Norms of interactions, presuppose that states will act when their territory is contested. Notably, the pre-social nature of a corporate identity does not constitute actors unless they form social structures in which to interact. By then, corporate identities and interests are no longer foremost and the social identities of states gain salience.

This logic of explanation can underscore that in the simultaneous processes of territorial dispute settlement and corporate identity formation, actors are engaged in competing normative structures. One structure facilitates engagement in the other and I argue that pre-states entities will choose to act in the structure that promotes their existence as a unit in the international system. Here, the urgency for the formation of corporate identity outweighs the formation of social structures for territorial dispute settlement. The motivation for action by a pre-state entity for attainment of its corporate identity is also supported by systemic norms and institutions which only accommodate the interaction of corporate units. In the international system forming a corporate identity and satisfying its related interests is path dependent despite that this identity can emerge in a contested territorial space.

Furthermore, this logic of explanation additionally allows for the consideration of the pre-state entity as being in an internal but relational space that requires the exercise of

agency and the conduct of specific transactions (Emirbayer 1997). Similarly, the pursuit of a corporate identity requires agency that is as much 'path dependent as well as situationally embedded; it signifies modes of response to problems impinging upon it through sometimes broad expanses of time as well as space' (ibid., p. 294). However, actors' move to embark on corporate identity formation is not the same as in realist conception of self-interest in a system of anarchy. Instead, it entails the progressive move of the pre-state entity towards sovereignty since it is only after this norm is established that, a state can interact with another. In the presence of this norm, states engage with each other to pursue interests that they may deem compatible with their social identities. The norms of interstate interactions point to the intersubjectivity of sovereignty but this does not change that a previous contestation disappears with its onset. Rather, the institutions of sovereignty equip states to access and use systemic norms to act on contestations to aspects of their corporate identity, including territory. With the foundation of a corporate identity, states can act and form their interests in certain ways (Wendt 1994, p. 385). This interaction, however is not automatic and it requires the formation of social structures and the inclinations of individual states to engage.

Some key elements of constructivism add to the theoretic lens through which the underlining puzzles are examined and the research questions are explained. A foremost constructivist conceptualization is social construction. This is premised on the contingency of contexts and the actors' own interpretation of the meanings of material things. Here social construction takes place when these ideas are instantiated, and their meanings become intersubjective or common knowledge (see Hay 2002, p. 210). This thesis offers that territorial disputes are social constructions that emanate from ideas which give them new meanings. Since borders and territory are both meaning making and meaning carrying, the elements for the social construction can change in relation to the context in which they exist. It stands to reason then, that a long-standing territorial dispute can be subjected to various constructions throughout its existence. These constructions can be varied, possibly owing to normative, economic and political contexts that influence a certain kind of interaction between the disputant states.



Another conceptualization that is key to the logic of explanation in this thesis is that states form their identities in processes of interaction. This premise of constructivism is fundamental to show that states obtain ‘interests which are defined in the process of conceptualizing situations’ (Zehfuss 2002, p. 14). By endogenizing identities and interests it can be shown that states produce and reproduce their identities as they interact. States in territorial disputes can be conceived as having have multiple identities depending on who they are interacting with and the context in which they are interacting. This is critical to my explanation because it does not assume that the states in interaction pursue interests that do not reflect their identities. In the context of a persistent territorial dispute, a constructivist approach acknowledges the existence of interests, even instrumentally driven ones, but denies that these are imputed and unchanging.

Additionally, the ontological premise of constructivism views ‘the social world as intersubjectively and collectively meaningful structures and processes’ (Adler 2002, p.100). Intersubjectivity has ‘constitutive effects on social reality and its evolution’ (Finnemore and Sikkink 1998; Adler 2002, p. 102; Hay, 2002). Wendt also asserts that in order for knowledge or beliefs to be intersubjective, ‘those beliefs must be accurate beliefs about others’ beliefs’ (1999, p. 160). Yet, with any alteration in meaning or beliefs, including by those with whom it is shared, a common meaning invariably changes. This is where social construction takes place and why constructivism challenges reification of material forces including borders and territory. Constructivists are not dismissive of material considerations and posit that they gain meaning when they are attached to ideas and identities (Finnemore 1996; Adler 1997; Ruggie 1998). This logic of explanation can open new discernments, integrate ideas and unpack state interests that have remained elusive to research on territorial disputes.

Finally, constructivism views the interests of states as motivations for action. In addition, this thesis also points out that historical, and external conditions including international norms of decolonization were an impetus for the pursuit of corporate interests. For example, as decolonization was imminent, colonies developed an interest in independence and self-rule, none of which contradicted with the core

interests of a corporate identity, namely: physical security, ontological security, recognition and development. These interests, however, were embedded in a political process infused with ideas internal to the pre-social state. These interests materialized owing to normative change, social interaction and collective acceptance.

## **2.5 Conclusion**

In this chapter, I began by presenting that territorial disputes are treated in IR as part of the interactions between states. I presented that state borders are the salient structures over which territorial disputes emerge. I identified that traditional IR assumes that bordering is a finished matter when states interact with each other. I also pointed out that the treatment of territorial disputes from a conception of fixed state identity and pre-given interests is inadequate to explain its persistence. I critiqued the traditional theories to show that they prioritize exogenous interests as motivating state actions to pursue territorial dispute settlement. I subsequently proposed a logic of explanation that will form the analytic basis for my thesis.

The explanation is based on Wendt's systemic constructivism because it enables a distinction between the corporate and social identities of the state. For Wendt, this is a system categorization to show that state identity is formed by an internal organization process and by social interaction with other states. When states interact, they form social identities which define who they are in relation to others. Using this mode of separation to analyse the identity of the state, I offer that although Wendt characterizes corporate identity as pre-social, this process of internal organization can be challenged when the territory of a pre-state entity is contested. I argue that, in the unpacking of this self-organizing space, this thesis shows that a corporate identity is critical for the formation of other identities that can advance settlement to a territorial claim. In doing so, a Wendtian approach to state identity formation can offer greater analytical insights to the thesis questions about the persistence of territorial disputes.

These insights are two-fold. The first is that the pre-social identity of the states pursues specific interests. However, this does not mean that in its pre-social stage these interests cannot be challenged by another state, even as corporate identity formation may provide an incubation period of statehood. Yet, to act on the contestation of corporate interests - including territory and boundary- necessitates the prior existence of a corporate identity. Second, states cannot act arbitrarily when contesting the pursuit of corporate identity in the international system. Systemic norms are supportive of corporate identity attainment because it is the base categorization of interacting states. A constructivist conception subsequently helps to explain the gradual shift in identities and the salience of social structures in which states integrate their ideas and pursue interests that are compatible with their identities. The next chapter looks at territorial dispute construction as the corporate identity of the disputed territory is being formed. In this examination, there are ongoing and salient dynamics that impact on the internal organization of the pre-social state.

‘The state is invisible; it must be personified before it can be seen, symbolized before it can be loved, imagined before it can be conceived.’

Michael Walzer (1967, p. 194)

### **3.1 Introduction**

In the previous chapter, I established that traditional approaches to border disputes and territorial claims view the interests of states as fixed and known *a priori*. For example, both realism and neoliberal institutionalism treat states as entities with fixed identities that are instrumental when interacting with other states. Here, states follow a course of action that enables them to maximize their utility despite a change in context. This is a theoretical assumption that states always know exactly what interests to pursue and that these are unchanged in any given situation. I also presented that traditional approaches explain territorial disputes in the domain of international relations since only states can interact with other states on this issue. The state is thus the starting point of social interactions in territorial disputes but the histories from which they emerge are not accounted for in their interactions with other states (see Wendt 1994, p. 385). In this chapter, I pursue a historical account of the Belize-Guatemala dispute to present that in the processes of social interaction, the identities of the states involved shaped their interests. In doing so, I aim to establish in this thesis that, the interests of these states were socially constructed and that they were neither fixed nor finite. The identities and the interests of the states were thus amenable to change.

Finnemore and Sikkink (1998) assert that prior to settling on their interests, states must give meaning to their action and that they do so intersubjectively. Intersubjectivity is necessary so that states know ‘when and how to act to produce whatever they might be seeking’ (Milliken 2001, p. 19). The construction of state interests then, does not preclude states from being strategic in their interactions with each other as is traditionally assumed. However, strategic action is not always primary when states

interact; rather, these actions are secondary since states must first form interests that are aligned with their identity and the context in which they are interacting. In this conception, a territorial dispute emerges in the absence of intersubjectivity and states must then seek to establish joint understanding of their actions and interaction. A constructivist approach presumes that these meanings are not known by the states *a priori* hence, the context in which they interacted and in which the dispute emerged is the focus of this chapter.

A small number of scholars have amply documented the sequence of events in the Belize-Guatemala dispute (Humphreys 1961; Bolland 1979; Grant 1976; Shoman 1994; Wiegand 2005; Shoman 2010; Shoman 2013). They document its emergence during British colonial presence in Central America, to British colonial rule in Belize, and its now modern existence. Notably, the literature on this dispute in post-independent Belize is small, despite that it has persisted and maintained a prominent space in the interactions of Belize and Guatemala. Scholars of this territorial dispute have examined negotiation attempts and the interactions of the state actors to chronicle and explain the lack of a final resolution. I offer, through the conduct of an historical examination of interactions between Britain, Belize and Guatemala, to show that how the territorial dispute has been constructed also contributes to its obdurate nature. To do so, I demonstrate in this chapter that, the dispute was not inevitable. I explain that it was formulated because of how it was anchored and represented by the states in specific periods. Here, the interests of the states were not considered as given but contingent on contexts, their interactions, and the currency of inter-state discourse. I use retrospective detail to situate the actions of the states which led to their formulation and articulation of the territorial dispute. In addition, I examine how the dispute was interpreted by the states and I engage in an analysis of how they formulated and reformulated their interests in process.

In my examination of the historical elements of this territorial dispute, a consistent theme emerged: the interactions of the states were context specific, socially structured and norm driven. In each round of interactions, the states were responding to the actions, the inaction and the interpretations of the other to determine and implement subsequent courses of action. In the Belize-Guatemala dispute, the states acted in a

form of organized practice such that they patterned and structured their actions and interactions in rounds of discursivity. In this same context, norms distinctively embodied and drove their interactions. Furthermore, the states were constrained in their actions owing to the location of the dispute in a discursive, and cognitively derived context. Following from Kratochwil (1989), the states in this dispute were viewed to be engaged in a social ‘construction consisting of rules and meanings’ (Kratochwil 1989, p. 10). They were perceived to have non-identical interests and expected to make choices in repeated rounds of interactions (ibid.). In these rounds, Guatemala and Britain, then Belize formulated and reformulated the territorial dispute.

I proceed through four distinct sections in this chapter. The first reviews anchoring and categorization of the British settlement in Belize as a preface to Guatemala’s territorial claim. The focus here is on distinct social mechanisms that aid in my interpretation of how it was possible for Guatemala to generate interactions with Britain over the territory in Belize. The second part of the chapter focuses on the emergence of the dispute and how it was firmly anchored in the interactions between Guatemala and Britain. In this section, I present the dispute as a constructed space in which both countries discursively sought to establish sovereignty in Belize. In the third section, I focus on dispute settlement as viewed through an assessment of the readiness of Belize for independence at the impending end of Britain’s administration in the colony. In this time, Belize participated in settlement attempts but lacked any direct role in the negotiations; still, the role Belize had was sufficient to influence the possibility of a settlement to the dispute. The fourth section examines dispute settlement attempts in the period leading up to Belize’s independence. In this period, the process of decolonization is determinate and bears heavily on the emergence of the new state of Belize. Finally, I conclude that territorial dispute settlement was reformulated in the process of state interactions and guided by international norms.

### **3.2 Naming and Categorizing the Territory in Belize**

In this thesis, the territorial dispute is considered as a social process that was formed over a long period of state interactions. It is thus not considered as a singular event.

Tracking the progression of the dispute necessitates locating how it was conceived in the interactions between Guatemala and Britain. I explain that after the departure of Spain from Central America, ownership of the territory in Belize was open for interpretation. The settlement in Belize was unique in the region because prior, it was under the sovereignty of Spain before it was settled and later administered by Britain. Settlement by the British was facilitated by the Treaties of 1783 and then 1786 both of which granted the settlers rights to cut logwood in strictly defined limits – first between the Hondo and Belize Rivers, later extending to the Sibun River. In the same territory, two colonial powers were present. Viewed this way, the ownership of the territory and the practices occurring were considered an anomaly. Effectively, the territory in Belize needed to be anchored - classified and named so that it fitted into a known paradigm or category and could be acted upon by the states.

The nature of the British settlers in Belize was not a readily recognized practice in the context of Spanish colonial operations in Central America, and especially in relation to the Captaincy General of Guatemala. The manner of the British settlement in Belize was characterized by Dobson (1973) as a territory ‘where British subjects had a right to cut timber . . . but all sovereign powers lay with Spain. Nowhere else in the British empire was there such an anomalous situation’ (p. 79). The practices of the settlers in the territory were considered unusual. Humphreys (1961) asserts that though Britain regarded sovereignty over the territory as belonging to Spain, the practice of the settlers was to extend settlement ‘both southward and westwards in an area certainly not covered by prior treaties’ (p. 13). Any state-to-state interactions over the territory in Belize required that these were anchored in typical international relations.

Anchoring can be positive or negative but ultimately it is aimed at confining an object, situation, event or behaviour to a set of rules that determine what it is. Once determined, some actions can be taken over it (see Moscovici 2000, p. 42). Anchoring is a social process because actors draw on categories from within the social environment - some of which are based on experiences or precedence - to assemble responses to an action. For example, Milliken (2001) offers that for states, categorization is the basis by which they ‘understand each other’s actions, and in doing so [they] recognize another state’s behaviour as a certain type of action’ (p. 22). Hence,

my explanation of how this territorial dispute was anchored, moves us away from a chronological account of the events which aided its construction. Further, anchoring aids to problematize the identities of the states, and it points out how the states used social spaces and discursivity to construct this territorial claim. The process of anchoring involved the repeated, joint act of categorizing a conduct and naming it (see Moscovici 2000). Though the territory in Belize had been categorized as a British settlement the nature of the settlement, and the practices in it also needed to be named as a precursor to the state interactions that would occur over this settlement.

In his examination of how initial interactions are conducted over unfamiliar situations, Moscovici (2000) states that actors are compelled to make basic assumptions over which consensus can be achieved. Otherwise, things that are unfamiliar are considered a peril to the 'established order' (p. 39). I argue then, that prior to any actions between Guatemala and Britain over the territory in Belize, this settlement firstly needed to be anchored so that the Britain's presence in the territory could be interpreted. At the end of Spanish colonial presence, primarily, Guatemala sought to make sense of the settlement and the practices of the settlers to inform her interactions with Britain. Generally, such processes of familiarization are considered as creating 'a condition of intelligibility' and actors in a social structure will categorize and name actions over which they can interact (Elcherote et al., 2011, p. 733). In this conception, a social structure for interactions between Guatemala and Britain over the territory in Belize, was formed.

The ensuing actions in the construction of the Belize-Guatemala dispute are typically documented as a continuous series of events that indicate a fixed understanding of the dispute but I argue that this dispute has continually evolved. And it was possible that the dispute evolved because of the interactions of the states, the prevailing international norms, and the changing context in which the dispute was formed. Hereafter, anchoring the dispute in a social structure was important because doing so enabled reciprocated actions from each state. Critically, scholarly accounts of the Belize-Guatemala dispute tend to give preference to the material interests of the states – territorial expansion and territorial integrity. In these accounts, the states are treated as utility maximizing and strategic actors, pursuing exogenous, solely material



outcomes and interests. However, these approaches also deflect from an accounting of dispute construction – that, it was formed socially and the interests of the states were formed in processes interactions. Note for instance Milliken (2001), who suggests that the otherwise *a priori* focus on strategic actions - as in traditional IR approaches - presupposes two things: 1) that there already exists a standard order of how states should interact and behave in such situations; and 2) that certain actions invariably generate the expected reactions from others. In the following section, I examine how Guatemala's interactions over the territory in Belize enabled the construction of this territorial dispute.

### **Initial Interactions Between Guatemala and Britain over Belize**

In this thesis, I consider the dispute to have emerged, initially, over which state - Britain or Guatemala - had sovereign rule over the settlement in Belize after Spain's departure from the region. Britain argued that it had sovereign rule over the territory since it benefitted from usufruct rights previously granted by Spain. Guatemala, argued that it inherited sovereignty to the territory as Spain's successor in Central America. Furthermore, when the dispute was formulated in the nineteenth and twentieth centuries, it reflected at least three dominant points of contestation, specifically: sovereignty over the territory after Spain's withdrawal from Central America; compensation for Guatemala to accept the full extent of British settlement in the territory; and the legitimacy of a boundary agreement between Britain and Guatemala as defined by the Treaty of 1859. These three points are situated in distinct periods of the dispute and they have varied salience in the arguments between Guatemala and Britain in relation to the territory in Belize. The historicity of the territorial dispute offers significant insight in this regard.

As early as 1783, under the Treaty of Versailles (see Grant 1976; Bolland 1977; Shoman 1994; Murphy 2004). Spain granted Britain authority to harvest logwood in the Bay of Honduras, specifically, between the Hondo and Belize Rivers. The Convention of 1786, a later convention between the two countries, extended logwood cutting rights as far as the Sibun River but not beyond this area. British settlers did not adhere to the limits specified and they expanded their use of the area beyond that

which was approved in the treaties between Britain and Spain (Grant 1976, p. 31; Bolland 1977, p. 10). The extended area of settlement almost doubled the original territory granted by Spain and now reflects the full expanse of present-day Belize. This settlement took on an administrative and political form despite that the operations of the settlers extended beyond the area granted by Spain. Britain was administratively and politically in charge of the territory of Belize but sovereignty over the same remained with Spain.

Guatemala's independence from Spain confronted British presence in the settlement in Belize. In 1839, Guatemala indicated that the territory in Belize was its inheritance from Spain. Yet, to anchor this declaration over the territory in Belize, Guatemala needed to assert why she was seeking sovereignty over Belize and this also constituted Guatemala's initial interaction with Britain over Belize. Shoman (1994, p. 261) summarises Guatemala's position regarding the settlement of Belize at the end of Spanish rule in the following manner:

Belize was administered by Spain as part of the Captaincy General of Guatemala, that the federation inherited this sovereignty and that after the break-up of the federation it passed to Guatemala since Belize had been considered part of the Peten or Verapaz regions of Guatemala.

In this statement, Guatemala neither explicitly categorized Britain's presence in Belize nor did she name the actions of the settlers in the territory which she was contesting. Instead, Guatemala declared that she had inherited the territory of Belize because of her colonial ties to Spain. In the process of interactions, this such clarification is important since 'that which is anonymous, unnameable cannot become communicable . . . It is relegated to a world of confusion, uncertainty and inarticulateness, even when we are able to classify it as normal or abnormal' (Moscovici 2000, p. 46). That Guatemala categorized the British settlement in Belize as her own, point to her effort to remove the existence of the settlement from the realm of the unfamiliar. Though not yet classified, the basis on which Guatemala declared Belize as her legacy was important. At the same, Guatemala was also asserting her position in Central America

after independence from Spain. Humphreys (1961) claims that at the time of her declaration of succession to the British territory in Belize, Guatemala was a newly independent state that was keen for immediate recognition from major powers, especially Britain. However, Britain did not recognize the confederate government or the state of Guatemala in respect to ownership of the territory of Belize (Humphreys 1961, p. 33; see also Naylor 1960, p. 366). In the early stages of interactions with Britain, Guatemala had not yet typified the categorical existence of a dispute over Belize. At the same time, it was unclear whether Guatemala's interest was favourable recognition by Britain or expressed ownership of the territory of Belize, or both.

The opportunity for Guatemala to gain recognition from Britain through interactions over the territory in Belize was not far-fetched. In this regard, Naylor (1960) argues that, 'the British found it unnecessary either to cultivate the political friendship of the Central American authorities or to seek commercial privileges from them' (p. 368). Naylor further suggests that Britain's refusal to engage with the rest of Central America was due to the increased importance of the settlement in Belize because of its geographic and commercial position in the region. Spain's departure from the region created a power vacuum and the territory in Belize was open for contestation. Owing to this settlement, Britain's presence in Belize accrued 'unsolicited commercial supremacy' that grew in importance in Central America (ibid., p. 364). Naylor (1960, p. 373) further argues that the Belize territory gained salience and ascendancy when he states the following:

As the commercial importance of Belize developed, its significance increased both for Central America and for Great Britain . . . Central American nationals came to resent the tendency for their foreign trade to be monopolized by a small group of British merchants whom they considered to be trespassing on territory to which Central America rightfully fell heir. Unable to induce the British to relinquish their position in Belize and unable to develop a satisfactory alternate commercial channel the Central

Americans became increasingly agitated over the Belize question.

The territory in Belize was by then, economically and geographically strategic, and this could have contributed to Guatemala's measured declaration of a territorial dispute. Of note, Guatemala previously classified her relation to the settlement in Belize as successor to Spain but she had not yet named British presence in the territory. It was in later communication to Britain that Guatemala asserted that 'the Minister of War of the Government of Guatemala notified that Belize represented a manifest usurpation of Guatemalan territory' (White Book, p. 40). In this discursive moment, Guatemala named the practice of the British settlers in Belize which she determined to be usurpation but 'could not, due to material weakness oppose . . . force against force' (White Book, p. 7). Here, Guatemala categorized the Belize territory as its own, and followed this categorization by naming the presence of the British in the settlement as usurpation of territory. In another round of interaction with Britain over the settlement in Belize, Guatemala completed her anchoring of British presence in the territory. For Guatemala, this was her territorial legacy which Britain had usurped. Having classified and named the settlement and practice in Belize, Guatemala could then engage in further discursive interactions with Britain over the territory.

This is a critical moment in the construction of the dispute, since at this point, Guatemala both classified and named the matter over which she was interacting with Britain. In this thesis, I do not determine whether Guatemala's classification of British presence in the territory in Belize is accurate. After this classification, Guatemala sought compensation from Britain for the Belize territory. The interactions of the two states were subsequently discursive and Guatemala and Britain assembled their actions over a named claim of usurpation by Guatemala. Notably, these actions did not yet encompass an explicit claim over the territory of Belize by Guatemala but Britain declined Guatemala's request for compensation on the basis that the treaty governing British presence in Belize was signed with Spain and not with Guatemala.

Guatemala's initial declaration of sovereignty over territory in Belize was an open-ended communication for which there was no direct response or a course of action

from Britain. Guatemala was only able to elicit a response from Britain after anchoring the territory and the practices in it. Anchoring – categorizing and classifying the British presence in the Belize territory - aided a processual accounting of the early interactions between Guatemala and Britain over Belize. Through the processes of anchoring and discursivity, the states came to know what category of behaviour they were engaged in, and the actions that they could assemble to respond. From the early interactions of the states in the construction of a territorial dispute, the thesis shows that they did not act arbitrarily or in a pre-determined manner; instead, they structured their actions based on the signals and utterances they received in specific contexts. Thus, the request for compensation from Britain by Guatemala enabled the Belize-Guatemala dispute to be understood as Guatemala's claim for compensation from Britain. Here, a territorial dispute was not yet articulated, neither was it a fact in the interactions of these states.

### **3.3 Evolution of Sovereignty in the Territory**

By 1841, Britain had established official ties and partnerships with Guatemala – evidenced by her diplomats present in the country and a signed treaty of friendship, commerce and navigation. However, Britain did not countenance Guatemala's claim of territorial succession to Belize and instead, maintained 'that the question of her tenure could be entertained with Spain alone' (Bianci 1959, p. 49). In fact, both Britain and Guatemala were aware that British presence in the territory was on condition of the treaty signed with Spain. But when Spain's colonial rule ended, a new meaning of sovereignty over the territory of Belize needed to be established and recognized. For Guatemala, such ownership was conceivable only by means of articulating her rights of succession; for Britain, her show of ownership to the settlement rested on securing territorial transfer from Spain. Humphreys (1961) declares that in the discussions over the settlement, Britain did not consider that 'any declaration of sovereignty would be a violation of good faith' (p. 49). He suggests that Britain may have been uncertain about her tenure in the territory but she was reluctant to accept any claim of succession by Guatemala. Britain was not prepared to renounce territory in Belize solely on Guatemala's claim to succession from Spain.

As the uncertainty over sovereignty in the Belize settlement loomed, Britain and the United States were also focused on managing their joint existence in Central America. In this time, Britain and the United States were expanding enterprises in the region. To note, Humphrey points out that Britain sought to ‘avoid the risk of fresh controversy with the United States over Central American affairs’ (1961, p. 59). In order to manage their joint presence in the region, Britain and the United States agreed to sign the 1850 Clayton-Bulwer treaty to guide their actions in Central America. The implications of this treaty for the situation in Belize was that Britain and the United States agreed that they would refrain from any consideration of expansion, or fortifications that could otherwise advantage either state’s control in the region.<sup>2</sup> Implicit in this treaty was that the settlement in Belize and the nature of Britain’s control therein, was not to be perceived as new territorial acquisition in Central America. Notably, the Belize settlement was not considered part of this treaty but it underscored that Britain’s administration over the same area was tenuous.

The Clayton-Bulwer Treaty was explicit about limiting territorial expansion by Britain and the United States in Central America. The same treaty also constrained Britain’s interactions with Guatemala over Belize because the settlement could not then be acted upon as territorial expansion or named as usurpation as Guatemala had established. This classification as well as any payment of compensation to Guatemala could have been viewed as contravention of this treaty. At the same time, Britain was seeking diplomatic means to support acquisition of the territory as transfer from Spain and this too – were it successful – would have been viewed as a contravention of the agreements in the Clayton-Bulwer treaty. Bianci (1959) adds that the British authorities did not consider Britain to have ownership of the settlement in Belize or ‘as the true sovereign with power to exercise jurisdiction therein’ (p. 58). Unlike Guatemala, however, Britain had not anchored her relationship to the settlement in Belize. This was also indicative of the uncertainty about the nature of Britain’s tenure in this territory after Spain departed from Central America.

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<sup>2</sup> See Clayton-Bulwer Treaty of 1850. This treaty was signed specifically to eliminate any territorial acquisitions that could cause exclusive control by either Britain or the United States and disrupt the operations of the proposed canal in Nicaragua.

## **The Belize-Guatemala Dispute Articulated**

I present in this thesis that the year 1856, was a turning point for the establishment of Britain's relationship to the settlement in Belize and for the construction of the territorial dispute. Previously, 'Great Britain was loath to thus unequivocally express the real character of her tenure in Belize' (Bianci 1959, p. 58). In this year, Britain and the United States signed the Dallas-Clarendon Treaty. Its premise was a full acknowledgement that the prior Clayton Bulwer Treaty disavowed any further expansions by either Britain or the United States and it explicitly excluded the British settlement in Belize as territorial expansion by Britain. With the Dallas-Clarendon Treaty signed, Britain could exercise rights over the settlement in Belize with less consequences, in the wider international community but especially with the United States. However, this treaty was not ratified. Yet, in the construction of the territorial dispute, it is considered in this thesis as monumental to the question of the territory in Belize and the relation of Britain and Guatemala to it. In retrospect, the treaty also presaged, even guaranteed the basis for the later boundary agreement between Britain and Guatemala.

There are two reasons why the Dallas-Clarendon Treaty was monumental. Firstly, the treaty recorded the Belize settlement as territory between the Hondo and the Sarstoon Rivers thus incorporating the area beyond that established in the 1786 Treaty with Spain. In the same treaty, the settlement was established as 'on the shores of the Bay of Honduras, bounded on the north by the Mexican Province of Yucatan, and on the south by the river Sarstoon' (White Book, p. 63). This delimited area was later included in the boundary treaty of 1859 between Britain and Guatemala. Secondly, the Dallas Clarendon treaty specified 'the limits of the said Belize, on the west, as they existed on the said 19<sup>th</sup> of April 1850, shall if possible, be settled and fixed by Treaty between Her Britannic Majesty and the Republic of Guatemala within two years' (ibid.). Here, it was also declared that the negotiations over the territory of Belize were to be conducted between Britain and Guatemala and not with Spain as Britain had previously insisted. The Dallas-Clarendon Treaty was thus the first defining instrument through which Britain could then anchor her relationship to the Belize settlement. Furthermore, this treaty expanded the context in which to locate the

interaction of the two countries and the construction of the dispute. The Dallas-Clarendon Treaty - though unratified - had effectively placed Britain and Guatemala on a path to boundary settlement in which Britain's sovereignty included the full expanse of the settlement in Belize.

Two considerations resulting from the Dallas-Clarendon Treaty added new dimensions to the construction of the Belize-Guatemala dispute. First, Guatemala did not consider the territory of Belize to be owned by Britain. Second, Guatemala also did not agree with the southern delineation at the River Sarstoon as set out in this Treaty. Guatemala, however, recognized the southern boundary as that which was originally specified in the agreement between Spain and Britain in the 1786 treaty - between the Hondo and the Sibun Rivers. This boundary was half the size of present-day Belize since the settlers had expanded their activities to an area almost twice the size of territory previously specified by Spain. However, the United States called for boundary discussions to be settled between the two countries and Britain could no longer ignore that Guatemala was a legitimate party to these discussions.

For Britain, this next phase of interaction with Guatemala was to agree on the boundaries between Belize and Guatemala. Britain had previously ratified the Clayton-Bulwer Treaty with the United States and had agreed not to acquire any new territory in Central America. Guatemala however, had classified the ensuing boundary discussions as ceding of land to Britain (see Portillo Orellana 2011; Murphy 2004; Shoman 2010; Shoman 2013) since the United States and Britain had delineated the territory of Belize to include the area beyond the areas designated in the treaties between Britain and Spain. Anchored in this manner, the interactions between the two countries over the territory of Belize became a functional exercise devoid of the shared understanding that they were embarking on a boundary agreement. In effect, a new meaning context was generated at the initial phase of interactions between Guatemala and Britain. While Guatemala and Britain were constituted in a treaty discussion that had pre-specified the geographic expanse of the settlement in relation to Guatemala, they had not yet settled on a shared position on this process. Notably, each state interpreted this action differently. Though Guatemala and Britain signed on to the boundaries of Belize with Guatemala, each state interpreted this process differently.



This difference in meaning heavily influenced how the two states continued to interact over the territory of Belize even after the treaty was signed.

The first substantive action by Britain and Guatemala to settle the claim to territory occurred in 1859. Here, Britain and Guatemala signed 'The Treaty for the Confirmation of the Boundaries of the Territory of Belize'. Its preamble states that the boundary between Her Britannic Majesty's settlement and possessions in the Bay of Honduras, were not yet ascertained but that the two countries were 'desirous, with a view to improve and perpetuate the friendly relations which happily subsist between the two countries, to define the boundary aforesaid, have resolved to conclude a Convention for that purpose . . . .' (White Book, p. 103). In this convention, the boundaries between the territory of Belize and Guatemala were officially designated as the area between the Hondo and Sarstoon Rivers which was 'as they existed previous to and on the 1<sup>st</sup> day of January 1850' (ibid.). This boundary treaty was then established as the agreement that would officiate British presence in Belize. The Treaty of 1859 signed by Britain and Guatemala established the boundary of the British settlement in Belize to be the following:

Beginning at the mouth of the River Sarstoon in the Bay of Honduras and proceeding up the middle-channel thereof to Gracias a Dios Falls; then turning to the right and continuing by a line drawn direct from Gracias a Dios Falls to Garbutt's Falls on the River Belize, and from Garbutt's Falls due North until it strikes the Mexican Frontier.<sup>3</sup>

According to Bianci (1959) by signing this convention, Guatemala 'acknowledged the existence of a state of facts' (p. 74). These facts confirmed the existence and possessions of the British to the north and east of its jurisdiction. The 1859 treaty was pivotal to Britain's relationship with this settlement; in fact, this treaty discharged Britain of any uncertainty it previously had over its sovereignty in Belize.

