Abstract

This paper investigates the identity of states as expressed in the context of a territorial claim. Conventional theories of International Relations (IR), realism and liberalism, treat the identity of states like their borders, as given and fixed. Accordingly, territorial claims and border disputes remain the most likely cause for states to go to war, since their settlement is zero-sum. What remains overlooked in these accounts, however, is that the states involved in border disputes and territorial claims are increasingly seeking non-violent means to settle their disputes. This may be indicative of an international pacific turn for the settlement of border disputes and territorial claims despite the predominantly realist inclinations in which they are located in IR theories. Using a constructivist approach, I explore how representations and state identity formation enable the ongoing search for pacific mechanisms to settle contested territory. I present the case of the persistent Belize-Guatemala dispute to explicate that the pacific state is central to the identity of these states as they engage in ongoing interactions to settle this protracted territorial claim. The implication for research is that a persistent claim does not necessarily equate to an intractable one but new ideas need to be developed to track settlement as a progressive process of change.

Introduction

This paper examines the changing identities of states in the context of a persistent and adaptive territorial claim. It seeks to advance an understanding of territorial claim settlement from the conceptual viewpoints of traditional constructivism to explain how social structures influence the formation of state identities and interests. These social structures are also analyzed to explain how the new identities and interests that they produce, can in turn, shape how states choose to develop and pursue options for the settlement of territorial claims. The theoretical aims of this paper are two-fold: first, it is to discuss the social representations that have historically defined how the Guatemalan territorial claim to Belize has been anchored;
and second, to situate state identity formation as an analytical framework through which to examine how these two states have formed new identities and interests in their search for a peaceful settlement of this dispute. In addition, this paper holds that interest formation emanates from the identities that these states form in the social structures of settlement processes. This position deviates from traditional International Relations where both the identity and interest of states are viewed as fixed and unchanging despite the context in which the same states find themselves.

Traditional approaches tend to view territorial dispute settlement as zero-sum. They also assume that the actions of states in these disputes are based solely on their power positions in the international system. However, this paper moves away from the traditional view that territorial claims, especially along contiguous borders, are a major source for war (Vasquez 1993) and, instead, it interrogates the influence of context in a persistent but non-militarized territorial dispute. It asks instead, how is it that states which have been engaged in a protracted territorial claim use representations to inform the discourse surrounding their territorial claim and to subsequently structure their interactions. Contextually, this paper explores the influence of representations and discourse on the mutability of state identities in the social structure of a territorial claim. By exploring these four key aspects, I aim to offer fresh insights into the social elements that come to bear on the identities of states as they determine and pursue actions for a peaceful settlement of territorial disputes.

I begin with a brief review of the theoretical literature on border disputes and territorial claim. I do so primarily to situate the assumptions of traditional IR theories of realism and neoliberal institutionalism which both suggest that states settle these claims through the instrumental pursuit of exogenous interest. This assumption also relies on states having fixed identities when they interact in the international system. I offer the case for a constructivist approach to territorial claim settlement and submit that these claims are constructed in context, and that the identities and interests of states involved are neither fixed nor exogenous to the social structure in which they interact. Critically, I argue that representations are key matters in these structures because they help states to know what they are dealing with and to discursively formulate and agree on a course of action. Subsequently, I describe my methodological approach and list the data collection techniques used to generate the
empirical data in my case study. I then engage in a brief discussion of my main findings. I conclude that the new identities and interests of Belize and Guatemala are unlikely to expedite the settlement of their territorial dispute, but that they are critical to ensure an eventual, pacific settlement of this persistent claim.

