

# 31812 plagi report

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**Submission date:** 24-Apr-2023 06:55AM (UTC-0500)

**Submission ID:** 2073922131

**File name:** plagi.docx (19.12K)

**Word count:** 2740

**Character count:** 14951

## **Introduction**

International Dispute between nations mostly occurs under circumstances when one particular state involved showcase the wrong attitude. The case is regarded as an international dispute, once the government of the injured nation takes up the case. One of the important conditions in terms of processing settlement for international cases is developing a precise definition of the dispute. There are different grounds in terms of the occurrence of “disagreement” between two nations such as “political disagreement” or “legal disagreement”. The case chosen for the study is *“Sovereignty over the Sapodilla Cayes (Belize v. Honduras)”*. The study is targeting to discuss reasons for the dispute with Honduras in terms of sovereignty with the *“Sapodilla Cayes”*. The operating Government of Belize is emphasising over the adoption of relevant measures in order to protect the interest of the people of the country. The aim of the study is to analyse the reason for this international dispute and the application of the method of resolving it.

## **Discussion**

### **Background of issue**

The “American treaty” on the “Pacific Settlement” prevailed as the “pact of Bogota” is an instrument used by “Honduras” even since its signing in 1948. The “Sapodilla Caves” are cave groups which are situated in the Gulf of Honduras”. It has been stated that different “cayes” of this palace are located in the territory of Belize. This place was intimately accounted as part of “Belize” in the settlement process. However, post “The British Colonisation” era and since the time of 1981, this particular territory is a part of the “independent state of Belize”. The settlements established incorporate different “sovereign acts”. However, “the independent state of Belize” never exercised any sovereignty across the region of “Sapodilla Cayes”. However, the important concern in this regard is regulation of “land ownership” of the particular region as well as entry of people in the region. The operating government of “Honduras” is complaining about using the cave land as a military spot for plotting revolution against the process.

The occurrence of this issue is the claims stated by the operating government to gain acknowledgment of the sovereignty of the UK. Major political challenges as well as gaps identified

within the policy makers are creating the need for proper collaboration across different international boundaries. Gaps in social as well as scientific policies are responsible for increasing concern in Honduras. Different representatives of Belize are significantly placing requests for the preparation of different “counter memorials” in regards to the memorial presented by “Belize”. Different agents of Honduras are seeking time in order to undertake personal research on a legal note. “Belize” is proceeding with a plea placed in “The international court of Justice” in regard to a dispute which is posing a major concern over the “sovereignty of Sapodilla Cayes”. The main argument is that under “international law”, “Belize” is accounting as the sovereign above “Sapodilla Cayes”. However, the argument placed by “Honduras” is claiming “sovereignty” over the land.

### **Analysis of Claims of Honduras**

The dispute over the border of the countries includes different internal laws of “Honduras” and is not assessing any international law. The occurrence of “international dispute” is because of the claim established by Honduras using “international law”. The request established by the applicant which is “sovereignty of Honduras” is effectively using the *“American Treaty on Pacific Settlement”*. The operating government of “Belize” is thus moving towards the “Treaty of Bogota”. One of the important reasons for using this treaty is to ensure that countries use only peaceful means to resolve the conflict. The territorial dispute between two countries can result in hampering the trading process as well. Different international trade relations” are not confined to “bilateral relationships”. The particular issue identified in this international dispute covers a wide range in terms of disputes over “maritime boundaries” as identified in the case of “Honduras” and “Belize”.

In the process of “*international jurisdiction*” over “*maritime delimitation*”, one important condition includes the addition of a “maritime boundary line”. The territorial dispute between these two regions is responsible for forcing the government of “Belize” to take the plea of “Honduras” to “The International Court of Justice”. The main intention behind the initiation of this attempt is to bridge gaps occurring between countries. This territorial dispute between the two states is occurring due to the claim of Honduras over the “Cayes”. The main tension as stated by Honduras is over the use of bases by British authorities against their state. Political ecologies of the two states mainly focus on different “socio-environmental” conflicts in relation to “oil” or “gas extraction”.

The government of Honduras focuses more on the examination of different government strategies and plans adopted in order to make information available for communities operating in the government sector. The government of Honduras also pays significant attention in terms of reforming different processes such as “mine extraction policies” adopted by the government.