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<sup>3</sup> See Treaty of 1859.

In the same treaty, Britain and Guatemala were also party to the implementation of article 7 - a road project that was to be constructed with the joint efforts of the two countries to improve communication between Belize and Guatemala. Article 7 was included in the treaty to support the commerce of one state and increase the material prosperity of the other. (see Treaty of 1859). The proposed road was never built and significant disagreement existed over the interpretation of the conjoint efforts referenced in the treaty. The argument here was specific to the individual responsibilities and contributions of Britain and Guatemala for the construction of the road. In a supplementary convention drafted in 1863, Britain offered Guatemala financial contribution to meet its part of the obligations for the road construction.<sup>4</sup> However, Guatemala did not ratify this convention until two years later, in 1865. By this time, Britain had imposed a time limit on the ratification period and later argued that she was discharged of any duty under the convention since Guatemala had delayed ratification. According to Britain, Guatemala's delay had caused this treaty to lapse and, by extension, Britain was disavowed of any obligation she had under Article 7 (see Bianci 1959; Humphreys 1961; Shoman 2013).

Despite signing the Treaty of 1859, two critical conditions confronted closure to Guatemala's claim of succession to the territory in Belize. First, the road was never built. According to Guatemala, the road described in Article 7 was compensation for territory it lost. Still, Guatemala notes, 'The article is vague, without fixed period and without sanctions, and does not clearly say that it was compensatory' (White Book, p. 109). Second, and on the basis that Britain did not uphold the implementation of Article 7, Guatemala asserted that the Treaty of 1859 had lapsed. Beginning in 1939, Bianci (1959) points out that there was hint of a termination of the 1859 treaty by Guatemala. He noted that in this period, Guatemala for the first time made a 'positive and definitive statement . . . to serve notice that [she] considered the treaty of 1859 to be lapsed, inoperative or void' (p. 129). Bianci additionally points out that it was beyond a period of 72 years – beginning in 1867 when the Foreign Office rejected Guatemala's assertion about the invalidity of the supplementary Convention to meet the obligations of Article 7 and Britain's ostensible breach of the 1859 Treaty – that

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<sup>4</sup> See Supplementary Convention of 1863

Guatemala declared an end to the treaty confirming the boundary to the territory of Belize.

In 1940, letters from Guatemalan officials to counterparts in Britain cited the invalidity of the 1859 treaty.<sup>5</sup> In the letter of 24 April 1940, Guatemalan Foreign Minister, Salazar Argumedo wrote to the British Chancellor, claiming that Guatemala had a right to the territory of Belize (see Portillo Orellana 2011, p. 29; see also Gibson 2008, p. 30). Portillo Orellana (2011, p. 29) documents the details of the letter by Salazar Argumedo which stated the following:

. . . with abundant testimonies, gathered from official English sources that the 1859 Anglo-Guatemalan Convention was a territorial cession par excellence, and in virtue of English non-compliance, this Convention has expired, having the Republic of Guatemala the right to claim the territory of Belize . . .

This thesis points to this monumental text as the discursive point when Guatemala's dispute with Britain to claim the territory in Belize was borne. Legal insights and opinions (Bianchi 1959; Lauterpacht 1978; Lauterpacht 2000) point to the discrepancy in this line of reasoning by Guatemala. They argue that the boundary agreement is not one of cession since it is an agreement in which Guatemala agreed that British sovereignty prevailed over the territory. These insights also point out that, by extension, Article 7 cannot be compensatory since such a claim would only apply if the territory was deemed a source of loss. However, the boundary agreement depicted otherwise and served to confirm British sovereignty over territory in Belize (see Bianchi 1959). I refer to these legal assessments solely to point out that arguments on the validity of the 1859 treaty exists and predominated the search for a settlement of the dispute. However, my thesis is to chart and explain how it was that, even with a legal

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<sup>5</sup> See Bianchi 1959 p. 129 reference to March 7, 1940 letter by Carlos Salazar, Guatemalan Minister for Foreign Affairs to John Hurleston Leche, British Envoy to Guatemala; see also for March 7, 1940 letter Ismael Gonzalez Arevalo, Guatemalan Charge d' Affaires in London to Anthony Eden.

interpretation, this dispute remained persistent despite these pronouncements on its legal strengths and weaknesses.

Several speech acts, utterances and texts documenting the discursive interactions of the actors help in my explanation of the construction of this border dispute and territorial claim. Of note, Guatemala solidified this claim by incorporating it in its national constitution of 1945. In 1946, the Guatemalan congress issued a decree which pronounced the Boundary Treaty of 1859 invalid, and Guatemala subsequently enshrined the reincorporation of Belize as a national interest and affirmed a national commitment to re-unify Belize with its substantive territory (see Portillo Orellana, 2011). Belize was by then a British Colony but Guatemala maintained that this was territory ceded to Britain. Guatemala adopted cession of territory to anchor the invalidation of the boundary treaty of 1859 and formalize its territorial claim to Belize. Anchored this way, Guatemala also established an influential framing of the dispute and it could then be articulated and adopted across contexts and time.

By instituting the claim, Guatemala had set forth in its national charter that it would 'perform the formalities' leading to the resolution of Guatemala's rights regarding Belize (Portillo Orellana 2011, p. 40). This charter was an authoritative instrument by which Guatemala justified the persistence of its territorial claim over Belize and through which she could influence settlement outcomes. Guatemala had unilaterally institutionalized the territorial claim in its constitution and declared that Belize was part of her territory and thus fell under her sovereignty. However, political and social changes had also occurred in Belize and these created new, discursive and normative contexts in which the territorial dispute was embedded. Previous narratives and discursive articulations were predominated by territorial ownership and sovereignty which excluded the commanding voice of the inhabitants in the settlement. They were not British and did not consider themselves Guatemalan. Theirs were the voices of a growing nationalist movement in Belize that emerged to embody the norms of sovereignty and self-determination, that many colonies had begun to demand and that the international system upheld. Guatemala had instituted that it was committed to integrating the territory in Belize but the political leaders in Belize had considered a different path for the future of the colony.

The interactions laid out in the late nineteenth and early to mid-twentieth centuries, showed that the dispute between the Britain and Guatemala was socially generated. Indeed, the interactions leading to the formal articulation of the dispute were part of the discursive and recursive political processes through which Britain and Guatemala defined and re-defined sovereignty in the territory of Belize. In this period, the states relied on the utterances and signals that they both provided to each other, the normative context and the economic and political power of the states involved. Still, in this context, the territorial dispute was the product of moving targets constructed through the interpretive action and constitution of the states. I heed Hollis and Smith (1998), who point out that actors derive meaning from an action depending on their own expectations about the action of others. However, states cannot predict the outcomes of their actions. Political outcomes, as Hay (2002) clarifies, do not necessarily confirm with actors' intentions, understandings or context. They are a 'product of the impact of the strategies actors devise as means to realise their intentions' in a strategy selective context (Hay 2002, p. 208). Hence, actors cannot accurately predict an outcome or behave in a manner as if they are assured of a specific effect. Hay further points out that actors do not have perfect information: at best, what they have is partial information, at worst their information is incorrect even as they must draw on context to make decisions (ibid.). Yet, context is also discursively selective and only some strategies become available to actors to pursue their intentions. An evolving, normative context also allowed for the selection of 'particular ideas, narratives and constructions' (Hay 2002, p. 212). The territorial dispute also emerged in a changed international context. I now look briefly at the next phase of this dispute in the context of self-government and decolonization and their influence on interstate actions over Belize.

### **3.4 A Corporate Identity**

#### **Territorial Dispute and Self-Government**

The 1950s was a period of heightened political activity in Belize. National political leaders promoted that Belize had a right to self-governance and that British colonial

rule should come to an end (see Grant 1976; Shoman 1994). These leaders were also determined that Belize should not inherit the territorial dispute as a legacy of colonialism. The Belize-Guatemala dispute was here subsumed by a meta-argument by which the Belizean leaders questioned whether the territorial claim by Guatemala should disrupt or even prevent the colony of Belize from achieving self-government and eventual independence. Generally, Belizean political leaders expected that Britain would grant Belize self-government and they did not 'accept the Guatemalan claim as a complicating factor' (Grant 1976, p. 196). Hence, from 1950 onwards, the content of the dispute included additional elements that were beyond the question of British or Guatemalan sovereignty over Belize. Salient in this period, was the practical matter of Belize's economic and political viability as a measure of her 'suitability for a greater measure of responsibility' (ibid.). But this concern could not discount that there was growing consensus in the international community that colonies should be granted independence in their existing boundaries. In other words, statehood was not to be considered outside of the concept of title to territory and the colonies were also expecting that their borders during decolonisation would remain unchanged (Brownlie 1993; Sorenson 2001). This norm became a critical consideration in the period leading up to Belize's self-government in 1964 and subsequent independence in 1981.

In the years following 1950, Britain and Guatemala considered the settlement of the territorial dispute with Belize across issues. The settlement context for the Belize-Guatemala dispute was substantively linked to the question of effective statehood – that is, whether Belize could be a viable state at the end of colonial rule. Colonial governments considered effectiveness as a precursor to statehood primarily to determine the adequacy of the political, economic, social or educational preparedness of colonies for independence. Grant (1976) argues that Britain was open to the possibility of Belize's independence but that there would be 'some form of economic integration between Guatemala and Belize . . . [and] for its part, the British government was indicating that the integration of Belize into the Central American economy should be the objective of the country's future development' (p. 187). Britain's concern about whether the colony of Belize was fit for independence was legitimate since the likelihood of Belize's post-colonial existence could not be separated from its extant political status and geographic location. The political and economic markers

were clear: Belize had yet an unresolved territorial dispute with Guatemala, and with its small population, the prospect of economic viability - whether as a Central American or Caribbean state - was uncertain.

### **A Security Liability**

An independent Belize would also make Guatemala neighbour to a state that had insignificant military capabilities. Guatemala was also concerned about the likelihood that she would be strategically disadvantaged by potentially having the weak state of Belize as neighbour in both her southern and western border regions (see Shoman 1994; Grant 1976). Grant explains that Guatemala was concerned that her northeast border was vulnerable and that despite any political will, 'an independent Belize would be too small and too weak to safeguard its borders from communist infiltration' (1976, p. 261). Both Guatemala and the United States were concerned that Belize could be influenced by communism from Cuba (see Shoman 1994; Grant 1976). Shoman (2013) suggests that the Guatemalans saw Belize as 'too weak to stand alone and [that it] would fall prey to communists' (p. 6). Here, the security apprehensions by Guatemala were also a factor to further justify consolidating Belize with its substantive territory. Along with concerns over political maturity for qualification as a state, regional security concerns also prevailed upon the considerations for the settlement of the Belize-Guatemala dispute.

### **Economic Viability**

Prior to achieving self-government Belize was assessed by Britain and the United States through a common nineteenth century process that determined qualification for statehood. This process relied on emerging states demonstrating viability and legitimacy based on their social, political, economic and administrative status (see Fabry 2010; St. J Anstis and Zacher 2010; Crawford 2002). To a large extent, considerations of state viability were to be found in the 1968 proposals by the United States negotiator, Bethuel Webster. Webster's proposals were another substantive attempt to settle the territorial claim, but the proposals were not explicit about the acceptance and recognition of the border as stated in the Treaty of 1859. Webster had

developed a series of proposals because the United States was asked by Britain and Guatemala, to lead a mediation effort to settle the territorial controversy. These states wanted the dispute settled in order to ‘strengthen the friendly relations between [their] peoples and Governments’ because it had ‘unfortunately harmed relations of the United Kingdom and Guatemala’.<sup>6</sup> Webster subsequently developed settlement proposals which primarily leveraged Belize’s geographic location to enhance Guatemala’s economic interests in trade and access to commercial routes between north and Central America. The approach pursued by the states in this settlement structure was primarily premised on Britain and Guatemala having good relations which would be facilitated by economic opportunities for Guatemala via Belize.

In his proposals, Webster acknowledged the symbolism of Belize’s independence but he did not consider that the criteria for effective statehood were sufficiently evident in the colony. Essentially Webster’s proposals were developed to provide Belize with some measure of political independence and little else by way of an independent sovereign state. Grant (1976) argues that if Britain and Guatemala had agreed to these proposals, they would have ‘exclusively committed Belize to a hemispheric destiny as a satellite or department of Guatemala’ (p. 258). Grant further states that as proposed, ‘nowhere in the document was it stated that the Guatemalan claim was revoked’ (ibid.). These proposals included that Belize would be granted independence from Britain but the economic, political and military orientation of Belize were to be controlled by Guatemala. Effectively ‘[the] plan placed the defence, foreign affairs and the economy of Belize under Guatemalan control after independence’ (ibid.). Furthermore, there was no mention in Webster’s proposals that the borders between Belize and Guatemala were undisputed, hence established. In these proposals, all of Belize’s state-building efforts were ordered, considered and approved by Guatemala (see Grant 1976). Webster did not agree that Belize qualified for economic independence and offered instead an alternative model of integration with Guatemala. The proposals were rejected by Belize.

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<sup>6</sup> See the Draft Treaty between the United Kingdom of Great Britain and Northern Ireland and the Republic of Guatemala. The proposals in this treaty were rejected by Belize, then British Honduras.



## **The Role of Norms**

Prior to independence, the dispute settlement context included the issues of territorial integrity, security and economic viability but these issues did not exist in a normative vacuum. Instead, their importance highlighted that the norms of sovereignty, statehood and self-determination were especially pertinent as Belize prepared for statehood whilst being the object of a territorial claim. At the same time, the independence movement in Belize challenged the wider embodiment of the Belize-Guatemala dispute to bear on Britain's grant of constitutional independence to Belize. To this extent, the Guatemalan territorial claim was treated by Belizean leaders as separate from the drive for self-determination - its resolution was secondary to Belize's independence movement. Overwhelmingly, pro-independence and other national leaders attempted to delegitimize and delink the Guatemalan claim from the emergent state of Belize (see Grant 1976). They were certain also that this claim was to be settled between Britain and Guatemala without affecting Belize's eventual independence. The preferences of the national leaders found a natural home in the prevailing norms of the international territorial order. Specifically, these norms included territorial integrity, self-determination and human rights of which the first norm is integral to 'preserving the borders and interests of [ . . . ] states' (St. J Anstis and Zacher 2010, p. 306).

Further, in the case of Belize, neither sovereignty, nor statehood was inevitable; both could only be conferred on the colony as a matter of historic contingency (see Finnemore 1996, p. 23). Belize's corporate identity was thus embedded in a wider complex of relational values which extended beyond the provisions of decolonisation. Here, the potential existence of Belize as a state in the context of the Guatemalan claim was dependent also on the endorsement of other states. Their endorsement embodied the constitutional structures of the international system which are 'coherent ensembles of intersubjective beliefs, principles and norms that order international society' (Reus-Smit 1997, p. 566). Specifically, the norm of statehood establishes 'what constitutes a legitimate actor entitled to all the rights and privileges of statehood' (ibid.). In this manner, it is the society of states that determine the actors that are 'worthy of sovereign rights, the nature of the rights they gain and the obligations they assume' (ibid.). Hence, while the Belize-Guatemala dispute emerged at a time when colonial

rule was legitimate, it also persisted through another period of international normative significance. In this period, colonialism was ‘delegitimized and denormalized’ by international society (Crawford 2009, p. 117). The previously accepted system of governance was no longer tenable as the norm of self-determination bucked against historical manners of territorial acquisition. Additionally, it was no longer acceptable in the international community, that the issues of state effectiveness were used to prevent the colonies from their right to self-determination (see Jackson 1990; Fabry 2010).

The colony of Belize was a beneficiary of these norms and together they enabled her right to seek self-determination even in the context of an extant territorial dispute with Guatemala. In this new normative context, the issues of state effectiveness - social, political, economic and administrative readiness - were no longer sufficient grounds to prevent Britain from granting independence to Belize. The process of decolonization had delegitimized and denormalized colonial rule and international preference was for immediate independence of former colonies (see Crawford 2009).

### **Heightened Bargaining Prior to Independence**

There was normative consensus on decolonisation in the international system but in the period leading up to Belize’s independence, there was also intense bargaining by Guatemala with Britain over the same colony (see Shoman 1994). Leaders in Belize pressed for independence and the right to self-determination, but Britain also pressed upon Belize to settle the dispute with Guatemala. Shoman (1994) states that both Britain and the United States urged Belize to ‘cede land to Guatemala in order to achieve a negotiated solution to the dispute’ (p. 266). Historically, Guatemala was always open to a bargained settlement to the territorial dispute. Guatemala had proposed both financial compensation and territorial transfer to settle its dispute over Belize. Note one bargaining proposal which was presented in the following manner:

. . . Britain returns the territory of Belize to Guatemala . . .  
In exchange the government of Guatemala pays Great  
Britain in compensation, the sum of 400,000 pounds

sterling . . . Guatemala completely relinquishes any claim . . . If the former is not accepted, Great Britain pays Guatemala the sum of 400, 000 pounds sterling and grants a strip of land south of Belize . . . If the former options are not acceptable, Guatemala proposes to approve the demarcation of the frontier with Belize made unilaterally by Great Britain. In exchange . . . Great Britain would pay Guatemala the sum of 50,000 pounds sterling plus interest at a four percent as of the date the 1859 treaty was entered into. Great Britain would grant a strip of land south of Belize . . .<sup>7</sup>

Prior to independence, only a bargained settlement with Guatemala was perceived as the most likely means to end the territorial claim. Britain and Guatemala considered that a bargained settlement, inclusive of territorial transfer, was a secure way to ensure that Belize could become independent without the looming presence of a territorial dispute. On this approach, Shoman points out that ‘Guatemala insisted that at least a token cession of land was essential for it to withdraw’ its claim over Belize (1994, p. 266). He further asserts that there was expectation from Britain that Belize could agree to cede land to end the dispute with Guatemala. He argues, however, that if Belize failed to cede territory to Guatemala, Britain could then delay its defence guarantee to Belize and the ‘constitutional advance’ (ibid., p. 267). At the United Nations Belize declared that she should be granted independence but that Britain and Guatemala should remain engaged in the search for a settlement of the dispute. Belize’s resolution for independence specified that Britain should also uphold the security and territorial integrity of Belize.

Still, efforts between Britain, Guatemala and Belize to settle the territorial dispute continued. Out of these came the formalization of the Heads of Agreement in 1980. According to Shoman, this agreement was arranged by Britain to ensure that Belize and Guatemala had designated negotiation points in anticipation of the passage of the

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<sup>7</sup> See Guatemalan presentation to the Facilitators, March 2001.

UN resolution for Belize's independence. He expresses that Belize bargained on the vague interpretations of the agreement to 'placate Guatemala's anger should independence for Belize proceed without a resolution ... [and] to tranquilize the British, since the country's security depended on their maintaining troops in Belize after independence' (Shoman 1994, p. 269). The Heads of Agreement were ambiguously worded but they reduced the possibility of an immediate backlash by Guatemala over Belize's independence. At the same time, however, this agreement sealed Belize's inheritance of the territorial dispute, and ensured that it was a matter for settlement after independence. On the Belize side this was known and it was publicly expressed in the following manner:

The very nature of the document allowed for that because there was no settlement and this document simply reflected that fact, although we did not come to any treaty agreement these [were] the points we [were] going to talk about in the future.<sup>8</sup>

The territorial dispute and border contestation did not deprive Belize of its independence but independence was not sufficient for Guatemala to relinquish her right to claim that she had lost the territory in Belize to Britain. The territorial claim persisted despite Belize's independence. The UN supported Belize's independence resolution, its security and territorial integrity and voted in favour of Belize's independence. In this resolution both Belize and Guatemala were encouraged to seek a peaceful resolution to their dispute.

### **3.5 A Different Path to Statehood**

Belize achieved its independence in a markedly different period in international politics than that during which Guatemala achieved its own. Guatemala was a *de facto* state, and like the other countries in Latin America, it gained its independence on the

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<sup>8</sup> See statement in Murphy, J (2004) *The Guatemalan claim to Belize: a handbook on the negotiations*. Belize: Print Belize, p. 59. See discussion on this by Assad Shoman, 1994.

basis that they rejected imperial rule, and then demonstrated effective governance with tacit acceptance from their populations (Fabry 2010, p.12). The former colonies of Spain, including Guatemala declared independence in the period 1810 - 1830 but they also sought recognition from the international community along with this declaration. The new Central American states, for example, wanted recognition because it would enhance inter-state relations with the United States and Britain, as well as their acceptance in the international community.

De facto states did not gain immediate recognition at their independence. In fact, these states laboured ardently for both independence and recognition from the international community. They did so in an era that was not supportive of third party interventions for the self-determination efforts of emerging states; these states were expected to demonstrate their own independence and earn recognition separately (see Fabry 2010). For de facto states, both independence and recognition were achieved unilaterally. As a de facto state, Guatemala achieved independence like other Latin American countries, vis-à-vis the international society but its own recognition from other states was not immediate. The manner under which the two states gained independence and recognition is a worthy consideration in the analysis of the Belize-Guatemala dispute

The context of Guatemala's independence vis-à-vis the international community, starkly contrasts with that of Belize's own independence. Belize achieved independence long after 1945 and long after decolonization was declared. In this period, both independence and international recognition were jointly and simultaneously afforded to colonial jurisdictions such as Belize. Henceforth independence was achieved because colonial rule was no longer acceptable in the international community (see Crawford 2009). This was also a time of growing insistence by many countries at the UN, that territories once governed by colonial rule should have their right to self-determination supported by third parties. It was a time of a 'new normative consensus' in international relations (Fabry 2010, p. 1). Some colonies declared their desire for independence but this declaration was not always sufficient and universal because they still required the consent of the colonial state. However, the norm was not to deny the colonies their eventual independence. Further, once colonial jurisdictions were approved for independence by the 'parent states' they

were simultaneously assured of both independence and recognition. Hence, in the decolonization process colonial territories were transformed from colonies to sovereign states immediately. The dual act of recognition upon independence, immediately changed how recognition was afforded in the international community (see Fabry 2010). Fabry concludes also that ‘decolonization was a phenomenon without precedent: never before had non-sovereign groups reached independence as a matter of mere assertion of aspiration’ (2010, p. 5).

In Central America, Belize was the only colony that entered the international system of states having received both independence and substantive recognition simultaneously. Belize benefited from a period in international society when demonstration of effectiveness could no longer delay state independence and international recognition was certain. In the context of the territorial dispute, however, decolonization did not deter Guatemala’s claim to territory in Belize. Even as a new, independent state, there were no assurances in the international system that released Belize from the territorial dispute with Guatemala. These assurances were similarly absent to compel Guatemala to withdraw her claim to this territory. Though the international society was steadfast around the norm of decolonization, no such normative consensus existed in the same society over territorial claims. In effect, the territory in Belize could be claimed whether it was as a colony or an independent state; the international system supports that states have a right to territorial integrity. Belize and Guatemala affirmed the UN Resolution on Belize to seek a peaceful solution to their territorial dispute.

### **3.6 Conclusion**

This chapter began by outlining that the states in the Belize-Guatemala territorial claim did not start out interacting over an established territorial claim. Their territorial dispute was formulated in process. In constructing this dispute, the states relied on the norms of social interaction and communicative processes to structure their discursive environment and formulate and reformulate their interests.

Actors in the Belize-Guatemala dispute were part of a social process in which they interpreted the actions and discursive efforts of each other to determine their own responses. In this manner, the states organized their interactions to act on the formulation and social construction of the territorial dispute which suggested that Guatemala and Britain were ‘assimilated in . . . norm-governed mechanisms’ (see Hurrell 2012, p. ix). This chapter established however, that this dispute did not occur in isolation because it was defined and redefined as the states acted according to existing norms and principles of state interactions. In this context, the interests of the states were not norm-free especially as the states became socialized by the norms that defined appropriate state behaviour and interactions in the international system. These norms determined the meanings the states attached to the dispute as well as the actions they undertook to seek its settlement. In the lead to Belize’s independence, international norms, specifically decolonization defined and constrained the interactions between the states to settle the dispute. Notably, decolonisation and the chance of independence, prevailed over the settlement of the Guatemalan claim to territory in Belize.

The historical context of this thesis provided an anchoring of the dispute to show how it emerged in social, discursive and normative contexts. I also pointed out that, in its construction, the interests of all the states shifted with the prevailing norms in the international system – firstly in the pre-colonial period, then during colonization and finally through to the modern period. The persistence of this dispute depended on the norms that enabled its existence as a matter of state-to-state interactions. In the next chapter, I look at the obdurate nature of the territorial dispute as Belize and Guatemala attempted to interact as now equal units in the international system.

## **Chapter Four      New State in a Territorial Dispute**

### **4.1            Introduction**

The previous chapter explored the historical, normative and social contexts in which the Belize-Guatemala dispute was formulated. The territorial dispute was analysed to establish how it was categorized and named owing to the actions and practices of British settlers in the settlement. In my analysis, the territorial dispute emerged when Guatemala anchored her claim to the territory in Belize and categorized British presence in the area as usurpation. Here, I argued, that neither of the two states - Britain nor Guatemala - began their interactions over Belize in the context of a pre-existing territorial dispute. By discursively categorizing the actions and practices in the Belize settlement, these states were actively engaged in the construction of a dispute over ownership of this territory. My analysis of the interactions between Guatemala and Britain points to a systemic perspective where context, historical contingencies and discursivity underpinned how the states engaged with each other over this territory during colonial administration. Typically, IR theories assume that even during interaction, states pursue specific and exogenous interests. However, I propose that the construction of this territorial dispute, was also located in the context of two asymmetrically opposed states interacting over territory in a period when territorial exchange was a common practice of colonial empires (see Biersteker, 2013).

In process, the dispute was constructed as the actions and practices in the colonial settlement were classified and typified. After the independence of Belize, however, a new meaning context was created and this influenced how the dispute was subsequently anchored and treated by the states. This meaning context also included Belize as an independent state, but with a claim to her territory. In this context, the dispute settlement structure became a function of the roles and responsibilities conferred to the independent states of Belize and Guatemala by the United Nations. Belize had by then attained a corporate identity and could conduct international relations but these interactions were not unilateral or automatic; they were norm driven. At independence, the territorial dispute was henceforth located in a normative



structure despite that this same structure did not specify prescriptively, how these states were to settle their territorial disputes. Belize and Guatemala were expected to seek a peaceful resolution to their territorial dispute at the same time that they were expected to constitute their own settlement structure. Implicit in this expectation was that both the structure of the dispute and the actions to be undertaken by the agents of the states were open to construction. Hence, the outcome of each of their settlement attempts was the result of the structures they formed and subsequently interacted in. A constructivist perspective here highlights that neither the structure in which the states interacted nor the actions they pursued were predetermined and exogenous.

Contextually, Guatemala's territorial claim, and more prominently its border dispute with Belize, changed. At Belize's independence, the unresolved territorial claim by Guatemala was effectively a dispute over the *state* of Belize. With the dispute situated in this context, any of the actions undertaken by these states to settle their dispute were then governed by international norms of state behaviour especially those related to sovereignty and territorial integrity. Of note, in a non-dispute context, any post-independence interactions between Belize and Guatemala would have been normatively ordered and predictable. However, my analysis of the interactions of the states in this period elucidates the importance of these norms but I also show that at specific points in the dispute, the states chose to enact certain actions over another. Notably, I show that the actions employed by Guatemala and Belize defined their political conduct to resolve their differences. On this basis, I explain that neither the bilateral negotiations nor the settlement structures adopted by the two states were automatic; rather, Belize and Guatemala chose to act toward the dispute in particular ways and their actions influenced the status of the dispute.

Hence, in this chapter, I examine the constitutive norm of independence and the ensuing identity this norm affords a state. I also examine how the corporate identity of a state and its interests further influenced this territorial dispute and the settlement approaches, especially after Belize's independence. Firstly, I explore the grant of independence to Belize as the critical factor that changed the meaning context and the social structure in which the states interacted. Here, I explore the political action of Guatemala's delayed recognition of the state of Belize and the implications this action

had on the dispute settlement structure. Secondly, I discuss the evolving identities of the states by drawing on their public pronouncements and discursive articulations since these explicate how Guatemala and Belize interpreted the dispute after 1981. This interpretation is important because states also act on their understanding of a situation. This discussion is aided by my application of some of the main contents of collective identities which explain the processual move from corporate state identity to a more social identity (Wendt 1994; Abdelal et al. 2010). Though none of these identity contents are mutually exclusive, I apply them to this thesis to elucidate that the conclusion of the political independence of Belize was not sufficient to enable a settlement structure or to eliminate Guatemala's interests in territory in Belize. Thirdly, I review the representation of the dispute in this period and assess how the states acted over the dispute settlement structure after mutual state recognition was reached. Finally, I conclude that the independence of Belize and state-to-state recognition were ultimately unsuccessful in advancing a settlement to this territorial dispute.

## **4.2 The Reality of Independence**

In this section, I focus on the dynamics that surrounded Belize's entry into the international system of states while yet the subject of a territorial dispute with Guatemala. This is essential as independence conferred categorically, that Belize along with Guatemala and Britain was a state actor in the dispute settlement. The rest of this section is developed through an analysis of the interactions between Guatemala and independent Belize. Before I do so, however, I clarify the theoretical claims that are attendant to interest formation among states. Specifically, realism, the foremost instrumental tradition, assumes that a claim to territory propels a state to act in terms of capabilities - that is, states with material endowments define and use these to pursue their interests. Additionally, realism upholds that a territorial claim is essentially a claim to property rights and that the stronger state can impose its capability on the smaller, weaker state to secure pre-determined interests.

The logic of realism suggests that Guatemala could stake its claim to Belize on the basis of its superior military capabilities. At the same time, however, Britain, had

provided a security commitment to Belize at independence to deter any military actions by Guatemala. This commitment is found in UN Resolution 35/20 of 1980 in which the General Assembly called ‘upon the Government of the United Kingdom as the responsible administering Power to continue to ensure the security and territorial integrity of Belize.’ The United Nations also called upon the parties ‘to respect the principle that the threat of force should not be applied to prevent the people of Belize from exercising their inalienable rights’ (see UN Resolution 35/20, 1980). The UN supported a security commitment to Belize, and Guatemala’s own commitment to maintain a peaceful resolution of the dispute, confront realism’s expectation of a zero-sum resolution of the Belize-Guatemala dispute.