1. What traditional theories tell us about territorial claims

Territorial claims occur because states disagree about whose sovereignty reigns over a given territory; that is, they dispute the exercise of state authority in a territorial space. Where states agree about the location of boundary lines, borders do not pose political or security concerns. As Vasquez (1993) asserts ‘if the territorial divisions among neighbours are not challenged but [are] accepted as legitimate, peaceful relations can govern’ (p. 146). Where disputing states share contiguous borders, territorial claims invariably question the location of the lines that separate these states. The location of these lines for any contested border is critical since the underlying reason states want their boundary lines precisely demarcated is because they want sovereignty over territory – the exercise of sovereignty is material power and the resultant attribute of a direct link between territorial borders and statehood (McCorquodale 2001). Huth (2000) also points out that the reason two countries might be engaged in a border dispute is related to determining who has legitimate governing rights over a territory. This suggests that in territorial disputes, the verities of statehood are questioned: including the unit’s classification as a state; its ownership over territory; who its citizens are, and the possibilities for as well as the extent of its international relations. Thus, territorial disputes are not mere inconveniences between neighbouring states; ultimately, they challenge the unproblematic nature of ‘fixed-state territoriality’ and mutual respect for sovereignty on which international relations is premised (Agnew 1994, p. 57). This view of territorial disputes - as a contestation of the constitutive elements of statehood - additionally indicates that such claims may not only prevail on terms driven by military capabilities. Notably, Beth Simmons explains that territorial claims ‘can be expected to instill uncertainty regarding jurisdictional authority or future policy, even in the absence of the overt use of military force’ (2005, p. 832).

Scholars also contribute that once a territorial dispute emerges it gains an institutional dimension. Hassner (20062007) argues that institutionalization occurs as territorial disputes assume an established presence and function owing to the presence of social elements that are
ontologically two-dimensional having both rule-like (formal) and norm-like (inter-subjective) characteristics. Territorial disputes emerge because norms for this type of state interaction are ambiguous and can be challenged by a state. Furthermore, Vasquez (1993) argues that the manner by which a state entered the international system can determine how it will treat its borders. For Vasquez, 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 are distinctly revolutionary and evolutionary states. Wendt (1999) similarly refers to these states as 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 they promote stability and ‘generally respect each other’s territorial property rights’ (Ibid). This distinction about the types of states that are likely to be involved in a territorial claim suggests that state identity elements are present and have a direct influence on the settlement of territorial claims. However, an institutional characterization of territorial disputes, tend to suggest that efforts to resolve these types of disputes are normatively strong but weak on formalization or rule-like behavior (see Duffield 2007, p. 11).

In addition, time plays a crucial role in territorial disputes. The longer they remain unresolved, the more likely these disputes are likely to assume bureaucratic features and become entrenched (see Hassner 2006/2007). However, traditional approaches to border disputes and territorial claims are ‘structural and ahistorical’ (Agnew 1994, p. 57) because they discount the intrinsically historical and temporal elements typical of territorial disputes, and the social conditions of state identity and interest that bear on this issue. In realist and liberal institutionalist approaches for example, state territory is a material conception located within a priori national interests, and pursuits of power. The fixed state territoriality - established by the bordered units in the international system – is also the theoretical basis for the fixed identity and interests which traditional approaches assume states maintain and pursue during a border dispute and territorial claim.

Realism: Exogenous Interests, Self-Interested Pursuits and Capabilities

Realism is conceptually territorial argues Agnew (1994); and territory, as well as strategic geographic position, are constitutive of realist conceptions of power and capabilities when
states calculate how to maximize their status and position. In the context of territorial disputes, a realist position suggests that these interactions manifest the anarchical structure of the international system where states are fearful and distrusting of each other. They then interact in a grim, defensive environment where the potential for war is ever-present. Realism 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 (see Vaughn-Williams 2009, p. 3). A realist tradition also assumes that states pursue their interests – territorial or otherwise – because they have significant power and material capabilities to exert inordinate influence on the international system to secure what they want. In realism, territorial claims and border disputes arise in conjunction with ‘power-political interests and favourable power relations’ (Forsberg 1996, p. 435). And territorial disputes are seen as the means to strengthen the capabilities of states, particularly through strategic increases in and access to resource rich territory. (Mandel 1980, p. 429).

The overriding logic of the realist approach in a territorial dispute, rests on the influence of capabilities that a state imposes on the international system. Forsberg (2003) suggests that ‘territory is primarily a strategic asset and territorial disputes are mostly resulting from power struggles’ (p. 10). This view predicates the resolution of territorial claims and border disputes as zero-sum. Here, realist perspectives tend to exemplify that ‘if one of the parties is to achieve its objectives, the other one must lose’ (Stefanova 2006, p. 83). In this approach, states are expected to view borders and territory as material interests where territorial expansion is accommodated within realist conceptions to secure state exogenous interests of wealth, security and power.

