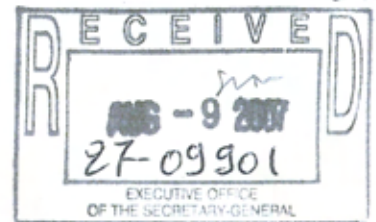


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**Note to the Secretary-General**

**Through Mr. Nambiar**

Follow-up to your meeting with the Minister for Foreign Affairs of  
Guatemala: Guatemala-Belize territorial dispute and the Secretary-General's  
ICJ Trust Fund

I refer to the Note to the File dated 4 June, a copy of which was received on 20 June 2007, which provides a summary of your meeting of 3 June 2007 in Panama with the Minister for Foreign Affairs of Guatemala, H.E. Mr. Gert Rosenthal. The Note indicates that the Minister for Foreign Affairs brought up the 114-year old territorial dispute between Guatemala and Belize, stating that said dispute: "had gone on for too long and Guatemala was gradually coming around to the idea of seeking settlement through the International Court of Justice (ICJ), although the option of arbitration had not been entirely ruled out. Discussions with Belize regarding the ICJ route were quite advanced and Guatemala might come to the UN within the next six months to seek funding through a special Trust Fund which existed to fund cases being taken to the Court".

The Minister made no request for action on your part or for information but you indicated you would look into the status of the Trust Fund. As a point for follow-up, the Note states that "EOSG [is] to look into current status and balance of UN Trust Fund used to assist Member States to take issues to International Court of Justice". What follows below is a description of the current status of the Trust Fund.

The Office of Legal Affairs is the implementing Office for the *Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice* (herein referred to as "the Trust Fund"). For each session of the General Assembly, you issue a report on the Trust Fund as a document of the General Assembly circulated to all members. The latest report is found in document A/61/380 of 22 September 2006. The report of the upcoming session has been sent for issuance and is attached for your information. *not attached*

In the light of the information obtained from the Controller's office, the Trust Fund's total reserves and fund balances as of July 2007 is USD 2,475,744.88. It should however be noted that two awards granted since the Trust Fund's inception have not yet been paid, i.e., an award of USD 250,000.00 granted to Botswana in 1997 and an award of USD 700,000.00 granted to Benin and Niger in 2004 (USD 350,000.00 each). Thus, once those awards are paid, a balance would remain on USD 1,525,744.88.

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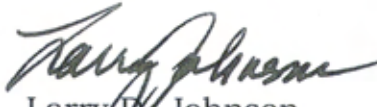


In addition, Djibouti recently presented an application for financial assistance in an amount of approximately USD 285,875.00 from the Trust Fund to defray the expenses incurred in the its pending case against France (*Certain Questions of Mutual Assistance in Criminal Matters*). Consistent with the Revised Terms of Reference of the Trust Fund ("the ToRs"), a panel of experts has been set up to examine this request and is about to make an appropriate recommendation to you. Any amount granted to Djibouti would, of course, further reduce the available balance in the Trust Fund.

Further to the Minister's suggestion that "Guatemala may come to the UN within the next six months to seek funding through [the Trust Fund]", we should also underline that, under paragraph 6 of the ToRs, "[t]he purpose of the Fund is to provide financial assistance to States for expenses incurred in connection with: (a) A dispute submitted to the International Court of Justice under Article 40, paragraph 1, of its Statute; [...] or (b) The execution of a Judgment of the International Court of Justice". Consistent with the ToRs, States may request financial assistance from the Trust Fund if either of these requirements is fulfilled.

To our knowledge, no application instituting proceedings in relation to the territorial dispute with Belize referred to by the Minister for Foreign Affairs of Guatemala has so far been submitted to the International Court of Justice. As no specific request was made by the Minister, and Guatemala receives your annual reports, we would suggest a "low profile" approach so as not to appear as interjecting the Organization in the ongoing discussions between the parties in regards to the particular mode or settlement of dispute to be agreed on. Thus, we would propose that this Office orally convey to the Permanent Mission the current situation with regard to the Trust Fund and offer to provide whatever assistance and information that the Government might find appropriate.

OK

  
Larry D. Johnson  
9 August 2007

cc. Mr. Michel o/r  
Mr. Sach

CdC		SG	
For SG's approval	<input type="checkbox"/>	Approved	<input type="checkbox"/>
For SG's attention	<input type="checkbox"/>	Noted	<input checked="" type="checkbox"/>
For SG's information	<input checked="" type="checkbox"/>	Seen	<input type="checkbox"/>
For SG's signature	<input type="checkbox"/>	Signed	<input type="checkbox"/>
Date	13.08.2007	Date	
Comment (if applicable):		pls proceed as recommended by you.	

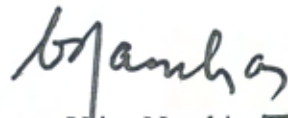
**Note to Mr. Johnson**

**Re: Follow-up to meeting with the Minister for Foreign Affairs of Guatemala**

In reference to your note of 9 August regarding meeting of the Secretary-General with the Minister for Foreign Affairs of Guatemala, please be informed that the Secretary-General concurs with your proposal to orally convey to the Permanent Mission of Guatemala the current situation with regard to the ICJ Trust Fund.

We understand that the information was in the meantime provided orally to the Mission by your office.

Thank you.

  
Vijay Nambiar  
29 August 2007

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