The tradition of neoliberal institutionalism, is also challenged to substantively explain the changing contours of state actions to settle this dispute after Belize’s independence. Though this tradition gives primacy to the influence that institutions can exert on inter-state relations, it upholds that the interests of states are derived externally – that states form institutions to facilitate the pursuit and achievement of pre-existing interests. To do so, however, states must recognize each other as equal units and agree to form institutions in which they will interact. Critically, neoliberal institutionalism takes state recognition and the formation of institutions for granted.

Recognizing a state is a form of categorization, that is, a state is accepted as having sovereignty over its territory. In the context of the territorial dispute, however, categorization, as at independence, did not lead to a decisive act by Belize and Guatemala to settle the dispute. Notably, neoliberal institutionalism assumes that states are uninhibited, interacting units that are always desirous to cooperate with each other. This is a functional approach, however, and it is less about the formation of state interests and more about the formation of institutional preferences (see Sterling Folker, 2000). States are still considered to have a fixed, unitary identity and interests exogenous to the institutions they form. For example, Reus-Smith (1998) points out that neoliberals concentrate on issue-specific institutions that enable states to act rationally to pursue collaboration and cooperation. Critically, states must first recognize each other before they can form institutions in which they interact.

Further, in this tradition it is the choice of institutions, less the social impact of these institutions on actors, that have a definitive impact on the interests they pursue (see Sterling-Folker 2001). This would additionally suggest that, the normative, and regulatory structures governing the independence of states have no influence on the interests that states form as they interact. In this context, I heed Reus-Smith's argument, yet again that, neoliberal institutionalism is an appeal to 'structural determination' reinforcing the similarity of both the neoliberal argument and that of realism about the fixity of interests (1998, p. 561). On this reading, neoliberal institutionalism would lead to the assumption that the interests of Guatemala and Belize remained the same during colonial rule and at independence. Yet, in the new context of dispute settlement, Belize and Guatemala – with oversight provided by Britain - were the primary actors engaged in the modern rounds of negotiations for a settlement. These two states were expected to form and pursue their interest in post-independence interactions.

Here, the identities of the states cannot be excluded from an explanation of the social construction of this dispute since states pursue interests based on their identities. Waltz (1979) talks about the non-functional differentiation of units but this assumption brackets the 'histories' that also bear on the identities of states and the interests they have. What is more, my argument relies on an identity continuum that allows for the progression of state identity from corporate to social and for each change in identity, interests also change. However, realism and neoliberal institutionalism bracket and discount the role of time on state identity and its formation (see Wendt 1994; Sterling-Folker 2001). Instead, these traditions premise that the identities and interests of states are immediately discernible at the emergence of a state – even then, it is assumed that these interests are derived prior to state interaction. For these traditional theories, social interactions do not bear on the formation of state interests.

Thus, to account for the interests of the states in the modern stage of the Belize-Guatemala dispute, these traditions suggest that the starting point of analyses should be at the granting of independence to Belize. But this is problematic, and to do so discounts the relevance of both the historical and sociological context in which the dispute was formulated and from which the state of Belize emerged. In this thesis, the

starting point of analysis also accounts for the processes in which the states were actively forming identities and from which their interests in the dispute were formulated. Thus, a focus on the normative transformations in the international structure also helps to uncover the origin, content and processes that enable states to interact and form their interests to settle a territorial dispute (see Finnemore 1996; Hobson 2000; Barnett 2001, p. 102).

I look to this ontological premise to examine the impact of identity, and mutual constitution in the modern period of dispute settlement. I focus on the new meaning context in which two independent states interacted to settle their territorial dispute. Here, I argue that these states first determined the structure in which they were interacting before they acted on the dispute. There is thus analytic value in examining the dispute in pivotal periods after colonial rule and this thesis offers that the actions of the states were shaped by a normative, social structure which constrained their actions. My review of state interactions after independence examines how Belize and Guatemala were eventually constituted and how their interactions were regulated to pursue the settlement to the territorial claim. Doing so, this thesis situates the territorial dispute in the deep normative structure of international society (see Finnemore 1996).

Furthermore, this consideration brings to the fore that in a post-colonial context, independence signals the legitimacy of certain types of actions and functions of states. It does not, however, mandate interactions between states. On its own, independence does not promote the social element of statehood from which a social identity and ensuing interests are ultimately formed. Independence is nonetheless, a significant aspect of the corporate identity of a state. Thus, it is only after Belize and Guatemala jointly chose to interact that their identities and interests could be discerned. In the next section, I review the significance of the meaning context prior to bilateral interactions between Belize and Guatemala over the territorial claim. I analyse the extent of interactions between the two countries noting that this was governed by the constitutive character of independence and the dynamics of state recognition.

## The Practical Matters of a Corporate Identity

In November 1980, the UN General Assembly (UNGA) adopted resolution 35/20 which secured Belize's membership of the international system of states. To note then, the UN resolution states that Belize was granted independence because the General Assembly was:

. . . convinced that the differences that exist between the United Kingdom and Guatemala do not in any way derogate from the inalienable right of the people of Belize to self-independence and territorial integrity and that the continuing inability of the parties to resolve such differences should in no longer delay the early and secure exercise of that right.<sup>9</sup>

Belize was granted independence after receiving near unanimous international support at the United Nations and in spite of Guatemala's claim to its territory. Independence is a charter that constitutes the legitimate, social and political functions and arrangements of a state (see Liu et al. 2005, p. 538). More specifically, the charter of independence influences state interaction because it is norm driven with '[established] rules, norms, moral codes, laws, 'do's' and 'don'ts' (ibid.). Independence includes the main elements of separate existence of an entity in defined frontiers; and the absence of subjection to the authority of any other state or states. The basic element of statehood is independence (Crawford 2006). Dean Barrow, Foreign Minister of Belize articulated to the UN General Assembly that despite the Guatemalan claim, '. . . the independence of Belize is irreversible. It is a practical and legal fact of international life. To seek to maintain otherwise is counterproductive and counter-historical'.<sup>10</sup>

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<sup>9</sup> UNGA Res 35/20 (11 November 1980) Doc A/Res/35/20.

<sup>10</sup> United Nations General Assembly (1985) 'Statement by Mr Barrow (Belize)'. Official Records, Fortieth Session, 8 October 1985, United Nations, New York.

However, a grant of independence did not eliminate that Guatemala could no longer contest Belize's territory. Notably, Guatemala protested Belize's independence and questioned her sovereignty over the same territory. Previous British authority in the contested territory enabled the gradual existence of Belize – first as a colony and then as an independent state but Guatemala remonstrated this eventual grant of statehood. Crawford (2006) explains that, when states challenge the independence of another when a territorial dispute exists, the 'category of statehood has priority over the category of acquisition of territory' (p. 48). Even more, he states that, 'A new state may exist, despite claims to its territory, just as an existing state continues despite such claims' (ibid.). The independence of Belize defined its categorical existence as a state, but the acceptance of its sovereignty as enabled by independence, was norm driven, not mandatory. These norms govern the behaviour of states toward each other. On this, Biersteker (2013, p. 254) argues that sovereignty may be served by considering it 'in terms of a continual contestation of practices, with some actors pushing the boundaries of legitimate practice, and others resisting at every point'. Hence, independence in this context was normative and constituted the identity of the Belize state but it did not mandate recognition and automatic interaction with Guatemala.

According to Wendt (1994) the anarchical nature of the international system 'does not predict whether two states will be friends or foes, [or] will recognize each other's sovereignty' (Wendt 1992, p. 396). This suggests that sovereignty and mutual recognition must co-exist so that states form and remain engaged in a social structure. The independence of a state additionally does not indicate if states will engage with each other, albeit, positively or negatively. The grant of independence to Belize by Britain enabled Belize to have a corporate identity, that is, that it could engage in international relations. However, any such interaction between Belize and Guatemala was contingent on mutual recognition by these states. In this sense, independence ushered Belize and Guatemala into a norm-driven space where interaction of the territorial dispute was possible but not certain.

Independence enabled that Belize could interact with another state in a manner that was not previously possible when it was a colony of Britain. In the colonial period, Britain and Guatemala were the only states that could legitimately interact to settle the

dispute over Belize. In this period, Belize was not a unit of the international system like Britain and Guatemala. Further, a colony does not have a corporate identity. Corporate identity is constitutive and it is the role given to a state by a wide a body to engage in the practices of statehood. This constitutive identity is thus determined from a wide 'centre of authority' (see Abdelal et al. 2006). Note that this corporate identity was contested by Guatemala when she objected to Belize's independence and maintained a claim Belize's territory. Principally, Guatemala contested Britain's grant of independence to Belize because of the unresolved territorial dispute. This contestation was expressed at the UN General Assembly when the Guatemalan representative stated the following:

Guatemala reiterates once again its protest before the international community of the action by the United Kingdom in unilaterally granting independence to Belize and its absolute rejection of that action, by which the United Kingdom is attempting to evade its obligations as a party in a controversy subject to the processes of peaceful solution proclaimed by the Charter of the United Nations.<sup>11</sup>

Of note, during the colonial interactions between Guatemala and Britain, the dispute was a claim to the entire territory of Belize. In this formulation, the existence of the dispute challenged the principal element of the corporate identity of the state because a state cannot exist without territory. Guatemala's challenge was based in the contention that its 'claim of title has remained unbroken as it descended from Spain to Guatemala and that Guatemala's acknowledgement of the title of Britain that underlay the 1859 Convention [had] ceased to be effective' (See Presentation to Facilitators 2001, para 11). In this dispute, the corporate identity of Belize, has not been free from the influence of the territorial claim. Indeed, Agnew (2009) contends that state identities are not given but are produced 'historically under particular geographic conditions' (p. 77). In this manner, corporate identities, though considered pre-social

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<sup>11</sup> See United Nations General Assembly (1981) 'Speech by Mr. Castillo Valdés (Guatemala)'. Official Records, 26th Plenary Meeting, 5 October 1981, United Nations, New York.



are acted upon, especially in the context of a post-colonial state, that is also a contested territory.

A focus on the contested corporate identity of Belize is particularly critical to this thesis since this contestation is considered to have influenced the persistence of the dispute. At the same time, it also points to the relevance of the histories that bear on a state's corporate identity. For instance, this territorial dispute emerged during a time of changed colonial presence in Central America. After Spain's departure from this region, her former colonies formed the Captaincy General of Guatemala which was a united federation of states that was to enable greater integration in the region. Ideationally, there was no expectation of a difference in colonial histories or a geographic split in territorial distribution among these former Spanish colonies. The colony of Belize and its eventual statehood, confronted the idea of a certain Central American identity after Spanish colonial rule. The idea about existing as a certain kind of state was also central to the political dynamics in Belize. Prior to independence, local leaders vacillated between strengthening a cultural association with former British colonies in the Caribbean or forming ties with Central American countries with whom Belize had greater geographical proximity. Belize's pursuit of a corporate identity was never sealed off from external dynamics. This identity was open to influence even before Belize became a recognized unit of the state system. Here, the interests of Belize and Guatemala to settle their territorial dispute cannot be divorced from the context or histories in which the corporate identity of Belize was attained. On this basis, the 'histories' associated with a state's corporate identity formation are amenable for examination and can be problematized as a new state is being formed. In particular, colonial histories impact directly on corporate identity formation. Furthermore, the existence of a pre-state territorial dispute and the attempts at its settlement bucks the pre-social, organizing quality of this identity.

In the remainder of this chapter, and through the rest of this thesis, it should become clear that after Belize's independence, the territorial dispute challenged the corporate identity and interests of this state. Here, this dispute constrained the pursuit of the constitutive interests of this state identity. According to Wendt, the interests of the

corporate identity of states are: physical security including differentiation, recognition as an actor, ontological security, and development (1998, p. 385).

### **Independent but Lacking a Critical Recognition**

Whereas the corporate identity of a state is accepted *a priori* in inter-state relations, this same identity was the locus of contestation in the territorial dispute with Guatemala. In this context, the absence of immediate recognition of Belize at independence by Guatemala is also part of its contestation of the corporate identity of the same. Recognition is pertinent to a state because it signals acceptance by other states of the authority of another over a given territory. When recognition is issued, it is an authoritative statement that a state is willing to engage with another. It also signals that the content and extent of interactions with the states have ‘consequences either factual or legal [that] flow from a new situation’ (Grant 1999, p. xix). State recognition helps governments and their leaders in specific ways. For instance, recognition aids state leaders to identify each other, have an opinion about them, and secure concessions (see Peterson 1982, p. 382). Yet, obtaining the recognition of another state is not a necessary condition for statehood but recognition gains significant prominence ‘when territorial status lies in doubt’ (Grant 1999, p. xix).

Although Belize gained overwhelming recognition from the member states of the UN, Guatemala, did not recognize Belize at independence. Castillo-Valdez, Foreign Minister of Guatemala also pronounced non-recognition of Belize at the UN General Assembly. He states:

Guatemala solemnly reiterates that the independence of Belize is unlawful, that it does not recognize such a State, which does not have as its borders the lines maintained by the British occupation forces. Nor does Guatemala recognize it as an integral part of Central America or as a member of the United Nations, nor will Guatemala recognize its sovereignty or territorial integrity, as long as

the dispute between *Guatemala and the United Kingdom* in relation to the territory of Belize is not solved through the peaceful means established in the Charter of the United Nations (my emphasis).<sup>12</sup>

For my research, the absence of state-to-state recognition is critical. Its absence in this territorial dispute context established that this decision impeded the possibility of substantive interaction and socialization between the states. However, my analysis of Guatemala's non-recognition of Belize is not to extend a discussion on the strategic use of recognition. Rather, it is to present that in the context of this territorial dispute, state recognition was a necessary factor for the conduct of settlement related interactions between the two states. In the context of interaction, Abdelal et al. points out that recognition is the most powerful effect of constitutive norms since it 'leads others to recognize an actor as having a particular identity' (2006, p. 697). When mutual recognition exists between states, there is greater possibility to 'identify patterns and changes in the shape of the discourse' (Grant 1999, p. xix). In addition, a focus on the period of non-recognition of Belize by Guatemala, aids to examine the episodic character of the territorial dispute. At the same time, this period in the territorial dispute, allows for the location of specific points of identity transformation.

While, state recognition is an authoritative statement, signalling the willingness of a state to interact with another, non-recognition is an equally powerful position by a state which declines to acknowledge another. The absence of mutual recognition between Belize and Guatemala denied the early formation of a social structure in which the states were to interact and jointly search for a settlement of their territorial dispute. Guatemala pronounced her non-recognition of Belize in the UN General Assembly. In a presentation soon after Belize's independence, Foreign Minister Castillo-Valdes stated the following:

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<sup>12</sup> See United Nations General Assembly (1981) 'Speech by Mr. Castillo Valdés (Guatemala)'. Official Records, 26th Plenary Meeting, 5 October 1981, United Nations, New York.

Guatemala, confronted by this unacceptable action, considers that the way in which independence was granted to Belize was in violation of international norms; therefore, it does not recognize that independence, it does not recognize Belize as state, nor does it recognize its sovereignty or its borders, or its membership in the community of nations. That will continue as long as a fair equitable solution preserving Guatemala's legitimate right over the Territory and the interests of the population of Belize is not found.<sup>13</sup>

That Guatemala did not recognize Belize at independence was not an extraordinary since states are not under any obligation to recognize each other. To this extent, non-recognition was not novel. However, Guatemala's refusal to recognize Belize created a new meaning context for this territorial dispute. Non-recognition by Guatemala was a political statement to, firstly, protest that Belize was granted statehood, and secondly, that this was granted even as there was a territorial claim over Belize. Guatemala's position on Belize independence was consistent with a constitutive view of recognition, which holds that 'recognition by others render an entity a state; non-recognition consigns that entity to non-statehood' (Grant 1999, p. 2). Guatemala did not recognize Belize because this grant of independence was considered as an imposition by Britain 'to avoid its responsibilities in this dispute'.<sup>14</sup> Notably, Guatemala did not then refuse to recognize Belize on the basis that it did not meet the base Montevideo criteria for statehood but this was based solely on the grant of independence to Belize when the territorial dispute was not yet settled. When a state takes the position of non-recognition for another, it can also signal a calculated measure, undertaken at the discretion of the individual state to challenge the legitimacy of the newcomer state (see Vidmar 2013). In the period when Guatemala did not recognize Belize, there were no bilateral relationships or diplomatic representations between the two countries.

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<sup>13</sup> See United Nations General Assembly (1981) 'Speech by Mr. Castillo-Arriola (Guatemala)'. Official Records, 26th Plenary Meeting, 11th October 1981, United Nations, New York.

<sup>14</sup> Ibid.

In addition to precluding interaction between states, non-recognition negated the importance of mutual constitution of the states. More generally speaking, non-recognition may be a political act by states but Crawford points out that it is not that 'individual states are free to determine the legal status or consequences of particular situations' (2006; p. 20). Still, in a social way, Guatemala's non-recognition of Belize, extended the durability of the territorial claim. On the matter of non-recognition by Guatemala, Belize's ambassador to the United Nations, Robert Leslie, in his presentation to the General Assembly states:

This fact is recognized by the Belizean people, by our neighbours in the Caribbean Community and Latin America, by the non-aligned movement, by the Commonwealth and by the United Nations, which have welcomed us in their midst as a free sovereign and independent nation. It is regrettable that the Government of Guatemala has not yet found it possible to share this view.<sup>15</sup>

In the absence of state-to-state recognition, the two states were thus constrained from addressing and resolving the territorial dispute bilaterally. In the period, immediately after independence, there were trilateral negotiation attempts which included Guatemala and Britain with the participation of Belize but according to Murphy (2004), the results of these gatherings were hardly conclusive. Revealingly, Belizean Foreign Minister Barrow describes the early post-independence negotiation attempts as 'informal discussions with officials of the Guatemalan government . . . to explore ways of arriving at a solution which recognizes . . . Belize's right to maintain and preserve intact [its] present and constitutional borders . . . even as it seeks to satisfy some of the relevant security concerns of Guatemala'.<sup>16</sup> Critically, there is no time limit for the duration of non-recognition toward a state. At same time, there are no specific rules on when and how a state should recognize another. Mutual recognition

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<sup>15</sup> See Belize's Ambassador to the United Nations statement at the UNGA thirty-sixth session, 33<sup>rd</sup> meeting October 9, 1981. This statement was made in response to Guatemala's statement at the thirty-sixth session of the UNGA referring to Belize's independence as an imposition by Britain.

<sup>16</sup> United Nations General Assembly (1985) 'Statement by Mr. Barrow (Belize)'. Official Records, Fortieth Session, 8 October 1985, United Nations, New York.

enables interaction among states since it creates a social, political and legal context in which states can engage with each other. The absence of state-to-state recognition between Belize and Guatemala did not have any bearing on Belize's existence as a state but this act by Guatemala, precluded any meaningful social actions between the two states to resolve their territorial dispute.

However, delayed recognition by Guatemala did not remove the locus of settlement negotiations as being between the states of Guatemala and Belize. However, in negotiations after independence, Guatemala's approach to settle the territorial dispute, was to maintain continued recognition of Britain as the authority over Belize.<sup>17</sup> Guatemala declared that the dispute was 'between Guatemala and the United Kingdom in relation to the territory of Belize' and privileged settlement with Britain than with an independent Belize.<sup>18</sup> Specific to the territorial dispute between Belize and Guatemala, Peterson (1982) argues that prolonged non-recognition also '[constituted] a more intense political use of recognition' (p. 332). On the more general role of the new state in the context of a territorial dispute, Crawford (2006) notes that 'the definitive establishment of a new state on certain territory defeats claims by other states . . . where the claim relates to part only of the territory, they may survive but they become dependent for settlement *on the consent of the new state*' (Crawford 2006, p. 48, my emphasis). Furthermore, Cederman and Daase (2003) argue that mutual recognition is a crucial link for intersubjectivity, trust and understanding.

In the absence of state-to-state recognition, both states used the platform of the UN to articulate and pattern their discourses on the territorial claim.<sup>19</sup> In this space, political rhetoric, rather than a social structure of mutual constitution became the primary means through which the states acted on the territorial dispute. This means that the

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<sup>17</sup> See statement at United Nations General Assembly (1981) 'Speech by Mr. Castillo Valdés (Guatemala)'. Official Records, 26th Plenary Meeting, 5 October 1981, United Nations, New York.

<sup>18</sup> See statement at United Nations General Assembly (1982) 'Speech by Mr. Castillo-Arriola (Guatemala)'. Official Records, 26th Plenary Meeting, 11th October 1981, United Nations, New York.

<sup>19</sup> It is worth noting that during this time, Guatemala used its non-recognition of Belize as a bargaining tool for settlement. Murphy (2004, p. 64) points out that Guatemalan Foreign Minister, Mario Quinonez Amezcuita proposed recognition of Belize in exchange for the smaller portion of Belizean territory, specifically the Toledo District, Ranguana Cayes and financial compensation from Britain of 100 million pounds.

states used the social space of the UN to publicly conform to international norms and to articulate their interests in pursuing a peaceful settlement of the dispute. The territorial dispute persisted, aided by the absence of state-to-state recognition but monument documents prior to independence also enabled the durability of this dispute even after Belize's independence. I look now at how this territorial dispute has been maintained in the early, post-independence period.

### **Survival of the Territorial Claim into Independence**

There were three distinct locations where the territorial dispute was presaged to exist after Belize's independence. The first location is in Article 5 of the resolution for independence which states that:

. . . the Government of the United Kingdom, acting in close consultation with the Government of Belize and the Government of Guatemala to continue their efforts to reach agreement without prejudice to the exercise by the people of Belize of their inalienable rights and in furtherance of the peace and stability of the region . . .<sup>20</sup>

Maguire (1982) notes, that 'the resolution did not close the door on the negotiations by calling for Belize's independence' (p. 878). He further argues that at the same time, the grant of independence to Belize was an acknowledgement that the territorial dispute was not sufficient to withhold the right to self-determination from the Belizean people. At this point, the UN became the authoritative voice on the question of Belize's independence when it established 'that the continuing inability of the parties to resolve such differences should no longer delay the early and secure exercise of that right [to self-determination].'<sup>21</sup> The passage of the UN resolution to grant Belize its independence, closed the expectation that the territorial dispute could only be resolved as pre-determined by the Guatemala's constitutional amendment. The terms for

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<sup>20</sup> UN Res 35/20 adopted in November 1980.

<sup>21</sup> UNGA Res 35/20 (11 November 1980) Doc A/Res/35/20.

resolution were not pre-established despite that the Guatemalan constitution was previously decisive about territorial integration of Belize with Guatemala.<sup>22</sup> The dispute remained unresolved at Belize's independence, and it was to be resolved through bilateral actions between the two independent states.

The UN resolution also included that the states to seek to resolve their dispute peacefully. Hence, at the passage of UN Resolution 25/30, Belize's territorial integrity and not its independence, was open to the challenge by the Guatemalan claim. Yet, Guatemala contested both Belize's independence and territorial integrity though the resolution is specific about settling the dispute in a post-independence context where territorial integrity was upheld. This thesis points out that state independence with a lingering claim to territory of the same state, did not remove the claim if it was not settled before. On the existence of territorial claims after independence, Brownlie (1996) explains that if at the time of decolonisation there were existing ambiguities, such pre-existing disputes will subsist' (p. 13). Hence, even though Belize's independence was the result of an overwhelming vote for the passage of UNGA Resolution 35/20, this same resolution did not dispose of the territorial dispute. On this same basis, Belize's independence was not a sufficient reason for Guatemala to recant its claim to territory.

The second location for the persistence of the territorial claim was in Guatemala's own domestic and international pronouncements of her right to this territory. Guatemala maintained that she was seeking any and all rights to which the country is entitled over the territory of Belize. Relatedly, at the UNGA, Guatemalan representative Castillo-Valdez spoke of the return of territory lost to 'Britain which consolidated its dominion over the region it had only in usufruct . . . Ever since Guatemala has been claiming the return of the usurped territory'.<sup>23</sup> Guatemala's 1945 constitutional change to include the recovery of Belize also contributed to the

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<sup>22</sup> The Guatemalan constitution was changed four years after Belize gained independence. Gibson. D. A. K., (2008) Guatemala's claim to Belize: A chronology of events, 1859 -2008. Guatemala adopts new Constitution. Clause in 1945 Constitution was removed. New clause empowered the Executive to make efforts to resolve the situation with respect to the rights of Guatemala to Belize.

<sup>23</sup> See statements made at United Nations General Assembly (1981) 'Speech by Mr. Castillo Valdés (Guatemala)'. Official Records, 26th Plenary Meeting, 5 October 1981, United Nations, New York.



longevity of the dispute. The Guatemalan constitution of 1945 is thus, the second monument text, which aided the endurance of the territorial dispute. In the constitution, the territorial claim was awarded significant, national prominence and it challenged the preceding Treaty of 1859. Portillo Orellana (2011, p. 30) emphasized the significance of the constitutional amendment by Guatemala when he states:

Upholding which was set forth in the Constitution, on 9 April 1946, by initiative of the Executive Power, Guatemala Congress issued Decree number 224, which reaffirmed expiry of the 1859 Convention due to Great Britain's failure to comply, and stated that in consequence, *restitutio in integrum* (emphasis in original) of the territory of Belize to Guatemala applied.

This Decree represents a State action of outstanding importance and lays down the Political Constitution of the Republic of 1985<sup>24</sup> to establish an internal procedure designed to give a definitive solution to the Territorial Dispute with Belize.

Since settlement of the territorial dispute was determined as a constitutional matter in Guatemala, any negotiation or political dialogue aimed at its resolution could not then violate the principles of the Guatemalan State. Prior to 1985, settlement structures including negotiations could not ignore the fundamentals of the Guatemalan Decree – specifically, that settlement should result in territorial transfer for the integration of the Belize territory with Guatemala. Negotiators from either state (but especially from Guatemala) were unable to consider settlement outside of this constituted national interest. Guatemalan and Belizean negotiators were confronted with considerations for

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<sup>24</sup> Guatemala adopted a new constitutional clause in 1945 claiming Belize as Guatemalan territory. A new clause in a later amendment to the constitution, empowers the Executive to make efforts to resolve the situation with respect to the rights of Guatemala with respect to Belize. See Gibson (2008) Guatemala's claim to Belize: A Chronology of Events, 1859-2008. See also National Constituent Assembly, Political Constitution of the Republic of Guatemala of 1985 and its amendments as discussed by Orellana Portillo (2011).

settlement that were inclusive of material returns including territorial transfer to Guatemala. A lead Belizean negotiator articulates the challenge of pursuing negotiations within this context as he states:

It was clear to us that Guatemala could not negotiate anything that did not involve them gaining land, however small. Anything that did not allow them to say that they won - that they gained some territory, could only be forced on them.<sup>25</sup>

Another senior official and negotiator from Belize, offers that the interactions to reach a settlement were paradoxical because the two countries agreed to ‘negotiate but [they] couldn’t negotiate; it was a very funny situation, [Guatemala and Belize] spent years negotiating but not negotiating.’<sup>26</sup> The expectation of territorial transfer and even more critically, the inclusion of the dispute in the Guatemalan constitution effectively limited the settlement options that could be negotiated by the states.

The Heads of Agreement which were drafted as a post-independence approach to dispute settlement also contributed to a prolonged dispute settlement structure. The sixteen-point proposal was to serve as the basis for negotiations between Belize and Guatemala but only after Belize was granted its independence from Britain. In a way, the points for discussion were indicative that Guatemalan and Belizean officials considered that the dispute could be settled with some concessions on share access to mostly marine resources. The primary approach to settlement was to agree on and establish how natural resources could be *shared* between the two countries but without being transferred from Belize to Guatemala. Shoman (1994) explains that the sixteen clauses were the basis for ‘future negotiations’ since the dispute was unlikely to be settled prior to independence (p. 269). He argues that the clauses were to assure Britain that Belize would remain committed to the terms of independence. With this reasoning, however, the claim was committed to an existence even after Belize’s independence.

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<sup>25</sup> Interview, senior, Belize negotiator and presenter in the facilitation process.

<sup>26</sup> Interview, senior Belize government official.

Maguire (1982) offers that to the extent that Guatemala was limited on the subjects of its claim, the Heads of Agreement was successful in maintaining its existence even if it was now confined to certain points of negotiation. He argues further, ‘that to a considerable extent [the Heads of Agreement had] committed Belize to keeping the agreed subjects open for future negotiations despite the changes in Belize’s status’ (p. 875). The clauses in the Heads of Agreement were a clear signal that neither state expected that the claim to territory could be resolved prior to Belize’s independence. What is more, both states had differing interpretations of the points and how they could be implemented. The Heads of Agreement were rejected in Belize but their existence kept the discussions for settlement open.

Guatemala’s maintenance of its claim to territory in Belize, the existence of the Heads of Agreement and the fact that the United Nations resolution did not dispense with negotiations at Belize’s independence. Together, these three documents instituted that the territorial dispute would persist after Belize’s independence. This textual overview illustrated that the dispute could be maintained through interstate dialogue (Heads of Agreement), domestic action (constitutional amendment), and international norms (UN Resolution 25/30). They also showed that the dispute remained intransigent in a period of transformation in the system of states – that is, in the post-colonial era. Collectively, these texts did not deter the existence of the dispute, but to a certain extent, they facilitated its endurance. Taken together, they also point to a long process of dispute naturalization which has defined the context in which the states have interacted. All subsequent efforts to explore and agree on settlement options in the post-independence period, were invariably a joint function of the two sovereign states but some of their previous decisions constrained further actions to settle this claim. The next focus of this chapter is to provide empirical material that point to the actions of the states in the absence of state-to-state recognition. This is to show that the dispute was not stagnant but that previous efforts fell short of mutual constitution to propel settlement considerations and approaches. In this context, the thesis illustrates how the territorial dispute remained persistent.

### **4.3 State-to-State Actions Made Possible**

In the previous section I showed that post-colonial relations between Guatemala and Belize was constrained by the lack of state-to-state recognition. The thesis illustrated that in this period, the territorial dispute was maintained beyond the independence of Belize. I explained that Guatemala's non-recognition of Belize contributed to the delayed formation of a social structure in which the two states could jointly interact and seek settlement of the territorial dispute. To this extent, having a corporate identity – the identity to engage in international relations - was insufficient to facilitate social interaction and bilateral actions over the dispute. Furthermore, neither state could rely solely on its corporate identity to resolve this dispute. Though this identity is obligatory for states to interact it does not specify social action. This identity content is the basis by which an actor is recognized as part of a collective and in this case, as a member of the international system of states. Corporate identity like the constitutive identity espoused by Abdelal et al. (2006), does 'not determine the preferences of a group; rather, [it defines] the boundaries and distinctive practices' (p. 697). Hence, I posit that, a necessary condition for a settlement structure was mutual constitution of the states. Subsequently, I explore how Guatemala and Belize formed and developed other identities to navigate the stasis that non-resolution had produced in this territorial dispute.

#### **The Salience of State Histories**

In this thesis, I have argued that the corporate identity of a state does not demand that states interact; they have the legitimacy to do so but this is not inevitable. The type identity of states also influences whether a state is likely to recognize another state. Type identity according to Wendt (1999) is not an identity that is formed out of social interactions with other states, however, type identity draws particular focus on the state's 'internal principles of political legitimacy' (p. 226). Of note, Belize and Guatemala are states in close geographic proximity but each have their own histories which made them markedly different states and added to the complexity of settling their territorial dispute.