Two issues are worth considering. Firstly, while realism privileges capabilities in securing interests, it discounts that states are constrained by international norms especially since ‘international law prohibits the settlement of territorial disputes between states by the threat or use of force,’ (Crawford 2007, p. 49). Though states in realism exist in anarchy, they are not excluded from the forces of ‘macro-level social structures [that] impinge on individual actors’ and restrain certain actions by them (Fearon and Wendt, 2002, p. 56). Second, despite their capabilities, states in realism value how they are perceived in international relations. Hence, any deliberate or unilateral disregard for a norm including during territorial disputes,
can negatively influence a state’s identity (see Finnemore and Sikkink, 1998; Wendt 1999; Simmons 2002). States are status maximizers and they worry about their international image. Still, use of military capability is just one account by which traditional IR premise settlement of territorial claims by states. In addition to military capabilities, states can also pursue settlement of territorial claim through institutions.

**Liberal Institutionalism: Self-Interested Pursuits, Institutions, and Cooperation**

Neoliberal institutionalism is similarly committed to the instrumental rationality of states, an international structure of anarchy and exogenous self-interests. This tradition differs from realism because of its reliance on institutions as the medium through which states pursue their pre-given interests. Where realism is wary of cooperation and sees this as naïve in a structure of anarchy, neoliberal institutionalism counters that cooperation, through institutions can reinvigorate economic dynamics between states and help them to jointly solve problems and achieve economic gains (see Hay 2002). In the context of a territorial dispute, institutions have a causal role because through them, states can pursue and secure their interests. Institutions enable states to structure incentives and constraints that are consistent with the strategic environment in which ‘instrumentally motivated, utility maximizing actors operate’ (Duffield 2007, p. 5). This causal role suggests that although procedures, rules and regulations constrain states, they do not ultimately remove their pre-existing interests and states are presumed to have created institutions anticipating their effects on patterns of behaviour during interactions (Keohane and Martin, 1995). Stein (2008) similarly alludes that in the creation of institutions, powerful states ‘structure the choices’ of other states and institutions are epiphenomenal, reflecting the power and interests that already exist in the international system (p. 6). A neoliberal institutionalist approach suggests that in a territorial claim, institutions make a significant difference to settlement in conjunction with power realities (Keohane and Martin 1995, p. 5).

However, neoliberal institutionalism does not fully accommodate that in a deep manner ‘cooperation begins to re-shape intersubjective meaning and hence re-constitutes state or elite 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). Indeed, social practice within institutions have the ‘capacity to transform identities and
interests’ (Sterling-Folker 2000, p. 113; Checkel 1997) and in long-standing territorial claims, dense interactions tend to occur between states which increase their knowledge and expectations of each other. This learning can influence interests and actions though liberal institutionalism does not consider its impact to be causative; it maintains the premise that state behaviour is rooted in power and pre-given interest (Hurd 2008). In these interactions, neoliberal institutionalism considers states to be instrumental and utilitarian and interests in a territorial claim are purely economic. What this suggests is that issues such as border disputes tend to be embedded in existing institutions even though they have purposes other than promoting an existing norm, such as sovereignty (see Finnemore and Sikkink 1998, p. 899). Furthermore, these institutions can shape the content of a territorial claim that deflects attention away from dispute resolution.

Traditional IR approaches view territorial disputes as consisting of exogenous interests bolstered by the power potential of states. Here the settlement of these claims is treated as zero-sum and their resolution is indicative of the capabilities of the powerful states. Neoliberal institutionalism views territorial disputes as denying opportunities for cooperation between states which institutions can overcome. Together, realism and neoliberal institutionalism view territorial claims as a distributional issue that only the most powerful and capable states can determine. These approaches are thus likely to view settlement of a territorial claim as preserving the territorial status quo and maintaining the existing power of states. Underlying this fixedness in identity and interests is viewed as a commitment to territorial claims as unchanged by context and time. I argue that the social structure of dispute settlement - more than the condition of anarchy, power and capabilities - impose greater restrictions on how states pursue the resolution of territorial claims. The identities of states in a persistent territorial claim for instance are changed by space and time ‘to accommodate changing power relations . . . as they are constituted and reconstituted over time’ and in social context (Somers 1994, p. 610). This is the domain of a constructivist approach and the main thread of analysis with which I examine the persistent Guatemalan claim to territory in Belize.