The government of the UK is planning on granting “self-governing” rights to the state of Belize. Different representatives of Belize seek a time period of around three months from the International court in order to prepare for counter activities. The state of Belize also initiated on appointing new ambassadors in the border to proceed with the case. One of the important concerns in this regard is accessing different articles of “*Pact of Bogota*”. “Sovereignty” of the British is manifested over expressions shared using different statements by incorporating “*Article 31*” of the pact of “*Bogota*”. However, disputes in terms of “jurisdiction” attitude observed in international law processing between two chosen countries can result in the development of questions. The most important condition in this regard is gaining jurisdiction over “Article 31” of the “treaty pact of Americans”.

The “Sapodilla Cayes” has been accounting as an integral part of the territory of “Belize” since the beginning of the nineteenth century. However, the increase in the occurrence of protests from the other state which is “Honduras” is creating a need for exercising “jurisdiction. Different incidents such as the occurrence of accidents in relation to “criminal matters” is a major factor contributing to the occurrence of this “international dispute”. Claims stated by the government of Honduras is accounting from various issues such as “regulation over land ownership.” The most important factor of concern in this regard is the performance of different military activities such as the conduction of training programmes resulting in concern of the state over this issue. The increase of different programmes such as the enforcement of boating practices is accounting for an important factor leading to the occurrence of issues from the end of the government of Honduras. Development of a “contingency plan” or sourcing of “equipment” in terms of the adoption of safety measures can result in damaging the “Bogota Pact” adopted by both states. Concerns regarding environmental sustainability are another major factor in this regard. As the cave ranges of “Sapodilla Cayes” belong to the “territory” of Belize, possession of those caves rightfully belongs to the state of Belize. However, the increased concern of Honduras is targeting to run the peace pact existing between the states.

## **Territorial Dispute**

Article 31 observed in the “American Treaty” identifies the Cayes as part of the independent state of Belize. The “American Treaty” of “Pacific Settlement” stated articles in order to recognize obligations in the process of settling different international disputes. Article 6 of the treaty shed light on the incorporation of different arrangements in order to settle disputes between two nations. As the case of “Honduras” and “Belize” presented in the international court, the most important obligation of both states is to handle the matter peacefully. The union of “Belize” proceeded with the “Pact of Bogota” using “Article 54”. This account as the transmission of instruments in relevance to the operating organisation across “Americans”. “Article 54” of the pact shares notification regarding the Belize Union’s accession over the pact. As Honduras and Belize are having conflict over the “sovereignty” of the cases, it is resulting in concern across the international court.

Clear sovereignty established by the government of Belize is failing to meet the terms of different security concerns imposed by Honduras. The state of Honduras is accounting for the operating principle constrained by different measurements adopted by the government of Belize. As a result of uncertainties developing, the government of Honduras is claiming “Sapodilla Cayes” as part of the state. This dispute is responsible for straining the cordial relationship between the two concerned states. Under “*International Law*”, the sovereignty of the Cayes belongs to “Belize”. However, as per the “articulation of “*the 1982 constitution*”, this matter counts as internal law followed by Honduras. Hence, it is assumed that this notion holds no significance with “international law”. On the legal ground, people residing in Belize exercise the “*right to self-determination*” in the process of “territorial integrity”. This right came into account as Belize gained independence from the United Kingdom and gained rights over Cayes. “*Right to self-determination*” mainly accounts for the freedom to dispose of natural resources without any form of obligation. Sovereignty over “Sapodilla Cayes” manifested using different peaceful and continuous sovereign acts such as the “exercise of jurisdiction” by the magistrate over Cayes in relation to the occurrence of “criminal matters”.

## **Method**

There are different strategies adopted such as “conciliation”, “mediation” , and “negotiation” accounts as effective methods to resolve international disputes. As illustrated in the dispute



between Belize and Honduras over the sovereignty of Cayes, one important way to resolve the dispute is the adoption of the “Conciliation” method. This method is an “Alternative Dispute resolution” process that highlights adding a “third party” who does not hold any interest in the case. The third-party regarded the “Conciliator” account as a helping hand in terms of identification of the issue which is resulting from the dispute. Article 25 of the UK constitution creates provisions in terms of allowing conflicting parties to create requests in terms of the creation of the “Conciliation Commission” which can further help in the development of a “*dispute resolution proposal*”. This method also reduces the occurrence of any form of the biasing island thus delivery of fair treatment in the end.