In the period during which Belize was granted independence, Guatemala was undergoing significant domestic and political changes. Guatemala was previously under military dictatorship for several decades and had brutal and violent points in its history. Ibarra (2006) documents that the Cold War affiliated military, right-wing rule resulted in an ‘internal conflict [that placed] Guatemala at the pinnacle of the ignominy witnessed in Latin America during the twentieth century’ (p. 191). In the period, 1982-1983, Guatemala was under the military leadership of Efraín Ríos Montt, and his 17 months of rule coincided with the peak of violence in Guatemala (see Ibarra 2006). Relatedly, the type identities of Belize and Guatemala were particularly stark in this time – Guatemala had a military dictatorship with violent rule<sup>27</sup>, and Belize was a former colony, then an independent state with a controversial territorial history. A recount of the actions of Belize and Guatemala to settle their dispute, especially in the context of their complex, domestic histories and significant political changes is important.

Krista Wiegand’s research on the impact of domestic politics on the Belize-Guatemala dispute, illustrates that in the period between 1982 to 1991, there were a total of 10 calls by Belize for negotiations with Guatemala but more than half of these calls were met with no response. In the same period, Guatemala made seven (7) calls to negotiate a settlement over Belize (see Wiegand 2004, p. 220-223). The calls from Guatemala were to include Britain since Guatemala had not yet recognized Belize. Relatedly, Andrade Diaz informed the UN General Assembly of Guatemala’s position regarding negotiations to resolve the territorial dispute with Britain and not with Belize as follows:

Guatemala in all good faith has held informal exploratory talks with the United Kingdom with the participation of representatives of Belize in order to find a just and honourable solution which will satisfy and safeguard the legitimate interests and rights of the parties involved.

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<sup>27</sup> A UN-supported Guatemala Historical Clarification Commission published its final report in February 1999. The report was informed by 9000 civilian testimonies relating to massacres, human rights violations and other atrocities which occurred during the military dictatorship.

Nevertheless, the Government of Guatemala wishes once again to state that it reserves its rights over the territory of Belize as long as the dispute has not been resolved. Consequently, we do not recognize either the independence of Belize, or the State of Belize, or its alleged sea or land frontiers.<sup>28</sup>

In this same period, unilateral calls for negotiations in the UN constituted the main actions by which Guatemala and Belize endeavoured to bring international attention to their extant dispute. The individual calls for negotiations, was in part conforming to the expectation set out in the UN Resolution 25/30. However, I refer to these calls for negotiations as unilateral since none emanated from within a jointly constituted social structure which mutual recognition could allow. The absence of state-to-state recognition rendered both Belize and Guatemala with separate but limited actions to cause any meaningful attempt to jointly settle the territorial dispute. Effectively, the identities of these states most at work here, were only amenable to individual actions and precluded mutual constitution in which dispute settlement could be attempted. What is more, the calls for negotiations also indicated that the states were each interested in projecting a distinct identity to the international community. Guatemala was exiting from violent, military rule and was in the nascent stages of civilian rule. I argue that in this time, Guatemala was keen to define and project a new international identity especially at the UN. Further, this change in Guatemala's domestic context also reflected that settlement to the territorial dispute was then being conducted by states with democratic type identities.

### **Pursuing Mutual Constitution**

Belize and Guatemala developed a relational identity on the world stage. This was enabled by their public presentations in the UN General Assembly. At the UN, Guatemala and Belize discursively articulated their interest in settling the territorial

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<sup>28</sup> See United Nations General Assembly (1985) 'Item 9: General Debate Mr. Andrade-Díaz-Durán (Guatemala)'. Official Records, Fortieth session, 21st Plenary Meeting, 4 October 1985, United Nations, New York.

dispute peacefully. In public statements, Guatemalan representatives to the UN General Assembly articulated their right to claim territory in Belize at the same time that they expressed that Guatemala '[intended] to promote and strengthen economic, social and cultural relations with the people of Belize in order to promote better understanding and mutually beneficial co-operation'.<sup>29</sup> Beginning in 1985, Guatemala made public statements that contrasted with those made previously in the period leading up to and immediately after Belize was granted independence. In these previous statements, Guatemala's position was unequivocal about the return of territory in Belize and non-recognition of this state.

In 1985, Guatemala referred to Belize in the UN General Assembly as a partner in cooperation efforts. References to cooperation with Belize as part of dispute settlement were then not new and Shoman (2013) points to the 1969 'two-treaty package' which Britain had considered as a strategy for Guatemala to recognize and cooperate with Belize (p. 18). In negotiations prior to independence, however, these packages were rejected by Belize because they conceded substantive loss of sovereignty to Guatemala. However, in the modern dispute context, the references to cooperation were now publicly and favourably articulated by Guatemala without the attachment of the territorial dispute. Furthermore, outside of the UN General Assembly, Belize and Guatemala were also participating in other state fora, including hemispheric and regional bodies. In 1985, the first civilian president of Guatemala was elected and, in the same year the government adopted a new Constitution which removed the clause claiming that the state of Belize was Guatemalan territory. The Guatemalan Executive was also empowered to seek a resolution with respect to the rights Guatemala had over territory in Belize.

Guatemala's pursuit of a relational identity with Belize was incremental and successive. Indeed, the individual articulations by Guatemala to the UN General Assembly did not enable the constitution of a social structure in which the states could act bilaterally. However, they contributed to the creation of an environment that was

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<sup>29</sup> See statement at United Nations General Assembly (1984) 'Item 9: General Debate Mr. Andrade-Díaz-Durán (Guatemala)'. Official Records, Thirty-ninth session, 17th Plenary Meeting, 2nd October 1984, United Nations, New York.

indicative of a changed identity of the state at the time. Relatedly, former Guatemalan President Elias Serrano spoke of Belize's representation in the Central American Regional Integration System (SICA) pointing out that Belize was accepted on all matters in this system and that Guatemala was the only state that 'did not recognize [Belize but the state representatives] were accepted as with Guatemala on all matters'.<sup>30</sup> Still, without mutual recognition and constitution in a dispute settlement structure, these public pronouncements could not then lead to settlement of the territorial dispute.

My thesis explanation relies on the identities of the two states as they were formed in social interactions. Additionally, I relied on mutual recognition between Belize and Guatemala as an important identity marker and condition for the conduct of social interactions between these states. While recognition is a broader topic than is undertaken here, it's primary value for my thesis is that it highlights the importance of actor inclusion and joint formation of a dispute settlement structure – such structure should include the claimant and challenger states. On this basis, the thesis highlights that dispute resolution was not a unilateral act but that it necessitated that the states were mutually constituted and jointly pursued a settlement approach. Thus, I focus predominantly on Belize, to show that settlement of the dispute would be even greatly removed if this state was not also recognised. The premise of my argument, is based as much on what states do as a composite of their identities as it is on the result of the norm driven processes in which they define their interests. I undertake an explanation of how it was possible for mutual recognition to occur and how this substantively influenced the modern dispute settlement attempts.

#### **4.4 A Formative Moment**

Belizean and Guatemalan representatives made public statements in the UN General Assembly about the types of states they were. For instance, Guatemala articulated a

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<sup>30</sup> Jorge Serrano (2013) *La Realidad de Belice*. Available at: [https://www.youtube.com/watch?v=GhDYKO\\_6E4U](https://www.youtube.com/watch?v=GhDYKO_6E4U). In this interview, Guatemala's President, Serrano reflects on Guatemala eventually recognizing Belize (Accessed: August 2016).



dual identity in relation to Belize. In the UN Guatemala claimed rights to territory in Belize and expressed interests in have a cooperative relationship with Belize. The public articulations of Belize and Guatemala in the UNGA, showed that these states were also interested in being recognized as having peaceful and cooperative identities. However, in order for Guatemala to act on its statements about seeking cooperation with Belize, it was necessary that mutual recognition existed between the two states. Further, both states articulated that their identities were peaceful and supportive of cooperation with each other. As identities drive interests, Guatemala and Belize also indicated interests in peaceful co-existence. I argue that, the public articulations by Belize and Guatemala in the UN General Assembly - specifically to pursue peaceful settlement of their dispute and to engage in cooperation, indicated a formative moment in the search for a settlement to their dispute.

Formative moments according to Ringmar are those that occur at ‘moments when old identities break down and new ones are created in their place; when new stories are being told, submitted to audiences, and new demands for recognition presented’ (1995, p. 83). Ringmar further explicates that the currency of a representation (or metaphor) eventually meets a limit and efforts to go beyond this limit become ineffective and ‘simply stop making sense’ (ibid.). Hence, as Belize and Guatemala discursively presented their identities at the United Nations, they were also creating a new context and condition in which their new identities could emerge. States also have multiple identities and an identity becomes salient as it is formed in direct response to the situation or the context in which the state is situated (see Wendt 1999, p. 230). The identities of the Belize and Guatemala which pursued unilateral efforts to settle the dispute was increasingly ineffective

Noting the calls for negotiations from Belize and Guatemala, Wiegand (2004), lists the settlement attempts by the states from 1981 to 2001. In 1982, a year after Belize’s independence, Guatemala actively pursued settlement through unilateral calls for negotiations three (3) times in the same year. Perhaps boosted by Guatemala’s UNGA references to cooperation, Belize was also unilaterally active in its call for negotiations but in a different year. In 1987, Belize made four (4) calls for negotiations. In the year 1991, both Belize and Guatemala registered an increase in the number of calls for

negotiations. In this year alone and specifically in four months - January, April, August and September - either Belize or Guatemala called for negotiations. There was a total of four (4) calls for negotiations in the same year which then marked 1991 as the most active post-independence period in which Belize and Guatemala were actively seeking to settle their territorial dispute. Further contextual examination also shows this to be the year in which Guatemala had a second democratically elected president. This thesis offers that in this time, President Jorge Serrano Elías was prepared to define Guatemala's identity – including toward Belize - in a definitive manner.

In his speech to the UN General Assembly in 1991, Serrano Elías stated that the new Guatemalan government was seeking to project a peaceful identity since the conclusion of the country's civil strife. The new type identity of the state of Guatemala, according to Serrano Elías was to encompass four (4) essential points of governance: termination of armed struggle; greater economic and social equity; respect for and the strengthening of the rule of law; and, an expansion of the country's democratic process. In this presentation, Serrano Elías, also stated that Guatemala was dedicated to peace (see Serrano Elías October 1991, presentation to the UN General Assembly). I posit that owing to Guatemala's previous pronouncement of its type identity as a peaceful state, and its changed internal governance from military to civilian rule, it became possible for Guatemala to eventually recognize Belize. In this regard, President, Serrano Elías announced as follows:

Guatemala, in conformity with its policy of respect for human rights in all areas, has taken the fundamental step of expressly recognizing, in strict adherence to international law, the right to self-determination of the people of Belize, thus opening the way to the final ending of a conflict that in its last phase dates back to 1859. This step has been documented in the Treaty on frontiers signed by the State of Guatemala and the United Kingdom of Great Britain and Northern Ireland.

We hope that the Guatemalan decision in this matter will be appreciated in all its dimensions by the international community, because of its importance both for our country and for the peace of the region as a whole, and that the international community will support us in our endeavour to ensure that this persistent conflict is resolved within the framework of international law. Recognition of the State of Belize and the establishment of diplomatic relations will enable us to settle the dispute in a civilised way.<sup>31</sup>

President Serrano Elías expressly stated, that Guatemala wanted to be known and seen as conforming to the normative expectations of the international system of states. In this formative moment, Guatemala's President Serrano Elías recognition of Belize enabled the formation of a constitutive settlement structure and made it possible for the two states to mutually interact to seek a settlement to their territorial dispute.

After Guatemala's, President Serrano Elías recognized Belize, there were a series of bilateral actions between the two states. Between August and September of 1991, the states undertook several definitive and positive actions to construct their new role identities. These actions included: Guatemala's public and official recognition of Belize's right to self-determination; Belize's introduction (and eventual passage into law) of the Maritime Areas Bill in the National Assembly thereby increasing Guatemala's access to the high seas through Belizean waters; and, Guatemala recognized the independence of Belize. In the short space of two months, Guatemala's recognition of Belize propelled into motion a series of events that constituted a social structure in which the two states were jointly engaged.

Retrospectively, Guatemalan President Serrano Elías later stated that Guatemala's non-recognition of Belize was not supported in international organizations by

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<sup>31</sup> See statement on Guatemala officially recognizing Belize at United Nations General Assembly (1991) 'Address by Jorge Serrano Elías (Guatemala)'. Official Records, Forty-sixth session, 13th Plenary Meeting, 27 October 1991, United Nations, New York.

Caribbean and African countries who voted against Guatemala.<sup>32</sup> Serrano Elías's observation is not far-fetched. Smith (2008) states that in the 2006 race 'between Guatemala and Venezuela for the non-permanent seat on the UN Security Council, Belize could not support Guatemala and, as a consequence of [Caribbean Community] unity, many Caricom votes were withheld from Guatemala' (p. 14). Furthermore, Smith argues that a settlement of the dispute could serve to remove such issues from occurring between Belize and Guatemala. The numerous calls for negotiations by both states and the eventual recognition of Belize by Guatemala, together, registered 1991 as the year in which the identities of the states were under active construction.

My analysis of the events, contexts and discursivity leading up to Guatemala's recognition is important to show how the identities of the states were changed. This process showed that though the states had corporate identities which constituted them as members of the international system, this identity alone was not sufficient for the states to interact and settle the territorial dispute. Though this identity was the locus of contestation in the territorial dispute, paradoxically, it was the same identity that could enable the states to settle the same dispute, but this was contingent on mutual recognition and the constitution of a joint dispute settlement structure. Guatemala's decision to recognize Belize showed that the two states could substantively engage in interactions over the settlement of the territorial dispute as two sovereign states.

An analysis of the changed identities of the states showed how a social structure for dispute settlement was established. Furthermore, it was important to corroborate the identity being constructed. On this, the speeches at the UNGA were used as documentary resources which contextually and historically provided 'a baseline against which to compare identities' (Klotz and Lynch 2006, p. 73). The state speeches in the UN General Assembly were critical, textual materials that aided in my analysis of state identity formation and transformation. I do not, however, attempt to treat any period as the final, and defining moment in the identities of these states. Invariably, contexts change over time. For example, after recognizing Belize the Guatemalan

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<sup>32</sup> See Jorge Serrano (2013) *La Realidad de Belice*. Available at: [https://www.youtube.com/watch?v=GhDYKO\\_6E4U](https://www.youtube.com/watch?v=GhDYKO_6E4U). In this interview, Guatemala's President, Serrano reflects on Guatemala eventually recognizing Belize (Accessed: August 2016).

government under the leadership of President Elias Serrano was the subject of significant domestic scrutiny. A national inquiry was conducted to ascertain the legality of the president's act to recognize Belize. However, the tribunal found that there was nothing illegal committed by the president in extending recognition to Belize.<sup>33</sup>

As part of state-to-state recognition, Belize and Guatemala agreed on a settlement structure that was inclusive of territorial claim settlement and cooperation between the two states. On this, Guatemala's speeches in the UN General Assembly consistently pointed to dispute settlement as inclusive of bilateral and cooperative arrangements as a preferred outcome. In his speech recognizing Belize, President Serrano Elías reiterated his state's interest in cooperation with Belize when he said the following:

I would, however, make it clear that this territorial dispute, which still exists, should not in any way constitute an obstacle to harmony and rapprochement between our peoples or to the cooperation and mutual support that should prevail between the two nations.<sup>34</sup>

This point was further supported by Guatemalan President, Berger at the UN General Assembly. Here, he explicitly talked about Guatemala and Belize having a relationship beyond seeking a settlement to the territorial dispute:

Government [was] proposing a new beginning in its bilateral relationship with Belize. We must reach a permanent, just, equitable and honourable settlement of the territorial dispute between the two countries, while at the

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<sup>33</sup> See OAS timeline stating that in 1992, The Constitutional Tribunal of Guatemala recognizes and accepts the legality of the government's decision to recognize the independence and the sovereignty of the state of Belize.

<sup>34</sup> See United Nations General Assembly (1991) 'Address by Jorge Serrano Elías (Guatemala)'. Official Records, Forty-sixth session, 13th Plenary Meeting, 27 October 1991, United Nations, New York.

same time making a constructive effort to resolve the socio-economic problems afflicting our peoples.<sup>35</sup>

Between, 1991 and 1994, Belize and Guatemala developed relational identities and, in doing so, they formed identities as disputant and selectively cooperative states. State-state recognition enabled each to have diplomatic assignments in the other's state. After Guatemala recognized the state of Belize, The Belize Maritime Areas Act was subsequently passed into law; Guatemala formally acknowledged Belize's territorial rights in the Bay of Amatique; Belize and Guatemala agreed to have the 1859 monuments as the geographical reference points separating the two countries; and, Belize and Guatemala agreed not to pursue or use the threat of force against each other (see Gibson 2008). Relationally, Belize and Guatemala shared membership in a wider, regional group and this too influenced how the states began relating to each other outside of their interactions over their territorial dispute.<sup>36</sup> In a subsequent joint communiqué issued after Guatemala recognized Belize, the officials from Guatemala stated the following:

The recognition of Belize as an independent state results from President Serrano's foreign policy, which is framed with the highest respect for the norms of international law, and his firm desire to achieve peace, stability and progress throughout the Central American region.<sup>37</sup>

State-to-state recognition had bolstered the efforts of Belize and Guatemala to seek a settlement to their territorial dispute. Of note, state-to-state recognition was a pivotal achievement and necessary for state interactions but mutual recognition was also insufficient to settle the Belize-Guatemala territorial dispute. In this time, however,

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<sup>35</sup> See statement at UNGA United Nations General Assembly (2004) 'Address by Mr. Oscar Berger Perdomo, President of the Republic of Guatemala'. Official Records, Sixth session, 59th Plenary Meeting, 22 October 2004, United Nations, New York.

<sup>36</sup> In 1991 Belize joined the Organization of American States. The existence of the territorial claim previously prevented Belize from membership in the region's prominent political entity. The organizational charter preventing membership to Belize was suspended in 1991.

<sup>37</sup> See details of joint communiqué issued by Belize and Guatemala on 16 September 1991.

the claim to territory had been reformulated and this placed Guatemala and Belize in a changed dispute context. In this context, the states were required to interpret the dispute and constitute a social structure to seek its settlement.

## **4.5 Conclusion**

In this chapter, I explored Belize's independence and how this influenced the meaning context, identities and actions of Belize and Guatemala in the territorial dispute. Here, the two states were presented as constituted but constrained units in the international system. They were constrained because Belize's independence was not sufficient to eliminate or influence a settlement of its dispute with Guatemala. Independence was a function of corporate identity and it served primarily to categorize Belize as a state and enable its internal organization; it did not, however, mandate Belize's social interactions with Guatemala to settle their territorial dispute. Independence did not allow for the automatic constitution of the states in a social structure. However, having a corporate identity enabled the states to have a relational existence and through this, the states in this territorial dispute could act unilaterally. I argued from an ontological analysis of constitution in constructivist conception that, the states were ultimately constrained in their actions because they were not engaged in a social structure. The traditional approaches of IR assume that mutual recognition exists so that states will automatically interact. But when states are not mutually constituted, they cannot interact and pursue their interests including to seek settlement to a territorial dispute. Though Belize was independent, the states did not form a social structure that constituted them bilaterally.

After the independence of Belize, the territorial dispute with Guatemala evolved. At its origin, this dispute was situated within the power political domain of territorial authority and ownership in the colonial era. In this context, the dispute was prominently represented by Guatemala as loss of territory to Britain. With Belize's independence, however, Guatemala declared that it did not consider its contestation of Belize's independence as a statement against decolonization; rather, Guatemala was

‘[reclaiming] part of its territory which [was] occupied by a foreign power’.<sup>38</sup> In the period after independence, this was the dominant framing of the dispute by Guatemala in presentations made at the UN General. In subsequent speech presentations, Guatemala maintained that neither independence nor recognition were sufficient justifications to abandon the claim to territory in Belize. In this time, Guatemala withheld its recognition of Belize.

Guatemala eventually recognized the state of Belize, 10 years after independence. The previous state of non-recognition had prolonged the existence of the territorial claim and eliminated the space in which the states could interact to conduct negotiations for the settlement of their dispute. What is also important to note here, is that Guatemala’s statement of recognition was not to withdraw the territorial claim but it was to reformulate its approach to the possibility of interactions with Belize over the claim. Gustavo Portillo points out that ‘[t]he Government of Belize supposed the existing territorial dispute had ended with Guatemala’s recognition of Belize as a State . . .’ (2009, p. 37). Belizean Foreign Minister, Barrow also acknowledged that even with recognition, ‘the territorial claim [had] not gone away’.<sup>39</sup> Most important, however, recognition had afforded both Guatemala and Belize the normative space in which to jointly form identities, enact roles and pursue interests in a social structure formed specifically for settlement of this territorial dispute. Belizean Foreign Minister, Barrow indicated that the UN had been a source of teaching to states about their own commitments to each other as part of the international system. Barrow alluded that it was the existence of the UN that had maintained Belize’s viability. Regarding the territorial claim, he argued that ‘the norms imposed by the United Nations, especially those requiring pacific settlement of disputes among Member States, have at least helped to keep it from confounding [Belize’s] integrity’.<sup>40</sup>

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<sup>38</sup> United Nations General Assembly (1978) ‘Exercise of Right of Reply, Mr. Castillo-Arriola (Guatemala)’. Official Records, 9th Plenary Meeting, 26 September 1978, United Nations, New York.

<sup>39</sup> See statement by Minister of Foreign Affairs, Dean Barrow at United Nations General Assembly (1995) ‘Item 9: General Debate Mr. Barrow (Belize)’. Official Records, Fiftieth session, 5th Plenary Meeting, 11 October 1995, United Nations, New York.

<sup>40</sup> Ibid.



I have argued in this thesis that Guatemala's recognition of Belize was critical for the states to act on their dispute in a norm driven structure. Further, the identities of the states conformed with their own articulation of pacific identities and their desire for peaceful, neighbourly existence. The primary impact of this recognition in the territorial dispute resolution process, was that Guatemala and Belize were subsequently constituted in a settlement structure in which they interacted with each other as equal units. To put this into context, in the period after independence and before recognition by Guatemala, each state was individually reliant on international norms to validate their respective positions. Belize's relied foremost on the existence of international norms to secure her sovereignty and independence as a member of the system of states; Guatemala depended on these same norms to validate her right to maintain the territorial claim over Belize. Mutual recognition created a social space in which the states could form and pursue interests supportive of dispute settlement.

The explanation in this chapter went beyond a purely materialist account of the territorial dispute. In it, I expanded on the dispute context including the normative conditions and the discursive space which made Guatemala's recognition of Belize possible. Further, I traced that Guatemala was interested in pursuing a peaceful identity as it was emerging from a period of violent and military rule. This identity could also be operationalized in the context of the territorial dispute with Belize. Furthermore, in this chapter, I demonstrated that constitution of the states in post-recognition relations also enabled the formation of identities by which they sought interests and preferences that were not limited to the settlement of the dispute. I argued, then, that in this period the states ushered in other ideas to enhance their interactions. State-to-state recognition had made it possible to begin the implementation of some aspects of cooperation. In the next chapter, I examine how the states actively pursued settlement of their dispute in the context of mutual recognition.

**5.1 Introduction**

In previous chapters, I presented the gradual existence of the territory in Belize from a contested colonial enclave to a contested, independent, and sovereign state. In doing so, I identified and examined distinct periods to provide for an episodic view of the social and historical context in which the dispute was located. I also demonstrated that the territorial claim was additionally anchored around Guatemala's contention that Britain had enabled the independence of Belize despite that the Guatemalan claim to this territory existed and remained unresolved. On this basis, Guatemala refused recognition of the state of Belize and preferred instead to negotiate a settlement to the territorial dispute with Britain. Guatemala recognized Belize ten years later and in this new context, the states were able to form and engage in a social structure of bilateral negotiations to settle their dispute.

After state-to-state recognition in 1991, Guatemala and Belize attempted to negotiate a settlement to their dispute but their attempts were unsuccessful. Both countries specified demands that were non-negotiable - for Belize, this was not to cede any territory, for Guatemala, this was its right to claim the Belize territory. The actions and interactions of the states were largely determined by what each interpreted as the basis for its right to the territory of Belize. However, the dispute context changed when the territorial claim was reformulated in a 1999 diplomatic note from Guatemala which, articulated a new geographic focus and a preferred settlement approach. The letter detailed that while Guatemala recognized the state of Belize, it maintained a claim to almost half of this state. Hence, Guatemala's position was clear that its recognition of Belize was not to be misinterpreted as a removal of the territorial claim. I posit in this chapter that, the letter of 1999 prompted a discursive process and a new starting point from which the states interpreted the modern meaning of the territorial dispute. This new context bore directly on their consideration of a facilitation process to settle their dispute. For its part, Guatemala was convinced that previous technical meetings and

negotiation attempts were ineffective. At the same time, Belize remained committed to a settlement through political means such that the states would mutually agree on a resolution of the dispute through dialogue and diplomatic means. At the most, the changed context challenged the ad hoc use of negotiations all of which were conducted with no expectations of success. Indeed, the resolute positions of the states, indicated that their negotiating space was significantly restricted.

In the period following the reformulation of the dispute, I examine how this condition, present in the dispute context, enabled the states to act in a certain way. In doing so, I remove the dispute from the realm of stasis which a lack of settlement could suggest. I aim to examine why both states created and pursued a distinct, political option for dispute settlement beginning in 2000 but presaged by the 1999 letter from Guatemala. By forming this substantive settlement structure, Belize and Guatemala instituted a systematic approach to their dispute in which they were mutually constituted. Notably, the structure they formed was a non-binding mechanism despite that Guatemala had interpreted and stated in the diplomatic note that, the dispute was of a juridical standing.

The argument proceeds in this manner. Firstly, I begin by conducting an analysis of the corporate interests that is mostly present in the period prior to the formation and conduct of the facilitation process. I do so to underline that the salient interests of the states in this phase of the dispute were still a function of their corporate identities. I argue, that the core interest that they pursued was ontological security. Ontological security is 'predictability in relationships to the world, which creates a desire for stable social relationships' (Wendt 1994, p. 385). I posit therefore, that the changed meaning context generated a level of uncertainty that produced a shift in the routine of the previous dispute settlement structure. Secondly, I focus on the conditions present in this period to explain how Belize and Guatemala conceived of and then advanced a facilitation process. Thirdly, I present an analysis of the facilitation process in which the states attempted to articulate their identities and interests in a mutually constituted, social space. The rules of the facilitation process, the statements made, the preferences articulated, as well as the identities of the states, form the empirical focus of this chapter. Fourthly, I analyse this settlement attempt as a rule-based entity that was

established to remove ambiguities in the dispute and to seek its settlement. I conclude that, when Belize and Guatemala established that their border dispute and territorial claim could not be settled through facilitation, this signalled a closure to bilateral negotiations.

In theoretical terms, the central purpose of this chapter is to point out that, for states, the international realm is structured in obligatory behaviour and that this structure is as much an outcome as it is a process of interactions (see Hobson 2000). I point out that Guatemala and Belize are similar units in the international system, which lacked the domestic agential power to jointly settle the territorial claim, including in a facilitation process. It was only through the constitution of the facilitation process that this limitation was jointly established. The chapter begins with a review of ontological security as the interests that the states pursued in this period. Thereafter, I proceed to conduct a detailed analysis of the facilitation process, which leads to an explanation of how the states implemented their new approach to settle the territorial claim.

## **5.2 The Absence of Predictability**

In previous chapters, I advanced the theoretical application of corporate identity formation in this case study. Specifically, in chapter three I examined the emergence and construction of the territorial dispute as a challenge to the physical security and territorial integrity of Belize. The fourth chapter elucidated that the dispute existed in the absence of Guatemala's recognition of Belize - recognition as an actor is another aspect of corporate identity. This chapter further examines the post-independence relations between Belize and Guatemala and I propose that ontological security was salient after Guatemala reformulated the claim to territory. Further, after reformulating the territorial claim, Guatemala prompted a change to the status quo and this contributed to uncertainty in the relations between the two states.

Ontological security is the existence of certainty and stability. States in conflict or dispute, seek continuity and routine to establish stability. Any disruption in routinized actions can become a source of ontological insecurity. For instance, in this case study,

it is documented that there are specific moments in each state when the dispute is prominent. In both states, the dispute was mostly prominent during the conduct of national elections (Shoman 2016; Wiegand 2007; Murphy 2004). National elections created an ebb and flow to which the citizens of Guatemala and Belize had become accustomed. The dispute tended to gain salience at the start of each electoral period and this would diminish after elections were completed. In both states, this had become an accepted and familiar feature of the territorial dispute. The practices of officials on both sides as they conducted technical meetings, diplomatic engagements and calls for negotiations also had some predictability attached to them. Put simply, in a persistent territorial dispute, ontological security is likely to exist during stasis or when there is no change in the conduct of state interactions. There is a paradox with these moments of calm since they can also indicate that settlement actions are either low or non-existent. Generally, an absence in routine interactions between states can additionally indicate that a dispute has lost its salience or that settlement is not an immediate priority. In contrast, ontological security exists as states interact because in these contexts, the actors are discursively and socially engaged and they are assumed to know each other's interests. In the next section, I explore the implications of ontological insecurity and how it bore on the next settlement approach to the Belize-Guatemala dispute.

### **Ontological Insecurity**

Mitzen (2006) offers that ontological security construct state identities. For example, she argues that states can become attached to the existence of a conflict such that they are comfortable with the certainty of conflict derived relationships than with the uncertainty of another kind of relationship. Furthermore, certainty and predictability can also be related to the experience of completeness. Its opposite, ontological insecurity, is the concern over separation or the inability 'to maintain distinctiveness and to be experienced as a whole continuously, rather than constantly changing' (see Mitzen 2006, p. 342). In this territorial dispute for example, Belizean negotiators had

often voiced that a settlement could address the need for certainty, for the sake of future peace between the people of Guatemala and the people of Belize.<sup>41</sup>

Tellingly, the Guatemalan claim over Belize evoked concerns over territorial separation and disjointedness. For instance one senior Belizean negotiator stated that ‘the country will not be whole without all seven districts, and without all of [its] cayes and without all of [its] territorial waters’.<sup>42</sup> Another Belizean negotiator also expressed metaphorically, that settlement of the claim with Guatemala would mean a submission to a ‘twisted logic, to suggest that [Belizeans] must cut off [their] country from the waist down in order to live in peace.’<sup>43</sup> In the post-independence period, both Belize and Guatemala held distinct, non-negotiable positions about the need for each state to exist as a whole. Belize’s position was the indivisibility of its territory while Guatemala’s position was that dispute settlement must include a tangible transfer of territory.

Furthermore, the absence of a resolution to this dispute added uncertainty to the diplomatic relations between these states. Although Guatemala had recognized Belize and they interacted regularly in diplomatic and regional institutions, their identity remained as target and challenger state respectively. Hence, while ontological security is considered a constitutive identity of states, that it is pre-social, I contend that in a territorial claim, this corporate identity interest is not satisfied unilaterally when one state is dependent on the predictability of its interactions with another state. With predictable, social interactions states can experience being ontologically secure but this is ultimately a social pursuit involving both states. The reformulation of the territorial claim by Guatemala challenged the predictability of interactions between the two states.