2. A Constructivist Approach to the Guatemalan claim to territory in Belize
A constructivist approach to the Guatemalan claim to territory in Belize is to present a social structure in which state identity and interest formulation are accounted for as endogenous and not pre-determined. This social structure is the bilateral process to seek settlement options for the peaceful resolution of a long-standing, unresolved territorial claim and border dispute between Belize and Guatemala. This approach challenges a priori conceptions of state interests and identity that both realism and neoliberal institutionalism hold. Importantly, traditional constructivism goes against traditional IR assumptions that states do not undergo identity change and interest reformulation in territorial disputes (see Wendt 1994). However, constructivist conceptions of state identities and interests are contingent on a discursive, social structure and formed in context, and for a persistent territorial claim, this approach can plausibly accommodate that ‘interests are expressed, acted upon and revised’ (see Hay 2002, p. 21) even as the same dispute is being constructed and reconstructed. The turn to constructivism therefore, is to examine how changes in identity along with interest formulation and reformulation are prominent in a persistent but non-militarized territorial claim and border dispute. Furthermore, I account for state action in a persistent territorial dispute and show that states act upon reformulated interests by evoking representations that are compatible with their newly formed identities and the dispute settlement context.

A contextual overview

The Guatemalan territorial claim to Belize began during British and Spanish colonial rule in Central America. As early as 1783, under the Treaty of Versailles, Spain granted Britain authority to harvest logwood in the Bay of Honduras, specifically, between the Hondo and Belize Rivers (Grant 1976; Bolland 1977; Shoman 1994; Murphy 2004). A later convention between the two countries, the Convention of 1786, extended logwood cutting rights as far as the Sibun River but not beyond this area (Ibid.). The British settlers did not adhere to the limits specified in the British treaty with Spain and they expanded their use and settlement of the area (Grant 1976, p. 31; Bolland 1977, p. 10). The extended settlement area almost doubled the original territory granted by Spain and it now reflects the expanse of present-day Belize. This settlement eventually gained an administrative and political form despite the British operations remaining beyond the grant of permission by Spain. The British were administratively and politically in charge of the territory of Belize but sovereignty over the area remained with Spain.
At the end of Spanish colonial rule in 1820, Britain continued to administer the territory in Belize but Guatemala contested British rule in the same territory and any semblance of borders between these two neighbouring states. After Guatemala gained independence from Spain, its relationship with Britain over the territory in Belize became one of ‘epistemic isolation’ (see Elcherote et al. 2011, p. 737). This required that interactions over Belize needed to be grounded in a shared understanding of what this area now signified to these states after the departure of Spain. As the challenger to Britain’s continued use of the settlement, Guatemala needed to firstly, typify the situation of the territory in Belize to determine what this settlement was; and secondly, this typification needed to be anchored to enable subsequent interactions between the two states over the territory. This dual process is to develop a representation as transference – where normally linked concepts are moved to a context so that ‘the unusual becomes usual’ thereby gaining space in pre-existing knowledge structures (Moscovici 2000, p. 39; Elcherote et. al 2011, p. 736). Here, the anomaly of the territory of Belize was eventually represented as territory usurped by the British from Guatemala. In this process, territorial usurpation became the discursively dominant category over which Guatemala anchored its interaction with Britain over Belize. At this same time, the territory in Belize had been typified and introduced in the emergent social structure between Britain and Guatemala.

In this paper, the Guatemalan territorial claim to Belize is not treated as a one-time event of fact; instead, it is considered as a process constructed over a long period of discursive interaction, even bargaining attempts between Britain Guatemala. Though these countries eventually signed the 1859 Treaty of Boundaries where the borders of Belize with Guatemala were officially specified, the non-implementation of its Article 7, led Guatemala to issue a ‘positive and definitive statement . . . to serve notice that [it] considered the treaty of 1859 to be lapsed, inoperative or void’ (Bianci1959, p. 129). This formal statement of claim in 1940 occurred well over 80 years of interaction about the territory in Belize and who had sovereignty over it. Once made, this claim framed the interactions between the two countries to pursue settlement of a persistent territorial claim.

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1 Vathakou, 2007 refers to this as part of observation systems. She notes that that ‘an observation is the unity of a distinction and a denotation.’ She explains that in an observation system an object is firstly . . . ‘distinguished from everything else . . . [ then denoted] . . . by calling or naming or identifying it’ (p. 64).
Representations: deriving meaning to anchor a claim to territory

A territorial dispute requires that material objects or ideas of focus must be classified and then named so that they fit into a known paradigm or category. Once classified, actors or states can then determine a course of action (Moscovici 2000, p. 42). This categorization is aimed at confining an object, situation, event or behaviour to a set of rules for which it is denoted. In the case of the Belize-Guatemala territorial disputes, these representations were subject to change depending on the context and in which the states were interacting. Thus, even as constructivism accommodates changing identities and interests, states do not act arbitrarily in a territorial dispute; their course of action emerges because of the social formation of representations in the discursive settlement structures. Representations emerge because they are discursively shared in state interactions, and the identities of the state’s structure the actions that are then deemed possible.