One of the important aspects of this method is the proper examination of different aspects of the dispute. This helps in the identification of facts of the case such as the reason for the occurrence of discomfort in the government of Honduras in terms of different military activities. It also includes an assessment of different legal aspects of the case such as following the “American treaty” of the “Pacific settlement”. It is important to assess different “fiscal policies” adopted by both actions in the past and thus assess counseling accordingly. In the method of “conciliation”, one important condition is that it does not include any form of political influence, and thus exertion of political pressure is not possible in this regard. It is convenient to regard that adoption of the “conciliation” strategy” helps people to identify different disputed issues in this regard. Identification of an alternative approach such as the establishment of an “*alternative agreement*” in the case of Honduras and Belize can be considered an effective solution.

The role of a conciliatory is to provide some legal information to both parties of the case. For instance, the Governor-General of the Belize constitution states the existence of public emergency in case of occurrence of any extreme situation across the state. In case of a situation such as war going between Belize with another state such as Honduras can pose occurrence of an emergency situation and thus impose special laws and systems. The development of “proclamation” is an emergency application in this regard. Hence, it is important for the conciliator to develop a clear as well as precise understanding in this regard. As the role of the “conciliator” is to actively encourage both parties to reach an effective agreement, one important condition in this regard is to provide an effective solution that can influence both parties to reach a peaceful agreement.

The method of conciliation is suitable for the case of Belize and Honduras because it helps in providing assistance throughout the process. This method also includes reaching an effective

agreement relevant to technical as well as legal issues. As identified in the case of Honduras and Belize, one important condition is to reach a decision only after encouraging meetings with both parties. As illustrated in the case, Belize asked for the time of around three months and also urged to provide four months time to prepare the case and present it before the “International Court”. The method of “Conciliation” under “*international law*” accounts as an ideal approach in terms of resolving a dispute using “diplomatic means” and also “judicial means”. The method of “Conciliation” comes under the “diplomatic means” in which inquiry is held over the reason for occurrence of the case. This is a flexible option as it indulges in discussion with both parties and thus develops understanding regarding issues that are bothering the relation between the two states. In the case of Belize and Honduras, one of the important conditions is that the constitutional matter of the country follows different obligations in relation to different types of trade operations. International Law for “dispute settlement” includes *Article 2(3) of the UN charter*. As per this article, one of the important conditions is that members participating in a “treaty” should refrain from using any form of force in trade relations and also in territorial integrity. In the process of resolving the dispute of sovereignty of Belize and Honduras, this accounts for an effective method.

### **Benefits of the chosen method**

One of the significant advantages of the “conciliation method” is the flexible nature as well as the benefit of “informal proceeding”. The issue of the case is the development of ideas about the issues which are bothering the government of Honduras. This method is voluntary and also flexible in nature which ultimately helps in the generation of interest-based processes. On the contrary, other methods of resolving disputes such as “negotiation” can result in the consumption of large amounts of time. Hence, this approach account beneficiary for both parties in this dispute. One of the significant features of this method is that it provides a chance to both parties to develop a “non-binding settlement” proposal. International law in this case highlights the prohibition of assistance by the UN to a particular party. Since a coalition is a voluntary proceeding, it provides a chance to both parties to define the structure as well as the content of the overall coalition proceeding.

The biggest benefit associated with this method is that it lies in the hands of both parties to select a “conciliator”. This is an important aspect that helps in mitigating the chance of conflict over accusing bias. Also, a conciliator chosen must not necessarily need to come from a specific background. In the case of Belize and Honduras, the conciliatory need to conduct tasks in a time-

effective manner. Prolonged extension of the task can result in the occurrence of further dispute and also violate the rules and policies established in the “American treaty” of “Pacific settlement”. The legal framework for conciliation includes the creation of an “*agreement*” which includes different “*model clauses*”. In the case of Belize and Honduras, it is the task of the conciliator to guide both parties to reach an amicable agreement.

## **Conclusion**

The study concludes adoption of the “conciliator method” is ideal for proceeding to solve disputes for two states, Belize and Honduras. This time-saving approach can help in providing suitable options in this regard and thus reaching an amicable solution that is ideal for the situation. However, the adoption of the “*mediator method*” could have also solved the issue. One of the significant reasons for the selection of “mediation” is that it helps in reaching a solution that provides a satisfactory outcome. This technique also does not indulge in perceiving right or wrong opinions in terms of views shared by Belize and Honduras. This approach mainly indulges in working together, sharing the perception of both sides, and thus reaching a more creative perception.

The study concludes that the adoption of the “conciliator method” is more effective owing to the cost-benefit approach. However, this method of “mediation” is not costly as both parties need to ap[y fees of the third-party mediator. In the case of Belize and Honduras, the adoption of “conciliator” accounted as suitable owing to the time management strategy followed by this technique.



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