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<sup>41</sup> See Belize’s Presentation to the Facilitators in May 2001, The Treaties of 1859 and 1931 by Edward Fitzgerald, Q. C.

<sup>42</sup> Interview, former Belizean diplomat and negotiator in the dispute

<sup>43</sup> See Belize’s ‘Lead Statement’ to the panel of Facilitators by Assad Shoman, May 2001.

## Domestic Awareness of Predictability

It is common, domestic knowledge in both states that the territorial dispute has generated and maintained a substantive degree of uncertainty among these populations. For example, Marithza Ruíz de Vielman, Guatemalan, Foreign Minister argued that in the absence of a settlement, ‘Belize has a lingering uncertainty because it is yet to prove that it has legal authority over the territory it currently administers’.<sup>44</sup> Guatemalan Ambassador, Orellana Portillo, similarly expresses that, ‘Belize needs to be certain of the territory it occupies, and currently it is not as we, their neighbours, do not recognize the border that they claim exists between the two countries.’<sup>45</sup> In simple terms, ontological security in the context of the Belize-Guatemala dispute was not solely about the absence of force or impending use of military action to settle the dispute. It was also about maintaining the continued engagement of the states in a familiar and predictable context to resolve the territorial dispute. Orellana Portillo, argues that Belize had delayed the settlement of the dispute as a strategy to maintain this sense of continuity when he states:

Belize, needs to solve the territorial dispute in order to obtain legal *certainty of the boundaries of its territory* and to set the borders with its neighbouring country. To continue taking advantage de facto of the territory, trusting that status quo will further consolidate the possessions with each passing day, will only delay even more the solution to be reached that will bring security and keep future conflicts away.<sup>46</sup>

Both Belize and Guatemala were aware that the mere existence of the dispute challenged the certainty and predictability in their interactions and they were expected

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<sup>44</sup> See Medialab Universidad Galileo -I (2012) *Conferencia impartida por Gustavo Orellana Portillo, y Marithza Ruíz de Vielman* available at <https://www.youtube.com/watch?v=ierDuu05QWM> (Accessed: August 2015).

<sup>45</sup> Ibid.

<sup>46</sup> See Background and Study of the Special Agreement between Guatemala and Belize to Submit Guatemala’s Territorial, Insular and Maritime Claim to the International Court of Justice, 2011, p. 17 (my emphasis).

to be unwavering about maintaining either negotiations or dialogue. Later, I point to where dialogue is identified as a source of certainty and predictability in the social interaction of the states. It is worth noting also that, although, Guatemala and Belize committed to a peaceful settlement of their dispute, its persistence has meant that the identities of these states have always been attached to this dispute and its settlement. A lead negotiator for Belize explains this relation when he states that Belize has a ‘neighbour that blatantly declares its intentions to grab more than half of [the] territory’.<sup>47</sup>

Another former Belizean official and negotiator points out that whereas physical security was a primary concern for Belize after independence, its salience was only slightly diminished and replaced with the uncertainty of having a neighbour who actively pursues a claim to a significant part of its territory.<sup>48</sup> This official also reiterated that while the ‘territorial claim may no longer be the number one (1) security threat for Belize and by which Guatemala will pursue military action, it remained the prominent assignment for the country’s foreign ministry’.<sup>49</sup> Still, the dispute threatens Belize’s existence as a whole territory, and can potentially divide the country physically. Another lead negotiator in the dispute points out that a settlement could be reached that maintained territorial certainty:

. . . the foreign policy objective of Belize is sovereignty and territorial integrity over every piece of property - land, sea, maritime area – that [Belize] went to independence with. And so it is [Belize’s] expectation not to give up any land, not to give up any maritime area that belongs to [it] but to see whether it is possible, within the parameters that [Belize has to] deal with this existing claim with Guatemala over Belize.<sup>50</sup>

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<sup>47</sup> See Belize’s ‘Lead Statement’ to the Facilitators by Assad Shoman, May 2001.

<sup>48</sup> Interview, former Belizean diplomat and negotiator in the territorial dispute.

<sup>49</sup> Interview, former Belizean diplomat and negotiator in the territorial dispute.

<sup>50</sup> Interview, former Belizean diplomat and negotiator in the territorial dispute



For Belize, ontological security by means of existing as a whole territory, has been an incentive to delay the settlement of the dispute. However, the absence of ontological security is not limited to Belize so long as this dispute persists. Guatemala similarly expressed ontologically insecurity and represented its claim to Belize as lost or ceded territory. Seen this way, the unsettled territorial dispute was for Guatemala, 'a dilemma that mutilated its territory and limited its connection with the Caribbean Sea' (Portillo Orellana 2011, p. 12). Until the dispute is resolved, Guatemala considers that its territory is not complete and does not exist as the whole the state it was perceived to be. Hence, while the territorial dispute was viewed by Belize as a threat to the stability of her corporate identity, the same dispute was perceived by Guatemala as an impingement on her own identity as a country with much greater territorial expanse. This is also the interest of corporate identity. For Guatemala, dropping her claim over Belize would be akin to abdicating a domestic commitment in a way that would not uphold its envisioned distinctiveness and experience as a whole.

After recognition, the states attempted routine interactions and practices to settle the dispute, despite that these were all unsuccessful. These ongoing engagements, enabled dialogue, technical meetings and negotiation attempts. In fact, these two states have never interacted outside of their extant territorial dispute and it is a feature that they have shared over a long time. This is especially important since a key aspect of ontological security is continuity and predictability. In this conceptualization, the dispute has been maintained as an integral part of the identities of Belize and Guatemala. This change required that the states constituted a new form of dispute settlement structure. In doing so, Belize and Guatemala moved away from the standard practice of negotiations which was the routine approach in their attempt to settle the territorial dispute. At the same time, a settlement to their dispute will also require that the states deal with the uncertainty of a new kind of relationship. Thus, to operationalize ontological security as an interest of corporate identity I aim to show that the states also sought to maintain predictability in their interactions. Ontological security is thus pursued through routinized action with significant others because this leads to cognitive certainty (Mitzen 2006, p. 342). I now explore the most substantive settlement attempt which the states constituted in their post-independence interactions.

### 5.3 The Path to a Facilitation Process

Negotiations between the two countries to settle their territorial dispute stalled.<sup>51</sup> By 1993, President Elías Serrano, who had recognized Belize was removed from office. In 1994, Ruiz de Velman communicated to Belize's foreign ministry, that recognition of Belize by President Elias Serrano, did not mean that Guatemala had recanted any rights to claim territory in Belize. Guatemala's recognition of Belize had initially bolstered efforts by both states to seek a settlement to their dispute but this early optimism for a steady progression of negotiations was short-lived. Although, some technical meetings were still conducted by senior officials of both states, these did not gain momentum for a substantive settlement structure, and they were considered as exploratory.<sup>52</sup> At the same time, there were changing political dynamics resulting from general elections held in both states between the period 1993 to 1998. These elections stalled the bilateral efforts that were started after recognition especially because they also resulted in changed governments and domestic priorities. In Guatemala, there was renewed commitment to maintain the invalidity of the 1859 Treaty and by 1997 the Guatemalan Constitutional Court ruled that this treaty was null and void.<sup>53</sup> In Belize, the issue of encroachments into Belize by Guatemalans had become a security concern and a matter of discussion in the technical meetings between the two countries.<sup>54</sup> The changed domestic conditions did not allow for any substantive settlement interactions.

A former Belizean diplomat declared that in this time, interactions between the two states were mostly 'at the technical level [and] the discussions were to ensure how the negotiators could get back on the negotiating track but out of that came a thinking of going legal . . . [and the Guatemalan negotiators] were pressing that this was the whole essence of Stein's letter'.<sup>55</sup> In these discussions, suggestions for a legal path to settle

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<sup>51</sup> Analyses of attempted negotiations by Belize and Guatemala between 1981 and 2001, show periods of inactivity and minimal negotiation or talks.

<sup>52</sup> Interview former Belizean diplomat. See also Gibson, D. A (2008) Guatemala's claim to Belize: a chronology of events, 1859-2008', *Belizean Studies*, 30(2), pp. 23 – 42.

<sup>53</sup> See Portillo Orellana (2011) Background and Study of the Special Agreement between Guatemala and Belize to Submit Guatemala's Territorial, Insular and Maritime Claim to the International Court of Justice, p. 40. Orellana Portillo details that the Guatemalan Constitution Article 19 specifies that final decision on the settlement of the territorial dispute is to be decided by referendum.

<sup>54</sup> Interview with former senior Belizean diplomat

<sup>55</sup> Interview former senior Belizean diplomat

the dispute had started to gain some momentum. Indeed, Portillo Orellana argues that the Guatemalan Government had undertaken intense efforts to convince Belize to proceed in this way (see Portillo Orellana 2011, p. 40 -41). The technical meetings were unsuccessful and by 1999, negotiations between the two countries were significantly reduced. In the same year, two calls for engagement were made by Guatemala but these calls signalled a preference for a legal approach to settle the dispute. Guatemala subsequently signalled a concern over the lack of progress to settle the dispute in a diplomatic note sent to Belizean Prime Minister, Musa. In the diplomatic note, Guatemalan Foreign Minister, Stein argued that it was impossible to reach agreements in these technical meetings ‘and that continuing them indefinitely would lead [Belize and Guatemala] nowhere’ (see Guatemalan Diplomatic Note, 1999). Furthermore, Foreign Minister, Stein was emphatic that the meetings with Belize had not been fruitful as he declares:

My Government would prefer to dispense with any future technical meetings, in the belief that continuing them indefinitely would lead us nowhere and will only prolong a situation of uncertainty that harms the good relations between our two countries’.<sup>56</sup>

Furthermore, in the same letter, Stein re-articulated Guatemala’s position on the dispute and specified the extent of the claim to territory in Belize. On the matter of the territorial claim, he states:

1. The Government of Guatemala contends that territory which belonged to the Federal Republic of Central America and, which by succession, to the Republic of Guatemala, specifically the area from the Sibun River to the Sarstoon River, which is an integral part of the Province of Verapaz must be returned to Guatemala.

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<sup>56</sup> See Diplomatic Note, October 1999 sent by Guatemalan Foreign Minister, Eduardo Stein Barillas.

2. The Government of Guatemala protests the *de facto* occupation maintained by the State of Belize over that territory and in no way recognizes the existence of borders, nor accepts declarations from the Government of Belize regarding to that territory. It also protests, the *de facto* occupation of the islands adjacent to Belize and not included in the usufruct treaties.<sup>57</sup>

From Stein's letter, there were two important matters worth noting. First, Guatemala specified a claim to almost half of Belize - beginning from the Sibun River in the east all the way to the River Sarstoon in the south. Stein also did not eliminate the option that Guatemala could also claim the remaining northern half of Belize, though this would mean reinstating the previous claim to the entire country. Instead, he asserts that such a claim by Guatemala was under different juridical grounds. Stein concluded that Guatemala recognized that the Belizean population had the right to self-determination in the unclaimed half of Belize. Second, Stein stated that as part of a plan of action, Guatemala will safeguard its claim to territory by disregarding the existence of any borders between Belize and Guatemala and on this, the modern reformulation of the territorial dispute by Guatemala was established. In this same note, Stein submitted that Guatemala proposed settlement of the dispute by international arbitration or submission to the ICJ.

Mr. Musa was not supportive of a legal approach to the dispute. For his part, the prime minister argued that the territorial dispute was a political issue and not a legal one; he suggested that the states should continue to negotiate a settlement rather than go to an international court.<sup>58</sup> In response to Stein's letter, Musa stated that Belize considered Guatemala's position on the territorial dispute as a regressive step and he locates the dispute in the modern context when he states:

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<sup>57</sup> Ibid.

<sup>58</sup> See Prime Minister of Belize, Said Musa's letter of 2000 in which he responds to Guatemalan Foreign Minister.

Belize's title to its territory is not founded on treaties between Britain and Spain but rather on effective occupation and prescriptive title. In this respect, there is no distinction between the area up to and the area south of the Sibun River. Its borders with Guatemala were agreed by the 1859 Treaty and subsequently demarcated, and include all the islands adjacent to the coast, as clearly implied in Article 1 of the said Treaty . . .

Guatemala's territorial claim therefore is not based on juridical grounds, since there is no room for doubt on legal and juridical elements of the case, but on political grounds. The solution cannot there be found by juridical means but by a political process of dialogue.<sup>59</sup>

At the same time, Musa also presented a changed interpretation of the dispute to indicate that it was embedded in the context of a new Belizean and Guatemalan reality. Notably, this was a turn from the previously accepted interpretation of the dispute as a legacy of Britain's and Guatemala's interaction in colonial times. Belize interpreted Guatemala's reformulation of the territorial dispute beyond the predominating factor of a controversial colonial inheritance, and Musa additionally articulated that this dispute confronted Belize's corporate right to self-determination, territorial integrity, and sovereignty as granted at independence. Critically, this discursivity generated by Stein's diplomatic note, showed that both states held disparate positions about the territorial dispute and its settlement. Guatemala's reformulation of its territorial claim to half the territory in Belize and Belize's response was indicative of a shift in the way the dispute was interpreted. In the meantime, negotiations were stalled and the states were not actively engaged in any discernible settlement discussions.

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<sup>59</sup> Ibid.

## A Cause for Uncertainty

Early in 2000, a Guatemalan lost his life in a shooting encounter between Guatemalan civilians and the Belizean Defence Force. The shooting occurred in an archaeological reserve that is adjacent to the border regions. Later, in the same year, Belizean security personnel were detained by Guatemala Army Forces.<sup>60</sup> After these incidences, a Belizean official stated that ‘it was necessary to start talking again’.<sup>61</sup> Coincidentally, in 2000, negotiations were scheduled between Belize and Guatemala but the incidents in the border region, heightened the need not just for continued talks, but also for more substantive settlement efforts. The security incidences, and Stein’s letter of 1999, prompted Belize and Guatemala to consider a new way to settle their dispute. Their consideration led to the formation of the facilitation process which was a significant change from negotiations. Of note, a former senior Belizean official stated that ‘the facilitation process helped to put the dispute on a more formal footing’ and it broke the cycle of unsuccessful negotiations.<sup>62</sup> Furthermore, the salience of the dispute which was typical at times of national elections, had been broken. This change was only possible with rising security issues in the regions bordering Belize and Guatemala.

Habermas (1990, p. 67) explains that intersubjectivity is critical for reaching an understanding ‘that produce an agreement that is reflexive in nature; only it can give the participants the knowledge that they have collectively become convinced of something.’ Thus, when Belize and Guatemala committed to a facilitation process, they established a shared understanding of the limits of their previous bilateral negotiations. Along with this intersubjectivity, the states also assented to norms, and rules of procedures to guide their formulation of a new settlement structure. At its foundation, the facilitation process was possible because both countries had come to know that their many attempts at a negotiated settlement had been ineffective. In agreeing to its implementation, Belize and Guatemala were expected to have agreed on the core issue for which a settlement strategy could ensue.

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<sup>60</sup> Interviewees in Belize consider that the security forces were kidnapped.

<sup>61</sup> Interview former senior Belizean official.

<sup>62</sup> Interview former senior Belizean official.

By the year 2000, Guatemala and Belize were nineteen years engaged in post-independence negotiations to settle their territorial dispute. In this time, there were limited results, but certainly there were no articulated or visible indications that the dispute could soon be resolved.<sup>63</sup> There were skirmishes in the border regions but there was no military confrontation.<sup>64</sup> This non-militarized dispute is notable since extensive work by Vasquez (1993) shows that territorial disputes are more likely to lead to armed conflict or war. Still, the findings by Hensel prove insightful to this case, since his work also shows that states which are engaged in long but unsuccessful periods of negotiations are more likely to seek peaceful settlements (see Hensel 2008, p. 127). This finding chimed with the subsequent facilitation process that Belize and Guatemala undertook in the modern period of the territorial dispute.

Historically, and prior to the facilitation process, Belize renounced Guatemala's claim of rights to her territory. Belize did not accept that there was any validity to this claim and her position remained unchanged in the modern period. The belief held by actors in Belize, was that the Guatemalan claim was unfounded, lacked a legal basis and could be settled through dialogue and negotiations (see Musa's 2000 letter in response to Stein's diplomatic note). Despite their belief, however, Belizean negotiators were unable to convince Guatemalan negotiators to drop the territorial claim. At the same time, Guatemala has remained steadfast that its claim to territory in Belize was legally sound and morally valid. From the many post-independence negotiation attempts, it was not apparent (discursively or otherwise) that the states had a shared interpretation of the dispute. The 1999 letter from Foreign Minister Stein, was intended to clarify Guatemala's position on the dispute and to specify this state's preference for dispute settlement. Prior to 1999, the dispute had been vaguely articulated by Guatemala - and some would argue that has not changed.<sup>65</sup> Thus,

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<sup>63</sup> See Shoman, A. (2016) '2000: A Guatemalan Odyssey. ¿Hasta Cuándo?' *Belize Bar Association Conference, The Belize Guatemala Differendum: When and how do we draw the lines*, Biltmore Hotel, Belize City, 19 February 2016, pp. 1-51. Shoman points out that during the presidency of Alvaro Arzú from January 1996 to 2000, *there were five negotiating sessions between Belize and Guatemala that yielded no result.*

<sup>64</sup> Wiegand 2004 identifies six (6) escalations by Guatemala between the period 1981-20001; Belize had a total of nine (9) escalations in the same period. These escalations were primarily confined to the disputed border regions.

<sup>65</sup> Interview with senior diplomat who asserted that requirements from Guatemala changed from one negotiation session to another; at the same time Belize maintained a non-negotiable position on the ceding of any territory.

Belize's position about an unfounded claim, and Guatemala's vague articulation of rights to territory in Belize, illustrate that in the previous negotiation processes the states had not jointly agreed that there was any legitimacy and validity to Guatemala's claim to territory in Belize.

Two matters accounted for the intersubjective turn in this dispute. First, Belize and Guatemala agreed that the claim to the territory by Guatemala could no longer be dismissed as illegitimate, or unfounded. Portillo Orellana (2011, p. 49) explains the significance of this reasoning for Guatemala:

This language had never been accepted by Belize, which had always persisted, as the United Kingdom did, in completely ignoring Guatemala's [positions] and denying the existence of a territorial dispute.

Belize's acceptance of the reality of a Guatemalan claim to her territory was significant in the process of state identity formation. Here, it is worth noting that Belize's acceptance of Guatemala's claim to its territory meant that the states now shared a discursive understanding that Belize was a target state and that Guatemala was the challenger state. Hence, in the facilitation process that they had constituted, they would similarly be constituted. Although there was shared acceptance of the claim, this did not mean that Belize accepted that it had any legal basis.

The second point of intersubjectivity was that the negotiations had not been effective to settle the territorial dispute but they also recognized that disengaging from any further settlement attempts could similarly render the territorial dispute with no progress. Essentially, if the states ceased to interact, a vacuum would be created and a political environment of distrust and further uncertainty could ensue (see Smith 2008). What is more, Guatemala and Belize also faced some international pressure to exhaust all possible efforts to reach a settlement. In the diplomatic note, Guatemala indicated frustration with the lack of progress in its negotiations with Belize. Here, lead negotiator, Shoman details the attendant international pressure and aspects of the discursive process that led to the eventual constitution of the facilitation process:



. . . many delegations, including the British, urged on me the desirability of submitting the dispute to the ICJ, and the US government had taken the same stance.

When I met with Guatemalan Foreign Minister Gabriel Orellana ... he explained that they had come to the conclusion that negotiations never led anywhere because Belize remained totally inflexible on the territorial issue, which was what most mattered to Guatemala . . . According to Orellana, the Guatemalan government had decided enough already of political negotiations; the only way forward was a mechanism that resulted in a binding resolution, be it arbitration or judicial settlement. I understood that it would be unproductive to insist on the usual bilateral negotiations, and in subsequent informal meetings in different international and regional forums, Orellana and I began to discuss the possibility of using the OAS to help broker a settlement.<sup>66</sup>

*A combination of pressure from the international community, the overall length of time spent in negotiations, and joint acknowledgement of the ineffectiveness of bilateral negotiations converged to generate a new approach to the dispute resolution process. Belize and Guatemala were convinced that they were required and even expected to create and pursue a significant approach to secure a settlement of their dispute. On this basis, the two states embarked on a facilitation process, beginning in the year 2000.*

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<sup>66</sup> See Shoman, A. (2016) '2000: A Guatemalan Odyssey. ¿Hasta Cuándo?' *Belize Bar Association Conference, The Belize Guatemala Differendum: When and how do we draw the lines*, Biltmore Hotel, Belize City, 19 February 2016, pp. 1-51.

## 5.4 Instituting a Facilitation Process

Belize and Guatemala instituted the facilitation process beginning in the year 2000. The underlying premise for pursuing this approach was that senior government officials and elite representatives from both states considered that the dispute might still be negotiable and that Belize and Guatemala could resolve it without recourse to an international juridical body, notably the ICJ. In response to this elevated concern about the state of dispute negotiations, Belizean and Guatemalan officials conceived of and implemented a highly institutionalised process that formalized the dispute settlement structure. In the context of their post-independence interactions, the facilitation process was the most comprehensive, and highly regulated approach implemented by Belize and Guatemala.

According to the signed agreement, Belize and Guatemala developed a facilitation process that was designed to move the process of negotiations toward a final resolution of the territorial claim.<sup>67</sup> The process included two facilitators, one each selected by Belize and Guatemala. The facilitators were each expected to guide the state they were supporting to find a definitive way to peacefully and definitively resolve the territorial dispute. The facilitation process allowed Guatemala and Belize to engage in an exercise of practical discourse and to pursue their jointly stated preferences. In facilitation, the states agreed on a course of action that could bring the dispute to a foreseeable end and find an answer to the question: What formula can be pursued that will finally resolve this dispute? A lead Belizean negotiator explains, that both Guatemala and Belize considered that the facilitation process ‘could provide a basis for treaties for the matter to be resolved.’<sup>68</sup> What is more, this process was pivotal in removing the dispute from an ad hoc bilateral process to a highly, institutionalised one. Of note, the discussion on treaty points had begun ten years earlier. In 1989, the Belizean prime minister informed the UN General Assembly that the states were involved in a negotiating process ‘aimed at the conclusion of a possible draft of a comprehensive treaty to afford a just and lasting determination of the ancient

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<sup>67</sup> See Belize Guatemala Negotiations, Terms of Reference for Facilitators and Confidence Building Measures.

<sup>68</sup> Interview, presenter in the facilitation process.

controversy'.<sup>69</sup> In his statement to the assembly, Mr. Musa spoke of Belize's uncompromising position on independence, sovereignty and territorial integrity. Guatemala had not yet recognized Belize.

### **Facilitation as a Process of Norms**

The facilitation process was conceived to enable Belize and Guatemala to engage in a norm governed structure in which they jointly determined actions to reach their desired goal of a concluded dispute. In this manner, the facilitation process was a normative institution that was created by a specific group of actors who would identify treaty points to settle the territorial dispute. This process constituted actors in Belize and Guatemala, who exercised specific roles. For instance, the panel of facilitators were constituted arbiters who were endowed with the roles of an informed guide to build reason and consensus with the state they represented. The facilitators were not conferred with roles to conclude a final settlement to the Belize-Guatemala dispute; rather, they were to assist their respective governments to define and elaborate formulae that could lead to its resolution. This is the co-constitutive feature of a social institution, which the facilitation process subsequently embodied.

### **The Facilitation Process**

The facilitation process was conceived and implemented as a highly regulated process. In it were embedded regulative norms in the form of: facilitators' terms of references; plan of action; communication plan; the confidence building measures (CBMs); procedures for oral presentations, and finally the recommendations of the facilitators. These norms embodied a quality of 'oughtness' that guided the actions of Belizean and Guatemalan representatives. Here, the norms regulated the interactions of the states, prescribed obligatory behaviour for their representatives and deterred specific actions. For the facilitation, it is worth noting Duffield's observation on the critical difference between norms and rules. Duffield (2007, p. 10) argues that rules may be

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<sup>69</sup> See Statement by Mr. Musa (Belize), Forty-fourth session, 23rd Plenary Meeting, 6 October 1989, United Nations, New York.

imposed even as actors feel no obligation towards them. Norms, however, cannot be imposed and they require human consciousness to be sustained. In the facilitation process norms were institutionalized to guide threat-free arguments and to support the deepening of trust, reciprocity and accountability between the states.

There were three regulative norms instituted in the substantive facilitation. The first set of regulative norms were the confidence building measures.<sup>70</sup> These rules supported the establishment of a context in which the settlement process could be relieved of any challenges that were likely to be inimical to dispute settlement. On this, the November 2000 agreement between the two countries was developed to include measures that either prevented or responded to incidents in the volatile border regions. Critically, this agreement included a protocol for the removal of illegal settlements and citizens in the other's state. These protocols were also considered as prerequisite actions to build authenticity in the facilitation process. Here the Confidence Building Measures (CBMs) served as mechanisms 'to ease tensions and improve relations' while the substantive negotiation took place (Shoman 2013, p. 33). Belize and Guatemala were also expected to prioritize this discursive space and reduce its exposure to external impediments that could impact on its potential success.

The second regulative norm in the facilitation process specified how the states were to conduct external communications on this matter.<sup>71</sup> These norms were developed to prevent agents such as elected officials and the media from making impassioned, public pronouncements in both countries. With this protocol, the facilitators urged that communication about the process, from either country were not to contravene the intended ethos of the facilitation process. The facilitators urged that both Belize and Guatemala, 'frame all public statement relating to the negotiation process in a manner that was . . . conducive to the successful conduct of the negotiations' (see Guidelines for Public Statements). The framework was also established to secure appropriate standards of behaviour from all the actors in the substantive state presentation process. The final set of norms constituted the actual facilitation process. These norms were

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<sup>70</sup> A complete list of the CBMs is found in: Belize/Guatemala Negotiations, Terms of Reference for Confidence Building Measures in the Territorial Differendum between Belize and Guatemala.

<sup>71</sup> See Guidelines for Public Statement in February 2001 letter by Facilitators to the lead country representatives on the facilitation teams.

related to the organization and ordering of the individual country presentations and rejoinders.<sup>72</sup> Taken together, the norms for the conduct of the presentations placed primacy on regulating the conduct of oral presentations by the states and their responses to each other.

### **State Presentations to the Facilitators**

Belize and Guatemala produced their respective positions and arguments in the form of oral presentations to the facilitators. Each presentation could then be responded to by the other state in the form of rejoinders. The rejoinders were to be submitted to the facilitators at previously agreed timelines. Belize and Guatemala presented distinct arguments that rested primarily on the validity of the 1859 Treaty signed between Guatemala and Britain. The presentations were substantive matters that each stated used to argue the basis for its rights and sovereignty over Belize. In these presentations, the state presenters provided multiple perspective that establish their positions, including legal ones. Presenters from Guatemala argued that Guatemala ceded territory in Belize by signing the 1859 Treaty which she has since considered to be invalid. In the facilitation process, Guatemala expressed the return of territory in Belize. For Belize, the argument was that the Treaty of 1859 is valid and that it resulted in the formation of a country, which is modern day Belize. Furthermore, Belize presented that it had been granted independence by the UN, with international recognition to exercise full sovereignty in its territory. Summarily, these were the two divergent positions which Belize and Guatemala presented to the facilitators and from which they would develop treaty points that could form agreements to settle the dispute.

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<sup>72</sup> "The Facilitators directed Belize and Guatemala to deliver written statements of their claims according to the following schedule: Guatemala 31st March 2001, Belize 30th April 2001, Guatemala [Reply] 15th May 2001. On the 21st and 22nd May 2001, representatives of Guatemala and Belize appeared before the Facilitators and the witness of honour and made oral presentations in support of their respective positions. See also Belize Refutes Guatemala's Claim: Oral response made by Belize in Response to Guatemala's Claim, 21 and 22, May 2001.

## Material Preferences

It is worth pointing out that in the facilitation process, Belize and Guatemala had preferences for material outcomes. Indeed, the contested Treaty of 1859 is a material fact because it is distributive. It is from this treaty, that territory was designated to Belize and which confined the expanse of Guatemala. Whether they supported the validity of the 1859 Treaty or argued against it, each of the presentations by the countries to the facilitators was also materially focussed. Despite stating that the starting point in this process was strictly legal, Belize's lead presenter established at the start of presentations that, 'Belize must make it clear immediately that its title to its territory is not negotiable. There is no room for compromise on the question of its sovereignty over its mainland territory, its islands and its maritime areas.'<sup>73</sup> Belize also reiterated that the international community had declared that any 'such settlement must ensure the preservation of the inviolability and territorial integrity of Belize [UNGA Resolution 3432 of 1975, para. 5.] . . . [and Belize] cannot therefore, violate that mandate from the world community, [Belize is] simply restating that position.'<sup>74</sup> Guatemala's material preference was also made clear in the presentations to the facilitators. Guatemala's rejoinder to Belize, questioned the utility of the facilitation process and asked, 'What is then the point of this process of conciliation? What conciliation formulae could be considered viable to resolve the territorial dispute, when one of the parties has indicated that it will not accept any?'<sup>75</sup> Here, Guatemala was referring to Belize's position that it would not negotiate any territory transfer. As a point of intersubjectivity, it emerged in the facilitation process that the states preferred material outcomes to settle the territorial dispute. Guatemala and Belize maintained that gaining or maintaining territory respectively, remained the primary means by which the territorial dispute could be settled.

In this thesis, I have conduct a substantive examination of empirical material to locate the identities of states and the interests they pursued in interaction. In doing so, my

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<sup>73</sup> See Response of Belize to Guatemala's Statement of 30 March 2001, Preliminary Observations, para. 3.

<sup>74</sup> Belize Refutes Guatemala's Claim, May 2001, Belize's Lead Statement by Assad Shoman.

<sup>75</sup> See Guatemala's response to the position stated by the State of Belize in its letter dated on April 20th, 2001, para. 6 (my translation).

accounting of the territorial dispute does not discount that the states pursued material interests. However, what I aim to establish in the analysis of the case, is that Belize and Guatemala pursued and formed their strategy in a social structure. Further, what has been channelled and directed in this process is that the states were mutually constituted and their interests were a construction of the social structure in which they were engaged. The interests they subsequently pursued were consistent with the mutual constitution of a challenger and a target state in a territorial dispute. In this facilitation process, the identities of the states were consistent with rule following in a highly- institutionalized structure. And in this structure, Belize and Guatemala were seeking to establish the bases on which they could agree to settle the territorial dispute. Here, the identities of Belize and Guatemala were also consistent with a logic of appropriateness, such that both states acted within the jointly developed procedures to present their respective positions to the facilitators. The rules of facilitation on their own, do not lead straightforwardly to the emergence of an agreement. However, the outcomes of the facilitation process were indicative of another moment of intersubjectivity to which we now turn.

### **Facilitation Outcomes**

There were three tangible outcomes that were produced from the facilitation process. The first of these outcomes was the proposals developed by the facilitators. The proposals were agreed by the facilitation team on both sides, hence they were presented to the Belize and Guatemala governments by their respective facilitators. The proposals were developed and guided by the principle that “nothing is agreed until everything is agreed” and they comprised five composite elements that were to be treated by the states as a package (see facilitators Proposals 2002). These elements included: Land issues, Maritime Issues, The Development Trust Fund, Trade Investment, and Transitional Arrangements. These were thus the proposals that were to serve as the treaty points from which the dispute could be considered for settlement.