Socially derived representations bear on how states interpret and act upon an object. Here, political elements (the experience, reasons and actions of the actors) combined with their discursive actions (what they say and come to view the dispute as) have influenced how this territorial dispute has been understood and interpreted by the disputing states. Social representation in the ‘larger political framework makes understanding possible’ (Elcherote et. al 2011, p. 733) and it involves the processes of naming and anchoring an unfamiliar object or process so that it becomes known to the actors. Since this paper posits that the territorial dispute was not a distinct occurrence but occurred through a long process of interaction, it similarly points out that Guatemala needed to establish familiarity with the nature of British actions in the territory to make a territorial claim over Belize. This led to early discursive interactions with Britain over its presence in Belize represented as territory usurpation.

The territorial claim and the resultant dispute is not considered to have started over the existence or exact location of the borders of Belize with Guatemala. It emerged, firstly, over which state - Britain or Guatemala - had sovereign rule over this settlement after Spain’s departure from the region. Britain’s position was that it had sovereign rule over the territory of Belize since it benefitted from usufruct rights previously granted by Spain and it had also maintained a steady presence in the area. Guatemala, meanwhile, argued that it had inherited sovereignty over this territory as it was Spain’s successor in Central America. Guatemala thus
considered Belize as an inheritance. Even so, the context in which Guatemala’s declared Belize as her legacy is important because this framing is subject to interpretation. Thus, the discourse in the nineteenth and twentieth centuries, the Belize-Guatemala territorial dispute had at least three dominant representations, specifically: Guatemala's sovereignty over the territory; compensation for Guatemala to accept the full extent of British settlement; and mutual acceptance of the boundary agreement between the two countries as defined by the Treaty of 1859. These three representations are situated across periods and explain the early identities and interests of Guatemala and Britain in relation to the settlement of the territorial disputes in Belize. The most recent representation of the dispute puts it on legal footing for settlement at the ICJ.

3. Methodology

The methodological plan of this paper is to explain the construction of pacific state identities in the intractable Guatemalan territorial dispute with Belize. This explanation shows how the social elements of state identity, interests and representations have played a role in construction and offers that in the social structure of settlement processes these states generate representations of the territorial dispute that promote a pacific settlement. Thus, this paper adopts constructivist conceptions of state identities and interests to show that it is in the social structures of settlement negotiations, not prior, that the states form options that support a pacific resolution of their dispute. The methodological underpinning is that states do not engage in the settlement of a territorial dispute with a package of pre-given interests; rather, Guatemala, Britain and then Belize developed these interests because their identities have been formed in these social contexts.

The empirical material is drawn from data collected from discursive spaces - spoken and written text – in which representations of the dispute and the actions of the states are articulated. This data, includes official utterances, public presentations and written documentation about the ideas and beliefs of those closest to the social structures of this dispute settlement. These were used to aid in an explanation of the “how possible” aspects of the territorial dispute, specifically its long-standing existence. Semi-structured interviews were also conducted with former and current diplomats, senior government officials and lead negotiators who are considered as ‘targets of socialization policies and practices’ (Checkel
and Moravcsik, 2001 p. 221), and who too have engaged with others to channel ideas, develop identities and formulate interests in this dispute. A documentary review sourced monument resources (see Nuemann 2010) which specified courses of action by the States that were compatible with the representation of the dispute at historical junctures. In addition, the monument documents provided insights into the prevailing identities and interests that have been attendant in the territorial dispute settlement efforts. I subsequently used the combination of claim representations, state identities and interests, at specific junctures to offer a plausible explanation of what the disputant states wanted and how they arrived at and proposed numerous, pacific settlement options.

4. **Settlement Structures, Discursive Spaces and State Identities in the unfolding of settlement options**

Guatemala and Belize have been engaged in a long process to settle their persistent territorial dispute. Together, they have created prominent social structures in which peaceful settlement of the dispute has been the primary focus of their interactions. These settlement structures are distinctly interspersed in the history of the dispute and started with interactions between Britain and Guatemala in the early colonial period; then later, in a measured manner, with Britain, Guatemala and the colony of Belize; and finally, as interactions between Guatemala and independent Belize. There are expectations for settlement in all these structures and these are firmly captured in monument documents. A critical review of these documents however, show that only three (3) of these structures produced proposals that were exclusively for the settlement of the territorial dispute – Dallas Clarendon Treaty (1856);\(^2\) Anglo-Guatemalan Treaty (1859); and in Belize’s post-independence era, the Special Agreement to settle the claim at the International Court of Justice (ICJ) (2008). The Special Agreement of 2008 is the only settlement option that exclusively focused on the resolution of the territorial dispute.

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\(^2\) The Dallas-Clarendon Treaty was never ratified but this treaty is monumental because it is the first public articulation of the acceptance of the new boundaries of the British settlement in Belize that reflects the current boundary today; this is the southern boundary with Guatemala being at the Sarstoon River established as of 1850.
Table 1. Proposals to exclusively settle territorial boundaries of Belize

<table>
<thead>
<tr>
<th>Date</th>
<th>State Identities</th>
<th>Interests</th>
<th>Representation of Dispute</th>
<th>Monument Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1856</td>
<td>Britain</td>
<td>Colonial Power</td>
<td>Boundary delimitation of Territory in Belize</td>
<td>Usurpation of territory in Belize</td>
</tr>
<tr>
<td></td>
<td>Guatemala</td>
<td>Colonial Successor to Spain</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1859</td>
<td>Britain</td>
<td>Party to 1859 Treaty</td>
<td>Boundary delineation of Belize</td>
<td>Cession of Territory</td>
</tr>
<tr>
<td></td>
<td>Guatemala</td>
<td>Party to 1859 Treaty</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>Belize</td>
<td>Target State</td>
<td>Settle boundary dispute and territorial claim at ICJ or ICA</td>
<td>Juridical Claim</td>
</tr>
<tr>
<td></td>
<td>Guatemala</td>
<td>Challenger State</td>
<td></td>
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</tr>
</tbody>
</table>

Ambiguous Identities

It is worth noting, that whilst the Treaty of 1859 was a monument agreement, that delineated the agreed boundaries of Belize with Guatemala, this treaty also served as the genesis of a two-tiered approach to the settlement of this territorial dispute. This two-treaty approach became ubiquitous in all the other settlement options, and an additional five (5) prominent, structures (see table 1.2

³ The 1859 Treaty is treated as a boundary agreement between Guatemala and Britain but this treaty also included the ubiquitous two-tiered approach settlement formula inclusive of a pronounced boundary delineation AND the creation of spaces for bilateral cooperation. This is reflected in Article 7 of the same treaty. If all three agreements were to be substantially scrutinized as being exclusive attempts to settle the claim, then SA 2008 fits this definition. The Dallas Clarendon Treaty was never ratified. Still, these are all presented as substantively focused on the settlement of the claim.

⁴ This agreement was amended in 2010 after Belize and Guatemala failed to implement the joint national referendums on October 6, 2013. They now have the option to implement their respective referendums individually.
below) produced proposals that incorporated bilateral agreements and cooperation to resolve the dispute. The dispute was strictly territorial, yet in all political settlement structures, Guatemala and Britain or Belize included economic cooperation agreements to conclude it. The possibilities for cooperation emerged in the context of discursive actions to settle the territorial claim and these were formed in process after deep and long interactions between the two countries.

The inclusion of these “soft” mechanisms has been endogenous to the settlement structures, though they are not compulsory to settle the hard elements of a territorial dispute such as territorial border location and the maritime designation of each state, for example. However, they have been afforded more than an ancillary role in all settlement options.\(^5\) In the case of the Webster Proposals (1968), neither boundary delimitations nor borders for Belize were included, and the primary focus of these proposals was to create and institutionalize commercial trade routes for Guatemala through Belize. They also included protocols for the defence of Belize which Guatemala would lead. Later, the Heads of Agreement (1981) pushed settlement of the dispute as a post-independence aspiration for Belize and Guatemala to jointly seek a political solution to the territorial dispute while sharing maritime and natural resources. These settlement proposals enabled Belize and Guatemala to aspire for and develop cooperative identities even as they were target and challenger states respectively, in the territorial dispute.\(^6\)

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\(^5\) See James Murphy (2004, p. 47) where explains that the two-treaty package was particularly common to the period 1969–1972 during ministerial meetings between Britain and Guatemala. This package included state recognition and cooperation. The two-treaty approach however, has been ubiquitous throughout all settlement structures since the 1859 Boundary Treaty.