The facilitators described the proposals in the following manner:

a balanced package . . . and that they gave due consideration to the historical, legal, political and technical arguments and data presented by the Parties but [had] drawn no conclusion about the merits of these arguments.<sup>76</sup>

The second outcome of the facilitation process was the reflexive articulation from both states. A lead negotiator and presenter from Belize summarized the negotiators recognition of the strength of their case as follows:

We had the presentation to the OAS . . . and that emboldened us into believing that we were in a much stronger position . . . when you look at the legitimacy of the arguments on both sides, it was difficult not to say that Belize had a much stronger case.<sup>77</sup>

At this time, Belize considered that it had a strong legal standing on the dispute. Guatemala had indicated a preference for a legal settlement, specifically in the Foreign Minister's letter of 1999. And in this regard, Guatemala also reminded Belize and the facilitators of the following:

Guatemala, while relying on a conciliatory solution to the territorial dispute, would also see as positive that, in case a solution was not reached, for both parties to accept a judicial or arbitral settlement. Guatemala's willingness was recorded on the aforementioned letter of October 18<sup>th</sup>, 1999, . . . If the government of Belize also believes that its rights

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<sup>76</sup> See Belize-Guatemala Territorial Differendum, Proposals from the Facilitators, 17-20 July 2000 – 16 September 2002.

<sup>77</sup> Interview, senior, Belizean negotiator and presenter in the facilitation process.



are indisputable, this disparity of criteria can only be solved by legal means.<sup>78</sup>

It is worth noting that Guatemala like Belize was also confident in their legal position on the dispute. Guatemala's presenters, in their rejoinder also expressed the following to the facilitators:

No matter how convinced the Belize Government is that the whole legal framework is in its favor; The Guatemalan Government is equally convinced. And there is no other way to solve this problem, ... but to submit it to an international [body], at the risk of a party not accepting this form of solution and be considered as an enemy of Peace.<sup>79</sup>

In facilitation, this critical point of common ground was reached. A former Belizean diplomat and participant in the facilitation process, expressed this mutual recognition for a juridical solution, when he states:

Belize took the position that the dispute was political in nature and could be settled by negotiation. In the end, Belize came to agree with Guatemala that the dispute required a legal settlement. The failure of the facilitation process [to resolve the dispute] showed just that.<sup>80</sup>

The facilitation process produced mutual acceptance by Belize and Guatemala that a juridical approach may finally conclude the territorial dispute. Belize accepted the proposals because they were favourable to Belize and maintained the territorial integrity of this state.<sup>81</sup> Guatemala rejected the proposals and the government argued

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<sup>78</sup> Guatemala Response to Belize Presentation 15 May 2001 (my translation).

<sup>79</sup> Ibid.

<sup>80</sup> Interview, Belizean negotiator.

<sup>81</sup> See Murphy (2004) on the joint recognition for a change to the north-western region of the border. This change in demarcation would grant Guatemala 3.3 miles in land to account for the rectification of the border markings at Garbutt's Falls and Aguas Turbias in Belize.

that they were not convinced that the proposals were consistent with the ethos of the national constitution. The proposals were perceived to contravene the national interest of Guatemala. The facilitation process ultimately failed to produce proposals that were acceptable to both Belize and Guatemala.

### **Beyond Facilitation**

Guatemala communicated its rejection of the proposals in February 2003, and by this time the facilitation process was completed (see Portillo Orellana 2011, p. 63). The facilitation did not successfully provide Belize and Guatemala with proposals that could form the basis for a settlement of their territorial dispute. However, some of the institutions from the CBMs remained functional and they continue to be followed in the post-facilitation period. Belize and Guatemala also recognized the mutual benefits that these measures had on border management but the territorial dispute had eluded settlement, yet again.

After facilitation, the states proceeded on a course of negotiations with the assistance of the Organization of American States (OAS). On 7 September 2005, the foreign ministers of Belize and Guatemala signed a new Agreement on a Framework for Negotiations and Confidence Building Measures. This new agreement specified that future recommendations emanating from negotiations should conform with the legal and constitutional framework of each country. Notably, these specifications in the 2005 Agreement could be viewed as a corrective response to Guatemala's reason for rejecting the proposals developed during facilitation. Guatemala cited that the proposals did not meet with the spirit of their national constitution, and the dispute could not then be settled in full commitment to the national interest of this state. In the new round of negotiations, the OAS Secretary General (SG) was endowed with the deciding role to determine when the parties were unable to reach a decision on some, or all matters specified in the agreement. When the SG determined this point, he recommended that Belize and Guatemala submit this dispute to the 'International

Court of Justice or an International Court of Arbitration, Juridical Bodies established under International Law for the solution of controversies.’<sup>82</sup>

Guatemala and Belize began these new rounds of negotiations discussing maritime issues. However, maritime issues are dependent on defined territorial boundaries and neither agreed on the matters related thereto (see Murphy 2004; Portillo Orellana 2011; Shoman 2013). The new negotiations ultimately failed, and on 19 November 2007, the SG recommended that the states submit their dispute to the ICJ. In 2008, the countries signed an agreement to submit the claim to the ICJ. Belize and Guatemala also agreed to the conduct of simultaneous, national referendums. By conducting referendums, the states were to seek consensus from their populations for a submission of the dispute to the ICJ. The referendums were proposed to be held in October 2013, but in March 2013, Guatemala announced that it had suspended the conduct of its own referendum. Since both countries had agreed to jointly conduct these referendums, the suspension by Guatemala meant that this effort at dispute settlement required reformulation once again.

## **5.5 Conclusion**

In this chapter, I established that there was an intersubjective turn in the states approach to the territorial dispute. I pointed out that this was preceded by the states pursuit of ontological security in the period after Guatemala recognized Belize. I presented that in the case territorial dispute, the states negotiated the territorial dispute without any success. I argued that though Belize and Guatemala were engaged in predictable but unsuccessful negotiations they had become attached to the routinized but unproductive interactions as the predominant settlement approach. By maintaining these interactions, however, the states had assured each other of their common knowledge and practices toward the dispute. These reduced their uncertainty and the ontological insecurity that the territorial dispute brought. Prior to the defining moment diplomatic note of 1999, Belize and Guatemala interacted over the dispute in a

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<sup>82</sup> Agreement on Framework for Negotiations and Confidence Building Measures between Belize and Guatemala, 2005. Organization of American States.

predictable manner - negotiating but without any effective and definitive progress toward a settlement.

The notable lag in negotiations and their ineffectiveness was the impetus behind the 1999 letter of the foreign minister of Guatemala. Minister Stein's letter redefined Guatemala's claim to territory in Belize and asserted the need for a substantive push for settlement, preferably through juridical means. Belize remained committed to continued dialogue and negotiations as viable means to settlement. The heightened activities in the border regions including the loss of a Guatemalan life in Belize, and the detention of Belizean security forces in Guatemala, urged a re-thinking of the previous approach to settlement. These incidences prompted a break in the usual negotiation process, and catalysed actions by Belize and Guatemala to embark on the development of a substantive settlement approach. The states conceived of the facilitation process in the year 2000. However, facilitation failed to deliver the proposals that they had hoped to use in the formation of treaty points for dispute settlement.

Having completed an unsuccessful facilitation process, Belize and Guatemala acknowledged that this territorial claim and border dispute was then on a legal footing. In the post-independence era, the legal representation of the dispute signalled that the states accepted that settlement rested within the ambit of international institutions established to settle such disputes. Both states eventually accepted this option since it offered a measure of stability and joint, specific actions. In the next chapter, I look at their efforts to act on this shared knowledge and to seek a settlement to their protracted dispute.

## Chapter Six      A ‘Managed’ Territorial Dispute

### 6.1            Introduction

In the last chapter, I examined the facilitation process that Guatemala and Belize constituted and implemented. Facilitation was a substantive effort and a move away from unsuccessful negotiations. I focused on the salience of ontological security as a prevailing interest in the dispute context since negotiations to settle the dispute were unsuccessful. Salient in this context also were the domestic political and security concerns which contributed to increased uncertainty and loss of confidence settlement attempts. Hence, the states were unable to rely on their traditional negotiations practices even as they offered some level of predictability and routine to the dispute context. The facilitation process produced proposals (mostly favourable to Belize) but these were unsuccessful since the states did not jointly agree to them. This lack of success further augmented that Belize’s held a non-negotiable stance on ceding territory while Guatemala’s expected some measure of territorial transfer as the most critical consideration for a settlement. At the end of facilitation, Belize and Guatemala agreed that they could not solve their territorial dispute through negotiation.

This thesis highlights, yet again that the dispute was driven by a distinct focus on the interests of the corporate identity of a state. At distinct points, the territorial dispute confronted Belize’s physical security, bilateral recognition and ontological security - all of which are the interest of the corporate identity of the state (see Wendt 1994). The theoretical proposition of the corporate identity of states, is that these interests are not formed in social interaction; rather, they constitute the state because they align intersubjectively with the norms of sovereignty and statehood. However, the evolution of the territorial dispute prior to the existence of the state of Belize also made it possible that the pursuit of these interests remained obdurate. The corollary of the territorial dispute, was that it was embedded in the contestation of the corporate identity of Belize since it emerged in the pre-state stage of Belize’s existence. Of critical note, however, is that the contested interests here are not matters of self-

interests but they constitute the ability of the state to engage as a unit of the international system. The results of negotiations between Belize and Guatemala underscored the inability of the states to settle these corporate interests in a social way. The previous attempts by the states to address each of these interests through bilateral negotiations enabled a lengthy but ultimately unproductive approach to settle the territorial claim and border dispute. Essentially, the use of a facilitation process to pursue interests that constitute Belize's corporate identity, confronted the intersubjectivity and embeddedness of the corporate identity of a state. This ultimately challenged the success of the facilitation process.

I argue, hence, that the corporate identity of the state is not a function of bilateral relations and it is not sanctioned solely by another state. Corporate identity, which is manifestly territorial is the enactment of the inherent functions of the state. Hence, in this dispute, it was never in the purview of Belize and Guatemala to sanction the corporate identity of Belize. Still, in their many negotiations to settle the territorial dispute, Belize and Guatemala sought to appeal to the values and aspirations of each of the respective states. But these negotiations eschewed a full acknowledgement that the corporate identity of any state is normatively driven by the international system. Corporate identity embodies the normative prescriptions of international relations, and these are indicative of the behaviours and actions in which states are engaged. On the other hand, the persistence of this territorial dispute and the lack of success from the facilitation process to enable its settlement, showed that disputes such as these, lack the prescriptive norms of corporate identity. The failure of the facilitation process, showed that corporate identity can neither be sanctioned nor removed by bilateral negotiations to settle a territorial claim.

After facilitation, both states accepted that their dispute may only be resolved by a submission to the ICJ. Yet, there was no guarantee that the dispute will eventually be taken to the international Court; in fact, until the two states officially submit their claim to this international body, the territorial claim will remain unresolved. However, two matters remain unchanged which can make an ICJ submission possible; Belize continues to refuse any consideration of a territorial transfer and Guatemala refuses to

rescind its claim to territory in Belize. Still, the decision to submit the dispute to the ICJ will be based on the results of referendums conducted in both states. Hence, my focus in this chapter is to show that, although a juridical approach to the dispute offered clear direction for its resolution, this did not lead the states to expeditiously pursue its settlement in this manner.

In the post-facilitation period, Belize and Guatemala, embarked on interactions based on new identities that were formed in the highly-institutionalized context of the 2005 Agreement on Negotiations and Confidence Building Measures (CBMs).<sup>83</sup> The 2005 Agreement made it possible for the countries to then pursue a course of actions that could lead to the submission of the claim to the ICJ. Later, their commitment to the special agreement of 2008 (SA 2008) enabled, procedurally speaking, a path to dispute settlement at the Court. To note, SA 2008 officially detached all aspects of this territorial claim from any further attempts by Belize and Guatemala to negotiate a bilateral settlement. The post-facilitation period was thus characterized by a legal footing of the territorial dispute along with the parallel institutions of confidence building and cooperation programmes. Owing to the 2005 Agreement, Belize and Guatemala were mutually constituted in a new form of inter-state actions to *support* the settlement of the dispute. After the facilitation, Belize and Guatemala formed identities in addition to their target and challenger state identities and this prevailed over their subsequent interactions.

This chapter has five parts. First, I discuss the limitations of traditional IR theories to show that they fall short in explaining the lack of settlement even after a juridical representation of the claim was established. I point to the formation of role identities that enabled continued interactions by these states. Role identity ‘exist only in relation to Others’ and it is formed ‘by occupying a position in a social structure and following behavioural norms’ (Wendt 1999, p. 227). This identity cannot be formed unilaterally and, unlike corporate identity, it is formed socially. In the second part, I examine how

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<sup>83</sup> I refer to the full composite of this agreement as the 2005 Agreement hereafter but I also refer to the Agreement on Negotiations and Confidence Building Measures (CBMs) as distinct elements of the same agreement. I do this to show the influence of each of these aspects even though they composed the whole of the 2005 Agreement.

post-facilitation interactions were institutionalized to constitute Guatemala and Belize in distinct social structures. I argue that these interactions specified the existence of processes designed to manage rather than settle the dispute. Third, I address how the states have responded to the legal footing of the territorial claim and the implications this carries for the certainty of dispute settlement at the ICJ. Fourth, I explain that the existing institutionalized mechanisms for interactions as outlined in the 2005 Agreement prioritized state cooperation and I detail further that this informed the new role identities of the states. In the final section, I set out that the continued existence of the CBMs and the program of cooperation, in particular, have provided these states with some stability in the management of the unresolved territorial dispute.

## **6.2 Enabling Continued Interactions**

Despite the lack of success from the facilitation process, Belize and Guatemala continued to interact over the territorial dispute. They developed three (3) distinct processes in the 2005 Agreement that shaped the new social context in which they attempted another settlement approach. The first of these processes was the framework for negotiations ‘designed to reach an equitable solution [to the territorial claim] that is general, definitive, honourable and permanent on the land insular and maritime issues’.<sup>84</sup> The second process was the implementation of a special regime within the adjacency zone, established solely as an operational, territorial space to facilitate the implementation of confidence building measures. The third process was a program of cooperation which was developed to ‘maintain and deepen . . . friendly bilateral relationship until the territorial [claim] is permanently resolved (ibid.)’. The latter two processes were expected to contribute to a conducive environment for the resolution of the dispute. Together, the framework for negotiations, the CBMs and the program of cooperation were established to create distinct social structures that were mutually beneficial to Guatemala and Belize. Furthermore, both states agreed that ‘neither Party

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<sup>84</sup> See Agreement on a Framework for Negotiations and Confidence Building Measures Between Belize and Guatemala, signed in 2005.



shall use force or the threat of force, to pursue their positions with respect to the [territorial claim]’ (ibid.).

Essentially, the 2005 Agreement was designed to inform and manage the actions of the states so that they maintained the momentum that was started with the institution of the facilitation process. Thus, in implementing the 2005 Agreement, these states were expected to pursue their jointly devised actions and to conduct state relations even as the territorial dispute remained unresolved. The 2005 Agreement included: the new strategy for negotiations overseen by the OAS, activities promoting order and security in the adjacency zone, and a plan for cooperation and good neighbourliness.<sup>85</sup> Notably, the existence of this agreement insulated the two countries from a period of unproductive silence after the failed facilitation process. Smith (2008) for instance, suggests that there could be a real drawback if Belize considered ignoring Guatemala. Indeed, dialogue between the two states in the period immediately after facilitation was a conduit for the exchange ideas and the interactions of these states were especially pivotal for ongoing settlement attempts.

Specifically, the CBMs were salient to the 2005 Agreement, because these measures subsequently enabled Belize and Guatemala to delink dispute settlement from the conduct of other state-to-state interactions. In this context, the CBMs was an operational mechanism that enabled the states to deal with unregulated activities in the adjacency zone, specifically: encroachments, illegal settlements, military activities, and other security concerns. Further, in the structure of the CBMs, Belize and Guatemala agreed to respond to these activities using jointly designed protocols and actions for matters that arose in the designated adjacency zone. Still, the identities of cooperation and good neighbourliness that the states came to form during the implementation of the CBMs, did not remove their existing identities as challenger and target states in a territorial dispute. Rather, in the post facilitation period, Belize and Guatemala assumed an additional identity that allowed them to continue interacting while they prepared for the possibility of a juridical settlement to their

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<sup>85</sup> See Agreement on a Framework for Negotiations and Confidence Building Measures Between Belize and Guatemala, signed in 2005.

dispute. As mentioned in the previous chapter, regular interactions and routinized actions were key to maintain ontological security in both states. Further, and still in the context of CBMs implementation, the states interacted whilst having dual identities, though their cooperative identity had greater salience in this social structure. In this thesis, this is an active process of state identity construction which I examine further.

### **The Limitations of Traditional Theories**

Traditional theories, realism and neoliberal institutionalism are challenged to account for the shift in identities in Belize and Guatemala. In these traditions, disputing states, are considered to have uncontested, corporate identities before they interact. Therefore, with corporate identity established, realism would tend to suggest that the existing capabilities of the states should be used to settle their dispute. In realism, the assumption is that the state with greater capabilities, including legal capabilities – as the dispute was anchored on a legal footing – can command the outcomes desired from the dispute. Neoliberal institutionalism similarly maintains that powerful states use institutions to secure their interests. In the case territorial dispute, however, neoliberal institutionalism parts ways with realism because of the emphasis placed on institutions and regimes as intervening variables. In this case, the 2005 Agreement and SA of 2008, would then be granted a causative role based on the assumptions of this tradition. In contrast, realist tradition sees institutions as intermediaries and lacking any independent effect on the actions of states. In the tradition of neoliberal institutionalism, the institutions that facilitated the implementation of the bilateral agreements could be granted significant autonomy to influence the settlement of the claim.

As is known, neoliberal institutionalism considers conflict as a precursor to the setting up and maintenance of cooperation and institutions by states (see Hobson 2000 p. 98; Sterling-Folker 2000, p. 100). Belize and Guatemala recognized that they faced an impasse after the failed facilitation process, so they developed and signed the 2005 Agreement. This agreement is significant in the post-facilitation period, not because

it directly influenced the status of the territorial dispute, but because it enabled the states to form new identities as they interacted after the facilitation process. However, neoliberal institutionalism is committed to fixed identities and does not then account for the identities that these states subsequently developed in the post-facilitation period. For neoliberal institutionalism and realism, the states interacting in the post-facilitation period had the same identities and interests as the states that were interacting after state-to-state recognition. In the post-facilitation period, what is salient is that the states formed new identities and pursued new interests as they interacted with each other.

In this thesis, I do not negate that some achievements were jointly realized after the facilitation process. In fact, the formation and implementation of the CBMs were tangible products of the post-facilitation period. Importantly, these achievements did not straightforwardly reflect the distribution of capabilities, which realism suggests states can use to settle territorial disputes. On this matter, consider the points presented by the prime minister of Belize as he articulated to the UN General Assembly the limitations of international relations when the focus is foremost on capabilities:

Because of the multiplication of new states, especially since 1960, the international order has been characterized by an unprecedented differentiation in underlying power capabilities between the huge and the tiny. Very weak [states] can, of course, never seriously hope to influence international behaviour solely through the use of their national power capabilities.<sup>86</sup>

Further, the threat of force to settle the dispute was dispelled by the states because Belize and Guatemala committed to a peaceful resolution of the dispute and they discounted its use to pursue their interests. Neoliberal institutionalism does not get a full pass for the mitigating effects of the regime of CBMs on the territorial dispute.

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<sup>86</sup> See United Nations General Assembly (1995) 'Item 9: General Debate Mr. Barrow (Belize)'. Official Records, Fiftieth session, 5th Plenary Meeting, 11 October 1995, United Nations, New York.

This interim regime did not eliminate the dispute; instead, it served as an intervening institution that in the short-term, reduced the strain of the territorial claim on both countries. For instance, the strengthening of the CBMs post-facilitation, fostered greater cooperation between the two disputing countries and they were effective in maintaining - at least operationally - that the territorial dispute was under control. Owing to the implementation of the CBMs, the states also focused on cooperation. Note, the statement of the Guatemalan President about cooperation agreements between the two countries, even as the territorial claim remain unresolved:

. . . thanks to the decision of both governments to guide the bilateral relationship according to two main axes. The first . . . is to leave the territorial, insular and maritime [claim] in the hands of the International Court of Justice, not in [the] day to day of our relationship. The second axis is to strengthen and ensure a normal and solid bilateral relationship in benefit of the development of the people of both countries, which generates a positive political and social environment for the process of the definitive solution of the territorial [claim].<sup>87</sup>

The traditional theories are further challenged to account for the lack of urgency to submit the claim to the ICJ. In the absence of expedited actions, to proceed to the ICJ, the states displayed minimal urgency for the expressed juridical representation of the dispute. In this vein, realism would suggest that the identities of the states were unlikely to have any influence on the decisions and the pace with which Guatemala and Belize approached settlement in the post-facilitation period. Yet, it is worth noting

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<sup>87</sup> See OAS (2014) *OAS Secretary General Attends Signing of Agreements between Guatemala and Belize* [Press Release]. 17 December 2014. Available at: [http://www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=E-560/14\\_](http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-560/14_) (Accessed: December 2014)

that in this same context, the states were in effect, managing three distinct identities. These identities were linked to: the conduct of new negotiations managed by the OAS to determine whether the dispute should be submitted to the ICJ; joint implementation of the CBMs; and developing and implementing bilateral actions and programs of cooperation. The multiple identities of the states are not accounted for by realism; neoliberal institutionalism, meanwhile, commits to the immediate utility function of institutions but less so to the time it takes for these to be formed. For example, Stirling-Folker (2001) argues that although neoliberal institutionalism and constructivism both make a commitment to a process-based ontology, it is constructivism's ideational process specifically, its commitment to 'successive acts of cooperation *and engagement* in discursive rhetoric' that is better equipped to accommodate changing identities and interests (p. 110, my emphasis). Furthermore, constructivism provides greater explanatory power for time as a factor in this protracted dispute. Neoliberal institutionalism explains cooperation in the moment, whereas constructivism tends to accommodate the longer-term reshaping of identities and interests (ibid.).

I posit that in the normative and highly institutionalized context post-facilitation, the other identities of Belize and Guatemala – specifically their role identity - grew in salience. The states formed new ways of interacting in spite of their enduring territorial dispute. In these interactions, Belize and Guatemala formed identities that were pull factors for cooperation and neighbourliness and in this regard, the CBMs constituted the two states as joint implementers of enforcement actions in the adjacency zone. In an ideal settlement structure, the benefits from the CBMs were to accrue as the outcomes from a settled dispute. However, in the case of Belize and Guatemala their dispute remained intractable. Realism and neoliberal institutionalism cannot fully account for the changing salience of the identities of Belize and Guatemala and the interests they pursued since the 2005 Agreement. In the post-facilitation period, both states formed and interacted in multiple social structures, all of which were distinctly shaped by their identities and interest.

## Beyond A Corporate Identity

In the post-facilitation period, the dispute settlement context was constituted to include negotiations as well as bilateral interactions between the two states. Prior to this, bilateral negotiations dominated the relationship of the two countries. Indeed, Belize's foreign policy consistently placed settlement of this claim as its foremost priority; the Guatemalan claim to territory was considered 'in the last 20 years as the number one (1) assignment for any foreign ministry in Belize'.<sup>88</sup> With the territorial dispute on a legal framing, and as the states began to establish programs of cooperation, the territorial dispute lost some of its dominance as the states pushed to strengthen interstate relations. On this matter, Guatemalan President, Pérez Molina suggested removing the territorial dispute from the day-to-day matters of interstate interactions between Belize and Guatemala. He also referenced a desire to strengthen and ensure a normal and solid, bilateral relationship between the two countries.<sup>89</sup>

In this thesis, I argue that, this stated preference indicated the formation of state identities that were consistent with cooperation in the post facilitation period. Identity among states, according to Wendt, is classified as 'a property of intentional actors that generates motivational and behavioural dispositions' (1999, p. 224). This further implies that an identity, in the case of a state, is based on individual or subjective conceptions of self; it is also intersubjective because it relies on other actors treating it as it conceives of itself. This conception also helps to account for state identities that are amenable to an 'internal-external relationship' (ibid.). To cite Wendt once more, states have multiple identities but 'most identities are activated selectively depending on the situation' in which states find themselves (1999, p. 230).

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<sup>88</sup> Interview with former Belizean diplomat and senior negotiator

<sup>89</sup> See comments by former Guatemalan President Otto Perez-Molina at OAS (2014) *OAS Secretary General Attends Signing of Agreements between Guatemala and Belize* [Press Release]. 17 December 2014. Available at: [http://www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=E-560/14\\_](http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-560/14_) (Accessed: December 2014)

As of 2005, Belize and Guatemala were constituted in a social structure where they had identities of target and partner states as well as challenger and partner states respectively. In the previous chapter, I pointed out that Belize's corporate identity and the interests it was likely to pursue were the central locus of the territorial dispute with Guatemala. However, when the dispute was jointly determined to be of a juridical nature, the corporate identity of Belize lost some of its salience as the *focus* of state interaction. Here, I argue that the CBMs and the program of cooperation gained prominence in the post-facilitation period. This was possible because the regime of CBMs and the program of cooperation enabled the states to actively rely on their new identities to function in a social structure in which they managed the territorial dispute as opposed to settling it. In the post-facilitation period, the identities that the states were actively developing were premised on the 'second axis' of strengthened bilateral relationships as Guatemalan President Perez-Molina explained. Since Belize and Guatemala agreed that their dispute could not be negotiated and that it should be settled at the ICJ, this removed the interests of corporate identity out of the realm of bilateral, negotiations. Thus, to look at the identities of the states in the post-facilitation period and the interests they pursued, I examine the emergence of role identities between these states. I posit that this social identity of states supported an understanding of how Belize and Guatemala continued to interact in the post-facilitation period despite that the territorial claim was not concluded.

### **Post-facilitation Interests**

The 2005 Agreement specified the conduct of state actions that maintained state interactions after the unsuccessful facilitation process. The 2008 SA officially signalled that the territorial claim was a juridical matter requiring settlement at the ICJ. This agreement also distinguished the emerging interests of Belize and Guatemala since a juridical representation of the dispute generated objective state interests such as territorial integrity and security. According to Wendt, these interests of states are considered as 'needs or functional imperatives which must be fulfilled if an identity [such as a state] is to be reproduced' (1999, p. 232). The objective interests of states are a function of their corporate identity, such that these interests are not derived from

social interaction since they are ‘intrinsic to states; relative to the international system’ (ibid., p. 234). In contrast, subjective interests, according to Wendt, account for preferences for certain outcomes and actions that are driven by what states think they can attain (see also Finnemore and Sikkink, 1998). In the post-facilitation period, the states pursued subjective interests which are self-interested. These interests were formed as Belize and Guatemala actively developed role identities.

In this thesis, I distinguish between the interests that were being pursued in the post-facilitation structure of this territorial claim to also point to the changing identities of the states. While Belize and Guatemala interacted in multiple social structures, the legal representation of the dispute constrained their interactions. On its legal footing, settlement of the dispute indicated that this case was to be submitted to the Court. In fact, Belize and Guatemala agreed in the 2005 Agreement that if they were unable to reach an agreement, the OAS Secretary General should recommend that the countries submit the dispute to ‘either the International Court of Justice or an International Court of Arbitration, Juridical Bodies established under International Law for the solution of controversies’.<sup>90</sup> Settling the territorial dispute is an objective interest as territorial integrity is a constitutive interests of a state; a state cannot exist without its territory. Hence, on a legal footing, the objective interests (specifically, territorial integrity and sovereignty) will be pursued through international law at the ICJ. In its current legal representation, the settlement of the dispute was situated on a procedural path that did not then require ongoing bilateral interactions between Belize and Guatemala. What was important however, was that the states pursued the actions they agreed on to seek a juridical settlement.

Meanwhile, Belize and Guatemala strengthened the CBMs and the program of cooperation. Indeed, these social structures promoted state interactions on matters that were peripheral to a legal settlement of the claim. The bilateral partnerships do not bear directly on the settlement of the dispute except that they were expected to promote an environment that was conducive to good neighbourliness. I additionally

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<sup>90</sup> See 2005 Agreement of a Framework for Negotiations and Confidence Building Measures Between Belize and Guatemala.



analyse these subjective interests since they take precedence in the post-facilitation period. In this context, the preferences of Belize and Guatemala, were to have the territorial dispute settled by a ruling of the ICJ and to engage in bilateral actions to pursue interest beyond dispute settlement. As part of the latter, they aimed to promote and strengthen '*friendly and bilateral relationships* until the [territorial claim] is permanently resolved'.<sup>91</sup> Belize and Guatemala were thus inclined to pursue their objective and subjective interests at the same time. I argue further that the interests these states actively pursued in this time were consistent with strengthening their social interactions and role identities. This was the salient identity present as they interacted after the dispute was juridically framed and they established and strengthened bilateral programs of cooperation. In the next section, I look at the decisive and norm-governed social structures that promoted the development of role identities and the states pursuit of the commensurate interests. This condition, I argue, account for the states ongoing interactions in the absence of decisive actions to seek submission of the territorial dispute at the ICJ.

### **6.3 Institutionalisation of Post-Facilitation Interactions**

The agreements that Belize and Guatemala signed after the facilitation process, allowed these states to define new institutions in the context of their extant territorial dispute. These institutions are important to this thesis because they advance my commitment to a description of the flow of state action in the same period. Critically, these institutions also advance an illustration of how the states adopted interests that were consistent with their formation of social identities. Here, the actions of the states were driven by their evolving identities as much as by the failed facilitation process. In this vein, the process of dispute settlement – though subject to the approval of the populace in each country<sup>92</sup>- appeared to be on a solid legal footing. But the transition from a territorial dispute that was long-held as a political matter to a juridical one was

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<sup>91</sup> Ibid.

<sup>92</sup> See presentation on the signing of the Special Agreement, 2008 by Fred Martinez. Belize and Guatemala are required to have referendums on the final solution arrived at by negotiators – for Belize this is a political commitment; for Guatemala, it is a political and constitutional requirement. Only their joint approval could secure the submission of the claim to the ICJ.

not automatic. On the matter of representation, Nuemann (2008) states that generally, ‘it takes a lot of discursive work to maintain a situation where [an otherwise closed] representation cannot be challenged openly’ (p. 70). More, specifically, a legal representation of the dispute required time and structure for its social integration in both states. Hence, the 2008 SA included the prerequisite actions for the conduct of bilateral referendums in Belize and Guatemala. In this regard, the SA of 2008 specified procedurally, the actions that the states were to undertake after the dispute was placed on a legal footing. The path to a juridical settlement, mirrored the highly regulated process of facilitation. In the next section, I look at the three prominent processes that socialized the dispute as it was situated on a legal footing.