\(^6\) See this approach to settlement in the following agreements: prior to Belize’s independence, see 1968 Webster Proposals; after decolonization and toward independence see, 1980 Heads of Agreement; in post-independence era, see 2002 Facilitation Proposals, and 2005 Agreement. These proposals, have all included a two-tiered system to claim settlement that articulate distinct programs of cooperation and bilateral partnerships. In the case of Webster’s proposals, this agreement did not address any matter related to border delineation and settlement of claim.
<table>
<thead>
<tr>
<th>Date</th>
<th>State Identities</th>
<th>Interests</th>
<th>Representation of Dispute</th>
<th>Monument Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1968</td>
<td>Britain Aspirant Partner State</td>
<td>Security of territory in Belize</td>
<td>Harmed relations of the United Kingdom and Guatemala</td>
<td>Webster Proposals</td>
</tr>
<tr>
<td></td>
<td>Guatemala Aspirant Partner State</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Guatemala Aggrieved State</td>
<td></td>
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</tr>
<tr>
<td>2002</td>
<td>Belize Target State</td>
<td>Mutually agreed Treaties for Settlement</td>
<td>Politically Intractable</td>
<td>Agreement for Facilitation Process Between Belize and Guatemala</td>
</tr>
<tr>
<td></td>
<td>Guatemala Challenger State</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Guatemala Cooperative State</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>2014</td>
<td>Belize Partner State</td>
<td>Bilateral Cooperation</td>
<td>Inimical to cooperation between the two states</td>
<td>13 Bilateral Agreements of Cooperation</td>
</tr>
<tr>
<td></td>
<td>Guatemala Partner State</td>
<td></td>
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</tbody>
</table>

Another critical factor in this territorial dispute is that the identities of the states have also been internally produced. Both states have simultaneously assumed target and cooperative state (Belize) and challenger and cooperative state (Guatemala) identities respectively. They have acted on these subject positions having ‘discursively articulated and produced’ settlement options that reflect their newly formed identities (see Dunn 2003, p. 11). Over time, these identities have enabled these states to construct a territorial dispute that has generated multiple representations that removed any rigidities and stasis in the actions and
interactions of these states. Moreover, these representations and the narratives around them shifted state relations over time and space (see Somers 1994). Furthermore, it is through these same narratives that representations of the dispute have been produced. In this manner, settlement of the territorial dispute remains a discursive space in which Belize and Guatemala produce subject positions that enable ‘actions and practices that enact [ideas]’ that are compatible with the identities that they have formed in process (see Dunn 2003, p. 10). Even more, in these discursive spaces, the same representations constitute the states so that they can only act to settle the territorial dispute in a specific way.

5. Mediating role of Discourse and Inclinations for a Peaceful Settlement

The multiple representations of this territorial dispute have allowed only certain actions to be deemed possible for settlement. What these representations show, however, is that settlement of the territorial dispute has not depended entirely on the location of power in any one state. Critically, ongoing discourse and use of discursive spaces have shaped the power location and duration in this dispute, emphasizing power is never totally centralized (see Dunn 2003, p. 11). Shifts in discursive dominance also suggest a move away from power concentration in any one of these states such that subject positioning is replaced by subject production (Ibid.). Indeed, the protracted nature of the unsettled dispute also explains that it is not always the most powerful state that determines how a territorial dispute comes to an end. Rather, Guatemala and Belize have formed state identities that have produced interests compatible with the actions they can exercise, thus granting subject dominance at various points in the history of this dispute. These positions are evident in the following discursive points: the declaration by Guatemala that the Treaty of 1859 is null and void and then stating that Britain was unaccountable for the non-implementation of Article 7 of the same treaty; the stated rejection of the 1968 proposals by Belize (still then a colony); the acceptance of the Heads of Agreement by Guatemala, even as Belize articulated that it was an inexecutable proposal (1981); the rejection by Guatemala of the Facilitators proposals of 2002; the joint declaration by both to seek settlement of the dispute at the ICJ; and the continued interests by Belize and Guatemala to pursue cooperation and partnership agreements (2005 Agreement; 2014 - 13 Bilateral Agreements) in spite of an unsettled claim.
The territorial dispute has also produced discursive spaces in which the states have learned to identify and seek specific options that promote a pacific settlement of the dispute. This suggests that Belize and Guatemala have also engaged in deep learning to actively seek settlement options that are not just expedient but reflective of the pacific identities they have come to form. One significant point of such learning occurred during the 2002 facilitation process when the Belize team of presenters became increasingly confident about their own legal position and voiced then that Guatemala’s presentation was legally insufficient by comparison.\(^7\) In the same facilitation process, Guatemala expressed that Belize, who had always 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’.\(^8\) Notably, such learning is supportive of the position by Hensel (2008, p. 127) who points out that states which have been engaged in long but unsuccessful periods of negotiations are more likely to seek peaceful settlements. Hensel’s argument aptly supports the maintenance of a discursive space that both Belize and Guatemala recognize as key to settlement of their dispute in this modern period.