### **The Need for a Special Agreement**

The decision to submit the claim at the ICJ was neither automatic nor unilateral since neither Belize nor Guatemala have compulsory jurisdiction of the ICJ. The ICJ declarations specifies compulsory jurisdiction of the court in the following manner:

Each State which has recognized the compulsory jurisdiction of the Court has in principle the right to bring any one or more other States which has accepted the same obligation before the Court . . . , and, conversely, it has undertaken to appear before the Court should proceedings be instituted against it by one or more such other States.<sup>93</sup>

Compulsory jurisdiction of the ICJ requires the unilateral act by a member state to declare ipso facto the jurisdiction of the court, without any special agreement. Hence, in the case of Belize and Guatemala, both states were to have given prior consent to the Court to exercise jurisdiction over any of their disputes including the thesis territorial dispute. Given that states cannot be compelled to go to the ICJ, Belize and Guatemala were expected to seek a special agreement to give the Court jurisdiction

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<sup>93</sup> See <http://www.icj-cij.org/en/declarations>.

over their territorial dispute. A special agreement is a request made by a state requesting the jurisdiction of the Court over a specific case. In the Belize-Guatemala matter, this is an *ad hoc* agreement specific to this dispute, known as a special agreement or *compromis*. In a special agreement the state requests ‘the jurisdiction of the Court comprises all cases which the parties refer to it’.<sup>94</sup> This is also known as a voluntary jurisdiction.

Senior Belizean negotiator, Alfredo Martinez, explains that when Belize joined the United Nations system, it did so without the compulsory jurisdiction of the ICJ. According to Martinez, Belize was aware that being a member of the UN, and at the same time the subject of a territorial claim by Guatemala, could entitle Guatemala – if it had compulsory jurisdiction – to take the claim to the ICJ on its own terms.<sup>95</sup> In fact, if either country had compulsory jurisdiction of the ICJ, Martinez suggests that this dispute may have been submitted to the ICJ.<sup>96</sup> The reservations on automatic jurisdiction of the ICJ in both countries however, required that they jointly negotiated and developed an *ad hoc* agreement by which they could then submit their dispute for settlement at the ICJ. Through this agreement, Belize and Guatemala consented that they should ‘request the court to determine in accordance with applicable rules of international law as specified in Article 36(1) of the statute of the Court any and all legal claims of Guatemala against Belize’.<sup>97</sup>

Relatedly, although the 2008 SA specifies that the territorial claim is a juridical matter, the efforts of the states to proceed to this manner of settlement do not enter into force unless and until the two countries are instructed to do so by plebiscite. Thus, the decision to go to Court, is incumbent on the outcome of bi-national referendums. The signing of the 2008 SA nonetheless signalled that the countries believed that the only means to conclude the dispute was juridical. When the *compromis* was agreed upon

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<sup>94</sup> *Ibid.*

<sup>95</sup> See 2008 press conference by Belize on the signing of the Special Agreement to submit the claim to the ICJ. Note specifically, the presentation by lead negotiator and former Belizean Ambassador to Guatemala, Fred Martinez.

<sup>96</sup> *Ibid.*

<sup>97</sup> See Special Agreement between Belize and Guatemala to submit Guatemala’s territorial Insular and Maritime claim to the International Court of Justice, 2008. Organization of American States.

and signed by the executive levels of government in Guatemala and Belize, this made a series of actions possible.<sup>98</sup> It also signalled – at least officially - the continued commitment of the two countries to use the CBMs to manage the physical the adjacency zone. In the interim, Belize and Guatemala relied on the operational effectiveness of the bilateral CBMs to reduce any tangible impact of the claim in this area.

### **Sustained Confidence Building Measures**

The regime of CBMs proved to be resilient in the context of an enduring territorial dispute. Practically, the unresolved dispute necessitated the continued existence of these mechanisms and since the 2005 Agreement, the CBMs also gained relative autonomy from the dispute settlement structures. The CBMs were implemented to manage the adjacency zone but they also contributed to the creation of a conducive, bi-national environment that could allow the dispute to be settled at the ICJ. Hence, the value of the CBMs was their interim functionality in the adjacency zone which also enabled the states to interact peaceably. Owing to the CBMs, the states implemented security commitments and promoted cooperation and good neighbourliness with each other. The CBMs provided additional benefits that were positive but they could not be the final outcome for the settlement of the dispute. However, the CBMs have become the *de facto* protocol to deal with the territorial effects of the unresolved territorial claim, since they are primary to the security of the adjacency zone.

The CBMs have had significant influence on bilateral actions to address practical matters arising from the territorial dispute. As a regime, the CBMs produced a series of bilateral achievements including: greater security in the adjacency zone; management and control of illegal settlements; coordinated operations of state security agencies; and an increase in the flow of information and communication for rapid response between the two countries. These actions were implemented in a social

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<sup>98</sup> These actions were later updated in the Protocol to the Special Agreement Between Belize and Guatemala to Submit Guatemala's Territorial Claim to the International Court of Justice, 2015.

structure, separate from the settlement of Guatemala's claim to territory in Belize. The success of the CBMs, showed that the matters arising from the territorial dispute can be addressed by the states, in spite of the unresolved territorial claim. The implementation of the CBMs by Belize and Guatemala highlights the prevalence of their role identities – that is, they are states jointly engaged in bilateral activities to maintain peace, security and order in the adjacency zone. Still, the CBMs regime is a parallel structure that operated alongside other state efforts for dispute settlement. In this regard, the CBMs can only improve public confidence in both countries on the security of the adjacency zone and for the eventual conduct of binational referendums.

### **Joint Referendums**

Belize and Guatemala committed to the conduct of simultaneous referendums which could lead to a settlement of the territorial dispute at the ICJ. The referendum is a political commitment by Belize, and a constitutional mandate for Guatemala. It is important to note also, that despite the agreed juridical nature of the dispute, a possible settlement at the ICJ is not predetermined. However, in signing the SA 2008 both countries acknowledged that their previous bilateral approaches did not yield any conclusive results for a resolution of the territorial dispute. In signing SA 2008 the states jointly communicated that this dispute was beyond resolution through negotiations.<sup>99</sup> The option to seek settlement at the ICJ was contingent upon the political and constitutional commitments by Belize and Guatemala, to hold instructive, simultaneous, national referendums. Article 7 of SA 2008, states that, 'The Parties commit themselves to undertake the procedures set forth in their respective national systems to submit to referenda the decision to bring to the International Court of Justice the final settlement of the territorial dispute.'<sup>100</sup> Belize and Guatemala were thus expected to secure the respective, domestic commitment for an ICJ settlement.

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<sup>99</sup> Interview with senior official, Ministry of Foreign Affairs, Belize

<sup>100</sup> See Special Agreement Between Belize and Guatemala to Submit Guatemala's Territorial, Insular and Maritime Claim to the International Court of Justice, Organization of American States, Secretariat for Political Affairs, Department of Democratic Sustainability and Special Missions, Peace Fund.

The results of these referendums will have a direct impact on the real possibility of a settlement.

Taken together, these three processes specified the normative processes that governed the efforts by these states to settle their dispute at the ICJ. In this thesis, these processes constituted the social structures that the states formed so that procedurally, they were able to transition from unsuccessful negotiations to a new settlement option. These processes provided the states with the norms and processed to make a shift in their settlement approach. Taken together, these processes did not enable any notable expedition in the efforts by the states to settle their territorial dispute. In the next section of this this thesis, I look at some of the social dynamics that were present as the states prepared to internalize a juridical approach to the territorial dispute.

#### **6.4 Pursuing a Legal Approach to Settlement**

Further examination of the identities of Belize and Guatemala also enhances an understanding of why these states have not expedited a juridical settlement. To conduct this examination, I review the cognitive aspect of state identity. This identity content explains how actors come to understand ‘the world, and, consequently, how their material or social incentives for particular actions can be influenced by their identities’ (Abdelal et al. 2010, p. 700). Using the cognitive content of identity, states can be viewed to act based on their own interpretation and understanding of the context in which they find themselves. In a territorial dispute that has been legally situated for example, this identity content suggests that states must first interpret if their interests will be met through a legal process or binding resolution. The states may be aided in such interpretation by using frames and scripts.

According to Diurna (2010), frames are the collectively accepted and shared ‘ways of interpreting situations and problems’ (p. 100). Frames are social and hold what actors know and feel comfortable with; frames are the actors’ worldview which help them to understand and make sense of a problem. Actors also employ the use of scripts which

complement frames; scripts are existing instructions or behavioural codes that guide responses to the problems actors face. Scripts are less about interpretation and more about the behaviour or action of actors. For instance, Diurna (2010) suggests that when states use the cognitive content of their identity, they rely on both frames and scripts to help them determine what a situation means and what actions they can take. In this conception, Belize and Guatemala were also likely to interpret the settlement of the dispute based on their inherited legal traditions. Pointedly, Diurna (2010) argues that, legal traditions influence how states interpret the context in which they are located. He posits that, states with a civil law tradition are likely to apply ‘codification and regulation’ to respond to the situations that they face. In contrast, states with a common law tradition are ‘accustomed to the state laying down basic regulatory principles . . . [to deal] with conflicts as they arise . . . a priori state intervention is looked on with suspicion at best’ (2010, p. 100).

Of note, Belize and Guatemala have distinct legal traditions; Belize has a common law tradition, common to former colonies of Britain, while Guatemala has a civil law tradition, which is common among former colonies of Spain. Principally, the value of the cognitive content of state identities in a territorial dispute is that this identity component aids in an understanding of how the states interpret (frame) the territorial dispute and the basis by which they seek to settle it (script). When applied to states, cognitive identity is also indicative of the states’ pre-disposition to settle a territorial dispute juridically. In this thesis, how Belize and Guatemala interpreted the legal representation of their territorial dispute has also borne on how these states individually approached the possibility of a juridical settlement. Of note, Belize had long maintained that dialogue and negotiations were key to settling the dispute even as the dispute proved to be unsuccessful. Guatemala, on the other hand had long signalled its preference for a juridical settlement, historically and more recently.

The legal traditions of states can also bear on the cognitive identity of states. In the context of the thesis territorial dispute this can additionally suggest that ‘worldview misalignment’ - such as a territorial dispute - in common law states is accommodated through the principle of mutual recognition whilst in civil law states, these

misalignments are responded to as ‘a legal challenge that calls for a legal response’ (Diurna 2010, p. 100). The cognitive content of state identity is particularly revealing about the potential settlement preferences that states are likely to pursue, based on their worldview. This identity content illuminates what the states were likely to consider as legitimate in the negotiated space of a territorial claim. Even so, the different colonial histories of Belize and Guatemala distinguished that each state may likely favour a juridical settlement to this territorial dispute. Furthermore, it also explicates that even as this territorial dispute was agreed as juridical, it required some time to gain mutual, cognitive acceptance and preparedness.

Legal calculus is another salient consideration for the states in this thesis case. From a general position, Powell and Wiegand (2011) offer some insights on the issues that bear on the decisions of states as they consider submitting a dispute for binding resolution. They find that there are two mechanisms - legal and political - that affect the decisions of states to use such methods. Referencing the legal mechanism, they suggest that states are likely to seek a binding resolution to their dispute if there is notable, domestic respect for rule-of-law. On this basis, Powell and Wiegand explain that, this choice of a resolution method is an ‘interplay of legal calculus’ predominated by the principle of rule commonly found in democracies (2014, p. 363). Critically, in high rule of law states, they find that it is the perception of the citizens about the application of the law that becomes the relevant consideration for a resort to a legally binding method. On the other hand, the political mechanism relies on states past experiences with resolution methods (2011 p. 362). States tend to use the political mechanism when they have a legal precedent by which they can gauge the potential outcome for their dispute, if they were to use a legally binding method. These findings by Powell and Wiegand further explain the context in which states manage the legal footing of their territorial dispute, however, the predominance of either mechanisms does not guarantee that states will settle their dispute legally or use a binding resolution.

Politically, there is no precedent of a win/loss case record for either Belize or Guatemala by which to assess any previous interaction over a territorial claim at the



ICJ. There is thus no potential to predict any commitment to the ICJ based solely on past experience. However, the legal mechanism is more indicative of a domestic context as it is related to citizens perception about the application of the law. This could suggest that, for Belize and Guatemala to jointly opt for an ICJ settlement, their citizens must be equally convinced that the final ruling by the Court will be accepted and adhered to in both countries.

### **Confronting the Finality of a Legal Settlement**

Following the facilitation process, and more pointedly after the signing of the SA 2008, the previously closed juridical representation of the dispute became open to some public concerns about the conclusiveness of a legal ruling on the territorial dispute. These concerns confronted the confidence Belize previously had about its ability to successfully pursue a legal settlement to the territorial dispute. Belize had previously relied on favourable, legal opinions on the strength of its case to challenge Guatemala's claim to territory.<sup>101</sup> Legal opinions commissioned by Belize, informed that theirs was a strong case if presented at the ICJ. Additionally, Shoman (2013) documents a list of nine (9) positions that he considers to be the strength of Belize's legal position.<sup>102</sup> In the process of facilitation, Belizean officials were also resolute about the strength of their legal position. Indeed, Guatemala presenters asserted that Belize appeared to use this space to present substantive legal positions, even as this was not the venue for such arguments.<sup>103</sup> A senior official and member of the Belize facilitation team, indicated that during the presentations to the facilitators, the Belize team were increasingly confident about their own legal positions.<sup>104</sup> Another lead member of the team made the following observation:

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<sup>101</sup> See legal opinions of 1978 and 2000 by E. Lauterpacht and D. Bowett and E. Lauterpacht respectively.

<sup>102</sup> Shoman (2013, p. 19) lists that Guatemala must at least prove that: Spain was in effective occupation of Belize in 1821; Guatemala had title to the territory of Belize in 1859; the 1859 Treaty was a Treaty of cession; Article 7 was the compensation for that cession; Britain alone is responsible for not implementing that article; as a result, the treaty became void in its entirety; consequently Guatemala has title to the territory; the 1931 Treaty has no effect; and Guatemala and not Belize exercised sovereignty and peaceful possession and administration over the disputed territory.

<sup>103</sup> See Guatemala's statement in the rejoinder presented to the team of facilitators, May 2001.

<sup>104</sup> Interview former Belizean diplomat and member of facilitation team

. . . it was in the facilitation process and having the auspices of the OAS to set out definitively [Belize's] legal position . . . that would have given Belizeans and the Belize government . . . the confidence of the legal position.<sup>105</sup>

Belize was also public in expressing confidence about a legal recourse to dispute settlement. Belize's lead facilitation presenter, Shoman stated in closing comments to the facilitators in 2001, that 'it should be clear after the submissions made both in writing and orally . . . this is not a case suitable for judicial determination . . . Guatemala has no case'.<sup>106</sup> Belize had in practice, overwhelmingly articulated confidence in its legal case if the dispute was submitted at the ICJ. Yet, Belize, unlike Guatemala, has historically preferred a political approach to settlement of the territorial dispute. Belize has always preferred a process of dialogue, or a process of negotiations – often referred to as a political process – to settle the territorial dispute with Guatemala. In the modern period of the dispute, and just prior to the facilitation process in 1999, Guatemala signalled yet again, her preference for a juridical settlement to the dispute. This was the essence of the letter sent to Prime Minister, Musa by Guatemalan Foreign Minister, Stein declaring that the Guatemalan government had 'the firm conviction that, this being a juridical problem, such arrangement should confine itself to a juridical solution' (see Guatemala Diplomatic Note, 1999). Prior to the facilitation process, Belize was not willing to accept Guatemala's call for a juridical settlement to the dispute. Prime Minister, Musa responded to this expressed suggestion by Foreign Minister, Stein, by stating the following:

Your Excellency will I hope, agree that it is essential for a process of dialogue to bear fruit that both sides act in good faith and remain true to the commitments made by our

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<sup>105</sup> Interview former Belizean diplomat and member of facilitation team

<sup>106</sup> See Belize's closing comments in the facilitation process.

governments in the process of dialogue. Only thus can we make progress and achieve a lasting solution . . . The meetings . . . augur well for a beneficial and orderly process of political dialogue that will result in a definitive settlement . . .'<sup>107</sup>

This line of discourse in the modern period of the Belize-Guatemala's dispute, illustrated that although Belize articulated confidence in its legal positions, the preference of Belizean officials prior to facilitation, was for ongoing dialogue and negotiations. Furthermore, Guatemala had proposed that the facilitation process should be formulated to produce legally binding proposals which Belize refused. In interviews with senior Belizean negotiators, they agreed that this was a facilitation option. A former diplomat suggested that Belize was not expecting the facilitation proposals to be overwhelmingly favourable to Belize.<sup>108</sup> Another senior diplomat suggested that the Belizean public was distrusting of the OAS and would not have agreed that this entity had a final decision on this outcome.<sup>109</sup> Indeed, in the process of formulating the facilitation process, lead Belizean negotiator, Shoman expresses wariness by Belize to seek a binding resolution of the dispute when he states:

In my own mind, I would have much preferred answering the Guatemalan [Foreign Minister] in 1999: Ok, see you in court. But there was no way I could sell that to either of the two political parties or to the Belizean people at the time ... large numbers of Belizeans, and one of the political parties, are still against submitting the claim to the ICJ.<sup>110</sup>

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<sup>107</sup> See Prime Minister Musa's response of 8 June 2000 to Foreign Minister Stein's letter of 18<sup>th</sup> October 1999.

<sup>108</sup> Interview former senior Belizean diplomat and member of facilitation team.

<sup>109</sup> Interview former senior Belizean diplomat and presenter on the facilitation team.

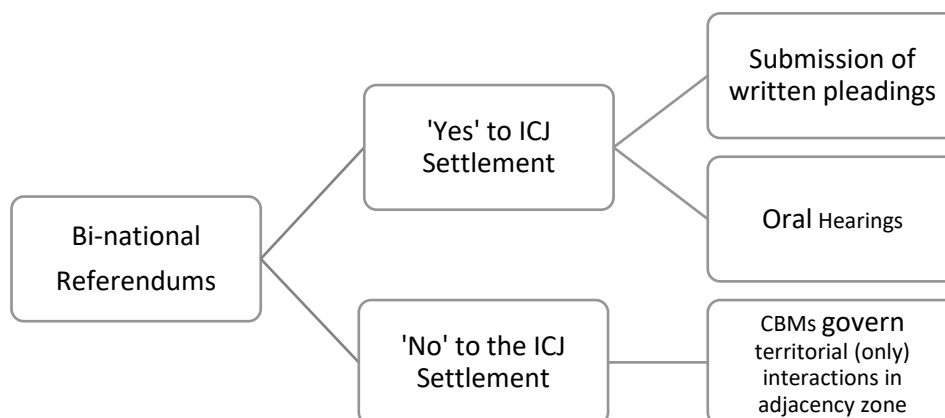
<sup>110</sup> See Shoman, A. (2016) '2000: A Guatemalan Odyssey. ¿Hasta Cuándo?' *Belize Bar Association Conference, The Belize Guatemala Differendum: When and how do we draw the lines*, Biltmore Hotel, Belize City, 19 February 2016, pp. 1-51.

Summarily, there were at least three (3) discursive points which communicated that Belize and Guatemala should settle their territorial dispute at the ICJ. These points included the 1999 letter from Foreign Minister, Stein; the suggestion from Guatemala that the facilitation process and the proposals be legally binding; and the recommendation by the OAS SG that the states submit the dispute to the ICJ or an international body for the settlement of such disputes. Essentially, the states were aware that they were also expected to actively consider settling their territorial dispute using legal means. Finally, the juridical framing of the dispute was mutually and officially agreed when the secretary general of the OAS recommended its submission for international arbitration.

### **Toward Settlement at the ICJ**

A juridical approach to this dispute has enabled the states to use norm-driven commitments to facilitate their interactions. This means that, Belize and Guatemala agreed to undertake joint, specific actions in preparation for the possibility of dispute settlement at the ICJ. The SA of 2008, detailed these procedures but they were still subject to the results of the referendum by each state. Thus, the foremost commitment of the states in the preparation for an ICJ ruling was the conduct of simultaneous bi-national referendums. The significance of the referendum results is illustrated below in table 6.1.

**Table 6.1 Influence of Referendum Results on Dispute Settlement**



Since this thesis is committed to pursuing an understanding of the persistence of the territorial dispute, I argue that domestic issues confronted the expeditious implementation of SA 2008 in both countries. Specifically, the bi-national referendum was not conducted in October 2013 as previously agreed by both Belize and Guatemala. In March 2013, the Government of Guatemala informed the Government of Belize that its national referendum would not be conducted in October of that year, even though the states had agreed to the conduct of simultaneous referendums at this time. No timeline was given for the eventual conduct of the referendums and their joint implementation was stalled, pending an agreement on a new date on which they would be implemented by Belize and Guatemala. There was no indication that the referendums would be conducted simultaneously.

There were also cost implications attached to the speed with which the dispute should be submitted at the ICJ. The practical matter of costs was articulated at the conclusion of the facilitation process by Belize's lead presenter who argued that, 'it would be criminal for our poor people to have to pay millions of dollars to have this case tried in the International Court of Justice, and even more millions if tried by an arbitral tribunal.'<sup>111</sup> Smith (2008) suggests that the necessity of an ICJ ruling on the dispute 'would include the fact that it is bound to cost several millions of dollars and there is no guarantee of a favourable result' (p. 14). He argues, however, that 'money spent on fruitless negotiations far surpasses what would be spent on going to the ICJ. But .. . a decision from the ICJ . . . would be historic' (ibid.).

Undoubtedly, territorial transfer remained the main concern for Guatemala as well. In the post-facilitation period, Guatemala viewed the possibility to go to the ICJ differently. For Guatemala, there was a high degree of satisfaction that Belize accepted the existence of its claim and had agreed to a legal framing of the dispute with the possibility that it could be settled at the ICJ. This acceptance validated Guatemala's long-held position that any rights she may have to the territory in Belize can be pursued juridically. In the presentations during the facilitation process, Guatemala

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<sup>111</sup> See closing presentation by Belize's Lead Presenter, Assad Shoman at the facilitation process, 2002.

expressed victory over the fact that the claim had finally gained Belize's official recognition. In the facilitation process, Guatemala presented in rejoinder that, 'The Government of the Republic of Guatemala is pleased . . . to see the legal nature of the position taken by Belize'.<sup>112</sup> According to Guatemala, Belize who had refused 'to submit the controversy to a legal instance, now accepts that the controversy is eminently legal and accepts, tacitly, that it be settled legally'.<sup>113</sup> Guatemala had thus pursued and achieved its preference for an official recognition of the territorial dispute by Belize.

A legal representation of the dispute has not lead to expedited efforts to submit the territorial dispute at the ICJ. In this new framing, the concern over litigation risks also bears on Belize and Guatemala. In the meantime, they will both need to find other ways to update and strengthen their probability of winning before the conduct of the referendums. To this end, updating popular knowledge among their own population will take time before these citizens internalize the possibility that this long-standing dispute may be finally settled at the ICJ. Furthermore, both states were unable to rely on historical precedence of an ICJ ruling. Hence, their move to a juridical approach to settlement has been informed by the meanings they formed in the social structure of the facilitation process and the follow-up negotiations leading to the special agreement of 2008. In the meantime, President Molina has suggested that, 'Guatemala does not constitute and will never constitute a threat to Belize'.<sup>114</sup> President Perez Molina also asserted that the territorial dispute should not influence the day-to-day interactions of the two states; rather, it should be a matter for the court to decide. On this basis, I now explain how these states were enabled to interact as their dispute was now placed on a legal footing. I posit that the subsequent interactions between Belize and Guatemala

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<sup>112</sup> See rejoinder by Guatemala 15 May 2001.

<sup>113</sup> Ibid.

<sup>114</sup> See Ramos, A. (2014) 'Belize and Guatemala Sign 13 Agreements', 19 December [Online]. Available at: <http://amandala.com.bz/news/belize-guatemala-sign-13-agreements> (Accessed: December 2015). See comments of Belize's Prime Minister, Dean Barrow at the signing of the 13 Agreements between Belize and Guatemala.

drew on their role identities and that these were commensurate with their interests in bilateral cooperation and partnerships.

## **6.5 Maintaining Inter-State Interactions**

The 2008 SA removed the imperative for Belize and Guatemala to directly conduct any negotiations to settle the dispute. Instead, this agreement specified that the individual actions of each state was located in the protocols of this agreement (and its subsequent update in 2015). Notably, the continued existence of the CBMs and the programme for bilateral cooperation, even when conjointly implemented, maintained that dispute settlement efforts were parallel to other bilateral interactions. Progressively, since the 2005 Agreement and then the 2008 SA, the interactions of these states were guided by the CBMs, and the programs of cooperation. Belize and Guatemala came to view these mechanisms as critical to deepen friendly, bilateral relationships until the territorial dispute is permanently resolved. Settlement of the Guatemalan territorial claim is thus a long-term expectation but, in the short-term, the states were actively building on their cooperative identities. In this time also, the states were committed to maintaining continuity in their interactions even though the settlement of the territorial dispute was no longer in their remit to negotiate. Hence, the role identities of Belize and Guatemala were critical to manage the context in which they were interacting. In this thesis, this context includes three areas: stability in the adjacency zone; bilateral cooperation and programs of cooperation and a commitment to the regulated dispute settlement context. I look at each in turn in the following section.

### **Stability in the Adjacency Zone**

The successful management of the dispute was integral to the establishment of stable political and social relationships between these states. To do so, the states made the regime of CBMs the primary framework in which Belize and Guatemala were enabled to jointly respond to any physical, or security breaches in the adjacency zone. These

measures were substantively detailed in the 2005 Agreement on a Framework for Negotiations and Confidence Building Measures. In it were outlined the physical matters of bilateral concern that the border dispute and territorial claim have generated and, which were likely to continue if left unaddressed. The CBMs were also procedural since they specified the requisite joint actions that the countries were to pursue to address general breaches and security concerns in the adjacency zone. Included in these mechanisms were: recognition of territorial sovereignty; maintaining interstate peace; commitment to the adjacency zone as the operational, geographical and physical delineation of the two states; and a regime to maintain the sanctity of the adjacency zone. Effectively, these mechanisms, provided a framework in which the states interacted to reduce conflict in the adjacency zone.

The regime of CBMs enabled Belize and Guatemala to create a political space in which the officials publicly interacted to display support for a conducive dispute settlement structure. Their active implementation by the states also aided to delink bilateral actions and partnerships from being contingent on the settlement of the dispute. To some extent, the implementation of the CBMs allowed for a normalisation of state-to-state relationships on matters of mutual concern – these are not specific to the area of the adjacency zone but more broadly on security issues. Note that the delinking of the CBMs is specified in the 2005 Agreement where it is stated:

The Parties agree that neither Party will use against the other, 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 any of the Confidence Building Measures included herein.<sup>115</sup>

What is more, the development and application of the CBMs illustrated the limit to which this territorial claim could be defined solely by a zero-sum outcome and

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<sup>115</sup> See, Agreement on a Framework for Negotiations and Confidence Building Measures Between Belize and Guatemala, October 2005.



absolute gains. Thus, in the post-facilitation period, the dispute was principally managed through the formation of cooperative role identities by both Belize and Guatemala. The CBMs have remained successful because the states formed role identities to jointly implement and maintain them. To be sure, these mechanisms do not nullify the territorial dispute but they help to keep it separate from the day-to-day bilateral interactions of the states. At the same time, the contested corporate identity of Belize, gained some respite from the intense scrutiny that was commonplace in the previous bilateral negotiations. In the post-facilitation period, the CBMs became a stabilizing platform that reinforced the norms of interstate relations.

Belize and Guatemala relied on the international community, specifically the OAS, to ensure that the CBMs were implemented as outlined in the 2005 Agreement. In summary, the OAS supported Belize and Guatemala in several ways including: preventing specific problems or incidents between the Parties; monitoring the implementation of the CBMs; providing technical assistance and expertise; convening meetings; and conducting field observation and validation visit. Together, the roles of the OAS were both crucial and extensive and they maintained the stability of the adjacency zone. Critically, the mandate of the OAS reduced any semblance of partisan preferences in the execution of the CBMs. This is the practical role of the OAS since state actions, given the legal standing of the dispute, were confined to the internal actions of Belize and Guatemala respectively.

### **Bilateral Cooperation**

The 2005 Agreement kept with the tradition of past approaches to include some elements that were by now a mainstay in the considerations for a settlement to this territorial claim. In past attempts, settlement of the dispute was not considered only on the basis of border delineations and territorial integrity and sovereignty; rather, settlement options also included some linkages to other economic issues including, use of port harbour, technical exchange, trade (see 1968 Webster Proposals) as well joint use and enjoyment of natural resources located in Belize (see 1980 Heads of Agreement). In response to the 1999 letter from the Guatemalan foreign minister, the

Belizean, Prime Minister also specified that ‘since 1987 serious negotiations began focusing on issues like the maritime boundary and economic cooperation’.<sup>116</sup> Thus, the 2005 Agreement did not deviate from past settlement approaches and its signing by Belize and Guatemala, introduced the same pattern of settlement consideration in the modern dispute era.

Further, in the period following, the 2005 Agreement was central for modern, cooperative interactions between Belize and Guatemala. On matters of cooperation, the 2005 Agreement embedded multiple bilateral partnerships between the two countries, including trade, security, environmental management, drug trafficking and natural disaster management, to mention a few. By 2014, both Belize and Guatemala were committed to pursuing their mutual interests and developing a relationship that was defined by greater bilateral cooperation and not just settlement of the territorial claim. To act upon this desire, both countries agreed to establish a joint commission in accordance with the 2005 Agreement ‘to [enhance] the implementation of the Confidence Building Measures and ... the strengthening of the bilateral relations and the avoidance of any conflict’.<sup>117</sup> The move to realize greater cooperation between Belize and Guatemala, in the context of the unresolved territorial dispute was formally activated in 2014. In this time, the two countries signed 13 new bilateral agreements which the OAS Secretary General described as enabling the creation solid friendship and cooperation between Belize and Guatemala.<sup>118</sup>

To further commitment to their cooperative identities, Belize and Guatemala additionally signed in 2015, protocols to the 2008 SA. These protocols were a response to the failure of the states to implement the simultaneous referendums in 2013. The 2015 protocols provided further guidance for the conduct of the referendums and reiterated the commitment of the two countries to promote ‘good

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<sup>116</sup> See Prime Minister, Musa’s, 2000 letter of response to Foreign Minister, Stein’s letter of 1999.

<sup>117</sup> See Joint Communique, Meeting of Ministers of Foreign Affairs of Belize and Guatemala, January 9, 2014, Belize City.

<sup>118</sup> OAS (2014) ‘OAS Secretary General Attends Signing of Agreements between Guatemala and Belize’ [Online]. Available at: [http://www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=E-560/14](http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-560/14) (Accessed: December 2015). See comments by OAS Secretary General, Jose Miguel Insulza, at the Signing of Agreements.

neighbourliness and bilateral cooperation in all areas and levels of mutual interest and the need to implement the thirteen agreement signed in December 2014'.<sup>119</sup> Here, cooperation was seen to facilitate greater exchanges to promote confidence between the two countries as well as 'a climate conducive to the fixing of a date to hold the necessary referendums'.<sup>120</sup> Greater cooperation is thus viewed as a vehicle to showcase positive relations between the two countries.