Finally, the settlement structures, have resulted in the formulation of ample treaties, agreements and proposals for the settlement of the territorial dispute. These mechanisms all indicate that Belize and Guatemala were tacitly committed to a settlement formula that jointly embraced ‘soft’ elements of cooperation and “hard” elements of boundary delineation, territorial integrity and sovereignty. Such a formula also indicates that rejection by Belize or Guatemala, of any of these soft elements renders the dispute protracted and persistent. This brings to the fore that the Special Agreement of 2008 to settle the dispute at the ICJ is the only proposal that can exclusively for the settlement of this claim. Yet, the juridical path to settlement has lost its salience as the two countries are increasingly engaged in the development and implementation of bilateral programs of cooperation.\(^9\)

An expedient settlement has not been at the forefront of this territorial dispute. Instead, this process has produced states whose identities are increasingly compatible with a long view of

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7 Interview conducted with senior official and former member of the Belize negotiation team for the settlement of the Guatemalan territorial claim.
9 In 2014, Belize and Guatemala signed 13 new bilateral agreements. These were considered as critical efforts to promote an environment that is conducive for the eventual settlement of the claim.
dispute settlement even though previous political attempts have proven unsuccessful. Note that Guatemalan President, Perez-Molina suggested that there are “two axes” that now shape and drive the bilateral relationship between Belize and Guatemala. He acknowledges that the first axis is premised on the juridical framing of the dispute which should enable its eventual settlement at the ICJ. But he also contends that the second axis is for the two countries to ‘strengthen and ensure a normal and solid bilateral relationship [to benefit] 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].”\textsuperscript{10} Note also that, this acknowledgement is not made to abandon the claim, since doing so can cause significant domestic pressures in both Belize and Guatemala. At the same time, however, Perez-Molina’s position reinforces that specific state identities can promote cooperative efforts that support a peaceful settlement of the Guatemalan territorial dispute with Belize. And in this context, the territorial claim loses its salience as the central ordering structure that positions how these states interact with each other; rather, the claim has been repositioned by the states because of the identities and interests that they have come to form in the structures for its settlement.

**Conclusion**

As of 2008, both Belize and Guatemala agreed that the territorial claim should be placed on a legal footing. Having accepted this position, their respective populations will indicate through referendums whether the claim should be settled at the International Court of Justice (ICJ). In the meantime, the legal representation of the dispute has removed the possibility that other extraneous matters could now be attributed to the claim; instead, it is now firmly established on a procedural path, that could lend for its juridical settlement. To this end, the adaptability of the dispute has been sealed. Despite the existence of the Special Agreement of 2008, however, this agreement has not expedited the efforts of the two countries for a juridical settlement of the claim. Yet, the social structure of dispute negotiations has enabled Belize and Guatemala to form new identities and interests beyond the settlement of the claim.

Most recently, the two states signed agreements to develop and implement 13 programs of cooperation. They have referred to these projects as efforts to create a pacific and conducive environment for the eventual settlement of the claim. It is in this social structure that they can

\textsuperscript{10} See President Perez-Molina statement during the signing of the 13 Bilateral Agreements between Belize and Guatemala, 2014.
best pursue cooperative and peaceful identities, rather than through a juridical settlement of
the territorial dispute. A juridical approach is likely to distract from the nascent opportunities
that their cooperative identities can pursue and it can prove fragile for their target and
challenger state identities to sustain. Maintaining the claim still leaves room for the countries
to explore cooperation and bilateral programs.

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