Bilateral cooperation was considered an integral element to promote the settlement of the claim at the ICJ. Additionally, the programs of cooperation agreements reached owing to an improvement in bilateral cooperation, cannot be treated as novel; they must also be considered in the historical context of the territorial claim. A review of the 1968 Webster proposals shows considerable similarity with the proposed joint projects in the 2005 Agreement. In this later phase of the dispute, however, the role identities developed by Belize and Guatemala fostered an acceptance of cooperation in the two states. They considered that their cooperation was critical to the construction of a conducive post-facilitation, dispute environment. In the past, these projects were inconceivable given the conditions and context of the 1968 Webster Proposals and the Heads of Agreement of 1980. However, in the modern period, the two pillars of confidence building measures as well as joint projects of cooperation, secured pre-settlement interests that were previously untenable in the history of this persistent territorial dispute.

The existence of all three pillars of the 2005 Agreement - negotiations (subsequently unsuccessful), the CBMs, and a programme of cooperation - highlighted that the states had placed the territorial dispute in the wider context of bilateral relationship building. These showed that the priority actions for an immediate settlement of the dispute remained unchanged but the interests of the states had been expanded to include the conduct of the referendum and, (if a 'yes' vote emerges in both countries)

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<sup>119</sup> See Protocol to the Special Agreement Between Belize and Guatemala to Submit Guatemala's Territorial, Insular and Maritime Claim to the International Court of Justice, 2015.

<sup>120</sup> See Joint Communique, Meeting of Ministers of Foreign Affairs of Belize and Guatemala, January 9, 2014, Belize City.

implementation of an agreed protocol for case submission to the ICJ (see protocol specifications in SA 2008).

Guatemala's minister of foreign affairs, at the UNGA, acknowledged that the two states were interested in a resolution of the claim at the ICJ. However, he also expressed that Guatemala looked 'forward to the entry into force of the 13 bilateral agreements signed in December 2014 and the protocol to the special agreement of 2008, signed in May [2015]'.<sup>121</sup> His view coincided with that of Guatemalan President, Perez Molina, who considered bilateral agreements and cooperation as the means to 'strengthen and ensure a normal and solid bilateral relationship.'<sup>122</sup> Belizean Prime Minister, Barrow similarly proposed that cooperation with Guatemala was 'a course to enhance relations, increase goodwill [and draw Belize and Guatemala] nearer to that day when [they] can confine the claim permanently to . . . history.'<sup>123</sup> In the post-facilitation period, the territorial claim is juxtaposed with bilateral partnership agreements and state cooperation. At the same time, these cooperation agreements have gained greater salience in the modern period of the dispute. Similarly, the CBMs have remained the regulator of state actions in the adjacency zone, as long as both Belize and Guatemala 'agree to automatically extend [the] agreement of Confidence Building Measures for one-year periods.'<sup>124</sup> These mechanisms are not likely to be discontinued because they ensure stability in an uncertain dispute settlement context.

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<sup>121</sup> See United Nations General Assembly (2015) 'Item 8: Mr. Morales Moscoso (Guatemala)'. Official Records, Seventieth session, 28th Plenary Meeting, 3 October 2015, United Nations, New York.

<sup>122</sup> OAS (2014) 'OAS Secretary General Attends Signing of Agreements between Guatemala and Belize' [Online]. Available at: [http://www.oas.org/en/media\\_center/press\\_release.asp?sCodigo=E-560/14](http://www.oas.org/en/media_center/press_release.asp?sCodigo=E-560/14) (Accessed: December 2015). See President Otto Perez Molina's comments at this signing.

<sup>123</sup> Ramos, A. (2014) 'Belize and Guatemala Sign 13 Agreements', 19 December [Online]. Available at: <http://amandala.com.bz/news/belize-guatemala-sign-13-agreements> (Accessed: December 2015). See comments of Belize's Prime Minister, Dean Barrow at the signing of the 13 Agreements between Belize and Guatemala.

<sup>124</sup> Framework for Negotiations and Agreement for Confidence Building Measures Between Belize and Guatemala, 2005.

## A Regulated Dispute Context

In the modern period, the CBMs have driven the protocol for interactions between the two states in the adjacency zone. Here, the CBMs have kept the interactive space between the two states open and this is crucial to maintain dialogue and to reduce the risk of a breakdown in neighbourly relations. Furthermore, the post-facilitation settlement structure is also characterized by an active promotion of non-dispute related cooperation, particularly in the economic environmental, cultural and security sectors. With the institutionalisation of state interaction since the 2005 Agreement, both Belize and Guatemala have been eager to portray cooperative state identities.

Taken together, the CBMs and the program of cooperation do not promote any urgency for the settlement of the enduring territorial dispute between Belize and Guatemala. This is not the same as influencing the conduct of the referendum. On this decision, the CBMs are neutral and do not have the far-reaching effect to actively nudge Belize and Guatemala to conduct their respective referendums. However, the leaders of Belize and Guatemala have articulated confidence in the cooperation agreements and they expect that the implementation of a program of cooperation can promote a conducive environment in favour of a supportive vote for an ICJ settlement. On this, the self-sustaining existence of the CBMs has been paradoxical; it is effective in reducing the negative impact of the territorial dispute but its efficiency has also enabled the states to manage the dispute for a longer time. There is thus reduced urgency, on the part of either state, to press for its speedy resolution.<sup>125</sup> This is where the CBMs have become the *de facto* management mechanisms for the territorial dispute, outside of a settlement by the ICJ.

The international community does not expect the CBMs to be the final point of agreement between Belize and Guatemala. The states supporting Belize and Guatemala to resolve their dispute expect to see that they are moving decisively toward settlement, especially at the ICJ. Assad Shoman, Belize's longest serving and

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<sup>125</sup> Interview with former Belizean diplomat.

once senior negotiator on the territorial claim, states that it is costly to keep the OAS involved in the monitoring and implementation of the CBMs but he argues that ‘the case will never reach the ICJ, unless [Belizeans] do things to make it happen’ (2016, p. 28). This lack of optimism for an expeditious settlement is based on his observation of a tendency for prevarication by Guatemala. He notes that previously agreed measures are deliberately dealt with slowly by this state only to be abandoned later. The consequence of this perceived Guatemalan prevarication is that the states must then continually re-engage on previous matters even though any new interactions will be unlikely to speedily promote ‘submitting [the claim] to the ICJ’ (ibid.). I argue, however, that this intentionality cannot be attributed to the behaviour of Guatemala alone; rather, the CBMs and the framework for negotiation beginning with the 2005 Agreement do not in and of themselves advance an expedited settlement of the dispute. However, the CBMs were successful in keeping peace in the border region while maintaining the continued interaction of Belize and Guatemala. Indeed, Belize and Guatemala established that bilateral interactions were a significant priority in their dispute settlement structure. Their reliance on this social structure has reduced any urgency to settle the territorial claim and border dispute.

## **6.6 Conclusion**

This chapter looked at the main factors in the post-facilitation period that rendered the dispute persistent. The Belize-Guatemala dispute endured even after these states agreed that the claim could only be settled at the ICJ. I set out to explain that, in the post-facilitation period, the 2005 Agreement laid the stage for the creation of a social structure that was inclusive of norms and procedures to guide the interactions of Belize and Guatemala in the context of the territorial claim. The social structure in this period was unlike previous structures because the focus of the states was on their role identities. In this period, the special agreement of 2008 also committed the states to pursue efforts to settle their dispute at the ICJ. Hence, the role identities of the states were foremost and they actively pursued implementation of the CBMs and bilateral cooperation. In these social structures, the social identities of Guatemala and Belize

were developed to promote a conducive environment that would aid in the settlement of the dispute.

Furthermore, in this social structure, the states pursued their subjective interests. These are the self-interests of states which are formed in social interactions, and unlike the objective interests that originate from a state's corporate identity. Objective interests include, physical security and territory, recognition, and ontological security which emanate from the corporate identity of states. Throughout the history of the territorial dispute, these corporate interests were the locus of contestation in the Guatemalan territorial claim and the primary pursuit of Belize. I have argued that this contestation has not changed; instead, Belize and Guatemala embarked on a new phase of interactions which they considered beneficial to their role identities but which do not directly contribute to the settlement of the territorial claim. For Belize and Guatemala, the post-facilitation period was characterized by the creation of a parallel social structures which constituted the dispute settlement context. Each of these structures: the CBMs, the programme of cooperation and the SA of 2008 enabled the continuity of state interactions in the post-facilitation period. However, only the SA 2008 had direct influence on the settlement of the territorial claim. In the meantime, the states actively pursued their other interests through the latter structures.

**7.1 Introduction**

Is the territorial dispute between Belize and Guatemala intractable? This question cannot be answered without reference to the context in which the dispute existed, the identities of the states, and their commitment to its resolution. The significance of context for instance, also brings into sharp focus how states form meanings and act upon their understandings of territorial space. Hence, territorial disputes are not just materially driven but they are also a contest over the conceptions and projections that state actors assign to the physical and social over which they exercise sovereignty. For states, these meanings are variable but contexts – historical, political, social and normative matters- constrain how they conceive of territory and how they interact over it in the international system. In this thesis, I examined a territorial dispute that persisted through changing international contexts, yet, with each systemic change the ‘stickiness’ of contestation remained intact.

Part of the persistence of the territorial dispute between Belize and Guatemala is related to the contexts in which it emerged and has been maintained. In the colonial context for instance, territorial claims were not only expected but they were also an accepted practice between states (see Jackson 1993). Hence, in my thesis, the enquiry I undertook was not to establish whether the claim to territory was valid but it was to analyse the extent to which the claimant state – Guatemala - was able to materialize the meanings it had projected on the territory in Belize. At the same time, I also assessed how sovereignty in this same territory evolved to challenge these projections. The persistence of the claim- its longevity in changing contexts - took precedence over an assessment of its validity. From this, we see a progressive and discursive process which produced and sustained the territorial dispute. Thus, Guatemala’s dedicated pursuit of territory from a colonial power shaped the social context in which the territory in Belize was contested.



Traditional approaches in international relations, locate that the desire to survive make states fiercely protective of their territory; after all states do not exist without territory. Though salient in this dispute, the territory in Belize did not pose an existential challenge to the survival of either Britain or Guatemala. However, their interactions over the same territory bucked the assumptions that in territorial contestations, states will at all times ensure their own survival and security (see Mearsheimer 1995). The locus of the dispute easily lends for a constructivist angle and this suggests that it is effectively, ‘an analysis of how a competitive relationship is generated and reproduced out of processes of historical interactions’ (Fierke 2016, 169). What is also critical here is that over time, the dispute evolved to include multiple conceptions of the same territory because the identities of the disputant states, and the context in which they interacted changed. The prevailing assumption of territorial acquisition as zero-sum was further challenged by this claim to territory which never challenged the continued existence of the original disputing states, Britain and Guatemala. This changed, however, when the claim was extended to the state of Belize. Hence, in order to understand this puzzle, I proffered a different approach to examine how these states related to each other in this context, especially as there were no prescriptions for territorial dispute settlement in the international system.

The preceding analysis in this thesis focused on state identities and their impact on international relations. My analysis upheld Wendt’s systemic constructivism to underscore that: the corporate state is the basic unit that can legitimately engage in territorial dispute settlement; it also sides with the conventional constructivist perspective that territory simultaneously exists in material and ideational domains. What is crucial about a Wendtian approach to this thesis is that it captures the salience of actor categorization as a precursor for legitimate engagement in international relations. Traditional theories do not accommodate actor formation and assume that the state as an actor is intrinsic to international relations. In this thesis, a significant actor - Belize - was not constituted in dispute settlement approaches in the traditional IR conceptions. Interestingly, the prolonged interactions of Guatemala and Britain, and their conceptions of this territorial space also afforded that Belize attained a corporate identity. With this identity, Belize could then fully engage in and become constituted in settlement structures. Each of the chapters in this thesis subsequently

examined how the interactions of the states to settle the Guatemalan claim to territory in Belize, also aided in the construction of Belize as an actor. In addition, the chapters offered an explanation that broadened the theoretical underpinnings of systemic constructivism and its practical application to my thesis. I discuss the findings in this regard.

## **7.2 Chapter Findings**

Chapter two provided the thesis theoretical foundation and the analytical basis in the empirical chapters. In chapter two, an examination of the actors in a territorial dispute showed that in the international system, states are the primary and legitimate actors that can pursue as well as contest territorial acquisition and border locations. This chapter showed too, that a contested territory including a colony does not have the legitimacy as an actor in international relations to interact with a challenger state over its territory and borders. The chapter makes the case that Wendt's conception of corporate identity offers an analytical space with which to confront the exclusion of a pre-state entity from a passive subject position in a territorial claim. On this basis, chapter two ceased upon Wendt's conception of the corporate identity of a state as the categorical actor in the international system. This thesis finds that corporate identity was the categorical for the conduct of systemic relations to seek settlement to territorial contestation. Furthermore, in this chapter, we see Wendt's corporate identity as an ideational pursuit of a colonial territory, and the foundational identity for inclusion in the international system of states. Its decidedly Wendtian approach expanded the material focus on territory to also include an ideational and pragmatic pursuit to secure state sovereignty and territorial integrity. Hence, we should also conceive of statehood in a postcolonial context, as a mechanism for the exercise of agency as well as the historical and political juncture it has become.

In chapter three we see that the initial interactions between Britain and Guatemala formed the social context in which the dispute was constructed. Specifically, this chapter showed that both states ascribed specific meanings to the territory in Belize

and that they understood that each viewed the same territory differently. Yet, the state officials engaged with each other on the shared realization that they had *contrasting views* toward the same territory. Hence, in this chapter, we see Britain and Guatemala constituted as claimant state and colonial empire discursively seeking sovereign authority in the territory. Following Wendtian accounting, this structure generated ‘macro-level patterns’ of behaviour which were governed by norms (Wendt 1999, p. 161). In this same context, both Britain and Guatemala used treaty agreements to structure their interactions and to propose possible settlements of the territorial dispute. Here, Wendtian constructivism facilitated an explanation of systemic interaction in which the predominating structure of systemic continuity was maintained. In this period, we also see territorial dispute settlement as that which is sustained by the continued practice of colonial rule. Notably, this chapter showed that the dispute persisted because it sustained the constitution of the actors as colonial empire and aspirant successor. However, this chapter also captured the agency of the pre-state entity, albeit as a non-systemic actor. This agency was pivotal because Belizean leaders were foremost about their pursuit of independence from Britain before settling the territorial claim with Guatemala. The chapter, thus presented that the preference for independence over dispute settlement contributed to its protracted existence.

Price and Reus-Smit (1998) suggest that a focus on systemic interaction such as Wendt espouses is adequate when one is primarily seeking to explain continuity or the absence of fundamental, systemic change. However, they also contend that non-systemic sources when introduced to a dynamic can also alter interactions between states. Thus, in chapter four, this thesis presented a changing dispute context with a predominant focus on the evolution of Belize as a legitimate actor in the dispute settlement structure. A Wendtian approach accommodated Belize’s evolution from a settlement, to a colony, then from a self-governing polity to eventual independence. In this evolution, Belize’s categorical identity was the locus of change and its existence influenced settlement approaches because the states could legitimately interact in settlement approaches. Further, Belize’s evolution from a non-systemic actor to a unit of the international system featured significantly because it aided the subsequent tracking and examination of the changed state identities during settlement attempts.

Fundamentally, chapter four pointed to the evolution of the Belize state and its impact on state-to-state interactions to settle the dispute.

Chapter four also underscored the necessity for the constitution of states in a mutually formed settlement structure. On this point of analysis, the thesis premised state-to-state recognition as the primary intersubjective structure in which the states were to legitimately and jointly act on the dispute. My analysis here was to aid an understanding that, in the absence of mutual recognition, the space for the social interaction of Belize and Guatemala was constrained and in the absence of mutual recognition, the dispute persisted. In this chapter, we also see that Guatemala's insistence on continued engagement with Britain to settle the territorial claim to Belize was untenable. Tellingly, this settlement approach was incapable of accommodating the endogenous identities and interests that Guatemala and Belize subsequently formed in their interactions. Chapter four underpinned my analytic reliance on a social structure in which to house the identities and interests of states as they were formed in processes of social interactions. The thesis finds then, that in the absence of mutual recognition, Belize and Guatemala could not then be constituted in a dispute settlement structure. Put simply, this chapter offered a logic of explanation to show how the dispute was further maintained in spite of the independence of Belize. Non-recognition precluded the formation of a settlement structure in which the disputing states could interact and hence form identities and interests that could advance settlement efforts.

However, the prospect for dispute settlement was greatly enhanced after Guatemala recognised Belize. Thereafter, there was a notable increase in negotiations although the state negotiators and diplomats were still unable to reach a settlement. In chapter five Guatemala and Belize developed and implemented a facilitation process that dispensed with the failed settlement attempts produced in bilateral negotiations. In implementing the facilitation process, both states understood also that there was international expectation to demonstrate commitment to a comprehensive approach which could advance and conclude a settlement. This thesis found that, after the facilitation process, Guatemala and Belize fundamentally reformulated the dispute and placed it on a legal footing. Their reformulation enabled the institution of the 2008

Special Agreement to submit the claim to the ICJ. Though the facilitation process failed to provide treaty points from which they could agree on a conclusion of to the dispute, two critical outcomes emerged from this process. First, Guatemala secured a concession from Belize that it had a right to make its claim to territory; and, second Belize and Guatemala agreed that such claim could not be settled through bilateral negotiations. With the dispute framed as a legal matter, my thesis established that both states had effectively closed the option of bilateral structures as an approach for their dispute settlement. Essentially, chapter five presented a critical turn in the dispute and it explained that attempts to settle the territorial claim were no longer in the domain of social interactions between Belize and Guatemala. This chapter concluded that a legal representation of the dispute confirmed the states preference for its juridical settlement.

Chapter six explained that the focus of subsequent interactions between the states after the failed facilitation process, was to substantively improve bilateral cooperation and partnerships on other non-dispute matters. This chapter advanced an understanding of the interactions between Belize and Guatemala to show that they prioritized cooperation and partnerships programmes and not the urgent settlement of the territorial dispute. Here, the thesis suggests that, both states relied on their confidence building measures to offer stability in the adjacency zone and to reduce the impact of border encroachments. Further, this chapter showed that the states had formed cooperative identities and that they interacted in social structures which did not accommodate the formation of interests consistent with those in the dispute settlement structures. The thesis thus found that the interactions of Belize and Guatemala's in post-facilitation interactions were motivated by interests of increased cooperation and joint partnerships. Critically, these interests also diminished any *urgency* to settle the territorial dispute. Here, a Wendtian perspective, and indeed a constructivist premise, showed that in this new social structure, the states formed role identities that affected interests which were to maintain friendly and peaceful relations. In these roles, both states enacted bilateral cooperation and partnership programs which are consistent with the practice of systemic continuity and stability in international relations. These practices also facilitated the preferences of states for the possibility of dispute settlement at the ICJ.

### 7.3 Distinct Contributions

This thesis presented a logic of explanation that increased an understanding of how the states in the Belize-Guatemala dispute attempted to settle their persistent territorial claim. Using the identities and interests of the states, the thesis offered: deeper insights on the influence of historical relations and normative changes on territorial dispute construction; an analytical perspective by adopting a distinctly Wendtian approach to systemic interactions in a territorial dispute; and an expanded understanding of international relations that demonstrated the pull of systemic continuity including at the margins of the international system. I look at each in turn.

The empirical material in this thesis contributed that the Belize-Guatemala territorial dispute was constructed owing to the meaning ascribed to this territory. Britain and Guatemala pursued territorial acquisition in changed systemic conditions and this bore on the positions and identities of these states as they interacted in the colonial period. Their identities as disputant states also affected the interests they pursued through the claim to territory. On this, the identity of a colonial ruler was consistent with territorial acquisition and control which British presence in the Belize territory maintained. At the same time, the state identity of a colonial successor to Spain, which leaders in Guatemala espoused, also influenced the interests they pursued by claiming territory in Belize. On this, Guatemala was interested to obtain sovereignty over Belize. The territorial dispute in the colonial period also resulted owing to the contrasting identities and interests of Britain and Guatemala in the Belize territory. This dispute, was not a matter of fact but it was constructed by the interactions of the two states over opposing meanings that they projected on the territory of Belize.

The thesis additionally offers that, in the later period of the dispute, the norm of decolonization enabled Belize to pursue its corporate identity. The implication of this identity pursuit was that the dispute subsequently encompassed the ideational goals of statehood and systemic inclusion. What is critical too, is that this territorial claim and border dispute was further transformed because of the subsequent inclusion of Belize as a constituent actor in its settlement. The suggestion here is that explanations of

territorial disputes which emerge during colonial rule can also accommodate the inclusion of pre-state entities in a broader, impactful way. This necessitated situating the pursuit of and attainment of corporate identity as critical for colonial entities in territorial disputes. By doing so this thesis expanded an understanding of a dispute settlement structure that also existed outside of the domain of state-to-state interaction. The understanding here is that a corporate identity positioned a pre-state entity to engage in dispute settlement as a matter of norm-driven, systemic practices. The Wendtian perspective in this thesis captured that a pre-state entity, and in this case a former colony, actively pursued inclusion in the state system. The implication is that the pursuit of statehood also contributed to the persistence of the dispute.

Furthermore, a Wendtian focus in this thesis was primarily centred on how a corporate identity enabled the possibility of the states to engage in constitutive, international social interaction' (see Price and Reus-Smit 1998 p. 268). A methodical examination of the state actions enhanced an understanding of how a resolution of the dispute eluded both Belize and Guatemala. It explicated that these states interacted in order to uphold the systemic arrangements of constitutional independence and sovereignty. This is critical because in a Wendtian manner, the thesis underwrites that systemic interactions over borders and territory are about 'sustaining them over time' (Wendt 1999, pg. 213). In this regard, the settlement approaches by Belize and Guatemala replicated the systemic institutions and practices of states and hence, these constrained the states in resolving the territorial claim. This thesis subsequently positioned the dispute settlement attempts as systemic interactions that maintained the continuity of interstate institutions. On this, the confidence building measures, for example, were paramount because their existence made bordering and boundaries an ongoing social matter between the states of Belize and Guatemala. The effect is that this territorial dispute was embedded in the highly normative matters of sovereignty and territorial integrity. These norms were also upheld as the states intentionally formed role identities that supported their cooperative interests.

Critically, this thesis undertook an analysis of a territorial dispute that was wider than a materialist conception of the power positions of states. Using the lens of

constructivism, and specifically Wendt's systemic approach, this research provided a social approach to territorial disputes that examined with significant detail, the identities and interests of states, as well as the normative conditions in which they interacted. In doing so, a Wendtian perspective underscored that the basic premise by which states interact is to construct identities and interests that are consistent with sustaining the existing practices of the state system. The attempts by Belize and Guatemala to settle this territorial dispute through bilateral means, pushed the limits of their bilateral interactions and the core practices of states. This dispute was hence rendered intractable, when it is not. Belize and Guatemala positively identified on matters of cooperation and partnerships but settling the territorial claim, exceeded the ambit of their bilateral settlement structure. On this basis, the move to consider a legal settlement prevailed.

#### **7.4 Future Research**

The past efforts of Belize and Guatemala to resolve their territorial dispute has been ineffective, although both states have repeatedly expressed a desire to bring the dispute to an end. Instead, their dispute settlement approaches have produced increased interests and actions for state cooperation and bilateral partnerships. Belize and Guatemala have subsequently agreed that the dispute is of a juridical nature and have signed agreements measures that commit them to seek domestic approval for a resolution at the ICJ. Here, additional research can provide some insights on the modern, domestic interpretations of the dispute and the extent to which these are likely to influence domestic support for an ICJ settlement. This research could also extend understandings of emergent meaning contexts that can bear on domestic preferences for expedited settlements territorial claims and border dispute. The research resources for this thesis were limited but there remains a unique opportunity to use quantitative approaches to assess domestic preferences for specific dispute settlement approaches.

Additional research could also be conducted to deepen understandings of salient mechanisms that support the longevity of territorial disputes in the Central American



region. The Belize-Guatemala case is one of several territorial contestations and further research to compare settlement attempts and outcomes across these countries could also provide additional insights on their longevity factors. Still, further research can probe into ontological security matters in territorial disputes to expand an understanding of the extent to which attachment or ritualization of non-militarized territorial claims might be contributing to the persistence of these disputes. This approach could support a comparative study of the Belize-Guatemala case with other persistent cases in the Latin American and Caribbean regions.

There are also a number of questions that should help to conceptualize different state approaches to territorial disputes. Such an investigation could also uncover the discursive and persuasive strategies of actors as they recast conceptions of territory and border contestation in the context of deepened regional cooperation. These questions could be undertaken comparatively to include both Central American and Caribbean cases to further capture the postcolonial experiences in these regions. Owing to resource limitations, this type of study was not conducted but there is a growing space to broaden an understanding of the conceptions of territory in these regions. Notably, political geography will increase in salience as regional developmental efforts and climate related discussions become more localized and urgent.

### **Limitations**

Research projects are challenged one way or another and there were some limitations in the research that I undertook. In my conduct of this research, my interpretation of state identity construction and progression presented its own challenge. This required close attention to discursive material and the documented actions of the states which linked them to a perceived identity. But, unless the states articulated what their identities were, any specification was based on my own interpretative effort. To improve my effort in this regard, I decided to portray the identities of Belize and Guatemala in distinctive moments of interactions or at critical points of engagement. In doing so, I relied substantively on the discursive articulations of Belizean and

Guatemalan officials to state the identities of the states and the interests they pursued. Documentary material and secondary sources corroborated my interpretations but this could have been further augmented with a larger interview sample which could have included additional, Guatemalan perspective.

Further, my own location in the production of my thesis, can suggest that my proximity to the case bore on the interpretations I made. Hence, at all times, I was conscious to lead with the empirical material and to stand apart from the interpretations that I made. But it was inevitable that I was also embedded in the context of this territorial dispute and that my interpretations were accessible because of my proximity to the disputing countries – one is my home, the other my neighbour. At the same time, some of my interpretations and reflexivity were only available to me because of where I am situated in the dispute. I recognised this limitation but my accounting, and indeed the final production of this thesis, also included a reflection of my own understandings as well as the influences of social, cultural, and political matters to which I have been exposed in the narrative of this territorial dispute. In this regard, I was ‘positioned’ to privileged official documentation, the narratives of officials and the discursivity of diplomats whose views prevailed in my interpretive efforts. In doing so, I aimed to endeavour to ameliorate the perception that there were any unwarranted preferences accorded to any of the discourses or interpretations in my writing.

The research does not point to direct causation in response to the central question of why it persists. It was, developed with a methodological approach that took into account other perspectives that were previously overlooked. These can now inform how the primary actors in this dispute re-oriented their actions to find a settlement. Mostly, my interpretation was that Belize and Guatemala were desirous of settling their territorial dispute, albeit with minimal political risks and economic costs. This interpretation is the underlying premise of the thesis and thus, I have consciously connected the conditions, articulations, and settlement attempts back to the historical, structural and social contexts in which they were located. Invariably, I have theorized, the actions, discursive practices of the states and their actors and analysed the prominent dispute settlement efforts to increase understanding of the dispute outcome.

However, this does not lend for a contribution that dictates a specific path by Belize and Guatemala to conclude the dispute. To overcome this limitation, this thesis points out that both states can actively and decisively form state identities that prioritise a settlement of this dispute. Doing so can eliminate the possibility that the dispute remains persistent even as it is not intractable.

### **Some Reflections**

The Belize-Guatemala territorial dispute has been characterized by Belize and Guatemala as long and persistent, and it is. However, this dispute is not intractable and the states are agreed that a juridical approach is critical to its conclusion. But, this collective agreement was based on the main agents from both states – diplomats, negotiators and other senior government officials - who discursively signalled their inability to resolve the territorial claim through negotiations. In addition, both governments have signed agreements to pursue a course of actions to promote an ICJ ruling on this dispute. In the post-facilitation period, the states have kept the dispute in existence by prolonging their joint implementation of the protocols for submitting the claim to the ICJ. However, use of a legal option remains the one settlement structure that both governments agree can finally resolve the territorial dispute.

Resolving this dispute will be significant for Belize and Guatemala. However, the question of whether the respective governments will pursue an expedited settlement is one of political will.<sup>126</sup> Those who have been closest to the negotiation processes in both countries, have also signalled officially that the ICJ is the only viable option for a conclusion to Guatemala's claim to territory in Belize. Still, the actions of both states and their governments will be most indicative for the Belize-Guatemala territorial dispute to come to an end. In this regard, their actions should point to the purposive implementation of the protocols for an ICJ settlement. Furthermore, they should provide resources for the preparation and implementation of the referendums since this will serve as a distinct indicator of their commitment to seek such a settlement. At

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<sup>126</sup> John Williams (2003, p. 25) suggests also that, 'unless neighbouring states have the political will to maintain good relations, borderland harmony and cooperation will be impeded.'

the same time, state officials can also indicate united efforts to publicly articulate and endorse the urgency with which settlement to the claim must be treated. This is important to open public spaces for dialogue on the dispute since all negotiations and settlement approaches were led at the elite levels of government. Public endorsement for decisive action should also emanate from this space.

A concerted position in support of an urgent settlement is also deemed important since both states have enhanced bilateral partnerships and cooperation, in an attempt to create a social and political environment that is conducive to an ICJ settlement. Indeed, bilateral efforts can be considered as markers of good neighbourliness at the state and official levels. However, partnerships and cooperation efforts need to be in parallel with domestic efforts to promote education and dialogue among citizens, especially those who are affected by the day-to-day realities of the territorial dispute, particularly those in close proximity to the adjacency zones. In this regard, both governments in Belize and Guatemala need to actively advocate for their support to an urgent settlement of this dispute in order to reduce any further uncertainty to their livelihoods.

There is a possibility that the dispute may never be settled. If this is the case, Belize and Guatemala will likely rely on existing international institutions, norms and laws to regulate their interactions as neighbouring states. These will be especially important for maritime-based interactions. Here, the states will be able to draw on these international institutions for functional purposes, but this will invariably require their commitment to increased costs, bureaucratization, state vigilance and monitoring of terrestrial and maritime borders – a negative peace. Without a clear and joint decision to settle the dispute, such actions can only erode the positive relations and the conducive environment that the states have advanced through their most recent cooperative interactions. Settlement of the dispute is thus important, if the two states are intent on continuing beneficial interactions with each other.

## Appendices

### Interviewees

<b>Order</b>	<b>Description</b>	<b>Place</b>	<b>Date</b>
1.	Former Diplomat	Belmopan	March 2016
2.	Former Sr. Diplomat	Belize	March 2016
3.	Former Sr. Diplomat	Belmopan	March 2016
4.	Former Sr. Diplomat	Belize	March 2016
5.	Ambassador to Guatemala	Telephone	March 2016
6.	Former Prime Minister	Belize	April 2016
7.	Minister of Foreign Affairs	Belmopan	April 2016
8.	Chief Executive Officer, Ministry of Foreign Affairs	Belmopan	April 2016
9.	Former Ambassador	Belmopan	April 2016
10	Former Ambassador	Belmopan	April 2016
11.	Chief Negotiator, Lead Presenter Facilitation Process	London	June 2016
12.	Member, SERG	Internet (VOIP)	October 2016

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